JULY 2024

Sunnyvale

CEQA GUIDELINES §15183 COMPLIANCE
ENVIRONMENTAL CHECKLIST

1035 WEST EL CAMINO REAL PROJECT

PREPARED FOR

CITY OF SUNNYVALE
Planning Department
456 West Olive Avenue
Sunnyvale, CA 94086

PREPARED BY

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CEQA Guidelines
§15183 Compliance
Environmental Checklist

1035 WEST EL CAMINO REAL PROJECT

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July 30, 2024

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TABLE OF CONTENTS

LIST OF FIGURES

LIST OF TABLES

ATTACHMENTS

1.0 Introduction and Background

The proposed 1035 West El Camino Real Project ("project") is an implementing project of the El Camino Real Specific Plan (ECRSP), a long-term planning document that embodies the community's vision for El Camino Real in Sunnyvale for 20 to 30 years. The City of Sunnyvale City Council adopted the ECRSP and certified the ECRSP Environmental Impact Report (herein, "ECRSP EIR;" State Clearinghouse [SCH] No. 2017102082) in June 2022. The EIR was prepared in conformance with the California Environmental Quality Act (CEQA; California Public Resources Code, Sections 21000, et seq.) and the CEQA Guidelines (California Code of Regulations, Title 14, Sections 15000, et seq.).

Pursuant to Section 15168 of the CEQA Guidelines, a Program EIR may be prepared on a series of related actions that can be characterized as one large project. Use of a Program EIR gives the Lead Agency an opportunity to consider broad policy alternatives and program-wide mitigation measures, as well as greater flexibility to address project-specific and cumulative environmental impacts on a comprehensive scale. As such, the ECRSP EIR was prepared to analyze environmental impacts and propose mitigation measures for potential development in the ECRSP.

Article 12 (Special Situations) of the CEQA Guidelines identifies situations for which certain CEQA-compliance procedures may apply. Specifically, Section 15183(a) of the CEQA Guidelines states that:

> CEQA mandates that projects which are consistent with the development density established by existing zoning, community plan, or general plan policies for which an EIR was certified shall not require additional environmental review, except as might be necessary to examine whether there are project-specific significant effects which are peculiar to the project or its site. This streamlines the review of such projects and reduces the need to prepare repetitive environmental studies.

Pursuant to Section 15183(c) of the CEQA Guidelines, "If an impact is not peculiar to the parcel or to the project, has been addressed as a significant effect in the prior EIR, or can be substantially mitigated by the imposition of uniformly applied development policies or standards…then an additional EIR need not be prepared for the project solely on the basis of that impact."

The goal of the ECRSP is to enable the transition of the El Camino Real corridor to a vibrant, mixed-use area with improved streetscapes and safer environments for walking, bicycling, and other modes of transportation. The Specific Plan builds upon the City's 2007 *Precise Plan for El Camino Real* and the corridor's assets and includes a comprehensive strategy to address land use, economic vitality, urban design, and multimodal connectivity. The project's land use designation, El Camino Real Mixed Use (ECR– MU42), falls under the ECRSP's "Mixed Use" land designation. The ECRSP defines Mixed Use as "community retail, commercial, and office uses, and medium density residential." This land use designation will account for 46 percent of the Plan Area.

The ECRSP contains Development Standards intended achieve the future vision for El Camino Real. These standards and guidelines apply to all new development in the El Camino Real Specific Plan Area, and cover guidelines pertaining to ground floor commercial areas, neighborhood transitions, site planning, parking and curbside access, building form and design, materials and sustainable design features, fences and walls, landscaping, private open space, and publicly-accessible open space. As an implementing project of the ECRSP, the project has been designed in conformance with applicable development standards under the ECRSP.

The project would be located on an approximately 2.42-acre site currently developed with an auto dealership and paved parking lot on one parcel (Assessor's Parcel Number [APN] 161-41-009) within the ECRSP area ("site" or "property"). The proposed project would demolish the existing auto dealership and paved parking lot and develop two buildings: a senior living facility with commercial space and convalescent hospital.

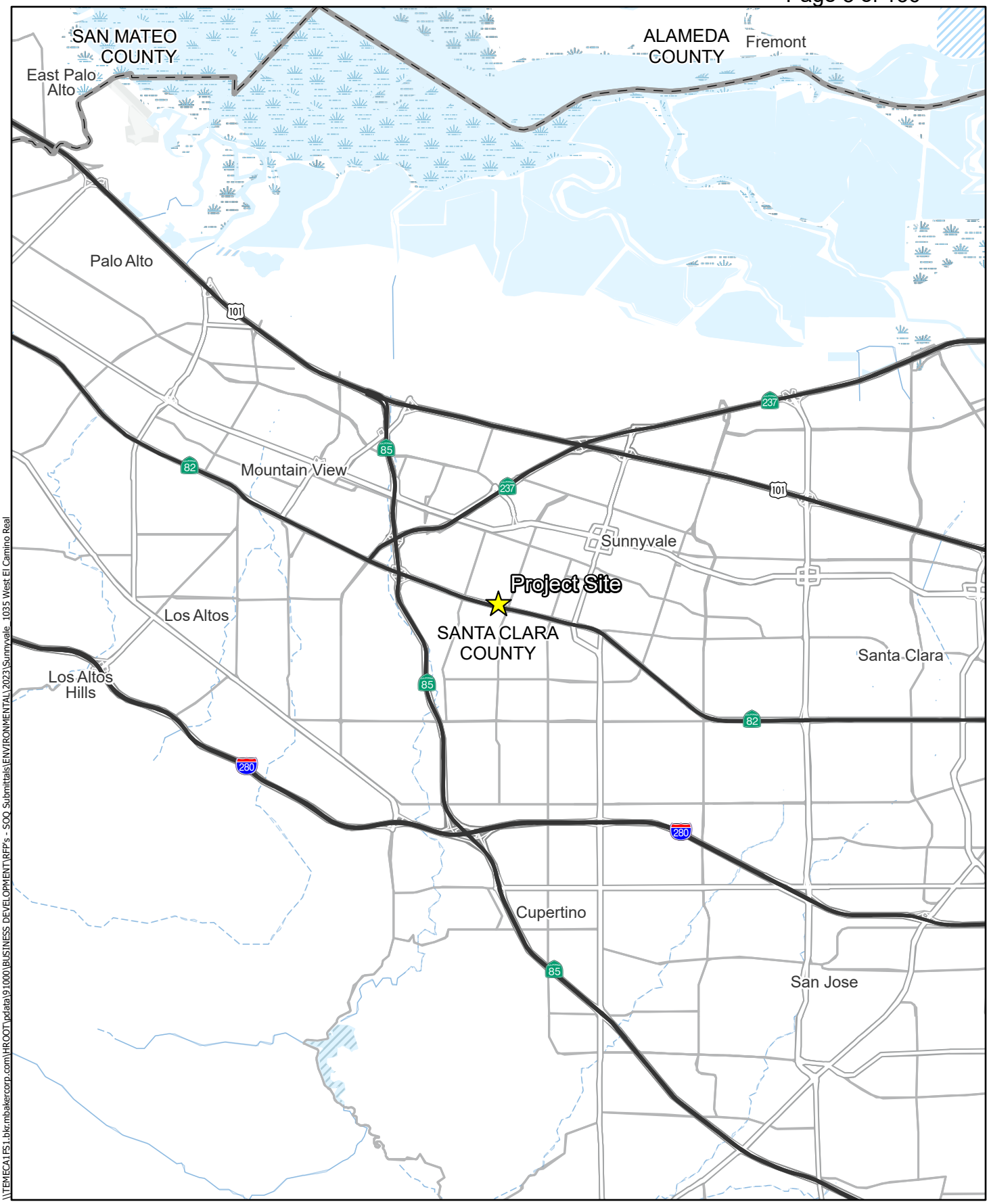
Accordingly, the purpose of the analysis contained herein is to evaluate whether the project is consistent with the ECRSP; whether the project would result in impacts that are peculiar to the project or project site; whether there are potentially significant off-site or cumulative impacts that were not previously evaluated in the ECRSP EIR; whether there is substantial new information that would result in more severe impacts than anticipated by the ECRSP EIR; and whether such impacts (if any) can be substantially mitigated by the imposition of uniformly applied development policies or standards.

If any impacts cannot be substantially mitigated with uniformly applied development policies or standards, or if the project results in off-site or cumulative impacts that were not previously evaluated in the ECRSP EIR, then additional environmental review is required for the project. Alternatively, if the project does not result in any impacts beyond what was evaluated and disclosed as part of the ECRSP EIR, then no additional environmental review is required.

2.0 Project Location

The project site is located in the western portion of the City of Sunnyvale ("City"), within northwestern Santa Clara County. The City is bounded by the southern portion of the San Francisco Bay to the north, the City of Santa Clara to the east, the City of Cupertino to the south, and the cities of Mountain View and Los Altos to the west. Refer to Exhibit 1, *Regional Vicinity*.

The 2.42-acre site is located southeast of the State Route 85 Interchange along State Route 82, known as El Camino Real. The property consists of one parcel: APN 161-41-009. The site is adjacent to commercial/retail and residential development along El Camino Real. Additional residential development close to the site is primarily located north of West Olive Avenue and south of Blair Avenue. Regional access to the site is provided by State Route 85 to the west and El Camino Real. Refer to Exhibit 2, *Site Vicinity*.



1035 WEST EL CAMINO REAL PROJECT
ENVIRONMENTAL CHECKLIST

Michael Baker INTERNATIONAL

0 1 2 Miles

Source: ESRI, Michael Baker Intl, City of Sunnyvale, Santa Clara County, California Department of Transportation (Caltrans).

Regional Vicinity

Exhibit 1

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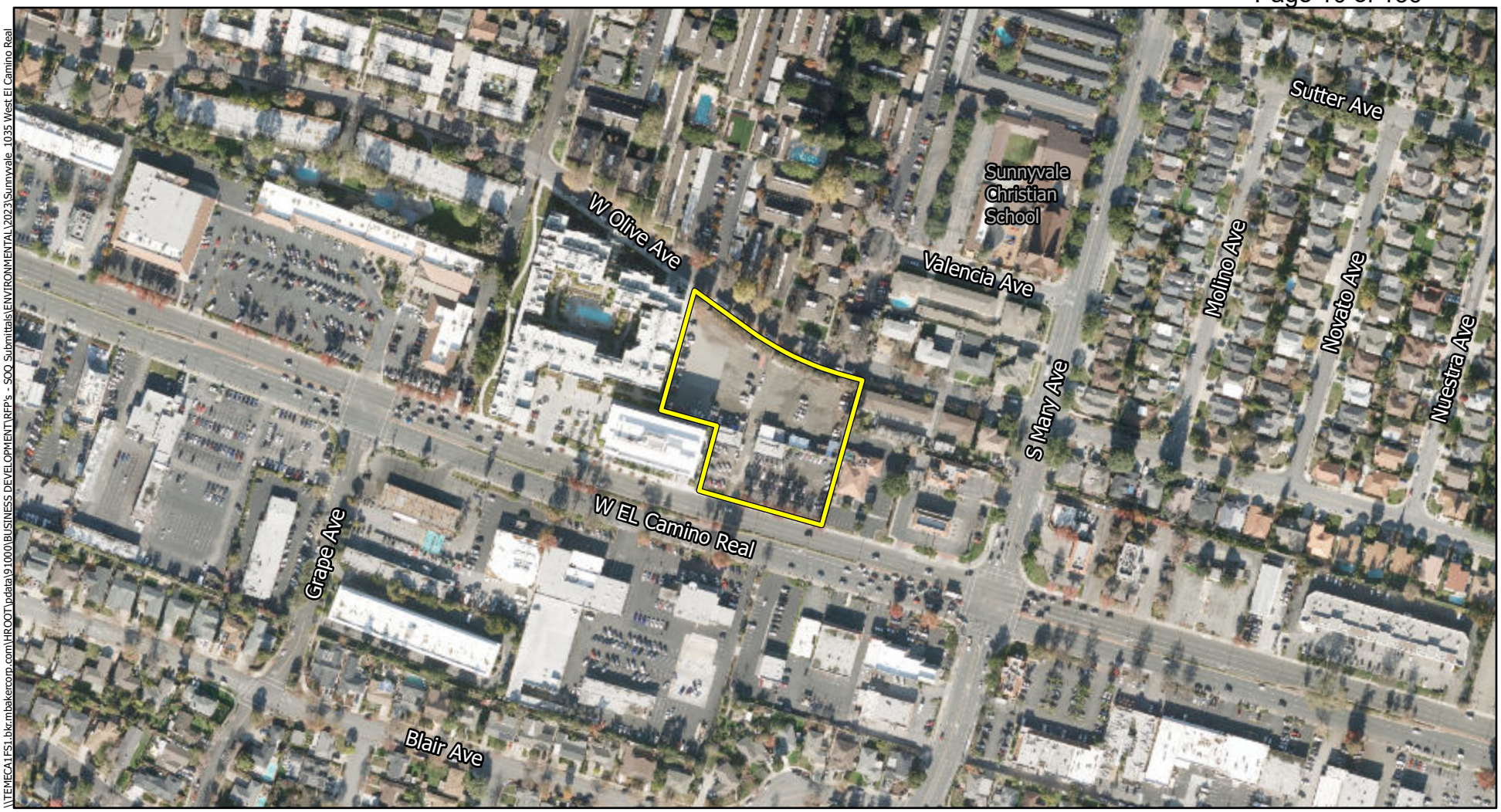

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Legend

Project Site

0 150 300 US Feet

Source: ESRI, Michael Baker Intl, City of Sunnyvale, Santa Clara County.

1035 WEST EL CAMINO REAL PROJECT
ENVIRONMENTAL CHECKLIST

Site Vicinity

Exhibit 2

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3.0 Project Description

The project as evaluated herein consists of an application for a Special Development Permit to redevelop a 2.42-acre site currently improved with an auto dealership and paved parking lot on one parcel (APN 161-41-009) within the ECRSP area. The development proposal includes demolishing the existing auto dealership and paved parking lot and constructing two buildings: a senior housing facility with commercial space (6 stories, 113 independent senior living units and 36 assisted living units) and convalescent hospital (3 stories, 52 beds). Refer to Exhibit 3, *Site Plan* and Table 3.1-a, *Project Development Summary* below, which summarizes the area associated with each proposed use.

3.1 Conceptual Site Plan

Senior Living Facility

The Senior Living Facility consists of a six-story podium building with commercial and residential uses, with 2.5 levels of subterranean parking. The project proposes a total of 149 units (113 independent living units, 36 assisted living accommodations) in the Senior Living Facility with a density of 42 dwelling units per acre (du/ac) and a total area of approximately 191,249 square feet. The Senior Living Facility would include amenities for the residents on-site including a bistro/café, dining room, commercial kitchen, activity and multi-purpose rooms, administrative office space, and residential lounge areas.

Two commercial spaces totaling approximately 12,232 square feet are proposed within the Senior Living Facility on the ground level (8,831 square feet for a commercial-athletic facility and 3,401 square feet for a commercial-retail tenant space). The project's commercial component would require approval of a Special Development Permit Deviation, as the minimum ground floor commercial required per the site's zoning is 20,000 square feet.

The building would be approximately 75 feet from grade plane to top of roof. According to Table 19.36.100B, *Development Requirements for Mixed-Use Development,* of SMC Chapter 19.36.100. *Development Requirements*, the maximum allowed building height for the proposed podium building of this nature (type IA and IIIA construction) is 75 feet.

Convalescent Hospital

The Convalescent Hospital, a physical rehabilitation facility, consists of a three-story building, with one level of subterranean parking. The project proposes 52 beds in the Convalescent Hospital. Based on the Site Plan, the Convalescent Hospital would have a total area of approximately 63,021 square feet. The building would be approximately 59 feet from grade plane to top of roof. According to Table 19.36.100B, *Development Requirements for Mixed-Use Development,* of SMC Chapter 19.36.100. *Development Requirements*, the maximum allowed building height for the proposed Convalescent Hospital (type IB construction) is 75 feet.

Table 3.1-a
Project Development Summary

Project Component	Unit Count / Square Feet
Senior Living Facility	
Independent Living Housing Units	113
Assisted Living Accommodations	36
Total Unit Count / Square Feet	**149 units / 191,249SF**
Convalescent Hospital	
Total Unit Count / Square Feet	**52 beds / 63,021 SF**

Commercial	
Commercial space – ground level area	12,232 SF
Parking	
Senior Living Facility – Residential	123 spaces
Senior Living Facility - Commercial	49 spaces
Convalescent Hospital	78 spaces
Total Parking Spaces	**250 spaces**
Open Space / Recreation	
Usable Open Space	**18,994 SF**

In addition to being consistent with applicable development standards, the proposed project is also consistent with the scope of development analyzed in the ECRSP, which contemplates a net increase of 6,900 residential units and up to 730,000 square feet of commercial development (over existing conditions) within the ECRSP area.

Access and Circulation
Site access would be provided via one driveway along El Camino Real with right-in/right-out access. A one-way roundabout at the interior of the site would provide access to both the Senior Living Facility and Convalescent Hospital. The proposed development features two fire access lanes accessed from West Olive Avenue on the north end of the property.

Parking
The Senior Living Facility building would provide 172 total parking spaces (123 stalls for the residential component and 49 spaces for the commercial component) in subterranean parking. The project's commercial component would require approval of Parking Adjustment, as the minimum required per the site's zoning is 59 spaces.

The Convalescent Hospital would provide 78 total parking spaces (75 subterranean parking spaces plus 3 surface parking spaces). Pursuant to SMC Section 19.36.120, *Parking Standards for uses in ECR-C and ECR-MU Zoning Districts*, the project meets the City's parking requirements for the number of stalls proposed for resident parking.

Open Space
The Senior Living Facility includes a total of approximately 18,994 square feet of open space consisting of courtyards and amenity areas. Pursuant to SMC Section 19.36.130, *Landscape and open space standards in ECR-C and ECR-MU zoning districts,* the City requires 150 square feet per dwelling unit, for a total of 16,950 square feet of open space for the project. Therefore, the proposed open space meets the City's open space requirement.

Landscaping
Landscaping is proposed in compliance with the provisions of SMC Chapter 19.36.130, *Landscape and Open Space Standards in ECR-C and ECR-MU Zoning Districts,* including standards outlined for location of landscape improvements; plant type; planting layout and plant diversity; planting size, spacing and planter widths; synthetic turf; and water efficiency. The proposed area of landscaping for the project site is approximately 21,947 square feet. As the total footprint of the project site is approximately 105,415 square feet (2.42 acres), the landscaping area would comprise approximately 20.8 percent of the site. This exceeds the City's requirement of 20 percent landscape of the area. Landscaping would include a variety of trees, shrubs, and groundcover. The conceptual landscape plan identifies areas of proposed amenity decks, shade areas, courtyards, and ground-level lawn.

Grading
The project site would generally maintain the existing topography of the site, except as needed to allow for site drainage and basement/subterranean space. Grading activities require approximately 40,000 cubic yards (CY) of soil to be exported off-site.

Utilities
The following utilities and services are available to the project site:

- Water and Sewer: City of Sunnyvale
- Electricity and Natural Gas: Pacific Gas and Electric
- Telecommunications: Comcast Communications and Verizon
- Solid Waste: City of Sunnyvale

3.2 Project Phasing and Construction

Redevelopment of the site would be constructed in a single phase. Construction is anticipated to begin in 2024 and would occur over a duration of approximately 24 months, with the project opening in 2026.

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KEY LEGEND	
1	STREETSCAPE - PEDESTRIAN WALK - STREET TREES
2	MAIN STREET / ARRIVAL - DECORATIVE PAVING
3	DROP OFF - DECORATIVE PAVING
4	PEDESTRIAN PLAZA - DECORATIVE PAVING
5	DINING TERRACE - DECORATIVE PAVING
6	ACCENT STREET TREES
7	ACCESSIBLE PARKING - GROUND LEVEL
8	FIRE LANE - GRASSCRETE OR EQUAL
9	ACCESS TO PARKING GARAGE
10	OUTDOOR PATIO
11	FRONTAGE LANDSCAPE
12	SCREEN PLANTING
13	SERVICE ACCESS
14	TRASH ENCLOSURE
15	GENERATOR
16	FLOWERING ACCENT TREES
17	BICYCLE PARKING
18	DELIVERY SPACE
19	PET ACTIVITY AREA WITH FENCING / GATES
20	THERAPY ACTIVITY COURTYARD
21	BENCH
22	RETAINING WALL
23	LOW CONCRETE WALL WITH TUBULAR STEEL FENCE
24	SECURITY FENCE / GATE
25	TRANSFORMER
26	RETRACTABLE BOLLARDS
27	FLAG POLE
28	WATER FEATURE
29	EMERGENCY EGRESS GATE - LOCKABLE

Michael Baker INTERNATIONAL

NOT TO SCALE

Source: WATG, Material Design Architects, June 20, 2024.

1035 WEST EL CAMINO REAL PROJECT
ENVIRONMENTAL CHECKLIST

Site Plan

Exhibit 3

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4.0 Environmental Review Conclusion

The analysis presented in Section 5.0 demonstrates that the proposed project meets the requirements of CEQA Guidelines Section 15183, and as such, no additional CEQA review, such as a Subsequent or Supplemental EIR, is required for the project. Specifically:

- The proposed project would not result in environmental impacts that are peculiar to the project or project site (CEQA Guidelines Section 15183(b)(1));
- The proposed project is fully consistent with the project site's adopted ECRSP land use designation of "El Camino Real Mixed Use," and there are no environmental effects associated with the proposed project that were not previously analyzed as significant effects by the ECRSP EIR (CEQA Guidelines Section 15183(b)(2));
- There are no potentially significant off-site or cumulatively considerable impacts of the proposed project that were not discussed in the ECRSP EIR (CEQA Guidelines Sections 15183(b)(3) and 15183(j));
- There is no substantial new information which was not known at the time the ECRSP EIR was certified that would result in a more severe environmental impact beyond the significant impacts previously identified in the ECRSP EIR (CEQA Guidelines Section 15183(b)(4));
- The ECRSP EIR was certified in conjunction with the City's adoption of the ECRSP, and the proposed project is fully consistent with the project site's existing ECRSP land use designation of "El Camino Real Mixed Use" (CEQA Guidelines Section 15183(d)); and
- All of the Standard Conditions of Approval (COAs), Mitigation Measures (MMs), and Regulatory Requirements (RRs) relied upon by the ECRSP EIR to reduce environmental effects and that are applicable to the proposed project are feasible and would be implemented as part of the project (CEQA Guidelines Section 15183(e)).

Pursuant to CEQA Guidelines Section 15183, because the proposed project is fully consistent with the ECRSP, and because the proposed project would not result in any new or more severe impacts to the environment beyond what was previously evaluated and disclosed as part of the ECRSP EIR, **no additional environmental review is required for the proposed project.**

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5.0 Analysis of Conformance with CEQA Guidelines Section 15183

5.1 Zoning Conformance

The project would conform with Title 19, *Zoning,* of the Sunnyvale Municipal Code (SMC), which is the City's Zoning Ordinance. The Zoning Ordinance contains regulations that identify the permitted land uses on all parcels in the City through assigned districts. It also identifies applicable use regulations, site development criteria (e.g., lot size, density/intensity, open space, heights, parking, landscaped areas), performance standards, and general design regulations (e.g., site design, building orientation, access, parking areas, landscaping, fencing/screening, lighting, building design).

The site is zoned El Camino Real Mixed Use (ECR-MU42). The ECR-MU designation allows for the construction, use, and occupancy of residential mixed-use development in the ECRSP Area. As the project is a mixed-use development consisting of a Senior Living Facility, Convalescent Hospital, and commercial uses, the project is consistent with the zoning designation. The ECR-MU zoning designation is comprised of five different density classifications. Specifically, the project site is zoned ECR-MU42, which allows for a base maximum density of 42 du/ac. The project receives an extra 6 density units/acre per the El Camino Real Specific Plan (ECRSP) Community Benefits/Incentives Program, resulting in 48 du/ac, for a total allowable density of 116 DU.[1] The project proposes 113 DU, and therefore is consistent with the zoning designation. Furthermore, the project site is located within the Bernardo Gateway Node portion of the ECRSP Area and is therefore required to have a minimum lot size of 0.85 acres. The project site is approximately 2.42 acres and is therefore consistent with the zoning designation. The project fully complies with all aspects of the zoning designation, with the exception of the project's Special Development Permit Deviation for ground floor commercial (20,000-square foot minimum; project proposes 12,232 square feet) and Parking Adjustment for commercial spaces (59 spaces required; project proposes 49 spaces).

The site has a General Plan land use designation of ECRSP. The project is consistent with the designed land use.

5.2 Overview of CEQA Guidelines Section 15183

Article 12 (Special Situations) of the CEQA Guidelines identifies situations for which certain CEQA-compliance procedures may apply. Specifically, Section 15183 of the CEQA Guidelines applies to projects that are consistent with existing zoning, community plan, or general plan policies for which an EIR was previously certified. Section 15183 is intended to streamline the review of such projects and reduce the need to prepare repetitive environmental studies. CEQA mandates that Section 15183 projects shall not require additional environmental review, except as might be necessary to examine whether there are project-specific significant effects which are peculiar to the project or its site. Specifically, for projects that meet the requirements of Section 15183, the Lead Agency is required to limit its examination of environmental effects to those effects which the Lead Agency determines, in an initial study or other analysis:

- Are peculiar to the project or the parcel on which the project would be located;
- Were not analyzed as significant effects in a prior EIR on the zoning action, general plan, or community plan with which the project is consistent;
- Are potentially significant off-site impacts and cumulative impacts which were not discussed in the prior

[1] City of Sunnyvale, *El Camino Real Specific Plan (ECRSP) Community Benefits/Incentives Program Administrative Regulations*, https://www.sunnyvale.ca.gov/home/showpublisheddocument/4751/638309062888000000, Accessed June 5, 2024.

EIR prepared for the general plan, community plan or zoning action; or

- Are previously identified significant effects which, as a result of substantial new information which was not known at the time the EIR was certified, are determined to have a more severe adverse impact than discussed in the prior EIR.

If an impact is not peculiar to the parcel or to the project, has been addressed as a significant effect in the prior EIR, or can be substantially mitigated by the imposition of uniformly applied development policies or standards, as contemplated by CEQA Guidelines Section 15183(c), then an additional EIR or other environmental review need not be prepared for the project solely on the basis of that impact. Pursuant to CEQA Guidelines Section 15183(h), an environmental effect shall not be considered peculiar to the project or parcel solely because no uniformly applied development policy or standard is applicable to it. Section 15183(e) allows for the analysis to be limited for those significant environmental effects which were previously identified in the prior EIR, and for which all applicable mitigation measures identified by the prior EIR are found to be feasible. For such effects, the Lead Agency is required to make a finding at a public hearing as to whether the feasible mitigation measures will be undertaken.

Pursuant to CEQA Guidelines Section 15183(f), an effect of a project on the environment shall not be considered peculiar to the project or the parcel if uniformly applied development policies or standards have been previously adopted by the city or county with a finding that the development policies or standards will substantially mitigate that environmental effect when applied to future projects, unless substantial new information shows that the policies or standards will not substantially mitigate the environmental effect. The finding shall be based on substantial evidence which need not include an EIR. Such development policies or standards need not apply throughout the entire city or county but can apply only within the zoning district in which the project is located, or within the area subject to the community plan on which the lead agency is relying. Moreover, such policies or standards need not be part of the general plan or any community plan but can be found within another pertinent planning document such as a zoning ordinance. Where a city or county, in previously adopting uniformly applied development policies or standards for imposition on future projects, failed to make a finding as to whether such policies or standards would substantially mitigate the effects of future projects, the decision-making body of the city or county, prior to approving such a future project pursuant to Section 15183, may hold a public hearing for the purpose of considering whether, as applied to the project, such standards or policies would substantially mitigate the effects of the project. Such a public hearing need only be held if the city or county decides to apply the standards or policies as permitted in Section 15183.

CEQA Guidelines Section 15183(j) states that Section 15183 does not affect any requirement to analyze potentially significant off-site or cumulative impacts if those impacts were not adequately discussed in the prior EIR. If a significant off-site or cumulative impact was adequately discussed in the prior EIR, then Section 15183 may be used as a basis for excluding further analysis of that off-site or cumulative impact.

5.3 Project-Specific Environmental Assessment

The following analysis addresses the potential environmental impacts from the proposed project in relation to the analysis presented in the ECRSP EIR that was certified in June 2022 (SCH No. 2017102082). The discussion below is formatted to address each of the thresholds identified by Appendix G to the CEQA Guidelines, which also were relied upon by the ECRSP EIR. The analysis assumes that the proposed project would be subject to applicable MMs identified in Table ES-1, *Project Impacts and Proposed Mitigation Measures*, of the ECRSP EIR, as well as applicable RRs, and applicable standard COAs. Applicable MMs that were relied upon to evaluate the project's potential environmental effects are listed under the appropriate environmental subject heading in the following subsections.

5.3.1 Aesthetics

ECRSP EIR Findings

The ECRSP EIR made the following findings with respect to Aesthetics:

- Impact 4.2: There are no designated scenic vistas within the City of Sunnyvale. Additionally, there are no officially designated State scenic highways within or adjacent to the ECRSP area. Therefore, development in accordance with the ECRSP would have no impact to scenic vistas or scenic resources, including, but not limited to, trees, rock outcroppings, or historic buildings within a State scenic highway.

- Impact 3.1.1: Although future development in accordance with the ECRSP would result in a change to the existing visual quality of the ECRSP area, the ECRSP would promote high-quality and appropriately-scaled buildings that preserve quality of life for adjacent neighborhoods and contribute to an attractive, comfortable, and safe streetscape along the corridor. The ECRSP EIR determined that the ECRSP project would be consistent with relevant General Plan policies pertaining to scenic quality. The ECRSP would have less than significant impacts with regard to conflicting with applicable zoning and other regulations governing scenic quality.

- Impact 3.1.2: New development permitted by the ECSRP could potentially result in new sources of lighting and glare. However, new development would be required to comply with all provisions of the ECRSP Land Use and Development Standards, which requires site lighting and lighting in parking lots to be no more than 15 feet tall, including guidelines intended to ensure that development prohibits lighting from causing spillover on other properties and to ensure lighting is appropriately scaled and minimizes light pollution. In accordance with SMC Chapter 19.80, *Design Review,* any proposed use requiring a discretionary land use permit that includes new construction, changes to the exterior of a building or other site modification within the ECRSP area would be subject to the City's Design Review Process. The City's Design Review Process would review building materials and design associated with future site-specific development toto ensure that neighboring uses are not exposed to substantial impacts related to lighting or daytime glare. Therefore, the ECRSP and associated development would have less than significant impacts in this regard.

- Impact 3.1.3: Implementation of the Specific Plan would not conflict with applicable zoning or other regulations governing scenic quality in this regard. Thus, cumulative impacts to scenic quality regulations would be less than significant, and the proposed project would not significantly contribute to cumulative impacts in this regard. Short-term and long-term impacts to lighting would be reduced to less than significant levels following conformance with Section 5.6e, *Lighting*, of the Land Use and Development Standards and Section 4.8, *Lighting*, of the Urban Design Guidelines. Further, in accordance with SMC Chapter 19.80, any proposed use requiring a discretionary land use permit that includes new construction, changes to the exterior of a building or other site modification within the Specific Plan Area would be subject to the City's Design Review Process. Thus, the project would not cumulatively contribute to the creation of substantial new lighting or glare and impacts in this regard would be less than significant.

ECRSP EIR Mitigation Measures

The ECRSP EIR did not identify mitigation measures related to aesthetics.

Project Analysis

Threshold 5.3.1.a: Would the project have a substantial adverse effect on a scenic vista?

The ECRSP EIR specifies that there are no designated scenic vistas within the City of Sunnyvale. The project site is entirely surrounded by existing development and does not contain a designated scenic vista. Thus, there are no impacts that are peculiar to the project or project site; there are no impacts that were not analyzed as significant effects in the ECRSP EIR; there are no potentially significant off-site or cumulative impacts that were not already evaluated by the ECRSP EIR; and there is no substantial new information resulting in more severe adverse impacts to the environment from significant effects identified in the ECRSP EIR.

Threshold 5.3.1.b: Would the project substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a State scenic highway?

According to the California Department of Transportation (Caltrans), and consistent with the findings of the ECRSP EIR, there are no officially designated State scenic highways within the City or adjacent to the project site.[2] The nearest eligible highway is Interstate 280 (I-280), which is located approximately 2.7 miles south of the project site. Views of the project site are not afforded from I-280 due to the distance, intervening topography, structures, and trees. The proposed project would have no potential to substantially damage scenic resources within a State scenic highway, and no impact would occur. Based on the foregoing analysis, there are no impacts that are peculiar to the project or project site; there are no impacts that were not analyzed as significant effects in the ECRSP EIR; there are no potentially significant off-site or cumulative impacts that were not already evaluated by the ECRSP EIR; and there is no substantial new information resulting in more severe adverse impacts to the environment from significant effects identified in the ECRSP EIR.

Threshold 5.3.1.c: In non-urbanized areas, would the project substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage point). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?

The project site is surrounded by existing development and occurs in an urbanized area of the City of Sunnyvale. During construction, construction vehicles and equipment would be visible during construction activities. However, the presence of construction vehicles would be temporary and would cease upon completion of construction. Due to the temporary nature of construction activities, impacts to the visual character of the project site and its surroundings would be less than significant.

The project site is zoned El Camino Real Mixed Use (ECR-MU42) and has a General Plan land use designation of ECRSP. As discussed in the ECRSP EIR, the Specific Plan, in conjunction with the ECRSP Chapter of the SMC, includes development policies, land use regulations, design guidelines, infrastructure improvement plans, and an implementation and financing program to guide development within the ECRSP area. Overall, the ECRSP allows for a maximum of 6,900 residential units and up to 730,000 square feet of commercial development within the ECRSP area. The proposed project would construct a mixed-use development including 149 units of senior

[2] California Department of Transportation, California State Scenic Highway Mapping System Map, https://dot.ca.gov/programs/design/lap-landscape-architecture-and-community-livability/lap-liv-i-scenic-highways, accessed October 27, 2023.

housing totaling 191,249 square feet, with a 12,232 square foot ground-floor commercial use and subterranean parking, as well as a 63,021 square foot convalescent hospital with 52 beds.

ECRSP Chapter 4, *Land Use and Development Standards*, governs such categories as building areas, building heights, building setbacks, residential density, parking, etc. ECRSP Chapter 8, *Urban Design Guidelines*, provides specific objective guidelines for building and site design to achieve the desired vision and character for the ECRSP area. As discussed in Section 3.0, *Project Description*, relative to building height, the Senior Living Facility is proposed to be approximately 75 feet from grade plane to top of roof. The proposed Convalescent Hospital is proposed to be approximately 59 feet from grade plane to top of roof. According to Table 19.36.100B, *Development Requirements for Mixed-Use Development,* of SMC Chapter 19.36.100. *Development Requirements*, the maximum allowed building height for both the Senior Living Facility and the Convalescent Hospital is 75 feet. Therefore, the project would not exceed the maximum building height set forth in the SMC.

In accordance with SMC Chapter 19.80, *Design Review*, the proposed project would be subject to the City's Design Review Process. This process would ensure the project conforms to all applicable design guidelines within the ECRSP and SMC requirements that pertain to design and aesthetic character. Thus, there are no impacts that are peculiar to the project or project site; there are no impacts that were not analyzed as significant effects in the ECRSP EIR; there are no potentially significant off-site or cumulative impacts that were not already evaluated by the ECRSP EIR; and there is no substantial new information resulting in more severe adverse impacts to the environment from significant effects identified in the ECRSP EIR.

Threshold 5.3.1.d: Would the project create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?

Light impacts are typically associated with the use of artificial light during the evening and nighttime hours. Glare may be a daytime occurrence caused by the reflection of sunlight or artificial light from highly polished surfaces, such as window glass and reflective cladding materials, and may interfere with the safe operation of a motor vehicle on adjacent streets. Daytime glare is common in urban areas and is typically associated with mid- to high-rise buildings with exterior façades largely or entirely comprising highly reflective glass or mirror-like materials. Nighttime glare is primarily associated with bright point source lighting that contrasts with existing low ambient light conditions.

The proposed project would redevelop an existing auto dealership and paved parking lot with a senior living facility, commercial space, convalescent hospital, and subterranean parking. The car dealership on the project site currently generates light, as do the surrounding development and traffic on adjacent roadways, as the project site is located in an urbanized area. Therefore, redevelopment of the site would not substantially increase lighting at the project site compared to existing conditions. The project would be required to comply with all requirements and guidelines outlined in the ECRSP. This would include Chapter 4, *Land Use and Development Standards*, which includes guidelines and restrictions intended to ensure that development prohibits lighting from causing spillover on other properties and to ensure lighting is appropriately scaled and minimizes light pollution. In accordance with SMC Chapter 19.80, the project would be subject to the City's Design Review Process. This regulatory procedure would ensure that neighboring uses are not exposed to substantial impacts related to lighting or daytime glare. Short-term and long-term impacts to lighting would be reduced to less than significant levels following conformance with ECRSP Chapter 4 and the City's Design Review Process.

Thus, there are no impacts that are peculiar to the project or project site; there are no impacts that were not analyzed as significant effects in the ECRSP EIR; there are no potentially significant off-site or cumulative impacts that were not already evaluated by the ECRSP EIR; and there is no substantial new information resulting in more severe adverse impacts to the environment from significant effects identified in the ECRSP EIR.

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5.3.2 Agriculture and Forestry Resources

ECRSP EIR Findings

The ECRSP EIR made the following findings with respect to Agriculture and Forestry Resources:

- Impact 4.1: The ECRSP project site and all adjacent properties are designated as Urban and Built-Up Land. No lands within the ECRSP area are used for any type of agricultural or forestry use, nor are any such lands zoned for agriculture or forestland. Therefore, the ECRSP would have no impact on agriculture or forestry resources.

ECRSP EIR Mitigation Measures:

The ECRSP EIR did not identify mitigation measures related to agriculture and forestry resources.

Project Analysis

Threshold 5.3.2.a: Would the project convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?

According to the California Department of Conservation Important Farmland Finder, the project site is designated as Urban and Built-Up Land. Urban and Built-Up Land is classified as land used or zoned for residential, industrial, commercial, construction, institutional, public administration, railroad and other transportation yards, cemeteries, airports, golf courses, sanitary landfills, sewage treatment, water control structures, and other developed purposes. No area within the project site is used for any type of agricultural purpose and there are no lands within the vicinity of the project site that are designated as Prime Farmland, Unique Farmland, or Farmland of Statewide Importance.[3] Thus, there are no impacts that are peculiar to the project or project site; there are no impacts that were not analyzed as significant effects in the ECRSP EIR; there are no potentially significant off-site or cumulative impacts that were not already evaluated by the ECRSP EIR; and there is no substantial new information resulting in more severe adverse impacts to the environment from significant effects identified in the ECRSP EIR.

Threshold 5.3.2.b: Would the project conflict with existing zoning for agricultural use, or a Williamson Act contract?

The project site is zoned El Camino Real Mixed Use (ECR-MU42) with a General Plan land use designation of ECRSP. Based on the City's General Plan and SMC, there is no land designated for agricultural uses within the City. Further, there are no agricultural operations within the City, and there are no lands subject to a Williamson Act contract. Thus, there are no impacts that are peculiar to the project or project site; there are no impacts that were not analyzed as significant effects in the ECRSP EIR; there are no potentially significant off-site or cumulative impacts that were not already evaluated by the ECRSP EIR; and there is no substantial new information resulting in more severe adverse impacts to the environment from significant effects identified in the ECRSP EIR.

[3] California Department of Conservation, California Important Farmland Finder, https://maps.conservation.ca.gov/DLRP/CIFF/, accessed November 21, 2023.

Threshold 5.3.2.c: Would the project conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code Section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code Section 51104(g))?

As discussed in the ECRSP EIR, the ECRSP area does not meet the definition of forest land in Public Resources Code Section 12220(g) and is located in an urbanized and developed area. The project site is not zoned for forest land, timberland, or Timberland Production. In addition, the project site is presently paved and developed. Therefore, no impacts would occur related to the loss or conversion of forest land to a non-forest use. Accordingly, and based on the foregoing analysis, there are no impacts that are peculiar to the project or project site; there are no impacts that were not analyzed as significant effects in the ECRSP EIR; there are no potentially significant off-site or cumulative impacts that were not already evaluated by the ECRSP EIR; and there is no substantial new information resulting in more severe adverse impacts to the environment from significant effects identified in the ECRSP EIR.

Threshold 5.3.2.d: Would the project result in the loss of forest land or conversion of forest land to non-forest use?

See Threshold 5.3.2.c above.

Threshold 5.3.2.e: Would the project involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?

There are no existing agricultural uses on the project site or within areas surrounding the project site. Additionally, there are no lands surrounding the project site that are planned for agricultural uses. Therefore, there are no components of the proposed project which, due to their location or nature, could result in conversion of Farmland to non-agricultural use. No impact would occur.

Similarly, as described above, there are no forestry uses or zoning on the project site, or within the ECRSP area. As such, the project would not involve other changes in the existing environment which, due to their location or nature, could result in the conversion of forest land to non-forest uses. No impact would occur.

Based on the foregoing analysis, there are no impacts that are peculiar to the project or project site; there are no impacts that were not analyzed as significant effects in the ECRSP EIR; there are no potentially significant off-site or cumulative impacts that were not already evaluated by the ECRSP EIR; and there is no substantial new information resulting in more severe adverse impacts to the environment from significant effects identified in the ECRSP EIR.

5.3.3 Air Quality

ECRSP EIR Findings

The ECRSP EIR made the following findings with respect to Air Quality:

- Impact 3.2.1: The proposed ECRSP project would not conflict with or obstruct implementation of the Bay Area 2017 Clean Air Plan.
- Impact 3.2.2: The proposed ECRSP project would cause construction-generated criteria air pollutant or precursor emissions that would exceed Bay Area Air Quality Management District's (BAAQMD)-recommended thresholds, even with implementation of Mitigation Measures AQ-1 and AQ-2. The ECRSP EIR disclosed the ECRSP project's impacts due to criteria air pollutant or precursor emissions as a significant and unavoidable impact.
- Impact 3.2.3: The proposed ECRSP project would not result in a cumulatively considerable net increase in long-term operational criteria air pollutant and precursor emissions that exceed BAAQMD-recommended thresholds.
- Impact 3.2.4: The proposed ECRSP project would not result in short- or long-term increases in localized carbon monoxide emissions that would exceed BAAQMD-recommended thresholds.
- Impact 3.2.5: The proposed ECRSP project would expose sensitive receptors to substantial construction-related increases in toxic air contaminant (TAC) emissions. However, with implementation of Mitigation Measures AQ-2, AQ-3, and AQ-4, project impacts associated with construction TACs would be less than significant with mitigation incorporated.
- Impact 3.2.6: The proposed ECRSP project would not expose sensitive receptors to substantial operational increases in TAC emissions.
- Impact 3.2.7: The proposed ECRSP project would not result in short-term or long-term exposure to odorous emissions.
- Impact 3.2.8: Based on future uncertainties, cumulative impacts would be cumulatively considerable and significant and unavoidable.

ECRSP EIR Mitigation Measures:

AQ-1 Prior to the issuance of grading or building permits, the City of Sunnyvale shall ensure that the BAAQMD basic construction mitigation measures from Table 8-2 of the BAAQMD 2017 CEQA Air Quality Guidelines (or subsequent updates) are noted on the construction documents. These basic construction mitigation measures include the following:

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.

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 manufacturers' specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation.

8) A publicly visible sign shall be posted 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 BAAQMD's phone number shall also be visible to ensure compliance with applicable regulations.

AQ-2 In the cases where construction projects are projected to exceed the BAAQMD's air pollutant significance thresholds for Nitrogen Dioxide (NO_X), Coarse Particulate Matter (PM_{10}), and/or Fine Particulate Matter ($PM_{2.5}$), all off-road diesel-fueled equipment (e.g., rubber-tired dozers, graders, scrapers, excavators, asphalt paving equipment, cranes, and tractors) shall be at least California Air Resources Board (CARB) Tier 3 Certified or better.

AQ-3 In the case when a subsequent project's construction is greater than five acres and is scheduled to last more than two years, the subsequent project shall be required to prepare a site-specific construction pollutant mitigation plan in consultation with the BAAQMD staff prior to the issuance of grading permits. A project-specific construction-related dispersion modeling acceptable to BAAQMD shall be used to identify potential toxic air contaminant impacts, including diesel particulate matter. If BAAQMD risk thresholds (i.e., probability of contracting cancer is greater than 10 in 1 million) would be exceeded, mitigation measures shall be identified in the construction pollutant mitigation plan to address potential impacts and shall be based on site-specific information such as the distance to the nearest sensitive receptors, project site plan details, and construction schedule. The City shall ensure construction contracts include all identified measures and that the measures reduce the health risk below BAAQMD risk thresholds. Construction pollutant mitigation plan measures shall include, but not be limited to:

1) Limiting the amount of acreage to be graded in a single day,

2) Notification of affected sensitive receptors one week prior to commencing on-site construction so that any necessary precautions (such as rescheduling or relocation of outdoor activities) can be implemented. The written notification shall include the name and telephone number of the individual empowered to manage construction of the project. In the event that complaints are received, the individual empowered to manage construction shall respond to the complaint within 24 hours. The response shall include identification of

measures being taken by the project construction contractor to reduce construction-related air pollutants. Such a measure may include the relocation of equipment.

AQ-4 The following measures shall be utilized in site planning and building designs to reduce TAC and $PM_{2.5}$ exposure where new receptors are located within 1,000 feet of emissions sources:

- Future development that includes sensitive receptors (such as residences, schools, hospitals, daycare centers, or retirement homes) located within 1,000 feet of Caltrain, Central Expressway, El Camino Real, Lawrence Expressway, Mathilda Avenue, Sunnyvale-Saratoga Road, US 101, State Route 237, State Route 85, and/or stationary sources shall require site-specific analysis to determine the level of health risk. This analysis shall be conducted following procedures outlined by the BAAQMD. If the site-specific analysis reveals significant exposures from all sources (i.e., health risk in terms of excess cancer risk greater than 100 in one million, acute or chronic hazards with a hazard Index greater than 10, or annual $PM_{2.5}$ exposures greater than 0.8 $\mu g/m^3$) measures shall be employed to reduce the risk to below the threshold (e.g., electrostatic filtering systems or equivalent systems and location of vents away from TAC sources). If this is not possible, the sensitive receptors shall be relocated.

- Future nonresidential developments identified as a permitted stationary TAC source or projected to generate more than 100 heavy-duty truck trips daily will be evaluated through the CEQA process or BAAQMD permit process to ensure they do not cause a significant health risk in terms of excess cancer risk greater than 10 in one million, acute or chronic hazards with a hazard Index greater than 1.0, or annual $PM_{2.5}$ exposures greater than 0.3 $\mu g/m^3$ through source control measures.

- For significant cancer risk exposure, as defined by the BAAQMD, indoor air filtration systems shall be installed to effectively reduce particulate levels to avoid adverse public health impacts. Projects shall submit performance specifications and design details to demonstrate that lifetime residential exposures would not result in adverse public health impacts (less than 10 in one million chances).

Project Analysis

Threshold 5.3.3.a: Would the project conflict with or obstruct implementation of the applicable air quality plan?

As part of its enforcement responsibilities, the U.S. Environmental Protection Agency (EPA) requires each state with nonattainment areas to prepare and submit a State Implementation Plan (SIP) that demonstrates the means to attain the Federal standards. The SIP must integrate Federal, State, and local plan components and regulations to identify specific measures to reduce pollution in nonattainment areas, using a combination of performance standards and market-based programs. Similarly, under State law, the California Clean Air Act requires an air quality attainment plan to be prepared for areas designated as nonattainment regarding the Federal and State ambient air quality standards. Air quality attainment plans outline emissions limits and control measures to achieve and maintain these standards by the earliest practical date.

The BAAQMD prepared the Bay Area 2017 Clean Air Plan as a multipollutant plan to address the air basin's ozone nonattainment status, as well as particulate matter, air toxics, and greenhouse gases (GHG). The plan establishes a program of rules and regulations directed at reducing air pollutant emissions and achieving the State and Federal

ambient air quality standards (California Ambient Air Quality Standards [CAAQS] and National Ambient Air Quality Standards [NAAQS]). The 2017 Clean Air Plan pollutant control strategies are based on the latest scientific and technical information and planning assumptions, updated emission inventory methodologies for various source categories, and the latest population growth projections and vehicle miles traveled (VMT) projections for the region.

Criteria for determining consistency with the 2017 Clean Air Plan are defined by the following indicators:

- Consistency Criterion No. 1: The project supports the primary goals of the Clean Air Plan.
- Consistency Criterion No. 2: The project conforms to applicable control measures from the Clean Air Plan and does not disrupt or hinder the implementation of any Clean Air Plan control measures.

2017 Clean Air Plan Goals. The primary goals of the 2017 Clean Air Plan are to attain the State and Federal ambient air quality standards (CAAQS and NAAQS), reduce population exposure, protect public health in the Bay Area, and reduce GHG emissions and protect the climate. Furthermore, the 2017 Clean Air Plan also lays the groundwork for reducing GHG emissions in the Bay Area to meet the State's 2030 GHG reduction target and 2050 GHG reduction goal.

Attain Air Quality Standards. BAAQMD's 2017 Clean Air Plan strategy is based on regional population and employment projections in the Bay Area compiled by Association of Bay Area Governments (ABAG), which are based in part on cities' general plan land use designations. These demographic projections are incorporated into Plan Bay Area. Demographic trends incorporated into Plan Bay Area determine VMT in the Bay Area, which BAAQMD uses to forecast future air quality trends. The San Francisco Bay Area Air Basin (SFBAAB) is currently designated a CAAQS nonattainment area for O_3, $PM_{2.5}$, and PM_{10}.

Future growth associated with the proposed project would occur within the approved ECRSP's 2035 buildout horizon. The project could induce population growth in an area either directly, through the development of new residences or businesses, or indirectly, through the extension of roads or other infrastructure. The project site is within the ECRSP area and currently zoned El Camino Real Mixed Use (ECR-MU42). The ECRSP describes the ECR-MU land use as an area that provides regional, community, or employment-serving retail uses in conjunction with higher-density residential uses. Based on the mixed-use, pedestrian-oriented concept implemented by the ECRSP, developments in this land use would be required to include a ground-floor commercial use. The proposed project would develop residential uses for senior living with a convalescent hospital. Additionally, the proposed project would include approximately 12,232 square feet of commercial space on the ground floor. The project fully complies with all aspects of the zoning designation, with the exception of the project's Special Development Permit Deviation for ground floor commercial (20,000-square foot minimum; project proposes 12,232 square feet) and Parking Adjustment for commercial spaces (59 spaces required; project proposes 49 spaces). These types of zoning deviations and adjustments are commonly applied in the City of Sunnyvale, and are not anticipated to result in new or worsened environmental impacts as the project's ground floor commercial uses would primarily serve project residents and employees. As such, the project is consistent with the land use designation and zoning for the project site.

The proposed Senior Living Facility would consist of a total of 149 units (113 independent living units and 36 assisted living accommodation). According to the project Applicant, the Senior Living Facility would result in approximately 149 new residents. As such, the proposed project would result in a total population increase of 149 individuals. Additionally, the proposed project would also generate new jobs. According to the project Applicant, the proposed Convalescent Hospital would generate 120 employees, the Senior Living Facility would

generate 90 employees, and the commercial space would generate 18 employees. Thus, the proposed project would induce an employment growth of approximately 228 new employees in the City.

According to the ABAG Plan Bay Area 2050 Growth Pattern[4], the number of people living within northwest Santa Clara County is anticipated to grow from 74,000 in 2015 to 102,000 in 2050. The project-related increase of 149 residents would contribute less than one percent to the area's planned growth through 2050. The number of jobs within the area is anticipated to grow from 180,000 in 2015 to 207,000 in 2050. The project-related increase of 228 employees would contribute less than one percent to the area's planned jobs growth through 2050. As such, the anticipated growth from the proposed project is within the population and employment projections identified by ABAG for the City. Because population and employment projections of the proposed project are consistent with regional growth projections, General Plan land use designation, and zoning, the BAAQMD emissions forecasts have already considered the additional growth and associated emissions from the proposed project. Thus, emissions resulting from potential future development associated with the proposed project are included in BAAQMD projections, and future development accommodated under the proposed project would not hinder BAAQMD's ability to attain the State or Federal ambient air quality standards (CAAQS and NAAQS). Therefore, impacts would be less than significant. There are no impacts that are peculiar to the project or project site; there are no impacts that were not analyzed as significant effects in the ECRSP EIR; there are no potentially significant off-site or cumulative impacts that were not already evaluated by the ECRSP EIR; and there is no substantial new information resulting in more severe adverse impacts to the environment from significant effects identified in the ECRSP EIR.

Reduce Population Exposure and Protect Public Health. The project would not propose any development of light industrial and warehousing land uses, as these types of uses would not be permitted. Furthermore, the project would not propose any land uses that would result in stationary sources (e.g., dry cleaners, restaurants with charbroilers, emergency generators, and boilers). Thus, implementation of the proposed project would not result in significant health risks associated with exposure of TACs to sensitive populations. Therefore, impacts would be less than significant. There are no impacts that are peculiar to the project or project site; there are no impacts that were not analyzed as significant effects in the ECRSP EIR; there are no potentially significant off-site or cumulative impacts that were not already evaluated by the ECRSP EIR; and there is no substantial new information resulting in more severe adverse impacts to the environment from significant effects identified in the ECRSP EIR.

Reduce GHG Emissions and Protect the Climate. Consistency of the proposed project with State, regional, and local plans adopted for the purpose of reducing GHG emissions are discussed in Section 5.3.8, *Greenhouse Gases*, of this document. The proposed project would be required to adhere to statewide measures that have been adopted to achieve the GHG reduction targets of Assembly Bill (AB) 32 and Senate Bill (SB) 32. The proposed project is consistent with regional strategies for infill development identified in Plan Bay Area. The project is located within a Priority Development Area (PDA) established by Plan Bay Area 2050.[5] The project would support the Plan Bay Area 2050 goal of building compact, high-density, mixed-use developments near transit which reduce GHG emissions. Furthermore, the proposed project would also be consistent with the City's Climate Action Playbook (i.e., Climate Action Plan); refer to Section 5.3.8, *Greenhouse Gas Emissions*. Therefore, the proposed project is consistent with the goal of the 2017 Clean Air Plan to reduce GHG emissions and protect the climate, and the impact would be less than significant. Thus, there are no impacts that are peculiar to the project or project site; there are no impacts that were not analyzed as significant effects in the ECRSP EIR; there are no

[4] Association of Bay Area Governments, *Plan Bay Area 2050 Final Blueprint Growth Pattern*, updated January 21, 2021.
[5] Metropolitan Transportation Commission, *Priority Development Areas (Plan Bay Area 2050*, https://opendata.mtc.ca.gov/datasets/priority-development-areas-plan-bay-area-2050, accessed January 23, 2024.

potentially significant off-site or cumulative impacts that were not already evaluated by the ECRSP EIR; and there is no substantial new information resulting in more severe adverse impacts to the environment from significant effects identified in the ECRSP EIR.

2017 Clean Air Plan Control Measures. Control measures included in the 2017 Clean Air Plan that are required by BAAQMD to reduce emissions for a wide range of both stationary and mobile sources are depicted in Table 5.3.3-a, *2017 Clean Air Plan Control Measures*. As shown in Table 5.3.3-a, the proposed project would not conflict with applicable measures identified in the 2017 Clean Air Plan. Further, the proposed project would not hinder BAAQMD from implementing the 2017 Clean Air Plan control measures. Therefore, impacts would be less than significant. There are no impacts that are peculiar to the project or project site; there are no impacts that were not analyzed as significant effects in the ECRSP EIR; there are no potentially significant off-site or cumulative impacts that were not already evaluated by the ECRSP EIR; and there is no substantial new information resulting in more severe adverse impacts to the environment from significant effects identified in the ECRSP EIR.

Table 5.3.3-a
2017 Clean Air Plan Control Measures

Type	Measure Number/Title	Project Consistency
Stationary Source Control Measures	SS 18 – Basin-Wide Combustion Strategy SS 21 – New Source Review for Toxics SS 25 – Coatings, Solvents, Lubricants, Sealants and Adhesives SS 26 – Surface Prep and Cleaning Solvent SS 27 – Digital Printing SS 28 – LPG, Propane, Butane SS 29 – Asphaltic Concrete SS 30 – Residential Fan Type Furnaces SS 31 – General Particulate Matter Emission Limitation SS 32 – Emergency Backup Generators SS 33 – Commercial Cooking Equipment SS 34 – Wood Smoke SS 35 – PM from Bulk Material Storage, Handling and Transport, Including Coke and Coal	Stationary and area sources are regulated directly by BAAQMD; therefore, as the implementing agency, new stationary and area sources within the ECRSP area would be required to comply with BAAQMD regulations. BAAQMD routinely adopts/revises rules or regulations to implement the stationary source (SS) control measures to reduce stationary source emissions. Based on the type of the proposed land uses (senior housing, hospital, and commercial), implementation of the proposed project would not hinder the ability of BAAQMD to implement these SS control measures. Implementation of the proposed project would not result in any new major stationary source emissions or TACs, which are generally associated with industrial manufacturing or warehousing uses. As such, the proposed project would not include any stationary sources, which would ensure consistency with the 2017 Clean Air Plan.
Transportation Control Measures	R 1 – Clean Air Teleworking Initiative TR 2 – Trip Reduction Programs TR 5 – Transit Efficiency and Use TR 8 – Ridesharing, Last-Mile Connection TR 9 – Bicycle and Pedestrian Access and Facilities TR 10 – Land Use Strategies TR 12 – Smart Driving TR 13 – Parking Policies TR 14 – Cars and Light Trucks TR 16 – Indirect Source Review TR 19 – Medium and Heavy Duty Trucks TR 22 – Construction, Freight and Farming Equipment	Transportation (TR) control measures are strategies to reduce vehicle trips, vehicle use, VMT, vehicle idling, and traffic congestion for the purpose of reducing motor vehicle emissions. Although most of the TR control measures are implemented at the regional level—that is, by MTC or Caltrans—the 2017 Clean Air Plan relies on local communities to assist with implementation of some measures. The project is within the ECRSP area. The ECRSP establishes design standards and guidelines for enhanced transit, pedestrian, bicycle, and automobile circulation specific to the ECRSP area. The ECRSP includes the following guiding principle to enhance circulation: promote a balanced street system that efficiently support a multimodal transportation network and prioritize sustainability in new developments. The proposed project would include various design features, such as pedestrian

Type	Measure Number/Title	Project Consistency
	TR 23 – Lawn and Garden Equipment	networks on-site between the various proposed land uses, bicycle parking, and EV charging stations, which encourages various modes of transportation. Additionally, the project site is located within proximity to an existing bus stop, located approximately 400 feet east of the project site. The project would also meet California Green Building Standards Code Title 24 requirements which would ensure sustainability. Therefore, the project would support TR control measures.
Energy and Climate Control Measures	EN 1 – Decarbonize Electricity Production EN 2 – Renewable Energy Decrease Electricity Demand	The energy and climate (EN) control measures are intended to reduce energy use as a means to reducing adverse air quality emissions. The proposed project would be required to comply with the most recent version of the Title 24 Building Standards Code and the California Green Building Standards Code (CALGreen). These building codes would require electric vehicle (EV) charging stations, designated EV parking, as well as bike parking and storage. Furthermore, the project would install photovoltaic solar panels on residential development in compliance with the Title 24 code requirements. In addition, in compliance with the City's Reach Code Ordinance effective in February 2022, development within the project area would only use electric appliances, install solar panels, and include EV charging stations.[1] Therefore, implementation of the proposed project would support EN control measures.
Buildings Control Measures	BL 1 – Green Buildings BL 2 – Decarbonize Buildings BL 3 – Market-Based Solutions BL 4 – Urban Heat Island Mitigation	The buildings (BL) control measures focus on working with local governments to facilitate adoption of best GHG emissions control practices and policies. Energy efficiency within future buildings would be accomplished through compliance with the Title 24 Building Standards Code, CALGreen, and the City's Reach Code Ordinance. Specifically, the project would include high efficiency lighting and electricity from renewable energy sources. Thus, the proposed project would not conflict with these BL control measures.
Waste Management Control Measures	WA 1 – Landfills WA 2 – Composting and Anaerobic Digesters WA 3 – Green Waste Diversion WA 4 – Recycling and Waste Reduction	The waste management (WA) control measures include strategies to increase waste diversion rates through efforts to reduce, reuse and recycle. The City has an existing solid waste source reduction program which promotes recycling, composting, and zero waste. Additionally, per AB 341, the project would be required to reduce, recycle, or compost 75 percent of solid waste generated. Compliance with the City's solid waste source reduction program and State regulations to reduce waste would ensure implementation of the proposed project would not conflict with these WA control measures.
Water Control Measures	WR 2 – Support Water Conservation	The proposed project would be required to comply with the CALGreen Code, which requires newer developments to be fitted with low flow plumbing fixtures and fittings, as well as water-efficient landscaping. Therefore, the project would not conflict with the WR control measures.

Type	Measure Number/Title	Project Consistency
Super-GHG Control Measures	SL 1 – Short-Lived Climate Pollutants SL 2 – Guidance for Local Planners SL 3 – GHG Monitoring and Emissions Measurements Network	Super-GHGs (SL) include methane, black carbon, and fluorinated gases. The compounds are sometimes referred to as short-lived climate pollutants because their lifetime in the atmosphere is generally short. Measures to reduce super GHGs are addressed on a sector-by-sector basis in the 2017 Clean Air Plan. Through ongoing implementation of the City's Climate Action Playbook, the City will continue to reduce local GHG emissions and meet State, regional, and local reduction targets, which would ensure implementation of the proposed project would not conflict with these SL control measures.
1. City of Sunnyvale, Nonresidential and Multifamily Reach Code, https://www.sunnyvale.ca.gov/home/showpublisheddocument/5016, accessed January 23, 2024.		
Source: BAAQMD 2017a		

Threshold 5.3.3.b: Would the project result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable Federal or State ambient air quality standard?

Short-Term Construction

The project involves construction activities associated with demolition, grading, building construction, paving, and architectural coating applications. The project would be constructed in a single phase over a period of approximately 25 months. Earthwork was conservatively assumed to be approximately 40,000 cubic yards of soil export and the project would demolish approximately 9,000 square feet of building area. Exhaust emission factors for typical diesel-powered heavy equipment are based on the California Emissions Estimator Model version 2022.1 (CalEEMod) program defaults. Variables factored into estimating the total construction emissions include the level of activity, length of construction period, number of pieces and types of equipment in use, site characteristics, weather conditions, number of construction personnel, and the amount of materials to be transported on- or off-site. The analysis of daily construction emissions has been prepared using CalEEMod. Refer to Attachment A, *Air Quality/Greenhouse Gas Emissions/Energy Data*, for the CalEEMod outputs and results. Table 5.3.3-b, *Short-Term Construction Emissions*, presents the anticipated average daily short-term construction emissions. CalEEMod modelling include the BAAQMD Basic Best Management Practices and ECRSP EIR Mitigation Measure AQ-1 which requires implementation of dust suppression techniques to prevent fugitive dust from creating a nuisance off-site, and fugitive dust emissions be controlled by regular watering or other dust prevention measures. The proposed project would exceed BAAQMD thresholds for NO_x and as such, the project would be required to implement ECRSP EIR Mitigation Measure AQ-2 which requires all off-road diesel-fueled construction vehicles and equipment toto be at least CARB Tier 3 Certified or better.

Table 5.3.3-b
Short-Term Construction Emissions

Construction Emissions[2]	Pollutant (pounds/day)[1]			
	ROG	NO_X	PM_{10}	$PM_{2.5}$
Unmitigated Construction Emissions				
Year 1 (2024)	5.66	65.2	8.94	3.45
Year 2 (2025)	2.41	19.2	2.41	1.05
Year 3 (2026)	39.8	18.4	2.66	1.08
Maximum Daily Emissions	**39.8**	**65.2**	**8.94**	**3.45**
BAAQMD Thresholds	*54*	*54*	*82*	*54*

Is Threshold Exceeded?	***No***	***Yes***	***No***	***No***
Mitigated Construction Emissions[3]				
Year 1 (2024)	2.38	29.0	7.46	2.10
Year 2 (2025)	1.06	4.36	1.84	0.52
Year 3 (2026)	38.5	4.98	2.15	0.61
Maximum Daily Emissions	**38.5**	**29.0**	**7.46**	**2.10**
BAAQMD Thresholds	*54*	*54*	*82*	*54*
Is Threshold Exceeded?	***No***	***No***	***No***	***No***

Notes:
1. Emissions were calculated using CalEEMod, version 2022.1. The higher emission between summer and winter were presented as a conservative analysis.
2. Unmitigated and mitigated modeling assumptions include compliance with BAAQMD Basic Best Management Practices and ECRSP EIR Mitigation Measure AQ-1 which requires: properly maintain mobile and other construction equipment; replace ground cover in disturbed areas quickly; water exposed surfaces three times daily; cover stockpiles with tarps; water all haul roads twice daily; and limit speeds on unpaved roads to 15 miles per hour.
3. Mitigated construction emissions modelling utilized the recommended ECRSP EIR Mitigation Measure AQ-2. Modelling with the mitigation measure requires all off-road diesel-fueled construction vehicles and equipment meet Tier 3 emissions standards.
4. Architectural coating modeling assumptions include compliance with BAQQMD Regulation 8, Rule 3. As a conservative measure, all VOC limited to 50 g/L.

Source: Refer to Attachment A, *Air Quality/Greenhouse Gas Emissions/Energy Data*, for detailed model data.

Fugitive Dust Emissions. Construction activities are a source of fugitive dust emissions that may have a substantial, temporary impact on local air quality. In addition, fugitive dust may be a nuisance to those living and working in the project area. Fugitive dust emissions are associated with land clearing, ground excavation, cut-and-fill, and truck travel on unpaved roadways. Fugitive dust emissions vary substantially from day to day, depending on the level of activity, specific operations, and weather conditions. Fugitive dust from grading and construction is expected to be short-term and would cease upon project completion. It should be noted that most of this material is inert silicates, rather than the complex organic particulates released from combustion sources, which are more harmful to health.

Dust (larger than 10 microns) generated by such activities usually becomes more of a local nuisance than a serious health problem. Of particular health concern is the amount of PM_{10} generated as a part of fugitive dust emissions. PM_{10} poses a serious health hazard alone or in combination with other pollutants. $PM_{2.5}$ is mostly produced by mechanical processes. These include automobile tire wear, industrial processes such as cutting and grinding, and re-suspension of particles from the ground or road surfaces by wind and human activities such as construction or agriculture. $PM_{2.5}$ is mostly derived from combustion sources, such as automobiles, trucks, and other vehicle exhaust, as well as from stationary sources. These particles are either directly emitted or are formed in the atmosphere from the combustion of gases such as NO_X and SO_X combining with ammonia. $PM_{2.5}$ components from material in the earth's crust, such as dust, are also present, with the amount varying in different locations.

The BAAQMD recommends the implementation of all Basic Best Management Practices whether or not a project's construction-related emissions exceed applicable thresholds. BAAQMD Basic Best Management Practices include: watering all exposed surfaces two times per day; all haul trucks transporting soil, sand, or other loose material off-site shall be covered; all visible mud or dirt track-out onto adjacent public roads shall be removed with wet power vacuum street sweepers once per day; vehicle speeds on unpaved roads shall be limited to 15 miles per hour; all roadways, driveways, and sidewalks shall be paved and completed as soon as possible;

vehicle idling time shall be minimized to less than five minutes; construction equipment shall be maintained and properly tuned; and including a publicly visible sign to contact the City for dust complaints. The proposed project's construction activities would comply with BAAQMD recommended Basic Best Management Practices, Enhanced Best Management Practices, and ECRSP EIR Mitigation Measure AQ-1. Adherence to BAAQMD Basic Best Management Practices and ECRSP EIR Mitigation Measure AQ-1 would greatly reduce PM_{10} and $PM_{2.5}$ concentrations. The BAAQMD Basic Best Management Practices and ECRSP EIR Mitigation Measure AQ-1 were applied to the project in CalEEMod. As depicted in Table 5.3.3-b, total PM_{10} and $PM_{2.5}$ emissions would not exceed the BAAQMD thresholds during construction upon implementation of the BAAQMD Basic Best Management Practices and ECRSP EIR Mitigation Measure AQ-1. Thus, construction-related fugitive dust emissions impacts would be less than significant. There are no impacts that are peculiar to the project or project site; there are no impacts that were not analyzed as significant effects in the ECRSP EIR; there are no potentially significant off-site or cumulative impacts that were not already evaluated by the ECRSP EIR; and there is no substantial new information resulting in more severe adverse impacts to the environment from significant effects identified in the ECRSP EIR.

Construction Equipment and Worker Vehicle Exhaust. Exhaust emissions (e.g., NO_x and CO) from construction activities include emissions associated with the transport of machinery and supplies to and from the project site, emissions produced on-site as the equipment is used, and emissions from trucks transporting materials to/from the site. As presented in Table 5.3.3-b, construction equipment and worker vehicle exhaust emissions would be below the established BAAQMD thresholds with the implementation of BAAQMD Basic Best Management Practices and ECRSP EIR Mitigation Measures AQ-1 and AQ-2. Therefore, air quality impacts from equipment and vehicle exhaust emission would be less than significant with mitigation incorporated. There are no impacts that are peculiar to the project site; there are no direct or cumulatively considerable impacts associated with the proposed project that were not already evaluated by the ECRSP EIR; and there are no new or more severe impacts to the environment beyond what was previously evaluated and disclosed by the ECRSP EIR.

ROG Emissions. In addition to gaseous and particulate emissions, the application of asphalt and surface coatings creates ROG emissions, which are O_3 precursors. As required, all architectural coatings for the proposed project structures would comply with BAAQMD Regulation 8, Rule 3, which limits the VOC contents to 50 grams per liter for all flat, roof, and driveway coating. Regulation 8, Rule 3 provides specifications on painting practices as well as regulates the ROG content of paint. Compliance with BAAQMD Regulation 8, Rule 3 would ensure ROG emissions associated with the proposed project would be less than significant; refer to Table 5.3.3-b.

Naturally Occurring Asbestos. Asbestos is a term used for several types of naturally occurring fibrous minerals that are a human health hazard when airborne. The most common type of asbestos is chrysotile, but other types such as tremolite and actinolite are also found in California. Asbestos is classified as a known human carcinogen by State, Federal, and international agencies and was identified as a TAC by CARB in 1986.

Asbestos can be released from serpentinite and ultramafic rocks when the rock is broken or crushed. At the point of release, the asbestos fibers may become airborne, causing air quality and human health hazards. These rocks have been commonly used for unpaved gravel roads, landscaping, fill projects, and other improvement projects in some localities. Asbestos may be released to the atmosphere due to vehicular traffic on unpaved roads, during grading for development projects, and at quarry operations. All these activities may have the effect of releasing potentially harmful asbestos into the air. Natural weathering and erosion processes can act on asbestos bearing rock and make it easier for asbestos fibers to become airborne if such rock is disturbed.

According to the Department of Conservation Division of Mines and Geology, *A General Location Guide for*

Ultramafic Rocks in California – Areas More Likely to Contain Naturally Occurring Asbestos Report[6], serpentinite and ultramafic rocks are not known to occur within the project area. Thus, there would be no impact in this regard. There are no impacts that are peculiar to the project or project site; there are no impacts that were not analyzed as significant effects in the ECRSP EIR; there are no potentially significant off-site or cumulative impacts that were not already evaluated by the ECRSP EIR; and there is no substantial new information resulting in more severe adverse impacts to the environment from significant effects identified in the ECRSP EIR.

Total Daily Construction Emissions. In accordance with the BAAQMD Guidelines, CalEEMod was utilized to model construction emissions for ROG, NO_X, PM_{10}, and $PM_{2.5}$. As indicated in Table 5.3.3-b, with implementation of BAAQMD Basic Best Management Practices and Mitigation Measures AQ-1 and AQ-2, the criteria pollutant emissions during construction of the proposed project would not exceed the BAAQMD significance thresholds. Since the project site is less than 5 acres, Mitigation Measure AQ-3 is not applicable to the project. Thus, total construction-related air emissions would be less than significant with mitigation. There are no impacts that are peculiar to the project or project site; there are no impacts that were not analyzed as significant effects in the ECRSP EIR; there are no potentially significant off-site or cumulative impacts that were not already evaluated by the ECRSP EIR; and there is no substantial new information resulting in more severe adverse impacts to the environment from significant effects identified in the ECRSP EIR.

Long-Term (Operational) Emissions

Long-term air quality impacts would consist of mobile source emissions generated from project-related traffic, and emissions from stationary area and energy sources. As a conservative analysis, the existing emissions are not modeled or deducted from the project emissions. Emissions from each source and the total emissions are shown in Table 5.3.3-c, *Long-Term Operational Air Emissions* and discussed in more detail below.

Table 5.3.3-c
Long-Term Operational Air Emissions

Emissions Source	Pollutant (lbs/day for Daily Emissions and tons/year for Annual Emissions)[1]			
	ROG	NO_X	PM_{10}	$PM_{2.5}$
Proposed Project Average Daily Emissions[3]				
Mobile Emissions	2.30	1.90	4.28	1.09
Area Source Emissions	7.36	0.08	0.01	0.01
Total Emissions[2]	***9.66***	***1.98***	**4.29**	***1.10***
BAAQMD Average Daily Threshold	*54*	*54*	*82*	*54*
Is Threshold Exceeded?	***No***	***No***	***No***	***No***
Proposed Project Maximum Annual Emissions[3]				
Mobile Emissions	0.42	0.35	0.78	0.20
Area Source Emissions	1.34	0.01	<0.01	<0.01
Total Emissions[2]	***1.76***	***0.36***	**0.78**	***0.20***
BAAQMD Maximum Annual Threshold	*10*	*10*	*15*	*10*
Is Threshold Exceeded?	***No***	***No***	***No***	***No***

[6] Department of Conservation Division of Mines and Geology, *A General Location Guide for Ultramafic Rocks in California – Areas More Likely to Contain Naturally Occurring Asbestos Report*, August 2000. Accessed October 31, 2023.

Notes:
1. Emissions were calculated using CalEEMod, version 2022.1.
2. The numbers may be slightly off due to rounding.
3. Energy emissions are not included as the project would not include natural gas consumption.
Source: Refer to Attachment A, *Air Quality/Greenhouse Gas Emissions/Energy Data*, for detailed model data.

Mobile Source Emissions. Mobile sources are emissions from motor vehicles, including tailpipe and evaporative emissions. Depending upon the pollutant being discussed, the potential air quality impact may be of either regional or local concern. For example, ROG, NO_X, SO_X, PM_{10}, and $PM_{2.5}$ are all pollutants of regional concern (NO_X and ROG react with sunlight to form O_3 [photochemical smog], and wind currents readily transport SO_X, PM_{10}, and $PM_{2.5}$); however, CO tends to be a localized pollutant, dispersing rapidly at the source. According to CalEEMod defaults, the proposed project would generate up to 811 trips on weekdays, 756 trips on Saturday, and 539 trips on Sundays. As shown in Table 5.3.3-c, emissions generated by vehicle traffic associated with the project would not exceed established BAAQMD thresholds. Impacts from mobile source emissions would be less than significant. Therefore, there are no impacts that are peculiar to the project or project site; there are no impacts that were not analyzed as significant effects in the ECRSP EIR; there are no potentially significant off-site or cumulative impacts that were not already evaluated by the ECRSP EIR; and there is no substantial new information resulting in more severe adverse impacts to the environment from significant effects identified in the ECRSP EIR.

Area Source Emissions. Area source emissions would be generated due to an increased demand for consumer products, area architectural coatings, and landscaping equipment associated with the development of the proposed project. The project's operational activities would be required to comply with BAAQMD Regulation 8, Rule 3 which limits the VOC contents to 50 grams per liter for all flat, roof, and driveway coating. As shown in Table 5.3.3-c, area source emissions from the proposed project would not exceed BAAQMD thresholds for ROG, NO_X, PM_{10}, or $PM_{2.5}$. Therefore, there are no impacts that are peculiar to the project or project site; there are no impacts that were not analyzed as significant effects in the ECRSP EIR; there are no potentially significant off-site or cumulative impacts that were not already evaluated by the ECRSP EIR; and there is no substantial new information resulting in more severe adverse impacts to the environment from significant effects identified in the ECRSP EIR.

Energy Source Emissions. Energy source emissions would be generated because of electricity usage associated with the proposed project. The project would comply with the City's Reach Code Ordinance, which prohibits gas appliances. As such, there would be no natural gas usage on-site. The primary use of electricity by the project would be for space heating and cooling, water heating, ventilation, lighting, appliances, and electronics. Criteria air pollutant emissions from electricity use were not quantified since criteria pollutants emission occur at the site of the power plant, which is off-site. Therefore, energy source emissions from electricity usage would be zero, and would not exceed BAAQMD thresholds for ROG, NO_X, PM_{10}, or $PM_{2.5}$. Thus, there are no impacts that are peculiar to the project or project site; there are no impacts that were not analyzed as significant effects in the ECRSP EIR; there are no potentially significant off-site or cumulative impacts that were not already evaluated by the ECRSP EIR; and there is no substantial new information resulting in more severe adverse impacts to the environment from significant effects identified in the ECRSP EIR.

Cumulative Conclusion

The cumulative setting for air quality is the SFBAAB. The SFBAAB is designated as a nonattainment area related to the State standards for O_3, PM_{10}, and $PM_{2.5}$ in addition to Federal O_3 and $PM_{2.5}$ standards. The SFBAAB is

designated as being unclassified and/or attainment for all other pollutants. Cumulative growth in population, vehicle use, and industrial activity could inhibit efforts to improve regional air quality and attain the ambient air quality standards. Thus, the setting for this cumulative analysis consists of the SFBAAB and associated growth and development anticipated in the air basin.

By its very nature, air pollution is largely a cumulative impact. According to the BAAQMD, no single project is sufficient in size, by itself, to result in nonattainment of ambient air quality standards. Instead, a project's individual emissions contribute to existing cumulatively significant adverse air quality impacts. In developing thresholds of significance for air pollutants, the BAAQMD considered the emission levels for which a project's individual emissions would be cumulatively considerable. According to the BAAQMD, if a project exceeds its identified significance thresholds, the project would be cumulatively considerable.

The proposed project would not exceed the BAAQMD thresholds. Additionally, the project would be subject to ECRSP EIR Mitigation Measures, which serve to reduce the project's construction-related air quality emissions when implemented. As discussed, the proposed project would be required to implement ECRSP EIR Mitigation Measures AQ-1 and AQ-2. As such, the impacts would be less than significant with mitigation incorporated. There are no impacts that are peculiar to the project or project site; there are no impacts that were not analyzed as significant effects in the ECRSP EIR; there are no potentially significant off-site or cumulative impacts that were not already evaluated by the ECRSP EIR; and there is no substantial new information resulting in more severe adverse impacts to the environment from significant effects identified in the ECRSP EIR.

Threshold 5.3.3.c: Would the project expose sensitive receptors to substantial pollutant concentrations?

Sensitive receptors are defined as facilities or land uses that include members of the population that are particularly sensitive to the effects of air pollutants, such as children, the elderly, and people with illnesses. Examples of these sensitive receptors are residences, schools, hospitals, and daycare centers. CARB has identified the following groups of individuals as the most likely to be affected by air pollution: the elderly over 65, children under 14, athletes, and persons with cardiovascular and chronic respiratory diseases such as asthma, emphysema, and bronchitis. The nearest sensitive receptors are multi-family residential uses (Naya Apartments and Olive Garden Apartments) located adjacent to the west and north of the project site.

Construction

Implementation of the project would result in the development of a Convalescent Hospital, Senior Living Facility, approximately 12,232 square feet of commercial/office space, and subterranean parking. Sources of construction-related TACs potentially affecting the sensitive receptors include off-road diesel-powered equipment. Construction would result in the generation of diesel PM emissions from the use of off-road diesel equipment required for site grading and excavation, paving, and other construction activities. The amount to which the receptors are exposed (a function of concentration and duration of exposure) is the primary factor used to determine health risk (i.e., potential exposure to TAC emission levels that exceed applicable standards). Health-related risks associated with diesel-exhaust emissions are primarily linked to long-term exposure and the associated risk of contracting cancer. Concentrations of mobile-source diesel PM emissions are typically reduced by 70 percent at approximately 500 feet.[7] In addition, current models and methodologies for conducting health risk assessments are associated with longer-term exposure periods of 9, 40, and 70 years, which do not correlate well with the temporary and highly variable nature of construction activities.

The project construction would be short-term and temporary, lasting for approximately 25 months. According to

[7] California Air Resources Board, *2020 Mobile Source Strategy*, October 28, 2021.

the BAAQMD, construction-generated diesel PM emissions contribute to negative health impacts when construction is extended over lengthy periods of time. The use of diesel-powered construction equipment during construction would be temporary and episodic and would occur over several locations isolated from one another. Furthermore, the proposed project would be subject to, and would comply with, California regulations limiting idling to no more than five minutes, which would further reduce nearby sensitive receptors' exposure to temporary and variable diesel PM emissions. Construction projects contained in a site of less than 5 acres are generally considered by CARB to represent less than significant health risk impacts due to (1) design limitations on the off-road diesel equipment able to operate and thus a reduced amount of generated diesel PM, (2) the reduced amount of dust-generating ground disturbance possible compared to larger construction sites, and (3) the reduced duration of construction activities compared to the development of larger sites. As the project site is less than 5 acres, health risk impacts would be considered less than significant.

For the reasons mentioned above, and because diesel fumes disperse rapidly over relatively short distances, diesel PM generated by most construction activities, in and of itself, would not be expected to create conditions where the probability of contracting cancer is greater than 10 in 1 million for nearby receptors. Furthermore, with implementation of ECRSP EIR Mitigation Measures AQ-1 and AQ-2, the emissions during construction would be lower than BAAQMD thresholds. As such, impacts associated with construction TACs would be less than significant with mitigation incorporated. There are no impacts that are peculiar to the project site; there are no impacts that are peculiar to the project or project site; there are no impacts that were not analyzed as significant effects in the ECRSP EIR; there are no potentially significant off-site or cumulative impacts that were not already evaluated by the ECRSP EIR; and there is no substantial new information resulting in more severe adverse impacts to the environment from significant effects identified in the ECRSP EIR.

Operation

The proposed project would not propose any land uses that attract mobile sources that may spend extended periods queuing and idling at the site. Stationary sources, such as diesel power emergency generators would be included; however, they would be required to undergo the permitting process by BAAQMD. Any health risks associated with the emergency generator would be assessed through the permitting process. Sources of air pollution that operate within accordance of BAAQMD rules and regulations would not cause significant exposure for on- or off-site sensitive receptors. Because the Convalescent Hospital is a physical rehabilitation facility, this component of the project would not include long-term idling from emergency vehicles typically seen for hospitals. Additionally, the other land uses within the proposed project (Senior Living Facility, commercial spaces, and subterranean parking) are not expected to generate excessive idling or queueing of vehicles. As such, the TAC impacts during operation would be less than significant in this regard. There are no impacts that are peculiar to the project or project site; there are no impacts that were not analyzed as significant effects in the ECRSP EIR; there are no potentially significant off-site or cumulative impacts that were not already evaluated by the ECRSP EIR; and there is no substantial new information resulting in more severe adverse impacts to the environment from significant effects identified in the ECRSP EIR.

Community Risks at the Project Site

ECRSP EIR Mitigation Measure AQ-4 requires the project to analyze the impacts of TAC and $PM_{2.5}$ exposure where new receptors are located within 1,000 feet of emissions sources to the project, including El Camino Real. The proposed project would be located within 1,000 feet of El Camino Real. The main sources of $PM_{2.5}$ are from truck and auto exhaust, the wearing of breaks and tires, and re-entrainment of roadway dust from vehicles traveling

over pavement. The close proximity increases both exposure and the potential for adverse health effects.[8] However, most vehicles traveling along El Camino Real are passenger vehicles mainly for commute and would not emit substantial amount of $PM_{2.5}$. Additionally, the maximum peak-hour trips on El Camino Real between South Bernardo Avenue and South Mary Avenue are 2,708 trips, equivalent to 27,080 daily trips assuming a peak hour and daily trip conversion rate of 10.[9] CARB recommends avoiding sitting new sensitive land users within 500 feet of a freeway, urban roads with 100,000 vehicles per day, or rural roads with 50,000 vehicles per day. The 27,080 daily trips along El Camino Real near the project site are well below 100,000 vehicles per day. As such, the health risks associated with TAC emissions from the roadway would be less than significant in this regard. Accordingly, measures are not required for the project pursuant to ECRSP EIR Mitigation Measure AQ-4 to reduce risk below the threshold. There are no impacts that are peculiar to the project or project site; there are no impacts that were not analyzed as significant effects in the ECRSP EIR; there are no potentially significant off-site or cumulative impacts that were not already evaluated by the ECRSP EIR; and there is no substantial new information resulting in more severe adverse impacts to the environment from significant effects identified in the ECRSP EIR.

Carbon Monoxide Hotspots

The primary mobile-source criteria pollutant of local concern is CO. Concentrations of CO are a direct function of the number of vehicles, length of delay, and traffic flow conditions. Transport of this criteria pollutant is extremely limited; CO disperses rapidly with distance from the source under normal meteorological conditions. Under certain meteorological conditions, however, CO concentrations close to congested intersections that experience high levels of traffic and elevated background concentrations may reach unhealthy levels, affecting nearby sensitive receptors. Areas of high CO concentrations, or "hot spots," are typically associated with intersections that are projected to operate at unacceptable levels of service during the peak commute hours. Modeling is therefore typically conducted for intersections that are projected to operate at unacceptable levels of service during peak commute hours.

Based on BAAQMD adopted screening criteria, projects meeting all the following screening criteria would be considered to have a less than significant impact on localized carbon monoxide concentrations if:

1. The project is consistent with an applicable congestion management program established by the county congestion management agency for designated roads or highways, regional transportation plans, and local congestion management agency plans.

2. The project traffic would not increase traffic volumes at affected intersections to more than 44,000 vehicles per hour.

3. The project traffic would not increase traffic volumes at affected intersections to more than 24,000 vehicles per hour where vertical and/or horizontal mixing is substantially limited (e.g., tunnel, parking garage, bridge underpass, natural or urban street canyon, below-grade roadway).

The proposed project would generate up to 811 trips on weekdays, 756 trips on Saturday, and 539 trips on Sundays. As previously discussed, El Camino Real between South Bernardo Avenue and South Mary Avenue has approximately 27,080 daily trips. The increased trips from the proposed project would be nominal compared to the existing condition and would not increase traffic volumes over 44,000 vehicles per hour. Additionally, the proposed

[8] California Air Resources Board and California Environmental Protection Agency, *Air Quality and Land Use Handbook: A Community Health Perspective*, April 2005.
[9] City of Sunnyvale, *El Camino Real Specific Plan, Transportation Impact Analysis*, January 27, 2020.

project traffic would not result in nearby intersections with more than 24,000 vehicles per hour. As a result, this impact would be less than significant. There are no impacts that are peculiar to the project or project site; there are no impacts that were not analyzed as significant effects in the ECRSP EIR; there are no potentially significant off-site or cumulative impacts that were not already evaluated by the ECRSP EIR; and there is no substantial new information resulting in more severe adverse impacts to the environment from significant effects identified in the ECRSP EIR.

Threshold 5.3.3.d: Would the project result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?

The BAAQMD does not have a recommended odor threshold for construction activities. For purposes of this analysis, it is anticipated that heavy-duty construction equipment associated with future development activities would emit odors. However, construction activities would be short-term and finite in nature. Furthermore, equipment exhaust odors would dissipate quickly and are common in an urban environment. In addition, the project would be required to comply with the CCR, Title 13, Sections 2449(d)(3) and 2485, which minimizes the idling time of construction equipment either by shutting it off when not in use or by reducing the time of idling to no more than five minutes. This would further reduce the detectable odors from heavy-duty equipment exhaust. Additionally, according to the BAAQMD Guidelines, an odor source with five or more confirmed complaints per year averaged over three years is considered to have a significant impact. For these reasons, project construction is not anticipated to create objectionable odors affecting a substantial number of people and thus this impact would be less than significant.

The land uses identified by the BAAQMD as sources of odors include wastewater treatment plants, wastewater pumping facilities, sanitary landfills, transfer stations, composting facilities, petroleum refineries, asphalt batch plants, chemical manufacturing and fiberglass manufacturing facilities, painting/coating operations, rendering plants, coffee roasters, food processing facilities, confined animal facilities, feedlots, dairies, green waste and recycling operations, and metal smelting plants. The project proposes the development of a Convalescent Hospital, Senior Living Facility, commercial space, and subterranean parking, none of which are considered major sources of odorous emissions. The proposed project would not result in the installation of any major odor-emitting sources. Therefore, long-term exposure to odorous emissions would be considered less than significant.

Conclusion

Accordingly, and based on the foregoing analysis, there are no impacts that are peculiar to the project or project site; there are no impacts that were not analyzed as significant effects in the ECRSP EIR; there are no potentially significant off-site or cumulative impacts that were not already evaluated by the ECRSP EIR; and there is no substantial new information resulting in more severe adverse impacts to the environment from significant effects identified in the ECRSP EIR.

5.3.4 Biological Resources

ECRSP EIR Findings

The ECRSP EIR made the following findings with respect to Biological Resources:

- Impact 4.3: Buildout of the proposed ECRSP Land Use Plan would not have an adverse effect on biological resources. The only waterways in the ECRSP area are concrete-lined drainage basins which bisect El Camino Real at various locations and do not support wetlands or riparian vegetation. All other areas within the ECRSP are completely developed or disturbed and no longer support natural communities. Due to surrounding development, the ECRSP area does not function as a wildlife corridor. Additionally, the City of Sunnyvale is not located within a habitat or conservation plan. Therefore, the ECRSP would have less than significant impacts to biological resources.
- Impact 3.3.1: Nine special-status plant species have been recorded in the ECRSP vicinity. However, it was determined that pursuant to the ECRSP EIR no special status-plant species would occur within the ECRSP area. Two special-status wildlife species (American peregrine and burrowing owl) have been recorded in the ECRSP area. The ECRSP EIR determined that both American peregrine and burrowing owl have the potential to occur in the ECRSP area. Upon implementation of Mitigation Measure BIO-1, impacts to potential special-status wildlife species would be reduced to less than significant levels. As such, this impact would be less than significant with mitigation incorporated.
- Impact 3.3.2: The ECRSP project would not conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance, upon compliance with existing General Plan policies and SMC Sections 13.16 and 19.94, which would ensure impacts to heritage trees are less than significant.

ECRSP EIR Mitigation Measures

BIO-1 Pursuant to the Migratory Bird Treaty Act and the California Fish and Game Code, removal of any trees, shrubs, or any other potential nesting habitat shall be conducted outside the avian nesting season. The nesting season generally extends from early February through August, but it can vary slightly from year to year based on seasonal weather conditions. If ground disturbance and vegetation removal cannot occur outside of the nesting season, a preconstruction clearance survey for nesting birds shall be conducted within 30 days of the start of any vegetation removal or ground-disturbing activities to ensure no nesting birds will be disturbed during construction. The biologist conducting the clearance survey shall document a negative survey with a brief letter report indicating that no impacts to active avian nests will occur.

If an active avian nest is discovered during the preconstruction clearance survey, construction activities shall stay outside of a 300-foot buffer around the active nest. For raptor species, this buffer is expanded to 500 feet. A biological monitor shall be present to delineate the boundaries of the buffer area and to monitor the active nest to ensure nesting behavior is not adversely affected by the construction activity. Once the young have fledged and left the nest, or the nest otherwise becomes inactive under natural conditions, normal construction activities can occur.

As part of the nesting bird clearance survey, a preconstruction burrowing owl clearance survey shall be conducted within 30 days of the start of ground-disturbing activities to ensure undeveloped vacant lots within the Specific Plan Area do not support burrowing owl. If no burrowing owl are detected, construction may proceed. If construction is delayed or suspended for more than 30 days, the project site or work area shall be resurveyed. If burrowing owls are

detected on the project site, a 300-foot "no work" buffer shall be established around the active burrow and all work within the buffer shall be halted until the qualified biologist has determined through non-intrusive methods that the nesting effort is complete (i.e., all young have fledged). Once the nesting effort is complete or if a burrowing owl burrow is detected on-site during the non-breeding season (September 1 to February 28), passive and/or active relocation of burrowing owls may be implemented by a qualified biologist following consultation and approval from the City of Sunnyvale and the California Department of Fish and Wildlife.

Project Analysis

Threshold 5.3.4.a: Would the project have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?

The project site is currently developed with a car dealership and a paved parking lot, which would be demolished prior to project construction. Nine special-status plant species have been recorded in the ECRSP vicinity, but the ECRSP EIR determined that no special status-plant species would occur within the ECRSP area. Two special-status wildlife species (American peregrine and burrowing owl) have been recorded in the vicinity of the ECRSP area and both American peregrine and burrowing owl have the potential to occur in the ECRSP area. Therefore, in accordance with ECRSP EIR Mitigation Measure BIO-1, the proposed project is required to conduct a pre-construction clearance survey by a qualified biologist for nesting birds and burrowing owl and implement an appropriate buffer to ensure nesting behavior is not adversely affected by construction activities. As such, this impact would be reduced to less than significant with mitigation incorporated. Therefore, there are no impacts that are peculiar to the project or project site; there are no impacts that were not analyzed as significant effects in the ECRSP EIR; there are no potentially significant off-site or cumulative impacts that were not already evaluated by the ECRSP EIR; and there is no substantial new information resulting in more severe adverse impacts to the environment from significant effects identified in the ECRSP EIR.

Threshold 5.3.4.b: Would the project have a substantial adverse effect 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 Wildlife or US Fish and Wildlife Service?

Threshold 5.3.4.c: Would the project have a substantial adverse effect on State or Federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?

Threshold 5.3.4.d: Would the project interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?

Buildout of the proposed ECRSP Land Use Plan, including the proposed project, would not have an adverse effect on biological resources. The only waterways in the ECRSP area are concrete-lined drainage basins which bisect El Camino Real at various locations and do not support wetlands or riparian vegetation. All other areas within the ECRSP are completely developed or disturbed and no longer support natural communities. Due to surrounding development, the ECRSP area does not function as a wildlife corridor. Additionally, the City of Sunnyvale is not located within a habitat or conservation plan. Therefore, the proposed project would not have a substantial adverse effect 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 Wildlife or US Fish and Wildlife Service, nor would it adversely affect the movement of native fish or wildlife species, associated wildlife corridors,

or their nursery sites, and no impact would occur. Therefore, there are no impacts that are peculiar to the project or project site; there are no impacts that were not analyzed as significant effects in the ECRSP EIR; there are no potentially significant off-site or cumulative impacts that were not already evaluated by the ECRSP EIR; and there is no substantial new information resulting in more severe adverse impacts to the environment from significant effects identified in the ECRSP EIR.

Threshold 5.3.4.e: Would the project conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?

According to the Sunnyvale Heritage Resources Inventory Map, a parcel located at the southwestern corner of El Camino Real and Wolfe Road includes three coast live oak and one valley oak, which are identified as heritage trees within the ECRSP area. These resources are located on City-owned open space within the Three Points Neighborhood of the ECRSP area at 871 East Fremont Avenue, approximately 2.3 miles northwest of the project site. The City strictly enforces SMC Section 13.16, *City Trees*, and SMC Section 19.94, *Tree Preservation*, to prevent the unauthorized removal, irreversible damage, and pruning of large, protected trees (Policy LT-2.4, Action 1). The purpose of SMC Chapter 19.94 is to "regulate the protection, installation and removal and long term management of significantly sized trees on private property within the City and City owned golf courses and parks; encourage the proper protection and maintenance of significantly sized trees which are located on such property; establish a review and permit procedure to assure the correct planting, maintenance, protection and removal of significant trees on such property; and establish penalties for violation of its provisions."

The proposed project would not impact the three heritage trees at 871 East Fremont Avenue, which are located over two miles away from the project site, and would not be removed for development of the project. Therefore, development of the project would not be subject to approval by the City's Heritage Preservation Commission, and the project would not conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance, and impacts would be less than significant. Therefore, there are no impacts that are peculiar to the project or project site; there are no impacts that were not analyzed as significant effects in the ECRSP EIR; there are no potentially significant off-site or cumulative impacts that were not already evaluated by the ECRSP EIR; and there is no substantial new information resulting in more severe adverse impacts to the environment from significant effects identified in the ECRSP EIR.

Threshold 5.3.4.f: Would the project conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or State habitat conservation plan?

The *Santa Clara Valley Habitat Plan*, which was approved and adopted in 2013, encompasses all of unincorporated Santa Clara County, the Santa Clara Valley Water District (SCVWD), and the Santa Clara Valley Transportation Authority, as well as the cities of Gilroy, Morgan Hill, and San Jose. However, Sunnyvale is not in the planning area for the *Santa Clara Valley Habitat Plan*. As such, the project would not conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or State habitat conservation plan, and no impact would occur. Therefore, there are no impacts that are peculiar to the project or project site; there are no impacts that were not analyzed as significant effects in the ECRSP EIR; there are no potentially significant off-site or cumulative impacts that were not already evaluated by the ECRSP EIR; and there is no substantial new information resulting in more severe adverse impacts to the environment from significant effects identified in the ECRSP EIR.

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5.3.5 Cultural Resources

ECRSP EIR Findings

The ECRSP EIR made the following findings with respect to Cultural Resources:

- Impact 3.4.1: Buildout of the ECRSP could impact historic resources. The ECRSP EIR disclosed that impacts to historic resources (specifically, heritage structures and historical districts) would be reduced to a less than significant impact with mitigation incorporated.
- Impact 3.4.2: No archaeological resources were identified as being located within the ECRSP area as part of the Northwest Information Center (NWIC) records search completed on October 17, 2017. Nevertheless, development activities associated with the ECRSP could potentially result in adverse effects on previously unidentified archaeological resources. Therefore, this impact was determined to be less than significant with mitigation incorporated.
- Impact 3.4.3: The ECRSP project would not disturb human remains with compliance with the provisions of California Public Resources Health and Safety Code Sections 7050.5 to 7055 pertaining to the requirements if any human remains are accidentally discovered during excavation of a site. Therefore, impacts would be less than significant.
- Impact 3.4.5: As discussed above and in Section 5.3.18, *Tribal Cultural Resources*, project-related impacts to historical, archaeological, and tribal cultural resources have been determined to be less than significant with implementation of Mitigation Measures CUL-1, CUL-2, CUL-3, and existing regulations and policies. Thus, cumulative impacts to historical, archaeological, and tribal cultural resources would be less than significant with mitigation incorporated.

ECRSP EIR Mitigation Measures

CUL-1 Prior to demolition, grading, or building permit approval, any site subject to CEQA review with potentially historic buildings over 50 years in age and not subject to previous identification, recordation on Department of Park and Recreation (DPR) 523 Forms, and National Register of Historic Places, California Register of Historic Resources, and/or City eligibility evaluation (as appropriate) within the last five years, shall be evaluated by a Secretary of the Interior Qualified Cultural Resource Professional specializing in Architectural History. Results of the evaluation shall specify site-specific mitigation requirements.

CUL-2 To avoid impacts to previously recorded historic resources associated with the Taaffe-Frances Heritage Neighborhood, prior to demolition, grading, or building permit approval, a site-specific Construction Protection Plan (CPP) shall be prepared by a qualified Historic Building Architect for projects which propose pile driving activities within 50 feet of designated historic resources. The CPP shall specify mitigation to avoid or reduce impacts to less than significant.

CUL-3 All subsequent projects within the project area shall be required to include information on the improvement plans that if, during the course of grading or construction, cultural resources (i.e., prehistoric or historic sites) are discovered, work will stop in that area and within 100 feet of the find until a qualified archaeologist can [assess] the significance of the find and, if necessary, develop appropriate treatment measures as part of a treatment plan in consultation with the City and all other appropriate agencies. The treatment plan shall include measures to document and protect the discovered resource. Consistent with CEQA Guidelines Section 15126.4(b)(3), preservation in place will be the preferred method of mitigating impacts to the discovered resource. Pursuant to

Government Code Section 6254.10, information on the discovered resource shall be confidential.

Project Analysis

Threshold 5.3.5.a: Would the project cause a substantial adverse change in the significance of a historical resource pursuant to § 15064.5?

The project site currently consists of an existing car dealership and paved parking lot within the western portion of the urbanized ECRSP area and does not contain any known historical resources as defined by Section 15064.5 of the CEQA Guidelines. According to the Sunnyvale Heritage Resources Inventory Map, no City-designated individual structures are located within the ECRSP area, with the exception of a historical district known as the Taaffe-Frances Heritage Neighborhood (a residential district), located over one mile to the east of the project site.

Additionally, according to a records search for the proposed project conducted by the California Historical Resources Information System (CHRIS), the State Office of Historic Preservation Built Environment Resources Directory (OHP BERD), which includes listings of the California Register of Historical Resources, California State Historical Landmarks, California State Points of Historical Interest, and the National Register of Historic Places, lists no recorded resources within or adjacent to the proposed project. In addition to these inventories, the NWIC base maps show no recorded buildings or structures within the proposed project area; refer to Attachment B, *CHRIS Letter*.

ECRSP Chapter 4, *Land Use and Development Standards*, includes a policy to ensure buildings greater than 50 years old undergo a historic resource evaluation prior to undertaking any modifications or demolitions in order to determine their level of historical significance and to inform the appropriate level of discretionary review and applicability of local historic preservation policies (Specific Plan Policy LU-P266, included as Mitigation Measure CUL-1 of the ECRSP EIR). While there are two existing structures present on the site, they are not aged more than 50 years, and are not listed in the Heritage Resources Inventory. To address potential impacts to the Taaffe-Frances Heritage Neighborhood historic district, Mitigation Measure CUL-2 requires preparation of a site-specific CPP for projects which propose pile driving activities within 50 feet of designated historic resources located within the Taaffe-Frances Heritage Neighborhood. However, since the project site does not contain buildings greater than 50 years old and due to the distance of the Taaffe-Frances Heritage Neighborhood from the project site, Mitigation Measures CUL-1 and CUL-2 are not applicable to the proposed project. As such, the project would not impact any previously-identified historical resources.

Furthermore, the Sunnyvale Heritage Resources Inventory indicates the nearest heritage trees to the project site are located over two miles to the northwest of the project site and would not be impacted by development associated with the project. As such, the project would not be subject to approval by the Heritage Preservation Commission.

Therefore, there are no impacts that are peculiar to the project or project site; there are no impacts that were not analyzed as significant effects in the ECRSP EIR; there are no potentially significant off-site or cumulative impacts that were not already evaluated by the ECRSP EIR; and there is no substantial new information resulting in more severe adverse impacts to the environment from significant effects identified in the ECRSP EIR.

Threshold 5.3.5.b: Would the project cause a substantial adverse change in the significance of an archaeological resource pursuant to § 15064.5?

No archaeological resources were identified as being located within the ECRSP area as part of the NWIC records search completed on October 17, 2017, for the ECRSP EIR. Nevertheless, development activities associated with

the ECRSP area, including the proposed project, could potentially result in adverse effects on previously unidentified archaeological resources.

Although the project site has previously been developed, the CHRIS Letter prepared for the site indicates high potential for historic-period archaeological resources, and recommends a professional assessment be made prior to demolition or ground-disturbing activities and following discovery during any ground-breaking activities. According to the Geotechnical Study, the project site is underlain by up to five feet of fill material. The potential for buried historic resources is considered negligible in this regard and a professional assessment (i.e., hand auger sampling, shovel tests, or geoarchaeological analyses) would not be necessary.

It is the City's policy to preserve archaeological resources wherever possible (Policy CC-5.5 from the *Community Character Element* of the General Plan) and to condition projects to halt all ground-disturbing activities when unusual amounts of shell or bone, isolated artifacts, or other similar features are discovered, and to retain an archaeologist or paleontologist to determine the significance of the discovery. Mitigation of discovered significant cultural resources shall be consistent with Public Resources Code Section 21083.2 to ensure protection of the resource (Action LT-1.10f). Pursuant to Action LT-1.10f from the *Land Use and Transportation Element* of the General Plan, the City would require significant discoveries to be mitigated consistent with Public Resources Code Section 21083.2 to ensure protection of the resource. Thus, following conformance with existing City policies and actions in place to ensure protection of archaeological resources, as well as ECRSP EIR Mitigation Measure CUL-3, which requires all projects in the ECRSP area to include information on improvement plans to protect cultural resources discovered during groundwork, project impacts to archaeological resources would be reduced to less than significant.

Therefore, there are no impacts that are peculiar to the project or project site; there are no impacts that were not analyzed as significant effects in the ECRSP EIR; there are no potentially significant off-site or cumulative impacts that were not already evaluated by the ECRSP EIR; and there is no substantial new information resulting in more severe adverse impacts to the environment from significant effects identified in the ECRSP EIR.

Threshold 5.3.5.c: Would the project disturb any human remains, including those interred outside of dedicated cemeteries?

Although soil-disturbing activities associated with development of the project could result in the inadvertent discovery of human remains, the project would be subject to compliance with State Health and Safety Code Section 7050.5. Additionally, and consistent with the findings of the ECRSP EIR, the project also would be subject to CEQA Guidelines Section 15064.5 and Public Resources Code, Section 5097.98. These provisions of State law mandate the process to be followed in the event of an accidental discovery of any human remains in a location other than a dedicated cemetery. Specifically, California Health and Safety Code, Section 7050.5, requires that if human remains are discovered on a project site, disturbance of the site shall remain halted until the coroner has conducted an investigation into the circumstances, manner, and cause of any death, and the recommendations concerning the treatment and disposition of the human remains have been made to the person responsible for the excavation, or to his or her authorized representative, in the manner provided in Public Resources Code Section 5097.98. If the coroner determines that the remains are not subject to his or her authority and has reason to believe they are those of a Native American, he or she shall contact, by telephone within 24 hours, the Native American Heritage Commission.

Consistent with the findings of the ECRSP EIR, although soil-disturbing activities associated with development of the project as proposed could result in the discovery of human remains, mandatory compliance with existing laws and applicable General Plan policies would ensure that significant impacts to human remains would not occur. Therefore, there are no impacts that are peculiar to the project or project site; there are no impacts that

were not analyzed as significant effects in the ECRSP EIR; there are no potentially significant off-site or cumulative impacts that were not already evaluated by the ECRSP EIR; and there is no substantial new information resulting in more severe adverse impacts to the environment from significant effects identified in the ECRSP EIR.

5.3.6 Energy

ECRSP EIR Findings

The ECRSP EIR made the following findings with respect to Energy:

- Impact 3.5-1: Implementation of the ECRSP would not result in potentially significant environmental impacts due to wasteful, inefficient, or unnecessary consumption of energy resources.
- Impact 3.5-2: The proposed ECRSP would not conflict with or obstruct a State or local plan for renewable energy or energy efficiency.

ECRSP EIR Mitigation Measures

The ECRSP EIR did not identify mitigation measures related to energy consumption.

Project Analysis

Attachment F of the CEQA Guidelines

Attachment F of the CEQA Guidelines is an advisory document that assists environmental document preparers in determining whether a project will result in the inefficient, wasteful, and unnecessary consumption of energy. The analysis of Threshold 5.3.6.a relies upon Attachment F of the CEQA Guidelines, which includes the following criteria to determine whether this threshold of significance is met:

- **Criterion 1**: The project's energy requirements and its energy use efficiencies by amount and fuel type for each stage of the project including construction, operation, maintenance and/or removal. If appropriate, the energy intensiveness of materials may be discussed.
- **Criterion 2**: The effects of the project on local and regional energy supplies and on requirements for additional capacity.
- **Criterion 3**: The effects of the project on peak and base period demands for electricity and other forms of energy.
- **Criterion 4**: The degree to which the project complies with existing energy standards.
- **Criterion 5**: The effects of the project on energy resources.
- **Criterion 6**: The project's projected transportation energy use requirements and its overall use of efficient transportation alternatives.

Quantification of the project's energy usage is presented and addresses **Criterion 1**. The discussion on construction-related energy use focuses on **Criteria 2, 4,** and **5**. The discussion on operational energy use is divided into transportation energy demand and building energy demand. The transportation energy demand analysis discusses **Criteria 2, 4,** and **6**, and the building energy demand analysis discusses **Criteria 2, 3, 4,** and **5**.

Threshold 5.3.6.a: Would the project result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?

The 2022 California Building Energy Efficiency Standards for Residential and Nonresidential Buildings (California Code of Regulations, Title 24, Part 6), commonly referred to as "Title 24," became effective on January 1, 2023. In general, Title 24 requires the design of building shells and building components to conserve energy. The

standards are updated periodically to allow consideration and possible incorporation of new energy efficiency technologies and methods. The Title 24 standards encourage efficient electric heat pumps, establish electric-ready requirements for new homes, expand solar photovoltaic and battery storage standards, strengthen ventilation standards, and more. This analysis focuses on two sources of energy that are relevant to the proposed project: electricity and transportation fuel for vehicle trips and off-road equipment associated with project construction and operations. The project would comply with the City's Reach Code Ordinance, which prohibits gas appliances. As such, there would be no natural gas usage on-site. The analysis of operational electricity usage is based on the California Emissions Estimator Model version 2022.1 (CalEEMod) modeling results for the project. The project's estimated electricity consumption is based primarily on CalEEMod's default settings for Santa Clara County, and consumption factors provided by Pacific Gas and Electric (PG&E), the electricity provider for the City and the project site. The results of the CalEEMod modeling are included in Attachment A, *Air Quality/Greenhouse Gas Emissions/Energy Data*. The amount of operational fuel consumption was estimated using CARB's EMFAC2021 website platform which provides projections for typical daily fuel usage in the County, and the project's annual VMT outputs from CalEEMod. The estimated construction fuel consumption is based on the project's construction equipment list, timing/phasing, and hours of duration for construction equipment, as well as vendor, hauling, and construction worker trips.

The project's estimated energy consumption is summarized in Table 5.3.6-a, *Project and Countywide Energy Consumption*. As shown in Table 5.3.6-a, the project's energy usage would constitute an approximately 0.0083 percent increase over Santa Clara County's typical annual electricity consumption. The project's construction on-road, construction off-road, and operational vehicle fuel consumption would increase the County's consumption by 0.0120 percent, 1.6111 percent, and 0.0191 percent, respectively (**Criterion 1**). This is consistent with and within the range of fuel consumption studied in the ECRSP EIR for the ECRSP Area. (ECRSP EIR, p. 3.5-8 and Table 3.5-4.)

Table 5.3.6-a
Project and Countywide Energy Consumption

Energy Type	Project Annual Energy Consumption[1]	Santa Clara County Annual Energy Consumption[2]	Percentage Increase Countywide[2]
Electricity Consumption	1,418 MWh	17,101,799 MWh	0.0083%
Fuel Consumption			
• Construction Off-road Consumption[3]	94,452 gallons	5,862,558 gallons	1.6111%
• Construction On-road Consumption	78,710 gallons	655,567,993 gallons	0.0120%
• Operational Automotive Fuel Consumption[3]	121,288 gallons	634,241,771 gallons	0.0191%

Notes:
1. As modeled in CalEEMod version 2022.1.1.
2. The project increases in electricity consumption are compared to the total consumption in the County in 2022, which is the latest year with data available. The project increases in construction and automotive fuel consumption are compared with the projected Countywide fuel consumption in 2024 (start of construction) and 2026 (operational year).
3. Project fuel consumption calculated based on CalEEMod results. Countywide fuel consumption is from the CARB EMFAC2021 model. Source: Santa Clara County electricity consumption data source: California Energy Commission, *Electricity Consumption by County*, http://www.ecdms.energy.ca.gov/elecbycounty.aspx, accessed January 5, 2024.

Refer to Attachment A, *Air Quality/Greenhouse Gas Emissions/Energy Data* for assumptions used in this analysis.

Construction-Related Energy

During construction, the project would consume energy in two general forms: (1) the fuel energy consumed by construction vehicles and equipment; and (2) bound energy in construction materials, such as asphalt, steel,

concrete, pipes, and manufactured or processed materials such as lumber and glass.

Fossil fuels used for construction vehicles and other energy-consuming equipment would be used during demolition, grading, paving, building construction, and architectural coatings. As indicated in Table 5.3.6-a, the project's fuel consumption from off-road construction would be approximately 94,452 gallons, which would increase fuel use in the County by 1.6111 percent. Also indicated in Table 5.3.6-a, the project's fuel consumption from on-road construction would be approximately 78,710 gallons, which would increase fuel use in the County by 0.0120 percent. As such, construction would have a nominal effect on the local and regional energy supplies. It is noted that construction fuel use is temporary and would cease upon completion of construction activities. There are no unusual project characteristics that would necessitate the use of construction equipment that would be less energy efficient than at comparable construction sites in the region or State (**Criterion 2**).

Some incidental energy conservation would occur during construction through compliance with State requirements that equipment not in use for more than five minutes be turned off (i.e., Title 13, California Code of Regulations Section 2485). Project construction equipment would also be required to comply with the latest EPA and CARB engine emissions standards. These emissions standards require highly efficient combustion systems that maximize fuel efficiency and reduce unnecessary fuel consumption. In addition, because the cost of fuel and transportation is a significant aspect of construction budgets, contractors and owners have a strong financial incentive to avoid wasteful, inefficient, and unnecessary consumption of energy during construction (**Criterion 4**).

Substantial reductions in energy inputs for construction materials can be achieved by selecting building materials composed of recycled materials that require substantially less energy to produce than nonrecycled materials.[10] It is reasonable to assume that production of building materials such as concrete, steel, etc., would employ all reasonable energy conservation practices in the interest of minimizing the cost of doing business. There are no unusual project characteristics that would necessitate the use of construction equipment, or building materials, or methods that would be less energy efficient than at comparable construction sites in the region or State. Therefore, fuel energy and construction materials consumed during construction would not represent a significant demand on energy resources (**Criterion 5**), and a less than significant impact would occur in this regard.

Operational Energy

Transportation Energy Demand. Pursuant to the Federal Energy Policy and Conservation Act of 1975, the National Highway Traffic and Safety Administration is responsible for establishing additional vehicle standards and for revising existing standards. Compliance with federal fuel economy standards is not determined for each individual vehicle model. Rather, compliance is determined based on each manufacturer's average fuel economy for the portion of their vehicles produced for sale in the United States. According to the CalEEMod default, the proposed project would generate up to 811 total daily trips. Table 5.3.6-a estimates the annual fuel consumed by vehicles traveling to and from the project area. As indicated in Table 5.3.6-a, project operations are estimated to consume a net increase of approximately 121,288 gallons of fuel per year, which would increase Countywide automotive fuel consumption by 0.0191 percent. This is consistent with and within the scope of fuel consumption analyzed for build out of the ECRSP in the ECRSP EIR. The project does not propose any unusual features that would result in excessive long-term operational fuel consumption.

[10] California Department of Resources Recycling and Recovery, *Green Building Materials*, https://www.calrecycle.ca.gov/greenbuilding/materials, accessed January 11, 2024.

Other key drivers of transportation-related fuel consumption are job locations/commuting distance and many personal choices on when and where to drive for various purposes. Those factors are outside of the scope of the design of the proposed project. Nonetheless, it should be noted that the project would comply and/or exceed the most current CALGreen (i.e., 2022 CALGreen) standards, which requires new buildings to reduce project-related vehicle trips and associated transportation fuel consumption via various infrastructure requirements. Specifically, the current Title 24 and CALGreen building codes require electric vehicle (EV) charging stations, designated EV parking, as well as bicycle parking and storage. This would encourage and support the use of electric vehicles within and near the project site **(Criterion 4 and Criterion 6)**.

Therefore, fuel consumption associated with vehicle trips generated by the project would not be considered inefficient, wasteful, or unnecessary in comparison to other similar developments in the region. A less than significant impact would occur.

Building Energy Demand. The California Energy Commission (CEC) developed 2023 to 2035 forecasts for energy consumption and peak demand in support of the 2022 Integrated Energy Policy Report Update for each of the major electricity and natural gas planning areas and the State based on the economic and demographic growth projections. CEC forecasted baseline electricity consumption and natural gas to grow at a rate of about 1.8 percent and 0.2 percent, respectively, annually through 2035.[11] As shown in Table 5.3.6-a, operational energy consumption of the project would represent an approximately 0.0083 percent increase in electricity consumption over the current Countywide usage and would be significantly lower than the CEC's energy demand forecast. This is consistent with and within the range of operational energy consumption studied in the ECRSP EIR for the ECRSP area. (ECRSP EIR, p. 3.5-11 and Table 3.5-4.) The commercial component of the project would consume energy during the same time periods as other similar commercial developments. Additionally, the residential component of the project would consume energy evenly throughout the day.

The proposed project would be required to comply with the most current version of the Title 24 Building Energy Efficiency Standards, which provide minimum efficiency standards related to various building features, including appliances, water and space heating and cooling equipment, building insulation and roofing, and lighting. In addition, the project would comply with the City's Reach Code Ordinance, which prohibits gas appliances. As such, there would be no natural gas usage on-site. Compliance with this requirement would increase the project's energy efficiency.

Furthermore, the electricity provider, PG&E, is subject to California's Renewables Portfolio Standard (RPS). The RPS requires investor-owned utilities, electric service providers, and community choice aggregators to increase procurement from eligible renewable energy resources to 60 percent of total procurement by 2030 and 100 percent of total procurement by 2045. In addition, in compliance with the City's Reach Code Ordinance, the project would install solar panels and generate renewable energy on-site. Renewable energy is generally defined as energy that comes from resources which are naturally replenished within a human timescale such as sunlight, wind, tides, waves, and geothermal heat. The increase in reliance of such energy resources further ensures that new development projects would not result in the waste of finite energy resources.

Therefore, the project would not cause wasteful, inefficient, and unnecessary consumption of building energy during project operation, or preempt future energy development or future energy conservation **(Criterion 3)**. A less than significant impact would occur.

Conclusion

[11] California Energy Commission, *Final 2022 Integrated Energy Policy Report Update*, page 58 and page 62, May 10, 2023.

As supported by the preceding analyses, and consistent with the findings of the ECRSP EIR, project construction and operations would not result in the inefficient, wasteful, or unnecessary consumption of energy. Further, the energy demands of the project can be accommodated within the context of available resources and energy delivery systems. The project would therefore not cause or result in the need for additional energy producing or transmission facilities. The project would not engage in wasteful or inefficient uses of energy and aims to achieve energy conservation goals within the State of California. Accordingly, and consistent with the findings of the ECRSP EIR, the project would not result in the wasteful, inefficient, or unnecessary consumption of energy resources, and impacts would be less than significant. Therefore, there are no impacts that are peculiar to the project or project site; there are no impacts that were not analyzed as significant effects in the ECRSP EIR; there are no potentially significant off-site or cumulative impacts that were not already evaluated by the ECRSP EIR; and there is no substantial new information resulting in more severe adverse impacts to the environment from significant effects identified in the ECRSP EIR.

Threshold 5.3.6.b: Would the project conflict with or obstruct a State or local plan for renewable energy or energy efficiency?

The project would comply with the applicable goals for reducing energy usage and implementing energy efficiency identified in the City's Climate Action Playbook, as detailed in Section 5.3.8, *Greenhouse Gas Emissions*, of this document. The Climate Action Playbook contains goals and policies that would help implement energy efficient measures and would subsequently reduce energy consumption within the City. Compliance with Title 24 and CALGreen standards and the City's Reach Code Ordinance would ensure the project incorporates energy efficient windows, insulation, lighting, ventilation systems, as well as water efficient fixtures and electric vehicle charging infrastructure, which is consistent with the goals and policies of the City's General Plan. Additionally, per the RPS, the project would utilize electricity provided by PG&E that would achieve 60 percent renewable energy by 2030 and 100 percent renewable energy by 2045.

Accordingly, and consistent with the conclusion reached by the ECRSP EIR, implementation of the proposed project would not conflict or obstruct implementation of the City's Climate Action Playbook or California's RPS program, and impacts would be less than significant. Therefore, there are no impacts that are peculiar to the project or project site; there are no impacts that were not analyzed as significant effects in the ECRSP EIR; there are no potentially significant off-site or cumulative impacts that were not already evaluated by the ECRSP EIR; and there is no substantial new information resulting in more severe adverse impacts to the environment from significant effects identified in the ECRSP EIR.

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5.3.7 Geology and Soils

ECRSP EIR Findings

The ECRSP EIR made the following findings with respect to Geology and Soils:

- Impact 4.5: The Alquist-Priolo Earthquake Fault Zoning Act (Public Resources Code 2621-2624, Division 2 Chapter 7.5) was passed in 1972 to mitigate the hazard of surface faulting to structures for human occupancy, primarily by preventing the construction of buildings used for human occupancy on the surface trace of active faults. The Act requires the State Geologist to establish regulatory zones, known as "Earthquake Fault Zones," around the surface traces of active faults and to issue appropriate maps. Local agencies must regulate most development projects within these zones. Before a project can be permitted, cities and counties must require a geologic investigation to demonstrate that proposed buildings would not be constructed across active faults. The ECRSP area is not affected by a State-designated Alquist-Priolo Earthquake Fault Zone. Thus, no impact would occur due to project implementation.

  Liquefaction occurs when loose sand and silt that is saturated with water behaves like a liquid when shaken by an earthquake. The soil can lose its ability to support structures, flow down even very gentle slopes, and erupt to the ground surface to form sand boils. Many of these phenomena are accompanied by settlement of the ground surface, usually in uneven patterns, that can damage buildings, roads, and pipelines. These effects usually occur in soft, fine-grained, water-saturated alluvium, as generally found in the Santa Clara Valley. The ECRSP area is not designated as a liquefaction hazard area. No impact would occur.

  The ECRSP area is not identified as being located within a landslide hazard zone and has been extensively developed with pavements, hardscapes, and structures. Therefore, project implementation would not expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving landslides. No impact would occur.

  No development is proposed as part of the ECRSP that would involve septic tanks or alternative wastewater disposal systems. Further, wastewater from the City is carried by sanitary sewer lines to the Sunnyvale Water Pollution Control Plant, where it is treated before being discharged to local waterways that flow into the San Francisco Bay. All future development within the ESCRSP project area would be required to connect to existing sewer mainlines and service lines. Therefore, no impact would occur**.**

- Impact 3.6.1: Future ECRSP project occupants and visitors could be exposed to potential seismic-related hazards; however, with mandatory compliance with standard COAs, General Plan policies, and the California Building Code (CBC) as adopted by reference in SMC Section 16.16.020, impacts would be reduced to less than significant levels.
- Impact 3.6.2: Unstable geologic unit or soils conditions, including soil erosion, could result from development of the ECRSP; however, with mandatory compliance with SMC Sections 12.60.230 and 18.12.110, which would ensure implementation of appropriate measures during soil-disturbing activities to reduce erosion, impacts would be reduced to less than significant levels. In addition, the ECRSP area is largely built out in terms of available land development, and as such, future projects within the ECRSP area would not be expected to significantly increase impervious surface areas and thus result in soil erosion or the loss of topsoil.
- Impact 3.6.3: Soil conditions could result in risks to life or property and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse; however, mandatory compliance with the CBC as adopted by reference in SMC Section 16.16.020 would identify potential for hazards

related to soil conditions on individual development sites so the implementing developments can be designed to reflect site-specific geologic and soils conditions and prevent risks due to lateral spreading, subsidence, liquefaction, or collapse. Therefore, impacts would be less than significant.

- Impact 3.6.4: The ECRSP would not directly or indirectly destroy a unique paleontological resource or unique geologic feature with implementation of Mitigation Measure GEO-1, which requires subsequent projects in the ECRSP area to include information on the improvement plans describing actions to be taken if the inadvertent discovery of fossils occurs during project construction. In accordance with General Plan Action LT-1.10f, the City would continue to condition projects to halt all ground-disturbing activities when unusual amounts of shell or bone, isolated artifacts, or other similar features are discovered. If paleontological resources are identified during site-specific ground disturbance, General Plan Action LT-1.10f would require retention of a paleontologist to determine the significance of the discovery and recommend a course of action. Implementation of General Plan Action LT-1.10f would reduce impacts to paleontological resources to less than significant with mitigation incorporated.

- Impact 3.6.5: Geologic and seismic hazards associated with the ECRSP project would be reduced to less than significant levels following conformance with the established regulatory framework (i.e., CBC, SMC, National Pollutant Discharge Elimination System [NPDES] requirements). Conformance with General Plan Action LT-1.10f would ensure project impacts related to paleontological resources are reduced to less than significant levels. As such, the proposed project would not result in cumulatively considerable impacts related to geology, soils, and paleontological resources. Impacts would be less than significant.

ECRSP EIR Mitigation Measures

GEO-1 All subsequent projects within the project area shall be required to include information on the improvement plans that if, during the course of grading or construction fossils are discovered, work shall be halted immediately within 50 feet of the discovery, the Sunnyvale Community Development Department shall be notified, and the significance of the find and recommended actions must be determined by a qualified paleontologist. In addition, prior to the commencement of project site preparation, all construction personnel shall be informed of the potential to discover fossils and the procedures to follow.

Project Analysis

In order to evaluate the project's potential to result in impacts regarding geology and soils, a site-specific Geotechnical Report was prepared for the site in 2021. The *Geotechnical Report – Assumed Healthcare Facility 1035 West El Camino Real* (Geotechnical Report), dated October 11, 2021, was prepared by Partner Engineering and Science, Inc. The Geotechnical Report is included as Attachment C of this report.

Threshold 5.3.7.a: Would the project directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:

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

ii) Strong seismic ground shaking?

iii) Seismic-related ground failure, including liquefaction?

iv) Landslides?

Development of the project could expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving strong seismic ground shaking. As determined by the project's Geotechnical Report, there are three active faults located in seismically significant proximity to the project area: the San Andreas – Peninsula (11.58 miles from the site), Hayward – So (17.31 miles from the site), and Monte Vista – Shannon (6.00 miles from the site); refer to Attachment C. The US Geological Survey predicts there is a 63 percent chance that one of these faults produces an earthquake of magnitude 6.7 or higher by the year 2037. Thus, strong ground shaking is expected to occur within the project area.

The intensity of ground shaking and the degree of impact would depend upon the magnitude of the earthquake, distance to the epicenter, and the geology of the area between the epicenter to the project area. Additionally, the soil and geologic structure underlying the project site would influence the amount of damage that the site may experience. Impacts concerning strong seismic ground shaking would be addressed by compliance with the seismic design requirements identified in the most recent CBC. Pursuant to the CBC and SMC Section 16.16.020, structures built for human occupancy must be designed to meet or exceed CBC standards for earthquake resistance. The CBC includes earthquake safety standards based on a variety of factors including occupancy type, types of soils and rocks on-site, and strength of probable ground motion at the project site. To further improve the seismic safety of buildings in less stable soil areas, geotechnical reports are required for all developments in the City of Sunnyvale. A site specific Geotechnical Report was prepared to assess ground shaking hazards at the project site; refer to Attachment C. As elaborated in Attachment C, the proposed project is located within a portion of the State that is prone to strong ground shaking during earthquakes, and should be anticipated throughout the life of the project.

Compliance with the CBC, as adopted by reference in SMC Section 16.16.020, and preparation of a site-specific geotechnical report would reduce impacts related to rupture of a known earthquake fault or strong seismic ground shaking to less than significant.

Liquefaction and seismically-induced settlement or ground failure is generally related to strong seismic shaking events where the groundwater occurs at shallow depth (generally within 50 feet of the ground surface) or where lands are underlain by loose, cohesionless deposits. Liquefaction typically results in the loss of shear strength of a soil, which occurs due to the increase of pore water pressure caused by the rearrangement of soil particles induced by shaking or vibration. During liquefaction, soil strata behave similarly to a heavy liquid. Based on the ECRSP EIR, existing groundwater depths are presumed to be at a depth ranging from 48 to 54 feet below ground surface, and the ECRSP area is not designated as a liquefaction hazard area. As elaborated in Attachment C, the proposed project is not mapped within a zone of seismically included hazard for liquefaction or landslide.

Further, as with all development within the City, the project is required to comply with the CBC and City Building Code. These building codes include requirements to ensure that new development does not cause or exacerbate geological and soil hazards including seismic ground shaking and seismically-related ground failure. Measures to minimize the risk of loss, injury, and death from the construction of new buildings are included within the CBC and City Building Code, with specific provisions for seismic design. Additionally, the project would be required to meet the most recent seismic-safety building criteria and construction design recommendations of the site-specific geotechnical report; refer to Attachment C.

The project would not directly or indirectly cause substantial adverse effects involving seismic-related ground failure, including liquefaction. As a result, impacts would be less than significant.

The project site is relatively flat, as is the surrounding topography. According to the ECRSP, the ECRSP area, including the project site, is not identified as being located within a landslide hazard zone. The project would not directly or indirectly cause adverse effects involving landslides. As a result, impacts would be less than significant. Based on the foregoing analysis, there are no impacts that are peculiar to the project or project site; there are

no impacts that were not analyzed as significant effects in the ECRSP EIR; there are no potentially significant off-site or cumulative impacts that were not already evaluated by the ECRSP EIR; and there is no substantial new information resulting in more severe adverse impacts to the environment from significant effects identified in the ECRSP EIR.

Threshold 5.3.7.b: Would the project result in substantial soil erosion or the loss of topsoil?

Soil erosion typically occurs within unconsolidated alluvium and surficial soils in sloping topographies. Construction activities associated with future development would include clearing, excavation, and grading, which would displace soils and temporarily increase the potential for soils to be subject to wind and water erosion. The project is fully developed with an existing car dealership and paved parking lot.

Construction Impacts

Project construction would involve the use of heavy machinery on site, including bulldozers, front loaders, track hoes, trenchers, semi-trucks, and various other large equipment, which would be used for site preparation and construction activities. Excavations and grading for the project would result in disturbance of existing sediments, such that erosion could be exacerbated during precipitation or high-wind events.

Short-term construction activities within the project area could increase soil exposure and result in limited soil erosion, depending on the extent of clearing, grading, or excavation and the length of time that disturbed soils are left exposed. However, construction activities would be required to comply with SMC Sections 12.60.230 and 18.12.110, which would ensure implementation of appropriate measures during soil-disturbing activities to reduce erosion. In compliance with the NPDES program, individual projects involving one or more acres of site disturbance would be required to prepare and implement a stormwater pollution prevention plan (SWPPP) and associated best management practices (BMPs) in compliance with the Construction General Permit during grading and construction. Potential BMPs could include installing vegetated swales and sediment barriers; stabilizing soils with hydroseeding; regular dust control; implementing desilting basins and storm drain inlet protectors; and providing public education/outreach materials. Adherence to the BMPs in the SWPPP would reduce, prevent, or minimize soil erosion from grading and construction activities.

Following compliance with the established regulatory framework (i.e., SMC Sections 12.60.230 and 18.12.110 and NPDES requirements), project construction would result in less than significant impacts involving soil erosion and loss of topsoil.

Operational Impacts

As discussed previously, the ECRSP area is largely built out in terms of available land development, and as such, development projects within the ECRSP would not be expected to significantly increase impervious surface areas and thus result in soil erosion or the loss of topsoil. Nonetheless, the project would be subject to the RRs designed to minimize potential erosion and flooding that may result during construction and operational conditions. Following compliance with NPDES, SMC, and Stormwater Quality BMP Guidance Manual requirements, the project's operational impacts related to erosion or loss of topsoil would be less than significant.

Based on the foregoing analysis, there are no impacts that are peculiar to the project or project site; there are no impacts that were not analyzed as significant effects in the ECRSP EIR; there are no potentially significant off-site or cumulative impacts that were not already evaluated by the ECRSP EIR; and there is no substantial new information resulting in more severe adverse impacts to the environment from significant effects identified in the ECRSP EIR.

Threshold 5.3.7.c: Would the project 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?

Refer to Threshold 5.3.7.a above for a discussion concerning liquefaction and landslides. According to Attachment C, while the project area is prone to strong ground shaking, no other geologic hazards are known or suspected, and planned construction performed in accordance with current design standards and report recommendations for construction would not result in geologic instability within the project area or neighboring properties. Additionally, compliance with applicable CBC regulations, as adopted by reference in SMC Section 16.16.020 and SMC Chapter 18.20.100, would ensure impacts related to unstable geologic units or soils would be less than significant. Thus, there are no impacts that are peculiar to the project or project site; there are no impacts that were not analyzed as significant effects in the ECRSP EIR; there are no potentially significant off-site or cumulative impacts that were not already evaluated by the ECRSP EIR; and there is no substantial new information resulting in more severe adverse impacts to the environment from significant effects identified in the ECRSP EIR.

Threshold 5.3.7.d: Would the project be located on expansive soil, as defined in Section 1803.5.3 of the CBC (2019), creating substantial direct or indirect risks to life or property?

According to the ECRSP EIR, locally expansive soils may occur wherever clayey soils exist. As detailed in Attachment C, the surficial geology of the project site is described as younger stream alluvium, and deposits consist of alluvial gravel, sand, silt, and clay with bedrock located at depth beneath the ground surface. However, numerous controls would be implemented on the proposed project through the City's development review process. Since the project does not require the preparation of a tentative tract map nor parcel map, SMC Chapter 18.20.100, requiring preparation of a preliminary soil report for review by the City Engineer, would not apply to the project.

The CBC and other related construction standards apply seismic requirements and address certain grading activities. The CBC includes common engineering practices requiring special design and construction methods that reduce the potential for impacts related to expansive soils. Project compliance with applicable CBC regulations would ensure the adequate design and construction of building foundations to resist soil movement.

Compliance with the CBC, as adopted by reference in SMC Section 16.16.020, would reduce impacts related to expansive soils to less than significant.

Based on the foregoing analysis, there are no impacts that are peculiar to the project or project site; there are no impacts that were not analyzed as significant effects in the ECRSP EIR; there are no potentially significant off-site or cumulative impacts that were not already evaluated by the ECRSP EIR; and there is no substantial new information resulting in more severe adverse impacts to the environment from significant effects identified in the ECRSP EIR.

Threshold 5.3.7.e: Would the project have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?

The project does not propose the use of septic tanks or alternative wastewater disposal systems. In addition, as an existing car dealership, the project site is already connected to sewer within roadways abutting the project site. Accordingly, no impact associated with septic tanks or alternative wastewater systems would occur with implementation of the proposed project. Therefore, there are no impacts that are peculiar to the project site; there are no direct or cumulatively considerable impacts of the proposed project that were not already evaluated by the ECRSP EIR; and there are no new or more severe impacts to the environment beyond what was previously evaluated and disclosed by the ECRSP EIR.

Threshold 5.3.7.f: Would the project directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?

As discussed in the ECRSP EIR, the ECRSP area is considered sensitive for paleontological resources. Past projects throughout the region have encountered fossilized Rancholabrean-age remains, including mammoth. The project may therefore have the potential to inadvertently destroy or remove such resources through grading, excavation, and/or construction activities. Similarly, construction could affect undiscovered paleontological resources that may be associated with the paleontologically sensitive Pleistocene-age alluvium.

In accordance with General Plan Action LT-1.10f, the City conditions projects to halt all ground-disturbing activities when unusual amounts of shell or bone, isolated artifacts, or other similar features are discovered. If paleontological resources are identified during project-related ground disturbance, ECRSP EIR Mitigation Measure GEO-1 and General Plan Action LT-1.10f would require retention of a paleontologist to determine the significance of the discovery and recommend a course of action. Implementation of ECRSP EIR Mitigation Measure GEO-1 and General Plan Action LT-1.10f would reduce impacts to paleontological resources to less than significant with mitigation incorporated.

Therefore, there are no impacts that are peculiar to the project or project site; there are no impacts that were not analyzed as significant effects in the ECRSP EIR; there are no potentially significant off-site or cumulative impacts that were not already evaluated by the ECRSP EIR; and there is no substantial new information resulting in more severe adverse impacts to the environment from significant effects identified in the ECRSP EIR.

5.3.8 Greenhouse Gas Emissions

ECRSP EIR Findings

The ECRSP EIR made the following findings with respect to Greenhouse Gas Emissions:

- Impact 3.7.1: The proposed ECRSP would not exceed BAAQMD's 2035 efficiency target for metric tons carbon dioxide equivalent ($MTCO_2e$) per service population per year. Therefore, the ECRSP project would not directly or indirectly result in an increase in Greenhouse Gas (GHG) emissions that may have a significant impact on the environment.
- Impact 3.7.2: The proposed ECRSP would not conflict with any applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of GHG.
- Impact 3.7.3: The GHG generated by the proposed ECRSP and other related cumulative projects would not have a significant impact on global climate change.

ECRSP EIR Mitigation Measures

The ECRSP EIR did not identify mitigation measures related to GHG.

Project Analysis

Threshold 5.3.8.a: Would the project generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?

The BAAQMD 2017 CEQA Air Quality Guidelines adopted a GHG thresholds of significance to assist in the review of projects under CEQA. These thresholds were designed to establish the level at which BAAQMD has determined that GHG emissions would cause significant environmental impacts. The bright-line numeric threshold of 1,100 $MTCO_2e$ per year is a numeric emissions level below which a project's contribution to global climate change would be less than "cumulatively considerable". For projects that are above this bright-line cutoff level, emissions from these projects would still be less than cumulatively significant if the project would result in 4.6 $MTCO_2e$ per service population per year or lower for mixed-use projects. If projects as proposed exceed these levels, they would be required to implement mitigation measures to bring them back below the 1,100 $MTCO_2e$ per year bright-line cutoff or within the 4.6 $MTCO_2e$ per service population per year efficiency threshold.

As of April 20, 2022, BAAQMD adopted new thresholds of significance for operational GHG emissions. Per the BAAQMD 2022 Air Quality Guidelines, a project would not contribute to a significant increase in GHG emissions if it either meets California's goal to reduce GHG emissions to 40 percent below 1990 levels by 2030 and be carbon neutral by 2045, or by being consistent with a local GHG reduction strategy. The City has adopted a Climate Action Playbook which is a plan to reduce GHG emissions in the City and expands upon the previously adopted Climate Action Plan (CAP). Additionally, the BAAQMD adopted thresholds of significance for building developments. For new developments to be consistent with the BAAQMD 2022 Air Quality Guidelines, projects must not include natural gas appliances or natural gas plumbing and must not result in inefficient or unnecessary energy usage. As discussed in Table 5.3.8-b, *Project Consistency with Applicable Climate Action Playbook Plays*, the proposed project would be consistent with the City's adopted Climate Action Playbook. Per the City's Reach Code Ordinance, the proposed project would not include natural gas appliances or natural gas plumbing. Additionally, as discussed in Section 5.3.6, *Energy*, the proposed project would not result in any wasteful, inefficient, or unnecessary energy usage.

Project-Related Sources of GHG

Direct project-related GHG emissions include emissions from construction activities, area sources, mobile sources, refrigerants, and stationary sources, while indirect sources include emissions from energy consumption, water demand, and solid waste generation. The most recent version of the CalEEMod, version 2022.1, was used to calculate direct and indirect project-related GHG emissions. As a conservative analysis, the existing condition are not modeled or deducted from the proposed project emissions. Table 5.3.8-a, *Estimated Greenhouse Gas Emissions*, presents the estimated CO_2, N_2O, and CH_4 emissions of the proposed project. CalEEMod outputs are contained within Attachment A, *Air Quality/Greenhouse Gas Emissions/Energy Data*.

Table 5.3.8-a
Estimated Greenhouse Gas Emissions

Source	CO_2	CH_4	N_2O	Refrigerants	CO_2e
	Metric Tons/year[1]				
Direct Emissions					
Area Source	6.02	<0.01	<0.01	0.00	6.03
Mobile Source	743.00	0.03	0.03	1.21	755.00
Refrigerants	0.00	0.00	0.00	0.58	0.58
Stationary Sources	3.27	<0.01	<0.01	0.00	3.28
Total Direct Emissions[2]	***752.29***	***0.03***	***0.03***	***1.79***	***764.89***
Indirect Emissions					
Energy	131.00	0.02	<0.01	0.00	133.00
Solid Waste	37.4	3.74	0.00	0.00	131.00
Water Demand	5.80	0.20	<0.01	0.00	12.30
Total Indirect Emissions[2]	***175.20***	***3.96***	***0.00***	***0.00***	***276.30***
Total Project-Related Emissions[2]	***1,041.19 $MTCO_2e$/year***				
BAAQMD Numerical Thresholds	***1,100 $MTCO_2e$/year***				
Exceed Threshold?	***No***				

Notes:
Carbon dioxide equivalent = CO_2e; metric tons of carbon dioxide equivalent per year = $MTCO_2e$ per year
1. Project emissions were calculated using CalEEMod version 2022.1.
2. Totals may be slightly off due to rounding.

Refer to Attachment A, *Air Quality/Greenhouse Gas Emissions/Energy Data* for detailed model input/output data.

Direct Project-Related Source of GHG

Area Source. Area source emissions were calculated using CalEEMod and project-specific land use data. Project-related area sources include exhaust emissions from landscape maintenance equipment, such as lawnmowers, shedders/grinders, blowers, trimmers, chain saws, and hedge trimmers used to maintain the landscaping of the site. As noted in Table 5.3.8-a, the proposed project would result in 6.03 $MTCO_2e$ per year of area source GHG emissions.

Mobile Source Emissions. According to CalEEMod defaults, the proposed project would generate up to 811 trips on weekdays, 756 trips on Saturday, and 539 trips on Sundays. As such, the project would result in approximately 755.00 $MTCO_2e$ per year of mobile source GHG emissions; refer to Table 5.3.8-a.

Refrigerants. Refrigerants are substances used in equipment for air conditioning and refrigeration. Most of the refrigerants used today are HFCs or blends thereof, which can have high GWP values. All equipment that uses refrigerants has a charge size (i.e., quantity of refrigerant the equipment contains), and an operational refrigerant leak rate, and each refrigerant has a GWP that is specific to that refrigerant. CalEEMod quantifies refrigerant

emissions from leaks during regular operation and routine servicing over the equipment lifetime, and then derives average annual emissions from the lifetime estimate. The proposed project would result in 0.58 $MTCO_2e$ per year of GHG emissions from refrigerants; refer to Table 5.3.8-a.

Stationary Sources. The proposed project includes a diesel emergency generator that would be used during periods of power outages. As a conservative estimate, CalEEMod modelling assumes a usage of eight hours per year. As noted in Table 5.3.8-a, the proposed project would result in 3.28 $MTCO_2e$ per year of stationary source GHG emissions.

Indirect Project-Related Source of GHG

Energy Consumption. Energy consumption emissions were calculated using the CalEEMod model and project-specific land use data. Electricity would be provided to the project site via PG&E. The project would follow the City's Reach Code Ordinance and would not use natural gas on-site. The project would indirectly result in 133.00 $MTCO_2e$ per year of GHG emissions due to energy consumption; refer to Table 5.3.8-a.

Water Demand. The proposed project would utilize approximately 6.49 million gallons of water per year. Emissions from indirect energy impacts due to water supply would result in 12.30 $MTCO_2e$ per year; refer to Table 5.3.8-a.

Solid Waste. Solid waste associated with operations of the proposed project would result in 131.00 $MTCO_2e$ per year of GHG emissions; refer to Table 5.3.8-a.

Total Project-Related Sources of GHG

As shown in Table 5.3.8-a, the total amount of proposed project-related GHG emissions from direct and indirect sources combined would result in 1,041.19 $MTCO_2e$ per year, which does not exceed the BAAQMD GHG bright-line threshold of 1,100 $MTCO_2e$ per year. While the BAAQMD recently updated the thresholds of significance for operational GHG emissions as of April 20, 2022, the ECRSP EIR utilized the 1,100 $MTCO_2e$ per year threshold.[12] In addition, as discussed in Threshold 5.3.8.b, below, the proposed project would be consistent with the BAAQMD 2022 Air Quality Guideline's threshold of significance for operational GHG emissions, if that were applicable to the proposed project. As such, the project would have a less than significant impact regarding GHG emissions. There are no impacts that are peculiar to the project or project site; there are no impacts that were not analyzed as significant effects in the ECRSP EIR; there are no potentially significant off-site or cumulative impacts that were not already evaluated by the ECRSP EIR; and there is no substantial new information resulting in more severe adverse impacts to the environment from significant effects identified in the ECRSP EIR.

Threshold 5.3.8.b: Would the project conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of GHG?

The GHG plan consistency for the project is based on the project's consistency with the Plan Bay Area 2050, the Climate Action Playbook[13], and the 2022 Scoping Plan for Achieving Carbon Neutrality (2022 Scoping Plan).

[12] The EIR was circulated for public review prior to adoption of the new BAAQMD thresholds of significance. In accordance with CEQA Guidelines § 15007(c), "If a document meets the content requirements in effect when the document is sent out for public review, the document shall not need to be revised to conform to any new content requirements in Guideline amendments taking effect before the document is finally approved." Since circulation of an Addendum is not required in accordance with CEQA Guidelines Section 15164, and 1,1000 $MTCO_2e$ was the primary method for analyzing GHG impacts when the previously certified EIR was circulated for public review, an analysis of the new threshold is not required under CEQA.

[13] City of Sunnyvale, *Climate Action Playbook*, https://www.sunnyvale.ca.gov/home/showpublisheddocument/1066/637819912874900000, adopted August 2019.

Consistency with Plan Bay Area 2050

The project is located within a Priority Development Area (PDA) established by Plan Bay Area 2050.[14] The project would support the Plan Bay Area 2050 goal of building compact, high-density, mixed-use developments near transit, which reduces GHG emissions. In addition, the project would comply with Title 24 and CALGreen building standards, which require high efficiency lighting, low flow plumbing fixtures, and electricity from renewable energy sources. As such, the proposed project would support the vision and goals set by the Plan Bay Area 2050.

Consistency with Climate Action Playbook

Regarding the Climate Action Playbook, the project's consistency with relevant plays is shown in Table 5.3.8-b, *Project Consistency with Applicable Climate Action Playbook Plays*. "Plays" are defined by the Climate Action Playbook as areas for action to improve sustainability within the City and contain measurable targets. For each play, "moves" are identified to achieve the play. The moves are primarily to be implemented by the City through policy decisions and are not intended to be implemented by private development. The plays, therefore, are not directly applicable to the proposed project. However, as summarized in Table 5.3.8-b, the project does not prohibit the implementation of plays established in the Climate Action Playbook.

Table 5.3.8-b
Project Consistency with Applicable Climate Action Playbook Plays

Play	Description	Project Consistency Analysis
1.2	Increase local solar photovoltaics	**Consistent**. Per the Playbook, the City is to research a mandatory solar roof ordinance for new commercial developments (Move 1.C). The City's Reach Code Ordinance requiring new construction to install solar panels became effect on January 26, 2021. The proposed project would include 400 square feet reserved for the installation of photovoltaic panels. The City has also adopted an expedited plan review process for solar panel plan checks and permits. As the project would comply with the City's Reach Code Ordinance, the project is consistent with this play.
2.3	Achieve all-electric new construction	**Consistent**. Per the Playbook, the City would achieve this play by evaluating code and permit processes to streamline building electrification (Move 2.E), investigating the use of a differential Utility Use Tax where local taxes on electricity are lower than on natural gas (Move 2.F), and incentivizing energy efficient and high-performance buildings through updates to the Green Building Program. The City's Reach Code Ordinance requiring new construction to only use electric appliances and prohibiting the use of natural gas became effect on January 26, 2021. The City has also adopted an expedited plan review process for permits in compliance with the Reach Code Ordinance. As the project would comply with the City's Reach Code Ordinance, the project is consistent with this play.
3.1	Increase opportunities for and encourage development of mixed-use sites to reduce vehicle miles per person	**Consistent**. Per the Playbook, the City would achieve this play by planning for additional diverse housing to reduce long-distance commutes (Move 3.A) and implementing parking strategies to discourage vehicle use (Move 3.B). The project proposes a senior living facility, a convalescent hospital, and associated commercial uses in a PDA. PDA are places that are located near public transit and are planned for new homes, jobs, and community amenities. Due to the nature of PDAs, jobs and housing would be near each other and would help reduce the overall VMT. The closest bus stop to the project site is the El Camino and Mary bus stop serviced by the Valley Transportation Authority, located approximately 200 feet east of the project site. Therefore, the project would facilitate lower VMT given its proximity

[14] Metropolitan Transportation Commission, *Priority Development Areas (Plan Bay Area 2050*, https://opendata.mtc.ca.gov/datasets/priority-development-areas-plan-bay-area-2050, accessed January 23, 2023.

Play	Description	Project Consistency Analysis
		to transit and other destinations. As such, the project would be consistent with the intent of this play.
3.2	Increase transportation options and support shared mobility	**Consistent**. Per the Playbook, the City would achieve this play by enhancing the implementation of transportation demand management (TDM) programs (Move 3.C), advocating for regional service providers for high quality transit service (Move 3.D), updating the Active Transportation Plan (Move 3.E), piloting shared bicycle and scooter programs (Move 3.F), piloting shuttle service in Peery Park and other areas (Move 3.G), developing design standards for streets and parking lots to accommodate for rideshare services (Move 3.H), and monitoring autonomous vehicle testing and deployment (Move 3.I). The project proposes a senior living facility, a convalescent hospital, and associated commercial uses in a PDA. PDA are places that are located near public transit and are planned for new homes, jobs, and community amenities. The closest bus stop to the project site is the El Camino and Mary bus stop serviced by the Valley Transportation Authority, located approximately 200 feet east of the project site. A Class III Bike Street is available along Olive Avenue immediately north of the project site. There are also continuous sidewalks adjacent to the project on El Camino Real. The project would be consistent with this intent of this play in this regard.
4.1	Achieve zero waste goals for solid waste	**Consistent**. Per the Playbook, the City would achieve this play by implementing and expanding the food scraps diversion programs (Move 4.A), considering improvements to solid waste collection and processing to increase waste diversion (Move 4.B), and implementing campaigns for waste prevention (Move 4.C). The project would comply with AB 341 which requires 75 percent of solid waste generated to be reduced, recycled, or composted. Further, the project would comply with applicable City waste reduction programs. Therefore, the project would be consistent with the intent of this play.
4.2	Ensure resilience of water supply	**Consistent**. Per the Playbook, the City would achieve this play by promoting and seeking incentives for making water conservation a way of life (Move 4.D) and partnering with Valley Water to expand water reuse (Move 4.E). The project would be required to be consistent with General Plan Policy EM-2.1 of lowering overall water demand through water conservation programs and subject to the water-efficiency design, planting, and irrigation requirements in SMC Chapter 19.37. Additionally, the project would incorporate green building measures, including water conservation measures, through compliance with Title 24 and CALGreen. Therefore, the project would be consistent with the intent of this play.
4.3	Enhance natural carbon sequestration capacity	**Consistent**. Per the Playbook, the City would achieve this play by implementing the City's Urban Forest Management Plan and continuing to protect and expand the tree canopy (Move 4.F), as well as implementing the City's Green Stormwater Infrastructure Plan and other regulations to prevent stormwater pollution (Move 4.G). The project would be consistent with the provision of SMC Chapter 19.36.130, *Landscape and open space standards in ECR-C and ECR-MU zoning district*. The proposed area of landscaping for the project site is 23,459.5 square feet. As the total area of the project site is approximately 105,415 square feet, the landscaping area would comprise approximately 23 percent of the site. Landscaping would include a variety of trees, shrubs, and groundcover. The conceptual landscape plan identifies areas of proposed hardscape treatments, as well as the play areas, lawns, and other proposed community amenities. Therefore, the project would be consistent with the intent of this play.
Source: City of Sunnyvale, *Climate Action Playbook*, 2019.		

Consistency with the 2022 CARB Scoping Plan

The 2022 Scoping Plan identifies reduction measures necessary to achieve the goal of carbon neutrality by 2045

or earlier. Actions that reduce GHG emissions are identified for each AB 32 inventory sector. Provided in Table 5.3.8-c, *Consistency with the 2022 Scoping Plan: AB 32 Inventory Sectors*, is an evaluation of applicable reduction actions/strategies by emissions source category to determine how the project would be consistent with or exceed reduction actions/strategies outlined in the 2022 Scoping Plan.

Table 5.3.8-c
Consistency with the 2022 Scoping Plan: AB 32 Inventory Sectors

Actions and Strategies	Project Consistency Analysis
Smart Growth / Vehicles Miles Traveled (VMT)	
Reduce VMT per capita to 25% below 2019 levels by 2030, and 30% below 2019 levels by 2045	**Consistent**. The project would comply with the 2022 Title 24 standards and CALGreen Code, which would promote alternative mode of transportation to reduce VMT. Additionally, the project would be near public transportation stops. As such, the project would be consistent with this action.
New Residential and Commercial Buildings	
All electric appliances beginning 2026 (residential) and 2029 (commercial), contributing to 6 million heat pumps installed statewide by 2030	**Consistent.** The project is required to use all electric appliances per the City's Reach Code Ordinance. Furthermore, the project would install high efficiency lighting and appliances. The project would also include the installation of photovoltaic panels for on-site renewable energy generation. As such, the project would be consistent with this action.
Construction Equipment	
Achieve 25% of energy demand electrified by 2030 and 75% electrified by 2045	**Consistent.** As discussed above, the City's Reach Code Ordinance requiring new construction to only use electric appliances and prohibiting the use of natural gas became effective on January 26, 2021. The project would be required to comply with the City's Reach Code Ordinance. As such, the project would be consistent with this action.
Non-Combustion Methane Emissions	
Divert 75% of organic waste from landfills by 2025	**Consistent**. The project would comply with AB 341 which requires 75 percent of solid waste generated to be reduced, recycled, or composted. Further, the project would comply with applicable City waste reduction programs. Therefore, the project would be consistent with this strategy. As such, the project would be consistent with this action.
Source: California Air Resources Board, *2022 Scoping Plan*, November 16, 2022.	

Conclusion

In summary, the plan consistency analysis provided above demonstrates that the proposed project complies with or exceeds the plans, policies, regulations and GHG reduction actions/strategies outlined in Plan Bay Area 2050, the City's Climate Action Playbook, and the 2022 Scoping Plan. Therefore, the project would not conflict with any applicable plan, policy, or regulation of an agency adopted for the purpose of reducing emissions of GHGs. Thus, the proposed project would not result in significant impacts regarding climate change.

Accordingly, and consistent with the conclusion reached by the ECRSP EIR, implementation of the proposed project would not have significant GHG emissions impacts, conflict or obstruct implementation of Plan Bay Area 2050, Climate Action Playbook Plays, and the 2022 Scoping Plan, and impacts would be less than significant. Therefore, there are no impacts that are peculiar to the project or project site; there are no impacts that were not analyzed as significant effects in the ECRSP EIR; there are no potentially significant off-site or cumulative impacts that were not already evaluated by the ECRSP EIR; and there is no substantial new information resulting in more severe adverse impacts to the environment from significant effects identified in the ECRSP EIR.

5.3.9 Hazards and Hazardous Materials

ECRSP EIR Findings

The ECRSP EIR made the following findings with respect to Hazards and Hazardous Materials:

- Impact 3.8.1: Construction and operations of the proposed ECRSP project could involve the transport, use, and/or disposal of hazardous materials; however, compliance with existing local, State, and Federal regulations would reduce impacts toto less than significant.
- Impact 3.8.2: The ECRSP would not create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment because development in the ECRSP area would adhere to existing local, State, and Federal regulations. Therefore, the impact would be less than significant.
- Impact 3.8.3: Development pursuant to the ECRSP may emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school. However, compliance with State and local program guidance and City regulations related to demolition and pre-construction activities would reduce this impact to less than significant.
- Impact 3.8.4: A search of the Department of Toxic Substances Control (DTSC) and State Water Resources Control Board (SWRCB) websites determined that no properties in the ECRSP area are located on the Cortese List of hazardous materials release sites. However, as provided for in Mitigation Measure HAZ-1, future implementing projects are required to conduct site-specific testing for hazardous materials, along with a certified Phase I Environmental Site Assessment (ESA), to determine the presence of toxic substances. A Phase II ESA may also be required depending on the results of the Phase I ESA. Additionally, future implementing projects would be required to comply with Federal, State, and local policies regarding the handling and disposal of hazardous materials. Therefore, impacts would be reduced to a less than significant level with mitigation incorporated.
- Impact 3.8.5: The nearest airport to the ECRSP area is Moffett Federal Airfield located approximately 2.5 miles to the north. While a short segment of the western portion of El Camino Real is included in the Moffett Federal Airfield Airport Influence Area (AIA), the ECRSP area is not located within the noise, safety, or height restriction zones delineated in the Comprehensive Land Use Plan for Moffett Federal Airfield and has no heliports listed by the Federal Aviation Administration (FAA)[15]. However, future development projects in the ECRSP area that fall within the AIA boundaries would require review by FAA and the Airport Land Use Commission. Therefore, with implementation of Mitigation Measures HAZ-2 and HAZ-3, future development projects in the ECRSP area that are within the AIA boundaries would not result in a significant safety hazard to airport operations by obtaining a "Determination of No Hazard" or "Determination of No Hazard with Conditions" (and complying with any conditions set forth by the FAA in its determination) to ensure the development (including construction equipment) would not result in an aviation hazard. Impacts would be reduced to a less than significant level.
- Impact 3.8.6: Because future projects in the ECRSP area would comply with countywide emergency response programs, the ECRSP project would not impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan. Therefore, a less than significant impact would occur.
- Impact 3.8.7: The ECRSP project would not expose people or structures, either directly or indirectly, to a significant risk of loss, injury, or death involving wildland fires because the ECRSP area is a highly

[15] Santa Clara County Airport Land Use Commission, *Comprehensive Land Use Plan, Santa Clara County, Moffett Federal Airfield*, 2012.

developed urban area that is not adjacent to large open spaces that may be susceptible to the risk of wildfire. A less than significant impact would occur.

- Impact 3.8.8: The ECRSP project would not result in cumulative impacts to hazards and hazardous materials with implementation of ECRSP EIR Mitigation Measures HAZ-1, HAZ-2, and HAZ-3. Cumulative impacts would be reduced to a less than significant level.

ECRSP EIR Mitigation Measures

HAZ-1 The City shall require that a Phase I ESA is prepared and submitted with any application for new development or redevelopment within the adopted project boundary. The Phase I ESA shall be prepared by a qualified professional registered in California and in accordance with ASTM E1527-13 (or the most current version at the time a development application is submitted for the project).

If determined necessary by the Phase I ESA, a Phase II ESA shall be conducted to determine the lateral and vertical extent of soil, groundwater, and/or soil vapor contamination, as recommended by the Phase I ESA.

The City shall not issue a building permit for a site where contamination has been identified until remediation or effective site management controls appropriate for the use of the site have been completed, consistent with applicable regulations and to the satisfaction of the City of Sunnyvale, DTSC, or San Francisco Bay RWQCB (as appropriate) before initiation of construction activities. Deed restrictions, if appropriate, shall be recorded. If temporary dewatering is required during construction or if permanent dewatering is required for subterranean features, the City shall not issue an improvement permit or building permit until documentation has been provided to the City that the San Francisco Bay RWQCB has approved the discharge to the sewer. Discharge of any groundwater removed from a construction site within the adopted project and to the El Camino Storm Drain Channel, Calabazas Creek, or storm drain shall be subject to Water Pollution Control Permit requirements.

If the Phase I ESA determines there are no RECs, no further action is required. However, the City shall ensure any grading or improvement plan or building permit includes a statement if hazardous materials contamination is discovered or suspected during construction activity, all work shall stop immediately until a qualified professional has determined an appropriate course of action.

HAZ-2 Prior to the issuance of a building permit for above ground construction of future projects in the ECRSP area, if proposed structures exceed the FAA Part 77 Surface, the project applicant shall submit an FAA Form 7460-1 for the permanent structure prior to submittal for the temporary construction equipment (outlined in Mitigation Measure HAZ-3 below). A "Determination of No Hazard" or "Determination of No Hazard with Conditions" shall be obtained prior to permit issuance for any above ground improvements. If a "Determination of No Hazard with Conditions" is issued, the conditions shall be included on the approved plan set and implemented.

HAZ-3 Prior to the issuance of a building permit, if construction equipment has the potential to exceed the FAA Part 77 Surface, the project applicant shall submit an FAA Form 7460-1, "Notice of Proposed Construction or Alteration" to the FAA at least 45 days (60 to 90 days recommended) prior to construction of the project, which shall specify the equipment type (e.g., crane) and

duration to be used. An Aeronautical Study Number for the permanent structure shall be included in the submittal form. A "Determination of No Hazard" or "Determination of No Hazard with Conditions" shall be obtained prior to permit issuance for above ground activities. If a "Determination of No Hazard with Conditions" is issued, all conditions shall be included on the approved plan set and implemented.

Project Analysis

In order to evaluate the project's potential to result in impacts regarding hazards and hazardous materials, a site-specific Phase I ESA and Phase II Subsurface Investigation Report were prepared for the existing automobile dealership and paved parking lot in 2021. The *Phase I Environmental Site Assessment, Lot 9 Bay Area Auto Imports, 1027-1035 West El Camino Real, Sunnyvale, California* (Phase I ESA), dated October 18, 2021, was prepared by Partner Engineering and Science, Inc. The Phase I ESA is included as Attachment D of this report.

The *Phase II Subsurface Investigation Report, Lot 9 Bay Area Auto Imports, 1027-1035 West El Camino Real, Sunnyvale, California* (Phase II Subsurface Investigation Report), dated December 17, 2021, was prepared by Partner Engineering and Science, Inc. The Phase II ESA is included as Attachment E of this report.

Threshold 5.3.9.a: Would the project create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?

Exposure of the public or the environment to hazardous materials could occur through improper handling or use of hazardous materials or hazardous wastes particularly by untrained personnel, a transportation accident, environmentally unsound disposal methods, or fire, explosion, or other emergencies. The severity of potential effects varies with the activity conducted, the concentration and type of hazardous material or wastes present, and the proximity of sensitive receptors. As detailed in Attachment D, sensitive receptors include single-family residences to the north across West Olive Avenue; Larry Hopkins Honda to the south across West El Camino Real; Pezzella's Villa Restaurant and multi-family residential adjacent to the east; and Naya Apartments and Palo Alto Medical Foundation and the Vision Care Center adjacent to the west.

The proposed project would result in increased transport, use, storage, and disposal of hazardous materials in the project area, which could expose construction workers and the public to temporary hazards related to the transport, use, and maintenance of construction equipment and/or materials (i.e., oil, diesel fuel, and transmission fluids). These activities would be short-term in nature, and the materials used would not be in such quantities or stored in such a manner as to pose a significant safety hazard. Construction activities associated with the project would demonstrate compliance with the applicable laws and regulations at the federal, State, and local level governing the use, storage, and transportation of hazardous materials. Federal laws mandated by EPA, the Occupational Safety and Health Administration (OSHA), and the Department of Transportation (DOT) that are relevant to the ECRSP area include the Resources Conservation and Recovery Act, the Hazardous and Solid Waste Amendments Act, and the Toxic Substances Control Act, which address hazardous materials and wastes; and the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA). Additionally, the project would comply with regulations set forth at the state and local levels via the California Environmental Protection Agency (CalEPA) and the Sunnyvale Department of Public Safety. CalEPA serves as an umbrella agency under which subordinate agencies operate to regulate hazardous waste management, including ensuring that all potentially hazardous materials are used and handled in an appropriate manner. Such agencies include DTSC, CARB, the Department of Pesticide Regulation, CalRecycle, the Office of Environmental Health Hazard Assessment, and the SWRCB. Under CalEPA, these agencies coordinate with the City of Sunnyvale Department of Public Safety to implement and ensure compliance with AB 2286, passed in 2013, which requires all businesses handling regulated quantities of hazardous material to electronically report hazardous materials

inventories and compliance inspection data to the State. As applicable, the project would be required to comply with the above regulations pertaining to hazardous material transport, use, and disposal. Therefore, impacts concerning the routine transport, use, or disposal of hazardous materials during project construction would be less than significant.

Hazardous materials are not typically associated with commercial and residential uses; however, the proposed Convalescent Hospital could use potentially hazardous medical supplies/waste. Anticipated hazardous materials used may include sharps, medical supplies and waste, minor cleaning products, pool chemicals, and the occasional use of pesticides and herbicides for landscape maintenance. Compliance with applicable laws and regulations governing the use, storage, and transportation of hazardous materials would ensure that all potentially hazardous materials are used and handled in an appropriate manner and would minimize the potential for safety impacts to occur. As such, impacts concerning the routine transport, use, or disposal of hazardous materials during project operations would be less than significant.

As described above, the project would result in less than significant impacts with implementation of mandatory rules and regulations related to the routine transport, use, or disposal of hazardous materials. Therefore, there are no impacts that are peculiar to the project or project site; there are no impacts that were not analyzed as significant effects in the ECRSP EIR; there are no potentially significant off-site or cumulative impacts that were not already evaluated by the ECRSP EIR; and there is no substantial new information resulting in more severe adverse impacts to the environment from significant effects identified in the ECRSP EIR.

Threshold 5.3.9.b: Would the project create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?

One of the means through which human exposure to hazardous substances could occur is through accidental release. Incidents that result in an accidental release of hazardous substance into the environment can cause contamination of soil, surface water, and groundwater, in addition to any asbestos disturbance or toxic fumes that might be generated. If not cleaned up immediately and completely, the hazardous substances can migrate into the soil or enter a local stream or channel causing contamination of soil and water. Human exposure toto contaminated soil, soil vapor, asbestos, or water can have potential health effects dependent on a variety of factors, including the nature of the contaminant and the degree of exposure.

Construction

During project construction, there is a possibility of accidental release of hazardous substances such as petroleum-based fuels or hydraulic fluids used for construction equipment. The level of risk associated with the accidental release of hazardous substances is not considered significant due to the small volume and low concentration of hazardous materials utilized during construction. As required by various State laws, the construction contractor is required to use standard construction controls and safety procedures that would avoid and minimize the potential for accidental release of such substances into the environment. Standard construction practices would be observed such that any materials released are appropriately contained and remediated as required by local, State, and Federal law.

Furthermore, construction and demolition activities have the potential to release asbestos-containing building materials and lead-based paint. BAAQMD Regulation 11, Rule 2, *Asbestos Demolition, Renovation and Manufacturing*, establishes emissions control of asbestos in the atmosphere during demolition, renovation, and manufacturing, as well as appropriate waste disposal procedures. The BAAQMD and Cal/OSHA are the agencies with primary responsibility for enforcement of asbestos regulations. Per Cal/OSHA, any material containing more than 0.1 percent asbestos by weight must be handled by a qualified contractor licensed to handle asbestos

materials. The project would comply with these regulations such that potential hazards imposed by asbestos-containing building materials would be avoided.

Construction activities could also result in accidental conditions involving existing on-site contamination. Based on Attachment D, the project site has been used as a car sales lot for approximately 50 years, which is considered a recognized environmental condition (REC) due to the typical inclusion of hazardous materials and petroleum projects in the operational activities of such uses. The Phase I ESA found the following RECs in connection with the project site:

- The project site was identified in the regulatory database for generating liquids containing halogenated organic compounds as early as 1998.

- Cracks in paved surfaces were observed on-site during the assessment, which have the potential to act as a conduit to the subsurface of the project site.

According to Attachment D, the observed conditions and historic use of the site coupled with the proposed use of the project site presents a significant environmental concern, and a Phase II Subsurface Investigation (included as Attachment E) was conducted to determine the presence or absence of soil, soil gas, and/or groundwater contamination. The secondary investigation found that none of the analyzed soil samples contained detectable total petroleum hydrocarbons (TPH-cc) nor volatile organic compounds (VOCs) above regulatory screening criteria, and no groundwater was encountered during the assessment. However, benzene was detected in one of the analyzed soil gas samples, ethylbenzene was detected in three of the analyzed soil gas samples, and 1,1,2,2-tetrachloroethane was detected in one of the analyzed soil gas samples, all at concentrations exceeding regulatory screening criteria. No other VOCs were detected in the analyzed soil gas samples at concentrations exceeding regulatory screening criteria.

The Phase II Subsurface Investigation concluded that while it is unlikely that soil gas findings would impact the current automotive occupants of the site, additional evaluation of the potential vapor intrusion, its extent, and source are recommended should on-site operations change in the future. In accordance with ECRSP EIR Mitigation Measure HAZ-1, the City would not issue a building permit for the site if contamination has been identified until remediation or effective site management controls appropriate for the use of the site have been completed, consistent with applicable regulations and to the satisfaction of the City of Sunnyvale, DTSC, or San Francisco Bay RWQCB (as appropriate) before initiation of construction activities. As such, in conformance with ECRSP EIR Mitigation Measure HAZ-1, PDF-1 is proposed to require the project Applicant to retain a qualified Phase II/Site Characterization Specialist to conduct verification soil and soil gas sampling to ensure contamination is below the screening values for protection of construction workers and the project's proposed uses (Senior Living Facility and Convalescent Hospital) published by CalEPA.

PDF-1 Prior to issuance of a grading permit, the Applicant shall retain a qualified Phase II/Site Characterization Specialist to conduct verification soil and soil gas sampling to ensure contamination is below the screening values for protection of construction workers and the project's proposed uses (Senior Living Housing and Convalescent Hospital) published by CalEPA. Should any samples determine that residual contamination in either soil or soil gas present a risk to construction workers during site disturbance activities and/or project residents, patients, and employees during operations, the Phase II/Site Characterization Specialist shall determine next steps for site remediation, including preparation of a Construction Contingency Plan, submitted to the City of Sunnyvale Community Development Department Building Safety Division, prior to issuance of a grading permit.

At a minimum, the Construction Contingency Plan shall include guidance for handling, segregating, and characterizing potentially contaminated soil generated during grading activities in order to minimize impacts to worker safety and the environment. The Plan shall also identify that the Contractor must verify that all exported soils, if any, are not contaminated with hazardous materials above regulatory thresholds in consultation with the Specialist. If export soils are determined to be contaminated above regulatory thresholds, the Specialist shall recommend proper handling, use, and/or disposal of these soils.

With implementation of PDF-1, as well as compliance with existing regulations at the federal, State, and local levels and the hazardous material measures previously analyzed in the ECRSP EIR, impacts pertaining to the potential for accidental releases during construction would remain less than significant.

Operations

Refer to Threshold 5.3.9.a. for a description of impacts related to project operations. In conformance with ECRSP EIR Mitigation Measure HAZ-1, PDF-1 is proposed to require the project Applicant to retain a qualified Phase II/Site Characterization Specialist to conduct verification soil and soil gas sampling to ensure contamination is below the screening values for protection of the project's proposed uses (Senior Living Facility and Convalescent Hospital) published by CalEPA.

Upon adherence to existing regulations related to hazards and hazardous materials safety, as well as PDF-1, impacts pertaining to the potential for accidental releases during project operations would be less than significant. Therefore, there are no impacts that are peculiar to the project or project site; there are no impacts that were not analyzed as significant effects in the ECRSP EIR; there are no potentially significant off-site or cumulative impacts that were not already evaluated by the ECRSP EIR; and there is no substantial new information resulting in more severe adverse impacts to the environment from significant effects identified in the ECRSP EIR.

Threshold 5.3.9.c: Would the project emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?

One school – Sunnyvale Christian School – is located within 0.25-mile of the project site at 445 South Mary Avenue. As described above, compliance with applicable laws and regulations, mitigation measures, and PDF-1 related to the use, storage, and transportation of hazardous materials would ensure that all potentially hazardous materials are used and handled in an appropriate manner and would minimize the potential for safety impacts to occur. As such, impacts concerning the emission or handling of hazardous materials, substance, or waste within 0.25-mile of a school would be less than significant. Therefore, there are no impacts that are peculiar to the project or project site; there are no impacts that were not analyzed as significant effects in the ECRSP EIR; there are no potentially significant off-site or cumulative impacts that were not already evaluated by the ECRSP EIR; and there is no substantial new information resulting in more severe adverse impacts to the environment from significant effects identified in the ECRSP EIR.

Threshold 5.3.9.d: Would the project 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?

Government Code Section 65962.5 requires the DTSC and SWRCB to compile and update a regulatory sites list (pursuant to the criteria of the Section). The California Department of Health Services is also required to compile and update, as appropriate, a list of all public drinking water wells that contain detectable levels of organic contaminants and that are subject to water analysis pursuant to Health and Safety Code Section 116395.

Government Code Section 65962.5 requires the local enforcement agency, as designated pursuant to Section 18051 of Title 14 of the CCR, to compile, as appropriate, a list of all solid waste disposal facilities from which there is a known migration of hazardous waste.

Partner Engineering conducted a Phase I ESA on the site on October 18, 2021, included as Attachment D. The Phase I ESA included a review of available records from Environmental Data Resources Inc. (EDR) and determined that the project site is not listed as a HAZNET site in the DTSC database. However, based on Partner's observations and a review of available records, the project site was identified in the regulatory database as generating 0.417 tons of liquids containing halogenated organic compounds as early as 1998. The Phase I ESA also found evidence of cracks in existing paved surfaces, which have the potential to act as a conduit to the subsurface of the subject property. Given that the project site has been developed as a used car sales lot for approximately 50 years, and operations associated with used car sales typically include the use of hazardous materials and petroleum products, Partner concluded that a Phase II ESA should be conducted in order to determine the presence or absence of soil, soil gas, and/or groundwater contamination. The Phase II ESA was performed in accordance with Government Code Section 65962.5.

As discussed in Threshold 5.3.9.b, a Phase II Subsurface Investigation (included as Attachment E) was conducted to determine the presence or absence of soil, soil gas and/or groundwater contamination at the project site due to the length of auto sales and service operations occurring on-site-site. The secondary investigation found that none of the analyzed soil samples contained detectable TPH-cc nor VOCs above regulatory screening criteria. Benzene was detected in one of the analyzed soil gas samples (B2-SG), ethylbenzene was detected in three of the analyzed soil gas samples (B2-SG, B3-SG, and B5-SG), and 1,1,2,2-tetrachloroethane was detected in one of the analyzed soil gas samples (B1-SG) at concentrations exceeding regulatory screening criteria. No other VOCs were detected in the analyzed soil gas samples at concentrations exceeding regulatory screening criteria. Additionally, no groundwater was encountered during the assessment. The Phase II Subsurface Investigation concluded that while it is unlikely that soil gas findings would impact the current automotive occupants of the site, additional evaluation of the potential vapor intrusion, its extent, and source are recommended should on-site operations change in the future.

In conformance with ECRSP EIR Mitigation Measure HAZ-1, PDF-1 is proposed to require the project Applicant to retain a qualified Phase II/Site Characterization Specialist to conduct verification soil and soil gas sampling to ensure contamination is below the screening values for protection of construction workers and the project's proposed uses (Senior Living Facility and Convalescent Hospital) published by CalEPA. With implementation of PDF-1, as well as compliance with existing regulations at the federal, State, and local levels and the hazardous material measures previously analyzed in the ECRSP EIR, impacts pertaining to the site's inclusion on a list of hazardous materials sites would remain less than significant. Therefore, there are no impacts that are peculiar to the project or project site; there are no impacts that were not analyzed as significant effects in the ECRSP EIR; there are no potentially significant off-site or cumulative impacts that were not already evaluated by the ECRSP EIR; and there is no substantial new information resulting in more severe adverse impacts to the environment from significant effects identified in the ECRSP EIR.

Threshold 5.3.9.e: For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area?

The project site is located approximately 2.5 miles north of the Moffett Federal Airfield. According to the *Comprehensive Land Use Plan Santa Clara County – Moffett Federal Airfield* adopted by the Santa Clara County ALUC on November 2, 2012 (amended December 19, 2018), the site is located outside of the Moffett Federal

Airfield AIA, and also is not within the airport's noise contours, safety zones, or airspace protection zones. As such, the project would not result in a safety hazard or excessive noise for people residing or working in the project area as a result of operations at the Moffett Federal Airfield, and impacts would be less than significant.

Therefore, there are no impacts that are peculiar to the project or project site; there are no impacts that were not analyzed as significant effects in the ECRSP EIR; there are no potentially significant off-site or cumulative impacts that were not already evaluated by the ECRSP EIR; and there is no substantial new information resulting in more severe adverse impacts to the environment from significant effects identified in the ECRSP EIR.

Threshold 5.3.9.f: Would the project impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?

Consistent with the findings of the ECRSP EIR, the proposed project would result in construction activities that could temporarily affect roadways as a result of lane closures or narrowing for roadway and/or utility improvements. This could affect emergency response times or evacuation routes. The project would also increase the number of people who may need to evacuate the project area in the event of an emergency. All internal roadways would be constructed based on industry and City design standards. The project also complies with the Fire Department requirements pertaining to access/egress to ensure adequate emergency access.

The City's *Local Hazard Mitigation Plan* (LHMP) (prepared as an annex to the *Santa Clara County Local Hazard Mitigation Plan* in June 2012) includes measures to ensure coordinated activities between municipalities in the event of an emergency. For example, the hazard mitigation plan includes measures to continually assess emergency response operations, gather data regarding hazards in the City to enhance emergency response plans, and continue local mutual aid agreements for emergency response with other jurisdictions. Additionally, the City maintains an Emergency Preparedness Advisory Commission and operates a Community Emergency Response Team to educate and prepare the public to respond and survive in case of natural or man-made disasters. The Sunnyvale LHMP Annex summarizes emergency response functions in the City's Emergency Management Organization (EMO).

During project construction and operation, implementation of City emergency response plans would not be impaired and emergency access throughout the project site would be adequately provided. The site is accessible from the existing area transportation network and is proposed to be compatible with future expansion plans on area roadways.

Therefore, impacts would be less than significant. There are no impacts that are peculiar to the project or project site; there are no impacts that were not analyzed as significant effects in the ECRSP EIR; there are no potentially significant off-site or cumulative impacts that were not already evaluated by the ECRSP EIR; and there is no substantial new information resulting in more severe adverse impacts to the environment from significant effects identified in the ECRSP EIR.

Threshold 5.3.9.g: Would the project expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?

The project site is located within a highly developed urban area that is not adjacent to large open spaces that may be susceptible to the risk of wildfire. According to the Santa Clara County Fire Hazard Severity Zones Map, Sunnyvale is not located within a State Responsibility Area (SRA) for wildfires because the risk of wildfires is deemed low due to the urbanized setting of the City. These findings are consistent with the California Department of Forestry and Fire Protection's Very High Fire Hazard Severity Zone Map, which does not map the project site

as within a very high fire hazard severity zone under local or State responsibility.[16] The project site consists of, and is surrounded by, urban/developed land and no areas of wildland are present in the project vicinity. Therefore, the project would not expose people or structures to a significant risk involving wildland fires, and no impacts would occur in this regard. Therefore, there are no impacts that are peculiar to the project or project site; there are no impacts that were not analyzed as significant effects in the ECRSP EIR; there are no potentially significant off-site or cumulative impacts that were not already evaluated by the ECRSP EIR; and there is no substantial new information resulting in more severe adverse impacts to the environment from significant effects identified in the ECRSP EIR.

[16] California Department of Forestry and Fire Protection, Very High Fire Hazard Severity Zones in LRA (map), As Recommended by CALFIRE, December 2009. https://egis.fire.ca.gov/FHSZ/, Accessed November 11, 2023.

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5.3.10 Hydrology and Water Quality

ECRSP EIR Findings

The ECRSP EIR made the following findings with respect to Hydrology and Water Quality:

- Impact 3.9.1: Development pursuant to the ECRSP would not violate water quality standards or waste discharge requirements or otherwise substantially degrade surface or groundwater quality following compliance with applicable regulations and ordinances. Impacts would be less than significant.
- Impact 3.9.2: Development pursuant to the ECRSP would not substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the ECRSP project would impede sustainable groundwater management of the basin. Impacts would be less than significant.
- Impact 3.9.3: Development pursuant to the ECRSP would not substantially alter the existing drainage pattern of the site or area. Specifically, the ECRSP would generally involve comparable amounts of impervious surfaces as compared to existing conditions, and developments in the ECRSP area would comply with State, Federal, and local requirements intended to reduce stormwater runoff impacts. Therefore, the ECRSP project would not result in substantial erosion or siltation on- or off-site; substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site; create or contribute runoff water that would exceed the capacity of storm drain systems or provide substantial additional sources of polluted runoff; or impede or redirect flood flows. Impacts would be less than significant.
- Impact 3.9.4: The proposed ECRSP project would not risk the release of pollutants due to inundation in hazard zones, tsunami, or seiche zones because mudflow impacts would not occur, there are no bodies of water near the ECRSP area that would be subject to seiches or tsunamis, and future development would be required to comply with flood hazard development regulations and requirements. Impacts would be less than significant.
- Impact 3.9.5: Buildout of the ECRSP would not obstruct or conflict with the implementation of a water quality control plan or sustainable groundwater management plan. Impacts would be less than significant.

ECRSP EIR Mitigation Measures

The ECRSP EIR did not identify mitigation measures related to hydrology and water quality.

Project Analysis

Threshold 5.3.10.a: Would the project violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or groundwater quality?

As part of Section 402 of the Clean Water Act, the EPA established regulations under the NPDES program to control direct stormwater discharge. In California, the SWRCB administers the General Construction Permit under the NPDES permitting program and is responsible for developing NPDES permitting requirements. The SWRCB works in coordination with the Regional Water Quality Control Boards (RWQCBs) to preserve, protect, enhance, and restore water quality. The City lies within the San Francisco Bay RWQCB.

Construction

Typical construction activities would require the use of gasoline- and diesel-powered heavy equipment, such as backhoes, water pumps, bulldozers, and air compressors. Chemicals such as gasoline, diesel fuel, lubricating oil, hydraulic oil, lubricating grease, automatic transmission fluid, paints, solvents, glues, and other substances

would also likely be used during construction. An accidental release of any of these substances could degrade surface water runoff quality and contribute additional sources of pollution to the existing drainage system. Therefore, small quantities of pollutants have the potential to enter the storm drainage system during project construction and degrade water quality. In general, construction-related impacts to water quality could occur in the following periods of activity:

- During the earthwork and construction phase, when the potential for erosion, siltation, and sedimentation would be the greatest; and

- Following construction, before the establishment of ground cover, when the erosion potential may remain relatively high.

Because development of the project would disturb more than one acre of soil, construction activities would be required to obtain coverage under the NPDES General Permit for Stormwater Discharges Associated with Construction and Land Disturbance Activities (and all subsequent revisions and amendments). To demonstrate compliance with NPDES requirements, a Notice of Intent must be prepared and submitted to the SWRCB, providing notification and intent to comply with the Construction General Permit. The Construction General Permit also requires that non-stormwater discharges from construction sites be eliminated or reduced to the maximum extent practicable, a SWPPP that governs construction activities for the project be developed, and routine inspections be performed of all stormwater pollution prevention measures and control practices being used at the site, including inspections before and after storm events. Permittees must verify compliance with permit requirements by monitoring their effluent, maintaining records, and filing periodic reports.

The SWPPP would include a site map showing the construction site perimeter, proposed buildings, lots, roadways, stormwater collection and discharge points, general topography both before and after construction, and drainage patterns. The SWPPP would identify the BMPs that would be used to protect stormwater runoff and the placement of those BMPs. The SWPPP would also identify a visual monitoring program, a chemical monitoring program for "nonvisible" pollutants to be implemented if there is a failure of BMPs. Upon completion of construction, a Notice of Termination would be submitted to the SWRCB to indicate that construction has been completed.

Pursuant to SMC Chapter 12.60, all construction work in the City is regulated by the SWRCB in a manner pursuant to and consistent with applicable requirements contained in the General Permit No. CAS000002, SWRCB Order Number 2009-0009-DWQ. Thus, compliance with NPDES requirements would reduce short-term construction-related impacts to water quality to a less than significant level.

Operation

The project site would redevelop an existing car dealership and paved parking lot with a senior living facility and convalescent hospital. As such, project implementation would not increase hardscapes as compared to existing conditions. Compliance with the State General Construction Activity Storm Water Permit requirements, SMC Chapter 12.60, and the SCVWD *Urban Runoff Pollution Prevention Program* (2018) would reduce surface water quality impacts associated with implementation of the project to a less than significant level. Impacts are avoided by using effective construction phase, source control, and treatment control BMPs that include site preparation, runoff control, sediment retention, landscaping, roadwork and paving methods, and dewatering activities, among other features. The effectiveness of BMPs is recognized in the California Stormwater Quality Association's *Stormwater Best Management Practice Handbook*.

In accordance with Municipal Regional Stormwater Permit Provision C.3, a Stormwater Management Plan (SWMP) was prepared for the project; refer to Attachment F*, Stormwater Management Plan Data Form*, which

requires all projects, whether commercial, residential, or industrial that create and/or replace 5,000 square feet or more of impervious surface area to implement stormwater treatment measures, site design measures (e.g., LID), and source control measures. The form recommends the implementation of flow-through planters as a Stormwater Treatment Measure (STM), and regular maintenance (including street sweeping and catch basin cleaning) as a Specific Stormwater Control Measure. Compliance with these measures would ensure that operational impacts to runoff and surface and groundwater quality would be less than significant.

Thus, there are no impacts that are peculiar to the project or project site; there are no impacts that were not analyzed as significant effects in the ECRSP EIR; there are no potentially significant off-site or cumulative impacts that were not already evaluated by the ECRSP EIR; and there is no substantial new information resulting in more severe adverse impacts to the environment from significant effects identified in the ECRSP EIR.

Threshold 5.3.10.b: Would the project substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?

According to the ECRSP EIR, the project site overlies the Santa Clara Subbasin, which is a part of the larger Santa Clara Valley – Santa Clara Subbasin, and is currently developed/disturbed and largely covered with impervious surfaces. According to the California Department of Water Resources, the Basin is identified as a "High" priority basin. SCVWD manages the Santa Clara Subbasin through its Groundwater Management Plan, which sets forth basin management goals and objectives and describes how the Subbasin is managed. The Groundwater Management Plan's goals include: 1) manage groundwater supplies to optimize water supply reliability and minimize land subsidence; and 2) protect groundwater from contamination, including saltwater intrusion.

The project site, like the rest of the ECRSP area, is not located within a local groundwater recharge area and no groundwater extraction would occur as part of the project. As described in the ECRSP EIR, the ECRSP area is underlain by soils with low percolation rates. Therefore, the effect on groundwater recharge would be less than significant. Implementation of the project would not result in the need for new or additional groundwater supplies. Thus, project implementation would not result in any groundwater extraction or depletion of groundwater supplies, and is not anticipated to interfere with implementation of SCVWD's Groundwater Management Plan. Impacts would be less than significant.

Based on the foregoing analysis, there are no impacts that are peculiar to the project or project site; there are no impacts that were not analyzed as significant effects in the ECRSP EIR; there are no potentially significant off-site or cumulative impacts that were not already evaluated by the ECRSP EIR; and there is no substantial new information resulting in more severe adverse impacts to the environment from significant effects identified in the ECRSP EIR.

Threshold 5.3.10.c: Would the project substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:

i) result in substantial erosion or siltation on- or off-site;

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

iii) create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or

iv) impede or redirect flood flows?

Refer to Threshold 5.3.10.a. Under existing conditions, the project site is fully developed with an auto dealership and paved parking lot and does not include exposed soils. Proposed grading activities associated with the project would temporarily expose soils to water and air, which would increase erosion susceptibility while the soils are exposed. Exposed soils would be subject to erosion during rainfall events or high winds due to the removal off stabilizing vegetation and exposure of these erodible materials to wind and water. Erosion by water would be greatest during the first rainy season after grading and before the project's structure foundations are established and paving and landscaping occur. Erosion by wind would be highest during period of high wind speeds when soils are exposed.

Consistent with the findings of the ECRSP EIR, compliance with the NPDES, SMC, and Stormwater Quality BMP Guidance Manual requirements would ensure that water and wind erosion impacts during construction would be less than significant. Following construction, wind and water erosion on the project site would be minimized, as the areas disturbed during construction would be landscaped or covered with impervious surfaces. Operational impacts would be reduced through compliance with the State General Construction Activity Storm Water Permit requirements, SMC Chapter 12.60, and the SCVWD *Urban Runoff Pollution Prevention Program* (2018). As such, impacts due to soil erosion and the loss of topsoil during long-term operation would be less than significant.

Consistent with the findings of the ECRSP EIR, the project would not significantly increase impervious surfaces relative to baseline conditions. Furthermore, the project would comply with State, Federal, and local requirements intended to reduce stormwater runoff impacts. Therefore, the project would not substantially create or contribute to an increase in the rate or amount of runoff.

Based on a review of the Federal Emergency Management Agency (FEMA) National Flood Hazard Layer flood zone map, the project site is not mapped as a flood hazard area.[17] The project is not anticipated to impede or redirect flood flows in this regard

Based on the foregoing analysis, the proposed project would not substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would: result in substantial erosion or siltation on- or off-site; substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site; create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or impede or redirect flood flows. Compliance with State, Federal, and local requirements ensure that impacts would be less than significant. Therefore, there are no impacts that are peculiar to the project or project site; there are no impacts that were not analyzed as significant effects in the ECRSP EIR; there are no potentially significant off-site or cumulative impacts that were not already evaluated by the ECRSP EIR; and there is no substantial new information resulting in more severe adverse impacts to the environment from significant effects identified in the ECRSP EIR.

Threshold 5.3.10.d: In flood hazard, tsunami, or seiche zones, would the project risk release of pollutants due to project inundation?

Based on a review of the FEMA National Flood Hazard Layer flood zone map, the project site is not mapped as

[17] Federal Emergency Management Agency, FEMA Flood Map Service Center: Search By Address, https://msc.fema.gov/portal/search?AddressQuery=1124%20w%20el%20camino%20real%2C%20sunnyvale%2C%20ca, accessed October 8, 2023.

a flood hazard area.[18] There are no large bodies of water within the project vicinity that are capable of producing a seiche; thus, the project is not subject to seiche hazards. The project site is located approximately four miles southwest of the San Francisco Bay, indicating that the project site is not subject to inundation associated with tsunamis. Accordingly, the project would not risk release of pollutants due to project inundation as a result of floods, tsunamis, or seiches, and no impact would occur. Therefore, there are no impacts that are peculiar to the project or project site; there are no impacts that were not analyzed as significant effects in the ECRSP EIR; there are no potentially significant off-site or cumulative impacts that were not already evaluated by the ECRSP EIR; and there is no substantial new information resulting in more severe adverse impacts to the environment from significant effects identified in the ECRSP EIR.

Threshold 5.3.10.e: Would the project conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?

Refer to Threshold 5.3.10.b for a discussion concerning the project's potential to conflict with or obstruct implementation of SCVWD's *Groundwater Management Plan*. As discussed, the project is located within the jurisdiction of the San Francisco Bay RWQCB. The San Francisco Bay RWQCB manages surface waters through implementation of its Basin Plan. Chapter 5, *Plans and Policies*, includes a number of water quality control plans and policies adopted by the SWRCB that apply to the San Francisco Bay RWQCB. Basin Plan Chapter 3, *Water Quality Objectives*, includes specific water quality objectives according to waterbody type (i.e., ocean waters, surface waters, and groundwaters). As indicated under Threshold 5.3.10.b, project implementation would not result in significant impacts to water quality and surface and groundwater quality following conformance NPDES, SMC, and Stormwater Quality BMP Guidance Manual requirements. As a result, the proposed project is not anticipated to conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan. Impacts would be less than significant in this regard.

Therefore, there are no impacts that are peculiar to the project or project site; there are no impacts that were not analyzed as significant effects in the ECRSP EIR; there are no potentially significant off-site or cumulative impacts that were not already evaluated by the ECRSP EIR; and there is no substantial new information resulting in more severe adverse impacts to the environment from significant effects identified in the ECRSP EIR.

[18] Ibid.

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5.3.11 Land Use and Planning

ECRSP EIR Findings

The ECRSP EIR made the following findings with respect to Land Use and Planning:

- Impact 4.6: Implementation of the ECRSP would not divide an established community. No impact would occur.
- Impact 3.10.1: With approval of an amendment to the City's General Plan for the proposed change in land use designations, implementation of the ECRSP would not conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect. Impacts would be less than significant.

ECRSP EIR Mitigation Measures

The ECRSP EIR did not identify mitigation measures related to land use and planning.

Project Analysis

Threshold 5.3.11.a: Would the project physically divide an established community?

The physical division of an established community is typically associated with the construction of a linear feature, such as a major highway or railroad tracks, or removal of a means of access, such as a local road or bridge, which would impair mobility within an existing community or between a community and an outlying area. As an existing car dealership and paved parking lot, the site does not currently contain any public or private trails or routes that traverse the site. Instead, connectivity in the surrounding project area is facilitated via local roadways and pedestrian facilities. The project would not impede movement within the project area, within an established community, or from one established community to another. Additionally, the project would include improvements such as new sidewalks that would improve pedestrian connectivity and safety throughout the site. Therefore, no impact would occur. There are no impacts that are peculiar to the project or project site; there are no impacts that were not analyzed as significant effects in the ECRSP EIR; there are no potentially significant off-site or cumulative impacts that were not already evaluated by the ECRSP EIR; and there is no substantial new information resulting in more severe adverse impacts to the environment from significant effects identified in the ECRSP EIR.

Threshold 5.3.11.b: Would the project cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?

The project is fully consistent with the site's existing land use designation of ECRSP and thus would not cause a significant environmental impact due to conflicting with a land use plan. The project fully complies with all aspects of the zoning designation, with the exception of the project's Special Development Permit Deviation for ground floor commercial (20,000-square foot minimum; project proposes 12,232 square feet) and Parking Adjustment for commercial spaces (59 spaces required; project proposes 49 spaces). CEQA does not consider the adequacy of a project's parking or its impacts on parking unless it will result in significant secondary effects on the physical environment (see *Save Our Access – San Gabriel Mountains vs. Watershed Conservation Authority*). As demonstrated throughout this Environmental Checklist, the project's commercial zoning deviation and parking adjustment would not result in new or worsened environmental impacts.

Based on a review of the project's application materials by City staff, and as otherwise demonstrated throughout the analysis provided herein, the project would not conflict with applicable goals, objectives, or policies of the Sunnyvale General Plan, ECRSP requirements, zoning requirements, SMC requirements, and other applicable

regulations (i.e., regulations promulgated by the Plan Bay Area 2040) adopted for the purpose of avoiding or mitigating an environmental effect. As such, the project would not cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect, and impacts would be less than significant. Therefore, there are no impacts that are peculiar to the project or project site; there are no impacts that were not analyzed as significant effects in the ECRSP EIR; there are no potentially significant off-site or cumulative impacts that were not already evaluated by the ECRSP EIR; and there is no substantial new information resulting in more severe adverse impacts to the environment from significant effects identified in the ECRSP EIR.

5.3.12 Mineral Resources

ECRSP EIR Findings

The ECRSP EIR made the following findings with respect to Mineral Resources:

- Impact 4.4: Because the ECRSP area does not contain known mineral resources or resource recovery sites, implementation of the ECRSP would not result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the State or of a locally important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan. No impact would occur.

ECRSP EIR Mitigation Measures

The ECRSP EIR did not identify mitigation measures related to mineral resources.

Project Analysis

Threshold 5.3.12.a: Would the project result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the State?

Threshold 5.3.12.b: Would the project result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan?

The project does not propose improvements or changes to existing land use designations that would have the potential to result in the loss of availability of a known mineral resource or of a locally important mineral resource recovery site. Further, the project would occur within the City of Sunnyvale, which is an urbanized area that contains no known significant mineral resources or resource recovery sites. Therefore, there would be no impact.

Therefore, there are no impacts that are peculiar to the project or project site; there are no impacts that were not analyzed as significant effects in the ECRSP EIR; there are no potentially significant off-site or cumulative impacts that were not already evaluated by the ECRSP EIR; and there is no substantial new information resulting in more severe adverse impacts to the environment from significant effects identified in the ECRSP EIR.

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5.3.13 Noise

ECRSP EIR Findings

The ECRSP EIR made the following findings with respect to Noise:

- Impact 3.11.1: The ECRSP could result in generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies. However, these impacts would be reduced to less than significant levels through compliance with the SMC and implementation of ECRSP EIR Mitigation Measure NOI-1.

- Impact 3.11.1.2: Implementation of the ECRSP could result in the generation of excessive groundborne vibration or groundborne noise levels. However, these impacts would be reduced to less than significant levels with implementation of ECRSP EIR Mitigation Measures NOI-2 and NOI-3.

ECRSP EIR Mitigation Measures

NOI-1 For projects that are subject to CEQA review (i.e., non-exempt projects), project applicants shall ensure through contract specifications that construction BMPs will be implemented by all project contractors to reduce construction noise levels. Contract specifications shall be included in construction documents, which shall be reviewed and approved by the City Community Development Department prior to issuance of a grading or building permit (whichever is issued first). BMPs to reduce construction noise levels may include, but are not limited to, the following:

1. Ensure that construction equipment is properly muffled according to industry standards and is in good working condition.

2. Place noise-generating construction equipment and construction staging areas away from sensitive uses.

3. Construction activities shall occur between the hours of between the hours of 7:00 a.m. and 6:00 p.m. Monday through Friday, and between 8:00 a.m. and 5:00 p.m. on Saturdays, pursuant to SMC Chapter 16.08.

4. Implement noise attenuation measures, as needed, which may include, but are not limited to, temporary noise barriers or noise blankets around stationary construction noise sources.

5. Use electric air compressors and similar power tools rather than diesel equipment, where feasible.

6. Construction-related equipment, including heavy-duty equipment, motor vehicles, and portable equipment, shall be turned off when not in use for more than five minutes.

7. The construction contractor shall limit haul truck deliveries to the same hours specified for construction equipment (between the hours of 7:00 a.m. and 6:00 p.m. Monday through Friday, and between 8:00 a.m. and 5:00 p.m. on Saturdays). The haul route exhibit shall design delivery routes to minimize the exposure of sensitive land uses or residential dwellings to delivery truck-related noise.

8. Construction hours, allowable workdays, and the phone number of the job superintendent shall be clearly posted at all construction entrances to allow surrounding owners and residents to contact the job superintendent. If the City or the job superintendent receives a complaint, the superintendent shall investigate, take appropriate corrective action, and report the action taken to the reporting party and the Community Development Department.

NOI-2 Projects that are subject to CEQA review (meaning, non-exempt projects) with construction activities requiring operation of groundborne vibration generating equipment (i.e., vibratory compactor/roller, large bulldozer, caisson drilling, loaded trucks, and jackhammer) within 25 feet of a structure shall be required to prepare a project-specific vibration impact analysis to evaluate potential construction vibration impacts associated with the project, and to determine any specific vibration control mechanisms that shall be incorporated into the project's construction bid documents to reduce such impacts. Contract specifications shall be included in construction documents, which shall be reviewed and approved by the City Engineer prior to issuance of a grading permit.

NOI-3 Projects that are subject to CEQA review (meaning, non-exempt projects) which require impact pile driving activities within 100 feet of buildings and/or sonic pile driving activities within 60 feet of buildings shall implement the below measures to reduce the potential for architectural/structural damage resulting from elevated groundborne vibration levels. Contractors shall demonstrate, to the satisfaction of the City Engineer and prior to issuance of a grading permit, that pile driving activities would not exceed the Caltrans vibration threshold (i.e., 0.2 inch/second PPV) prior to initiation of construction.

- Impact pile driving within 100 feet of any building shall utilize alternative installation methods, such as pile cushioning, jetting, predrilling, cast-in-place systems, and resonance-free (i.e., sonic) vibratory pile drivers.

- Sonic pile driving activities within 60 feet of any building shall utilize alternative installation methods, such as pile cushioning, jetting, predrilling, and cast-in-place systems.

Project Analysis:

The project would be required to comply with construction BMPs, per Mitigation Measure NOI-1 above. Additionally, per Mitigation Measure NOI-2, a site-specific Environmental Noise & Vibration Assessment was prepared in 2024 to evaluate the project's potential to result in impacts regarding noise. The Environmental Noise & Vibration Assessment, dated February 2, 2024, was prepared by Bollard Acoustical Consultants, Inc. The Environmental Noise & Vibration Assessment is included as Attachment G of this report. Furthermore, the project does not propose pile-driving activities, and therefore would not be required to comply with the provisions of Mitigation Measure NOI-3.

Threshold 5.3.13.a: Would the project result in the generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?

The existing ambient noise environment within the project vicinity is defined primarily by noise from traffic on El Camino Real, and by nearby commercial operations. To generally quantify existing ambient noise environment

within the project vicinity, BAC conducted long-term (72-hour) ambient noise level measurements at two locations from December 5 through 7, 2023. The locations of the noise survey sites are shown in Attachment G Figure 1.

Construction Noise Impacts

Construction noise typically occurs intermittently and varies depending on the nature or phase of construction (e.g., grading, building construction, paving, and architectural coatings). Noise generated by construction equipment, including graders and excavators, can reach high levels. During construction, exterior noise levels could affect residential uses and commercial uses in the vicinity of the project site. The nearest existing noise sensitive land uses which would potentially be affected by the project consist of residential uses located to the north, northeast, east, northwest, and west.

Redevelopment of the site would be constructed in a single phase. Construction is anticipated to begin in 2024 and would last for a duration of approximately 24 months, with the project opening in 2026. Groundborne noise and other types of construction-related noise impacts would typically occur during the grading phase and have the potential to create the highest levels of noise.

During project construction and demolition, heavy equipment would be used for grading excavation, paving, and structure construction, which would increase ambient noise levels when in use. Noise levels would vary depending on the type of equipment used, how it is operated, and how well it is maintained. Noise exposure at any single point outside the project work area would also vary depending upon the proximity of equipment activities to that point. Table 5.3.13-a, *Construction Noise Levels at Nearby Receptors*, includes the range of maximum (L_{max}) noise levels for equipment commonly used in general residential and commercial construction projects at full-power operation at a distance of 50 feet. It should be noted that the project would not require all of these construction activities. Table 5.3.13-a data also include predicted maximum equipment noise levels at the nearest residential uses, which assumes a standard spherical spreading loss of 6 dB per doubling of distance.

Table 5.3.13-a
Construction Noise Levels at Nearby Receptors

Equipment Description	Reference Noise Level at 50 Feet, L_{max} (dB)	Predicted Equipment Noise Levels, L_{max} (dB)[1]				
		MDR-West	MDR-Northwest	MDR-North	MDR-Northeast	MDR-East
Air compressor	80	53	63	63	63	53
Backhoe	80	53	63	63	63	53
Ballast equalizer	82	55	65	65	65	55
Ballast tamper	83	56	66	66	66	56
Compactor	82	55	65	65	65	55
Concrete mixer	85	58	68	68	68	58
Concrete pump	82	55	65	65	65	55
Concrete vibrator	76	49	59	59	59	49
Crane, mobile	83	56	66	66	66	56
Dozer	85	58	68	68	68	58
Excavator	85	58	68	68	68	58
Generator	82	55	65	65	65	55
Grader	85	58	68	68	68	58
Impact wrench	85	58	68	68	68	58
Loader	80	53	63	63	63	53

Paver	85	58	68	68	68	58
Pneumatic tool	85	58	68	68	68	58
Pump	77	50	60	60	60	50
Saw	76	49	59	59	59	49
Scarifier	83	56	66	66	66	56
Scraper	85	58	68	68	68	58
Shovel	82	55	65	65	65	55
Spike driver	77	50	60	60	60	50
Tie cutter	84	57	67	67	67	57
Tie handler	80	53	63	63	63	53
Tie inserter	85	58	68	68	68	58
Truck	84	57	67	67	67	57
Low	76	49	59	59	59	49
High	85	58	68	68	68	58
Average	82	55	65	65	65	55

Notes:

1. Predicted maximum noise levels at common outdoor areas of adjacent medium density residential (MDR) uses, which include shielding offsets ranging from 0 (no shielding) to -15 dB (significant shielding) to account for existing intervening buildings and sound walls.
2. Per SMC 16.08.030, construction activity shall be permitted between the hours of 7:00 a.m. and 6:00 p.m. daily Monday through Friday. Saturday hours of operation shall be between 8:00 a.m. and 5:00 p.m. There shall be no construction activity on Sunday or federal holidays when city offices are closed. No loud environmentally disruptive noises, such as air compressors without mufflers, continuously running motors or generators, loud playing musical instruments, radios, etc., will be allowed where such noises may be a nuisance to adjacent residential neighborhoods.

Source: Bollard Acoustical Consultants, Inc., *Environmental Noise & Vibration Assessment*, 2024.

The SMC states that noise sources associated with construction, provided such activities do not take place before 7:00 a.m. or after 6:00 p.m. on any day except Saturday or Sunday, before 8:00 a.m. or after 5:00 p.m. on Saturday, or on Sunday in its entirety, shall be exempt from the provisions of the Noise Ordinance. All on-site noise-generating project construction equipment and activities would occur pursuant to and in compliance with the SMC and would thereby be exempt from the SMC noise level criteria.

As indicated in Table 5.3.13-a, noise from project construction activities could range from 49 to 68 dB Lmax at the medium density residential uses to the north, northeast, east, northwest, and west. However, based on the results from the ambient noise level survey, the predicted construction equipment noise levels would be within the range of measured maximum (Lmax) noise levels already occurring within the vicinity of those residential uses during exempted construction hours (7:00 a.m. to 6:00 p.m. on weekdays). Therefore, project construction activities would not generate noise levels in excess of City standards with implementation of noise control measures. In addition, the project would be subject to ECRSP EIR Mitigation Measure NOI-1, which identifies construction best practices to reduce impacts to noise. A less than significant impact would occur in this regard.

Long-Term Operational Noise Impacts

Off-Site Mobile Noise

Construction of this project would result in increased traffic on the local roadway network. BAC utilized the FHWA Model (FHWA-RD-77-108) with Institution of Engineers (ITE) *Trip Generation Manual* rates (10th Edition) to determine whether traffic noise impacts (relative to the General Plan criteria provided in Table 5 of Attachment G) would occur as a result of this project.

The FHWA Model was used in conjunction with the CALVENO reference noise emission curves, and accounts for

vehicle volume and speed, roadway configuration, distance to the receiver, and the acoustical characteristics of the project vicinity, and is generally considered to be accurate within 1.5 dB if the input variables are properly accounted for. The FHWA Model was developed to predict hourly Leq values for free-flowing traffic conditions. To calculate a day-night average (DNL), average daily traffic (ADT) volume data is manipulated based on the assumed day/night distribution of traffic.

The project site would be accessed from El Camino Real. As a result, the greatest impact from project-generated off-site traffic would be along this roadway. The FHWA Model predicted El Camino Real traffic noise levels of 71 dB DNL at a distance of 80 feet from the centerline of the roadway.

Utilizing ITE trip generation rates for Senior Adult Housing-Attached (ITE Code 252), Assisted Living (ITE Code 254), Nursing Home (ITE Code 620), and Health/Fitness Club (ITE Code 492), and based on the building capacities indicated in the provided project site plans, a total of approximately 1,100 project-generated daily vehicle trips were calculated. Conservatively assuming an ADT of 1,500, project-generated traffic noise level exposure is predicted to be 55 dB DNL at the building facades of the nearest existing residences along El Camino Real (apartments west of the project site), located approximately 80 feet from the roadway centerline.

As indicated in Table 5 of Attachment G, a noise increase is considered significant if an increase of more than 3 dB DNL were to occur and the total DNL exceeds the "normally acceptable" category, or an increase of more than 5 dB DNL were to occur. Based on the FHWA Model predictions of existing traffic and conservative estimates of project-generated vehicle trip generation stated above, project-related increases in traffic noise level exposure along El Camino Real is calculated to be 0.1 dB DNL at the closest existing residential uses. Because project-related traffic is not predicted to result in increases in ambient noise levels that would exceed the applicable General Plan increase significance criteria at existing sensitive uses within the project vicinity, this impact is identified as being less than significant.

Truck Delivery Activity Noise at Adjacent Land Uses

The project proposes two (2) loading/unloading areas dedicated for deliveries of product to the development. According to the project applicant, the development would receive two (2) heavy truck deliveries per week, and various other deliveries made by medium-duty trucks/vans. The provided Vehicle Circulation Plan indicates that commercial vehicles would access the project site from El Camino Real.

The primary noise sources associated with truck delivery operations are heavy trucks stopping (air brakes), backing into loading/unloading areas (back-up beepers), and pulling out of loading/unloading areas (revving engines). To quantify the noise generated by truck loading/unloading operations, BAC utilized noise level data obtained from BAC field measurements of commercial loading dock areas. According to BAC measurement data, loading dock maximum noise levels are approximately 75 dB Lmax at a reference distance of 50 feet (including back-up beepers).

Based on the reference noise level data provided above, and assuming standard spherical spreading loss (-6 dB per doubling of distance), project truck delivery activity noise exposure at adjacent residential, commercial, and medical office uses was calculated. The results of those calculations are presented in Table 5.3.13-b, *Predicted Commercial On-Site Delivery Truck Circulation Noise at Adjacent Land Uses*.

Table 5.3.13-b
Predicted Commercial On-Site Delivery Truck Circulation Noise at Adjacent Land Uses

Land Use[1]	Distance (ft)[2]	Predicted Noise Level, L_{max} (dB)[3]
Medium Density Residential – West	220	47
Medium Density Residential – Northwest	380	57
Medium Density Residential – North	215	57
Medium Density Residential – Northeast	220	55
Medium Density Residential – East	240	46
Commercial – Southeast	120	57
Medical Offices – Southwest	250	46

Notes:
1. Distances scaled from nearest loading area to MDR common outdoor area or commercial/medical office property line using the provided site plans and City of Sunnyvale ArcGIS online mapping application.
2. Predicted noise levels include shielding offsets that account for intervening building screening (i.e., project buildings), existing masonry walls along project area boundaries, and proposed masonry walls as indicated in site plans. Offsets range from 0 (i.e., no shielding) to -15 dB (significant screening).

Source: Bollard Acoustical Consultants, Inc., *Environmental Noise & Vibration Assessment*, 2024.

Pursuant to SMC Section 19.42.030.C.3, *Special Exceptions from Noise Limits*, noise from deliveries shall not be considered operational noise. This code section further states that it is unlawful for any person to make or allow to be made a nighttime delivery to a commercial or industrial establishment when the loading/unloading area of the establishment is adjacent to a residential use. Therefore, project truck delivery activity noise would not be subject to compliance with the City's operational noise level standards. However, if City noise standards were applicable, the project would not exceed those levels (refer to daytime delivery discussion below for daytime noise standards). Further, because the proposed loading areas of the development are located adjacent to residential uses, deliveries during nighttime hours would be restricted. Based on the information above, no further consideration of noise-attenuating design features would be warranted for project truck delivery activity noise relative to SMC Section 19.42.030 noise level limits.

However, daytime deliveries would add to the noise environment within the project vicinity. Table 1 of Attachment G contains the results from the BAC long-term ambient noise survey on the project site, which are believed to be representative of the existing ambient noise level environments at the nearest/adjacent MDR uses to the project. Using the lowest average measured hourly noise levels, and the predicted noise levels presented in Table 5.3.13-b, ambient plus project delivery truck activity noise level increases were calculated at those residential uses. According to the results from that exercise, project-generated increases in ambient daytime maximum noise levels at those residential uses are calculated to range from less than 0.1 dB Lmax to 0.3 dB Lmax. The calculated increases above would be well below the applied increase significance criterion of 5 dB.

Based on the analysis provided above, impacts due to on-site truck circulation would be less than significant.

On-Site Passenger Vehicle Circulation Noise at Adjacent Land Uses

According to the project's Vehicular and Pedestrian Circulation Plan, the passenger vehicle access point to the development would be located off El Camino Real. To quantify project-generated on-site passenger vehicle circulation noise level exposure, BAC utilized specific automobile passby noise level measurements conducted by BAC. The BAC vehicle passby measurements included a series of individual noise measurements of multiple vehicle types arriving and departing a parking area. The results of those measurements revealed that individual

vehicle passbys generated mean and maximum noise levels of approximately 70 dB SEL and 65 dB Lmax (respectively) at a reference distance of 50 feet.

Based on the BAC measurement data above and the provided Vehicular and Pedestrian Circulation Plan, project on-site passenger vehicle circulation noise exposure at adjacent residential, commercial, and medical office uses was calculated. The results of those calculations are presented in Table 5.3.13-c, *Predicted On-Site Vehicle Circulation Noise Levels at Adjacent Land Uses*.

Table 5.3.13-c
Predicted On-Site Vehicle Circulation Noise Levels at Adjacent Land Uses

Land Use[1]	Distance (ft)[2]	Predicted Noise Level, L_{max} (dB)[3]
Medium Density Residential – West	38	32
Medium Density Residential – Northwest	520	40
Medium Density Residential – North	250	48
Medium Density Residential – Northeast	280	43
Medium Density Residential – East	315	34
Commercial – Southeast	150	40
Medical Offices – Southwest	100	44

Notes:
1. Distances scaled from on-site traffic circulation route to MDR common outdoor area or commercial/medical office property line using the provided site plans and City of Sunnyvale ArcGIS online mapping application.
2. Predicted noise levels include shielding offsets that account for intervening building screening (i.e., project buildings), existing masonry walls along project area boundaries, and proposed masonry walls as indicated in site plans. Offsets range from 0 (i.e., no shielding) to -15 dB (significant screening).

Source: Bollard Acoustical Consultants, Inc., *Environmental Noise & Vibration Assessment*, 2024.

SMC Section 19.12.160 states that noise from vehicles shall not be considered operational noise. Therefore, project on-site vehicle circulation noise would not be subject to compliance with the operational noise level limits established in SMC Section 19.42.030. However, on-site vehicle circulation on the project site would add to the noise environment within the project vicinity. Using the lowest average measured hourly noise levels at site 2[19] during the BAC noise survey, and the predicted noise levels presented in Table 5.3.13-c, ambient plus project on-site vehicle circulation noise level increases were calculated at the adjacent MDR uses. According to the results from that exercise, project-generated increases in ambient daytime maximum noise levels at those residential uses are calculated to be less than 0.1 dB Lmax. During nighttime hours, project-generated increases in ambient noise levels are calculated to range from below 0.1 dB Lmax to 0.2 dB Lmax at those nearby residential uses. The calculated increases above would be well below the applied increase significance criterion of 5 dB. Based on the analysis provided above, impacts due to on-site passenger vehicle circulation would be less than significant.

Outdoor Dining Area Noise at Adjacent Land Uses

The project proposes an outdoor dining area for the Senior Living Facility's dining amenity for residents, as well as a small café that will be open to the public; refer to Exhibit 3. To quantify outdoor dining area noise, BAC utilized file data from the SoundPLAN noise modeling software program (Version 9.0). According to the modeling program (catalog emission #173), restaurant dining areas with music have a reference sound level of 82 dB at a

[19] Site 2 is approximately 90 feet from the centerline of W. Olive Ave near the northwest corner of the parcel (refer to Figure 1 of Attachment G).

distance of 1 meter. Based on the reference sound level data above, and assuming standard spherical spreading loss (-6 dB per doubling of distance), the project's outdoor dining area noise was projected at adjacent residential, commercial, and medical office uses. The results of those projections are presented below in Table 5.3.13-d, *Predicted Outdoor Dining Area Noise Levels at Adjacent Land Uses*. It is reasonably assumed that activities associated with Senior Living Facility dining operations would occur during daytime hours only (i.e., 7:00 a.m. to 10:00 p.m.). Using the model above, it was determined that the project's outdoor dining area noise levels are anticipated to comply with the applicable SMC daytime noise level limits at the adjacent residential, commercial, and medical office uses. Furthermore, project-generated increases in ambient daytime maximum noise levels at the adjacent residential uses are calculated to be less than 0.1 dB Lmax. Therefore, impacts due to outdoor dining activities would be less than significant.

Table 5.3.13-d
Predicted Outdoor Dining Area Noise Levels at Adjacent Land Uses

Land Use[1]	Distance (ft)[2]	Predicted Noise Level, L_{max} (dB)[3]	Applicable City Noise Standard, L_{max} (dB)[4]
Medium Density Residential – West	280	28	65 (Daytime)
Medium Density Residential – Northwest	400	40	65 (Daytime)
Medium Density Residential – North	180	44	65 (Daytime)
Medium Density Residential – Northeast	270	37	65 (Daytime)
Medium Density Residential – East	350	26	65 (Daytime)
Commercial – Southeast	200	31	70 (Daytime)
Medical Offices – Southwest	160	33	70 (Daytime)

Notes:
1. Distances scaled from outdoor dining area to MDR common outdoor area or commercial/medical office property line using the provided site plans and City of Sunnyvale ArcGIS online mapping application.
2. Predicted noise levels include shielding offsets that account for intervening building screening (i.e., project buildings), existing masonry walls along project area boundaries, and proposed masonry walls as indicated in site plans. Offsets range from 0 (i.e., no shielding) to -15 dB (significant screening).
3. Applicable Municipal Code noise standards contained Section 19.42.030.

Source: Bollard Acoustical Consultants, Inc., *Environmental Noise & Vibration Assessment*, 2024.

Mechanical Equipment (HVAC) Noise at Adjacent Land Uses

A combination of HVAC equipment and exhaust fans would be located on the building rooftops. This mechanical equipment would be located on the rooftops of the 6th floor (Senior Living Facility) and 3rd floor (Convalescent Hospital), and would be completely shielded from view at ground level locations of adjacent land uses by a combination of building envelopes, rooftop parapets, and/or rooftop screen walls.

The project proposes rooftop exhaust fan models ranging from 500 CFM to 3,800 CFM manufactured by Greenheck. For the purpose of this analysis, sound power level for a Greenheck upblast exhaust fan having a capacity of approximately 2,800 CFM was conservatively used to quantify noise level exposure from all proposed rooftop exhaust fans of the development. Appendix E of Attachment G contains the manufacturer sound power level data for the exhaust fan model used in this analysis (18.7 sones at 2,808 CFM).

According to the project applicant, the project proposes rooftop-mounted LG Multi V5 HVAC equipment models ranging from 6-ton to 42-ton in size. Appendix F of Attachment G contains manufacturer sound level data for the

range of identified models. Because the specific equipment sizes have not yet been determined, the calculated average sound power level for all equipment models identified in Attachment F was used to quantify noise level exposure from all proposed rooftop-mounted HVAC equipment of the development (86 dB).

Finally, specific condenser unit models for the project have not yet been selected. To quantify the project's condenser unit noise level exposure, BAC utilized sound level data for Carrier Model CH14NB-024 Single-Stage Heat Pumps (condensers). Based on the experience of BAC in previous projects including mixed-use building rooftop-mounted mechanical equipment, it is expected that similar-sized condensers would likely be installed at the project site. Attachment G contains the manufacturer's sound level data for these units. Based on the provided rooftop mechanical plans for the project buildings and using the reference sound level data provided in Attachment G Appendices E-G with accepted sound propagation (-6 dB per doubling of distance), project rooftop mounted mechanical equipment noise exposure at adjacent residential, commercial, and medical office uses was calculated. The results of the analysis are presented below in Table 5.3.13-e, *Predicted Rooftop Mechanical Equipment Noise Levels at Adjacent Land Uses*. Project-generated increases in ambient daytime and nighttime maximum noise levels at residential uses are calculated to be less than 0.1 dB Lmax. The calculated increases above would be well below the applied increase significance criterion of 5 dB.

Table 5.3.13-e
Predicted Rooftop Mechanical Equipment Noise Levels at Adjacent Land Uses

Land Use[1]	Predicted Noise Levels, Lmax (dB)[2] Living Bldg[3]	Predicted Noise Levels, Lmax (dB)[2] Rehab. Bldg[4]	Predicted Noise Levels, Lmax (dB)[2] Combined[5]	Applicable City Noise Standard, Lmax (dB)[4]
Medium Density Residential – West	37	22	37	55 (Nighttime)
Medium Density Residential – Northwest	33	25	33	55 (Nighttime)
Medium Density Residential – North	37	31	38	55 (Nighttime)
Medium Density Residential – Northeast	34	32	36	55 (Nighttime)
Medium Density Residential – East	32	33	36	55 (Nighttime)
Commercial – Southeast	36	43	44	60 (Nighttime)
Medical Offices – Southwest	46	30	46	60 (Nighttime)

Notes:
1. Predicted noise levels conservatively only include a -10 dB screening offset for building envelopes, rooftop parapets, and/or rooftop screen walls.
2. Predicted noise level includes: (5) LG Multi V5 ARUM units; (20) Carrier CH14NB-024 units; (7) Greenheck fans 2,808 CFM
3. Predicted noise level includes: (10) Greenheck exhaust fans 2,808 CFM
4. Calculated combined maximum noise level exposure from all identified rooftop-mounted equipment in operation concurrently.
5. Applicable Municipal Code noise standards contained Section 19.42.030.

Source: Bollard Acoustical Consultants, Inc., *Environmental Noise & Vibration Assessment*, 2024.

Because noise exposure from project rooftop mechanical equipment is predicted to satisfy applicable SMC noise level standards at adjacent land uses, and because noise level exposure from those operations is not calculated to significantly increase ambient noise levels at adjacent noise-sensitive uses (residential), this impact is identified as being less than significant.

Emergency Generator Noise

Based on review of the provided site plans, the project proposes the installation of emergency generators within fully-enclosed equipment rooms. Those fully-enclosed equipment rooms would be located on the first floors of the Senior Living Facility and Convalescent Hospital buildings.

Attachment G contains manufacturer sound level data for the Convalescent Hospital building generator model. The project proposes the installation of a Caterpillar C32 emergency diesel generator within the fully-enclosed equipment room of the Convalescent Hospital building. Because the specific emergency generator model within the Senior Living Facility building has not yet been determined, sound level data for the Caterpillar C32 was also used to quantify generator noise level exposure at that location. As indicated in Attachment G, this specific generator model has an overall reference sound pressure level of 95 dB at a distance of 7 meters.

Based on the reference sound level data provided in Attachment H, and assuming standard spherical spreading loss (-6 dB per doubling of distance), the project's emergency generator noise level exposure at adjacent residential, commercial, and medical office uses was calculated. The results of those calculations are presented in Table 5.3.13-f, *Predicted Emergency Generator Noise Levels at Adjacent Land Uses*, below.

Table 5.3.13-f
Predicted Emergency Generator Noise Levels at Adjacent Land Uses

Land Use[1]	Distance (ft)[2]	Predicted Noise Level, L_{max} (dB)[3]	Applicable City Noise Standard, L_{max} (dB)[4]
Medium Density Residential – West	215	46	55 (Nighttime)
Medium Density Residential – Northwest	465	39	55 (Nighttime)
Medium Density Residential – North	300	43	55 (Nighttime)
Medium Density Residential – Northeast	240	45	55 (Nighttime)
Medium Density Residential – East	290	43	55 (Nighttime)
Commercial – Southeast	150	49	60 (Nighttime)
Medical Offices – Southwest	100	42	60 (Nighttime)

Notes:
1. Distances scaled from nearest generator room to MDR common outdoor area or commercial/medical office property line using the provided site plans and City of Sunnyvale ArcGIS online mapping application.
2. Predicted noise levels include an offset of -30 dB to account for transmission loss that would result from building construction (generators in fully-enclosed equipment rooms) and existing/proposed walls where applicable.
3. Applicable SMC noise standards contained in Section 19.42.030.

Source: Bollard Acoustical Consultants, Inc., *Environmental Noise & Vibration Assessment*, 2024.

Pursuant to SMC Section 19.12.170, generators are defined as "power equipment." SMC Section 19.42.030.C.1 (Special Exceptions from Noise Limits) states that powered equipment used on a temporary basis during daytime hours is exempt from the operational noise limits. However, when used on a continuous basis or during nighttime hours, they should comply with operational noise limits. When used adjacent to residential uses, operation of powered equipment is not allowed during nighttime hours.

The function of the proposed emergency generators is to provide power during emergencies only, and would not be part of normal operations. As a result, the emergency generators would operate only during emergency power outages and (assumed) routine daytime testing. The proposed generators would only operate during nighttime hours during emergencies resulting in power outages. Based on the operations assumptions above, and pursuant to SMC criteria, project generator noise during routine testing and emergency operations (each considered to be a temporary basis) would be exempt from compliance with applicable daytime operational noise limits. However, emergency operation of the project generators during nighttime hours would be subject to compliance with applicable SMC Code Section 19.42.030 governing nighttime operational noise limits. As indicated in Table 5.3.13-f, the project's emergency generator noise levels are predicted to comply with the applicable SMC Section 19.42.030 governing nighttime noise level limits at the adjacent residential, commercial, and medical office uses.

Using the lowest average measured hourly noise levels during the BAC noise survey, and the predicted noise levels presented in Table 5.3.13-f, ambient plus project emergency generator noise level increases were calculated at the adjacent MDR uses. According to the results from that exercise, project-generated increases in ambient daytime maximum noise levels at those residential uses are calculated to be less than 0.1 dB Lmax. During nighttime hours, project-generated increases in ambient noise levels are calculated to range from below 0.1 dB Lmax to 0.1 dB Lmax at those nearby residential uses. The calculated increases above would be well below the applied increase significance criterion of 5 dB.

Because noise exposure from the project's emergency generators is predicted to satisfy applicable SMC noise level standards at adjacent land uses, and because noise level exposure from those operations is not calculated to significantly increase ambient noise levels at adjacent noise-sensitive uses (residential), impacts regarding emergency generator noise would be less than significant.

Conclusion

As discussed above, implementation of the project could result in generation of a temporary or permanent increase in ambient noise levels in the vicinity of the project. However, noise levels fall within the allowable range of standards established in the SMC's noise ordinance, and the project would be subject to ECRSP EIR Mitigation Measure NOI-1, which identifies construction best practices to reduce impacts to noise. As a result, impacts would be less than significant. Therefore, there are no impacts that are peculiar to the project or project site; there are no impacts that were not analyzed as significant effects in the ECRSP EIR; there are no potentially significant off-site or cumulative impacts that were not already evaluated by the ECRSP EIR; and there is no substantial new information resulting in more severe adverse impacts to the environment from significant effects identified in the ECRSP EIR.

Threshold 5.3.13.b: Would the project result in the generation of excessive groundborne vibration or groundborne noise levels?

During project construction and demolition, heavy equipment would be used for grading, excavation, paving, and building construction, which would generate localized vibration in the immediate vicinity of the construction. The nearest off-site existing structures (refer to Table 5.3.13-f for distance to adjacent land uses) have been identified as newer engineered commercial buildings and residences, which are not highly susceptible to damage by vibration. Table 5.3.13-g, *Reference and Projected Vibration Source Amplitudes for Construction Equipment*, includes the range of vibration levels for equipment commonly used in general construction projects at a distance of 25 feet. The Table 5.3.13-g data also include projected equipment vibration levels at the nearest existing structures to the project area.

Table 5.3.13-g
Reference and Projected Vibration Source Amplitudes for Construction Equipment

Equipment	Reference PPV at 25 Feet (in/sec)	Projected PPV at Nearby Existing Off-Site Buildings (in/sec)[1]						
		MDR-West	MDR-Northwest	MDR-North	MDR-Northeast	MDR-East	Commercial	Medical Offices
Hoe Ram	0.089	0.044	0.005	0.011	0.010	0.044	0.044	0.068
Large bulldozer	0.089	0.044	0.005	0.011	0.010	0.044	0.044	0.068
Caisson drilling	0.089	0.044	0.005	0.011	0.010	0.044	0.044	0.068
Loaded trucks	0.076	0.038	0.004	0.010	0.008	0.038	0.038	0.058
Jackhammer	0.035	0.017	0.002	0.001	0.004	0.017	0.017	0.027
Small bulldozer	0.003	0.001	<0.001	<0.001	<0.001	0.001	0.001	0.002

Notes:
1. PPV = Peak Particle Velocity

Source: Bollard Acoustical Consultants, Inc., *Environmental Noise & Vibration Assessment*, 2024.

As shown in Table 5.3.13-g, project construction equipment vibration levels are projected to be well below the Federal Transit Administration (FTA) vibration limit of 0.5 PPV for residences at the closest residential structures. Further, project construction equipment vibration levels are projected to be well below the FTA vibration limit of 0.3 PPV for engineered concrete structures at the closest commercial and office structures.

Based on the results provided in Table 5.3.13-g, project construction vibration is expected to be well below applicable FTA vibration limits at the closest existing off-site residential and commercial/office buildings. However, because vibration from project construction activities could potentially be perceptible by an individual outside the project property plane, which would result in an exceedance of criteria contained in SMC Section 19.42.060[20], this impact is identified as being potentially significant. In conformance with ECRSP EIR Mitigation Measure NOI-2, specific vibration control mechanisms have been identified by the project's Noise and Vibration Assessment (PDF-2 through PDF-4 below) to reduce such impacts:

PDF-2 Use of heavy vibration-generating construction equipment (including loaded heavy trucks) shall not be used within 50 feet of the nearest existing off-site residential, commercial, or office structures. The project contractor shall use smaller vibratory rollers when compacting materials within these setback distances.

PDF-3 The project shall not drop heavy equipment within 50 feet of existing off-site residential, commercial, or office structures. Alternative methods for breaking up existing pavement, such as a pavement grinder, shall be used instead of dropping heavy objects within these setback distances.

PDF-4 The contractor shall alert heavy equipment operators to sensitive adjacent structures (i.e., residences or commercial/office buildings within 50 feet), so they can exercise caution.

In accordance with ECRSP Mitigation Measure NOI-2, these specifications would be included in construction documents for review and approval by the City Engineer prior to issuance of a grading permit. Compliance with

[20] SMC Section 19.42.060 states that every activity or operation shall be conducted in such a manner that ground vibration generated or produced on the premises is not perceptible at any point on the property line of the premises without the use of a special measuring instrument.

the project design features above would ensure that impacts due to groundborne vibrations or groundborne noise levels would be less than significant. Therefore, there are no impacts that are peculiar to the project or project site; there are no impacts that were not analyzed as significant effects in the ECRSP EIR; there are no potentially significant off-site or cumulative impacts that were not already evaluated by the ECRSP EIR; and there is no substantial new information resulting in more severe adverse impacts to the environment from significant effects identified in the ECRSP EIR.

Threshold 5.3.13.c: For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?

The nearest airport is Moffett Federal Airfield, located approximately 2.5 miles north of the project area. Because the project site is not within the vicinity of a private airstrip, an airport land use plan, or two miles of a public airport, no impact related to airport land use compatibility would occur. Therefore, there are no impacts that are peculiar to the project or project site; there are no impacts that were not analyzed as significant effects in the ECRSP EIR; there are no potentially significant off-site or cumulative impacts that were not already evaluated by the ECRSP EIR; and there is no substantial new information resulting in more severe adverse impacts to the environment from significant effects identified in the ECRSP EIR.

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5.3.14 Population and Housing

ECRSP EIR Findings

The ECRSP EIR made the following findings with respect to Population and Housing:

- Impact 3.12.1: Buildout of the ECRSP would not induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure) because the proposed development potential would only exceed the General Plan's 2035 buildout population forecasts by 0.3 percent and increase the City's employment base by 0.6 percent. Impacts would be less than significant.

- Impact 3.12.2: Buildout of the ECRSP would not displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere, because the ECRSP does not propose the demolition of existing uses nor a substantial change in land use designations that would result in the displacement of large numbers of people or housing. Impacts would be less than significant.

ECRSP EIR Mitigation Measures

The ECRSP EIR did not identify mitigation measures related to population and housing.

Project Analysis

Threshold 5.3.14.a: Would the project induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?

A project could induce population growth in an area either directly, through the development of new residences or businesses, or indirectly, through the extension of roads or other infrastructure. The ECRSP EIR estimated that total buildout of the ECRSP area through the year 2035 would accommodate approximately 8,500 residential units and 3,980,000 square feet of commercial floor area, which would serve as net increases of approximately 6,900 residential units and 730,000 square feet of commercial floor area above existing conditions. As discussed, the proposed project would demolish the existing auto dealership and paved parking lot to develop a mixed-use development comprising a Convalescent Hospital, Senior Living Facility with approximately 149 units, 12,232 square feet of commercial space, and subterranean parking, all of which would be permitted under the site's ECR-MU42 (Residential Mixed Use) zoning.

The proposed project is not anticipated to induce substantial unplanned population growth in the area, either directly or indirectly. The Senior Living Facility would result in approximately 149 new residents.[21] Therefore, potential population growth associated with the project would represent a less than one percent increase over the City's estimated 2023 population of 156,317 persons.

According to the project Applicant, the proposed Convalescent Hospital would generate 120 employees, the Senior Living Facility would generate 90 employees, and the commercial space would generate 18 employees. Thus, the proposed project would generate approximately 228 new jobs in the City, but it is anticipated that most of these jobs will be filled by those already living in or around the City; not people moving into the City to work at the project. Moreover, the project would replace existing commercial (auto dealership) uses with commercial

[21] California Department of Finance Demographic Research Unit, Report E-5 Population and Housing Estimates for Cities, Counties, and the State, January 2021-2022 with 2020 Benchmark, Sacramento, California, May 2023.

and residential uses and thus is not anticipated to result in substantial indirect population growth from potential employees relocating to the City.

Accordingly, the project would not induce substantial unplanned population growth either directly or indirectly, resulting in a less than significant impact. Therefore, there are no impacts that are peculiar to the project or project site; there are no impacts that were not analyzed as significant effects in the ECRSP EIR; there are no potentially significant off-site or cumulative impacts that were not already evaluated by the ECRSP EIR; and there is no substantial new information resulting in more severe adverse impacts to the environment from significant effects identified in the ECRSP EIR.

Threshold 5.3.14.b: Would the project displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?

The project site is presently developed with an auto dealership and paved parking lot and contains no existing housing or residents. Therefore, the project has no potential to displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere, and no impact would occur. There are no impacts that are peculiar to the project or project site; there are no impacts that were not analyzed as significant effects in the ECRSP EIR; there are no potentially significant off-site or cumulative impacts that were not already evaluated by the ECRSP EIR; and there is no substantial new information resulting in more severe adverse impacts to the environment from significant effects identified in the ECRSP EIR.

5.3.15 Public Services

ECRSP EIR Findings

The ECRSP EIR made the following findings with respect to Public Services:

- Impact 3.13.1: With the implementation of City policies, regulations, and standards for new development, ECRSP impacts related to fire protection and emergency medical services would be less than significant.
- Impact 3.13.2: With the implementation of City policies, ECRSP impacts related to police protection services would be less than significant.
- Impact 3.13.3: With implementation of City policies, regulations, and standards for new development, ECRSP impacts related to school services would be less than significant.
- Impact 3.13.4: With implementation of City policies, regulations, and standards for new development, ECRSP impacts related to other public facilities would be less than significant.
- Impact 3.14.1 and 3.14.2: With the implementation of SMC requirements, ECRSP impacts related to parks and recreation would be less than significant.

ECRSP EIR Mitigation Measures

The ECRSP EIR did not identify mitigation measures related to public services.

Project Analysis

Threshold 5.3.15.a: **Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:**

Fire protection?

Police protection?

Schools?

Parks?

Other public facilities?

The project would entail development of the project site with a convalescent hospital, senior living facility with 149 units, commercial space, and subterranean parking, which is consistent with the existing General Plan land use designation of ECRSP and zoning of ECR-MU42 (Residential Mixed Use). The proposed project is also consistent with the development contemplated in the ECRSP EIR. As discussed in Threshold 5.3.14.a, the project's future residential population and commercial development were analyzed for the project site by the ECRSP EIR, thereby indicating that the project's demand for fire protection, police protection, schools, parks, and other public facilities was assumed in the analysis of impacts to public services presented in the ECRSP EIR. The project's impacts related to public facilities is discussed below.

Fire Protection

Construction

Construction activities associated with the proposed project would create a temporarily increased demand for fire protection services at the project site. All construction activities would be subject to compliance with all applicable State and local regulations in place to reduce risk of construction-related fire, such as installation of temporary construction fencing to restrict site access and maintenance of a clean construction site. As a result, project construction would not result in the need for new or physically altered fire protection facilities, the construction of which could cause significant environmental impacts, and would not adversely impact service ratios, response times, or other Sunnyvale Department of Public Safety Bureau of Fire Services performance standards. A less than significant impact would occur in this regard.

Operation

The proposed project would create an increased demand for fire protection services with the addition of new residents and commercial uses to the area. However, the project would not induce significant population growth and this increase would not result in the need for new or physically altered fire protection facilities; refer to Section 5.3.14, *Population and Housing*. It is the City's policy to ensure that new developments provide appropriate improvements or resources to meet the future infrastructure and public facility needs of the City; refer to General Plan Policy LT-14.8. The proposed project would be required to comply with Sunnyvale Department of Public Safety Bureau of Fire Services requirements for emergency access, turn radii, fire flow, fire protection standards, fire lanes, and other site design/building standards. The project would be subject to Section 16.52 of the SMC, which adopts by reference the California Fire Code. The California Fire Code includes site access requirements and fire safety precautions. The City would also collect a one-time development impact fee in accordance with Section 16.52 of the SMC, which is imposed on all new development to help pay its fair share of costs in upgrading City fire facilities, as needed. Payment of these fees would help fund the acquisition, design, and construction of new fire facilities and would minimize the project's operational impacts to fire protection services to the greatest extent practicable. Collection of development impact fees and compliance with all Sunnyvale Department of Public Safety Bureau of Fire Services and SMC provisions would ensure operational impacts concerning fire protection services are less than significant.

There are no impacts that are peculiar to the project or project site; there are no impacts that were not analyzed as significant effects in the ECRSP EIR; there are no potentially significant off-site or cumulative impacts that were not already evaluated by the ECRSP EIR; and there is no substantial new information resulting in more severe adverse impacts to the environment from significant effects identified in the ECRSP EIR.

Police Protection

Construction

Construction activities associated with the proposed project would create a temporarily increased demand for City of Sunnyvale Department of Public Safety Bureau of Police Services protection services at the project site. However, all construction activities would be subject to compliance with SMC Chapter 16.16, *Building Code*. Specifically, SMC Chapter 16.16 adopts by reference the CBC. Chapter 33, *Fire Safety During Construction and Demolition*, of the CBC includes emergency access requirements which would minimize site safety hazards and potential construction-related impacts to police services. As a result, project construction would not result in the need for new or physically altered police protection facilities, the construction of which could cause significant

environmental impacts, and would not adversely impact service ratios, response times, or other performance standards. A less than significant impact would occur in this regard.

Operation

Project operations would increase demands for police protection services above existing conditions. However, this increase would not require the construction of any new or physically altered City of Sunnyvale Department of Public Safety Bureau of Police Services facilities. It is the City's policy to ensure that new development provide appropriate improvements or resources to meet the future infrastructure and facility needs of the City; refer to General Plan Policy LT-14.8. Project implementation would be subject to compliance with applicable local regulations to reduce impacts to police protection services, such as SMC Chapter 16.16, *Building Code*. Specifically, SMC Chapter 16.16 adopts by reference the CBC, which includes emergency access requirements which would minimize site safety hazards and potential operational impacts to police services. In addition, the City would collect a one-time development impact fee in accordance with SMC Chapter 16.16, *Building Code*, which is imposed on all new development to help pay its fair share of costs in upgrading City police facilities, as needed. Payment of these fees would help fund the acquisition, design, and construction of new City of Sunnyvale Department of Public Safety Bureau of Police Services facilities and would minimize the project's operational impacts to police protection services to the greatest extent practicable. Collection of development impact fees and compliance with all SMC provisions would ensure operational impacts concerning police protection services are less than significant.

There are no impacts that are peculiar to the project or project site; there are no impacts that were not analyzed as significant effects in the ECRSP EIR; there are no potentially significant off-site or cumulative impacts that were not already evaluated by the ECRSP EIR; and there is no substantial new information resulting in more severe adverse impacts to the environment from significant effects identified in the ECRSP EIR.

Schools

As indicated in the ECRSP EIR, Sunnyvale residents are served by four public school districts: Sunnyvale School District, Cupertino Union School District, Santa Clara Unified School District, and Fremont Union High School District.

As indicated in Section 5.3.14, the proposed project would demolish the existing car dealership and paved parking lot to develop a senior living facility, convalescent hospital, commercial space, and subterranean parking. Senior uses are not considered student-generating. Although the project would not result in an increased demand for school services, the project would be required to comply with SB 50 requirements, which allow school districts to collect impact fees from developers of new residential and commercial projects. According to Section 65996 of the California Government Code, payment of statutory fees is considered full mitigation for new development projects. Thus, upon payment of required fees by the project applicant consistent with existing State requirements, impacts in this regard would be less than significant. Therefore, no physical impacts associated with the provision of school services would occur. There are no impacts that are peculiar to the project or project site; there are no impacts that were not analyzed as significant effects in the ECRSP EIR; there are no potentially significant off-site or cumulative impacts that were not already evaluated by the ECRSP EIR; and there is no substantial new information resulting in more severe adverse impacts to the environment from significant effects identified in the ECRSP EIR.

Parks

The project would result in a future increase in the area's population by 149 new residents and 228 employees,

which was anticipated in the ECRSP EIR based upon project consistency with the applicable land use and zoning designations. Pursuant to the SMC, new development would also be required to dedicate land, pay a fee in lieu thereof, or both, for park or recreational purposes at a ratio of 5 acres per 1,000 residents. The development fees would be applied toward the acquisition and development of local and community park facilities throughout the City. Payment of the development fees would be made prior to issuance of building permits or final map recordation, whichever comes first. Therefore, payment would offset the increase in demand of parks and recreational facilities generated by the proposed project, such that existing facilities would not substantially deteriorate. The project would not require the construction of new or alteration of existing park or recreational facilities to maintain an adequate level of service to the project area. Additionally, the project proposes 18,994 square feet of open space that would be available to residents. Therefore, no physical impacts associated with the provision of parks would occur. There are no impacts that are peculiar to the project or project site; there are no impacts that were not analyzed as significant effects in the ECRSP EIR; there are no potentially significant off-site or cumulative impacts that were not already evaluated by the ECRSP EIR; and there is no substantial new information resulting in more severe adverse impacts to the environment from significant effects identified in the ECRSP EIR.

Other Public Facilities

Other public facilities that could potentially be impacted by the project include library services. The approximately 60,800 square-foot Sunnyvale Public Library offers a range of materials and resources including books, magazines, recorded books, CDs, and DVDs. The library offers on-site access to the Internet, including wireless access. The City also plans to construct a new 20,000 square-foot branch library facility at the Lakewood Elementary School site. The project would increase access to library services for those living in north Sunnyvale by making it more convenient for residents to visit. Construction is currently anticipated to begin in Fall 2024and be completed in Fall 2026.

As noted by the ECRSP EIR, the proposed project would be reviewed against General Plan Policy LT-14.8, which would ensure that new developments provide appropriate improvements or resources to meet the future infrastructure and facility needs of the City. The project would result in a future increase in the area's population of 149 new residents and would introduce up to 228 employees, which was anticipated in the ECRSP EIR based upon project consistency with the applicable land use and zoning designations. Therefore, no additional library services are anticipated to be necessary, and no physical impacts associated with the provision of library services or other public facilities would occur. There are no impacts that are peculiar to the project or project site; there are no impacts that were not analyzed as significant effects in the ECRSP EIR; there are no potentially significant off-site or cumulative impacts that were not already evaluated by the ECRSP EIR; and there is no substantial new information resulting in more severe adverse impacts to the environment from significant effects identified in the ECRSP EIR.

5.3.16 Recreation

ECRSP EIR Findings

The ECRSP EIR made the following findings with respect to Recreation:

- Impact 3.14.1: With the dedication of land and/or payment of development fees by developers within the ECSRP area as required by the SMC, the ECRSP would not substantially increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated. Impacts would be less than significant.

- Impact 3.14.: The ECRSP could include recreational facilities or require the construction or expansion of recreational facilities; however, the construction or expansion of these facilities would not have an adverse physical effect on the environment following compliance with existing policies and regulations, and conformance with the City's discretionary review process. Impacts would be less than significant.

ECRSP EIR Mitigation Measures

The ECRSP EIR did not identify mitigation measures related to recreational facilities.

Project Analysis

Threshold 5.3.16.a: Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?

Threshold 5.3.16.b: Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?

Refer to Threshold 5.3.15.a. No physical impacts associated with the provision of parks would occur. The project would result in a future increase in the area's population by 149 new residents and 228 employees, which was anticipated in the ECRSP EIR based upon project consistency with the applicable land use and zoning designations. Furthermore, senior uses are not considered to be recreationally intensive. Subsequently, the project does not propose the implementation of any recreational facilities and does not require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment. There are no impacts that are peculiar to the project or project site; there are no impacts that were not analyzed as significant effects in the ECRSP EIR; there are no potentially significant off-site or cumulative impacts that were not already evaluated by the ECRSP EIR; and there is no substantial new information resulting in more severe adverse impacts to the environment from significant effects identified in the ECRSP EIR.

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5.3.17 Transportation

ECRSP EIR Findings

The ECRSP EIR made the following findings with respect to Transportation:

- Impact 3.15.1: The ECRSP would not conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b) with implementation of Mitigation Measure TRA-1. Impacts would be less than significant with mitigation.
- Impact 3.15.2: Because the ECRSP contains various policies that prioritize transit and requires new development to implement a variety of transit improvements, the ECRSP would not disrupt existing or planned transit facilities; generate increased transit demand unable to be accommodated by existing or planned and programmed transit services; or conflict with a program, plan, ordinance, or policy addressing transit facilities. Impacts would be less than significant.
- Impact 3.15.3: Because the ECRSP contains various policies that prioritize bicycle facilities and requires new development to implement a variety of bicycle improvements, the ECRSP would not disrupt existing or planned bicycle facilities; generate increased bicycle facility demand unable to be accommodated by existing or planned and programmed bicycle facility services; or conflict with a program, plan, ordinance, or policy addressing bicycle facilities. Impacts would be less than significant.
- Impact 3.15.4: Because the ECRSP contains various policies that prioritize pedestrian facilities and requires new development to implement a variety of pedestrian improvements, the ECRSP would not disrupt existing or planned pedestrian facilities; generate increased pedestrian facility demand unable to be accommodated by existing or planned and programmed pedestrian facility services; or conflict with a program, plan, ordinance, or policy addressing pedestrian facilities. Impacts would be less than significant.
- Impact 3.15.5: Because all new transportation infrastructure in the ECSRP area would be designed in accordance with industry-accepted engineering and design standards, the ECRSP would not substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment). Impacts would be less than significant.
- Impact 3.15.6: The ECRSP project would not result in inadequate emergency access. Impacts would be less than significant.
- Impact 3.15.77: The ECRSP project would not result in a temporary but prolonged impact related to lane closures, the need for temporary signals, emergency vehicles access, or traffic hazards to vehicles, bicyclists, and pedestrians with implementation of Mitigation Measure TRA-2. Impacts would be less than significant with mitigation.

ECRSP EIR Mitigation Measures

TRA-1 Prior to Planning Permit Completeness, the City of Sunnyvale shall review site-specific development within the ECRSP area for consistency with the floor area ratio and/or dwelling units per acre requirements specified in the City's Transportation Analysis Policy (referred to as "Council Policy 1.2.8"). In the event that a proposed development does not meet the floor area ratio and/or dwelling units per acre requirements or the required threshold specified in Council Policy 1.2.8, a project-specific VMT analysis shall be conducted to evaluate and disclose transportation-related environmental impacts and identify measures to avoid and minimize VMT impacts. If the VMT

analysis determines the potential for an increase in VMT that cannot be mitigated, a subsequent environmental analysis shall be prepared.

TRA-2 Before construction or issuance of building permits, the developer or the construction contractor for the project shall prepare a temporary traffic control (TTC) plan to the satisfaction of the City Department of Public Works, Division of Transportation and Traffic and subject to review by all affected agencies. The TTC shall include all information required on the City TTC Checklist and conform to the City's TTC Guidelines. At a minimum, the plan shall include the following elements:

- provide vicinity map including all streets within the work zone properly labeled with names, posted speed limits and north arrow;
- provide existing roadway lane and bike lane configuration and sidewalks where applicable including dimensions;
- description of proposed work zone;
- description of detours and/or lane closures (pedestrians, bicyclists, vehicular);
- description of no parking zone or parking restrictions;
- provide appropriate tapers and lengths, signs, and spacing;
- provide appropriate channelization devices and spacing;
- description of buffers;
- provide work hours/work days;
- dimensions of above elements and requirements per latest CA—MUTCD Part 6 and City's SOP for bike lane closures;
- provide proposed speed limit changes if applicable;
- description of bus stops, signalized and non-signalized intersection impacted by the work;
- show plan to address pedestrians, bicycle and ADA requirement throughout the work zone per CA-MUTCD Part 6 and City's SOP for Bike lane closures;
- indicate if phasing or staging is requested and duration of each;
- description of trucks including: number and size of trucks per day, expected arrival/departure times, truck circulation patterns;
- provide all staging areas on the project site; and
- ensure that the contractor has obtained and read the City's TTC Guidelines and City's SOP for bike lane closures; and
- ensure traffic impacts are localized and temporary.

Project Analysis

Threshold 5.3.17.a: Would the project conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?

Transit

Existing transit services in Sunnyvale are offered by Caltrain and the Santa Clara Valley Transportation Authority (VTA). The following VTA routes operate adjacent to the project and have bus stops located within 0.5-mile:

- Route 22 provides service along El Camino Real, connecting the communities of Palo Alto, Mountain View, Sunnyvale, Santa Clara, and San Jose.

- Route 522 provides rapid service along El Camino Real, connecting the communities of Palo Alto, Mountain View, Sunnyvale, Santa Clara, and San Jose.

- Route 53 is a local VTA route that connects the cities of Sunnyvale, Cupertino, and Santa Clara. In the vicinity of the project site, Route 53 travels along Bernardo Avenue.

Caltrain offers commuter rail service between San Francisco and Gilroy. There are two Caltrain stations in Sunnyvale: the Lawrence Caltrain Station and the Sunnyvale Caltrain Station. The Sunnyvale Caltrain Station is approximately 1.2 miles northeast of the project site. Service at the Sunnyvale Caltrain Station features approximately 20- to 30-minute headways during the weekday AM and PM commute hours and 60-minute headways midday, at night, and on weekends. VTA routes 20, 21, 53, 55 and 523 stop at the Sunnyvale Caltrain Station.

Roadways

The circulation system serving Sunnyvale consists of roadways, bicycle and pedestrian facilities, a public transit system, and railroad facilities. Regional and local access to the project site is provided by El Camino Real (also known as SR 82), a six-lane divided arterial providing access to the project site. The speed limit on El Camino Real is 35 miles per hour in the vicinity of the project site.

Bicycle and Pedestrian Facilities

The City's bikeway network includes four types of facilities and are discussed below.

- **Class I Bike Path** is a bicycle trail or path that is essentially off-street and separated from automobiles. Class I Bike Paths are a minimum of eight feet in width for two-way travel and include bike lane signage and designated street crossings where needed.

- **Class II Bike Lane** can be either located next to a curb or parking lane. If located next to a curb, a minimum width of five feet is recommended. However, a Class II Bike Lane adjacent to a parking lane can be four feet in width. Bike Lanes are exclusively for the use of bicycles and include bike lane signage, special lane lines, and pavement markings that delineate the right-of-way assigned to bicyclists along roadways.

- **Class III Bike Street** is a street providing for shared use by motor vehicles and bicyclists. While bicyclists have no exclusive use or priority, signage–both by the side of the street and stenciled on the roadway surface–alerts motorists to bicyclists sharing the roadway. Class III Bike Streets are enhancements of the standard Class III Bike Route, which is only indicated by small wayside signs.

- **Class IV Separated Bikeway or Cycle Track** provides delineated right-of-way assigned to bicyclists with a physical separation between them and a vehicle. This separation can include parked vehicles, bollards, curbs, or any other physical device that provides this separation.

At present, there are no bicycle facilities along El Camino Real along the project's frontage. The nearest bicycle facility to the project site is a Class III Bike Street along Olive Avenue immediately north of the project site.

Pedestrian circulation in the City is primarily provided via sidewalks. There are continuous sidewalks adjacent to the project on El Camino Real.

Plan Bay Area 2050

Chapter 4 of Plan Bay Area 2050 describes the long-range vision for transportation in the Bay Area and focuses on three strategies: 1) maintain and optimize the existing transportation system, 2) create healthy and safe streets, and 3) build a next-generation transit network. The project is consistent with the transportation strategies in Plan Bay Area 2050 by expanding the pedestrian space along El Camino Real and by providing both long- and short-term bicycle parking.

Sunnyvale General Plan

The General Plan, adopted July 2011 and amended in 2022, includes policies for the purpose of avoiding or mitigating impacts resulting from planned development projects in the City. The project as proposed would further the General Plan objectives listed below:

- **LT-3.1** Use land use planning, including mixed and higher-intensity uses, to support alternatives to the single-occupant automobile such as walking and bicycling and to attract and support high investment transit such as light rail, buses, and commuter rail.

- **LT-3.7** Provide parking and lane priority to environmentally friendly motorized vehicles (e.g., carpools, low emission, zero emission).

- **LT-3.22** Provide safe access to City streets for all modes of transportation. Safety considerations of all transport modes shall take priority over capacity considerations of any one transport mode.

- **LT-3.23** Ensure that the movement of cars, trucks and transit vehicles, bicycles, and pedestrians of all ages and abilities does not divide the community. City streets are public spaces and an integral part of the community fabric.

- **HE-6.3** Continue a high quality of maintenance for public streets, rights-of-way, and recreational areas, and provide safe pedestrian, bike, and transit linkages (accessibility) between jobs, residences, transportation hubs, and goods and services.

- **SN-3.5** Facilitate the safe movement of pedestrians, bicyclists, and vehicles.

As proposed, the project's on-site circulation meets all City standards. The project also provides 264 parking stalls. Of these, a number of stalls would be accessible, fitted with electric vehicle (EV) charging stations, or considered EV ready. In addition, the project provides long-term bike parking spaces and short-term bike parking spaces. Therefore, the project would not conflict with the City's General Plan's policies addressing the City's circulation system.

El Camino Real Specific Plan

As noted above, the ECRSP EIR determined that build out and implementation of the ECRSP would not substantially disrupt existing or planned transit facilities; generate increased transit demand unable to be accommodated by existing or planned and programmed transit services; or conflict with a program, plan, ordinance, or policy addressing transit facilities. In addition, through project-specific review for consistency with the floor area ratio and/or dwelling units per acre requirements specified in the City's Transportation Analysis Policy, impacts would remain less than significant. As proposed, the project meets both the ECRSP's floor area ratio and density requirements, demonstrating consistency with the ECRSP.

Conclusion

Based on the preceding analysis, the project would not conflict with a program, plan, ordinance, or policy addressing the circulation system, including transit, roadway, bicycle, and pedestrian facilities, and impacts would be less than significant. There are no impacts that are peculiar to the project or project site; there are no impacts that were not analyzed as significant effects in the ECRSP EIR; there are no potentially significant off-site or cumulative impacts that were not already evaluated by the ECRSP EIR; and there is no substantial new information resulting in more severe adverse impacts to the environment from significant effects identified in the ECRSP EIR.

Threshold 5.3.17.b: Would the project conflict or be inconsistent with CEQA Guidelines Section 15064.3, subdivision (b)?

The Sunnyvale City Council adopted Council Policy 1.2.8, "Transportation Analysis Policy," on June 30, 2020; thus, establishing VMT as the primary threshold of significance for analysis of transportation impacts under CEQA. This policy is designed to provide guidance in the preparation of transportation analysis for land use and transportation projects as part of the environmental review process to comply with CEQA.

Council Policy 1.2.8 requires that all projects evaluate and disclose transportation-related environmental impacts using VMT as the primary metric, as required by CEQA. The project would construct a 149-unit Senior Living Facility and Convalescent Hospital that would have a total area of approximately 63,021 square feet. Council Policy 1.2.8 identifies an exemption for Local Serving Retail spaces of 100,000 square feet or less. An exemption is also provided for Transit Supportive Projects that support the multimodal transit network, comply with parking requirement standards, and are transit oriented in design. Based on correspondence with the City, the proposed project would meet the Exemption Screening Category Criteria for Local Serving Retail and Transit Supportive Projects.[22] Therefore, the project would have a less than significant impact relative to VMT; refer to Attachment H, *VMT Screening Checklist*.

Accordingly, the project would not conflict or be inconsistent with CEQA Guidelines Section 15064.3, subdivision (b), and impacts would be less than significant. Therefore, there are no impacts that are peculiar to the project or project site; there are no impacts that were not analyzed as significant effects in the ECRSP EIR; there are no potentially significant off-site or cumulative impacts that were not already evaluated by the ECRSP EIR; and there is no substantial new information resulting in more severe adverse impacts to the environment from significant effects identified in the ECRSP EIR.

[22] City of Sunnyvale, VMT Exemption Checklist - 1035 W El Camino Real, prepared by Joshua Llamas, August 29, 2023.

Threshold 5.3.17.c: Would the project substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?

The project does not include geometric design features that would increase hazards, nor does the project include any incompatible uses. Design of all project driveways and internal roadways would be based on the SMC, which sets the standard for such design. All development plans, including the proposed project, undergo an extensive review process at the City to ensure consistency with the City's adopted engineering standards. Impacts would be less than significant. Therefore, there are no impacts that are peculiar to the project or project site; there are no impacts that were not analyzed as significant effects in the ECRSP EIR; there are no potentially significant off-site or cumulative impacts that were not already evaluated by the ECRSP EIR; and there is no substantial new information resulting in more severe adverse impacts to the environment from significant effects identified in the ECRSP EIR.

Threshold 5.3.17.d: Would the project result in inadequate emergency access?

Site access would be provided via one driveway located along El Camino Real with right-in/right-out access. Outbound traffic from the driveway travelling eastbound on El Camino Real would require westbound U-turn movements at the intersection of Grape Avenue. On-site circulation is provided via a one-way roundabout. The proposed development features two fire access lanes accessed by West Olive Avenue on the north end of the property.

All streets and fire access lanes would be required to comply with applicable codes, ordinances, and standard conditions, and would meet the City's width and turnaround requirements to provide adequate emergency access. Additionally, the Sunnyvale Department of Public Safety Bureau of Fire Services reviews all development applications, including for the proposed project, to ensure that adequate emergency accessibility is provided based on local and State guidance. Therefore, impacts would be less than significant. There are no impacts that are peculiar to the project or project site; there are no impacts that were not analyzed as significant effects in the ECRSP EIR; there are no potentially significant off-site or cumulative impacts that were not already evaluated by the ECRSP EIR; and there is no substantial new information resulting in more severe adverse impacts to the environment from significant effects identified in the ECRSP EIR.

5.3.18 Tribal Cultural Resources

ECRSP EIR Findings

The ECRSP EIR made the following findings with respect to Tribal Cultural Resources:

- Impact 3.4.4: Through compliance with City policies and State regulations, the ECRSP project would not cause a substantial adverse change in the significance of a tribal cultural resource that is listed or eligible for listing in the California Register of Historical Resources or in a local register of historical resources as defined in Public Resources Code section 5020.1(k). Through compliance with City policies and State regulations, the ECRSP would not cause a substantial adverse change to a resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. Impacts would be less than significant.

ECRSP EIR Mitigation Measures

The ECRSP EIR did not identify mitigation measures related to tribal cultural resources.

Project Analysis

Threshold 5.3.18.a: **Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code Section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code Section 5020.1(k)?**

Threshold 5.3.18.b: **Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code Section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is a resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resources Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.**

As discussed in Threshold 5.3.5.b above, there are no resources located on the project site that are listed or eligible for listing in the CRHR, or in a local register of historical resources as defined in Public Resources Code Section 5020.1(k). Notwithstanding, in the event that unknown cultural resources are found and identified as Native American in origin, the City's policy is to preserve archaeological resources wherever possible (Policy CC-5.5) and condition projects to halt all ground-disturbing activities until a qualified archaeologist determines the significance of the discovery in the event that previously unidentified archaeological resources are discovered (Action LT-1.10f). Pursuant to Action LT-1.10f, the City would require significant discoveries to be mitigated consistent with Public Resources Code Section 21083.2 to ensure protection of the resource. Further, in the event that Native American human remains are discovered, the requirements and procedures set forth in Section 5097.98 of the California Public Resources Code would be implemented, including notification of the County Coroner, notification of the NAHC, and consultation with the individual identified by the NAHC to be the "most likely descendant (MLD)." Thus, compliance with existing City policies and actions and State regulations would reduce impacts related to tribal cultural resources to less than significant.

Therefore, there are no impacts that are peculiar to the project or project site; there are no impacts that were not analyzed as significant effects in the ECRSP EIR; there are no potentially significant off-site or cumulative impacts that were not already evaluated by the ECRSP EIR; and there is no substantial new information resulting in more severe adverse impacts to the environment from significant effects identified in the ECRSP EIR.

5.3.19 Utilities and Service Systems

ECRSP EIR Findings

The ECRSP EIR made the following findings with respect to Utilities and Service Systems:

- Impact 3.16.1: With the implementation of City policies, regulations, and standards for new development, water, or wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities are adequate to meet the requirements associated with ECRSP buildout, so such facilities would not need to be relocated, constructed, or expanded. Impacts would be less than significant.
- Impact 3.16.2: Water supply and delivery systems are adequate to meet the requirements associated with ECRSP buildout. Impacts would be less than significant.
- Impact 3.16.3: Existing and/or proposed wastewater treatment systems are adequate to serve the wastewater requirements associated with ECRSP buildout. Impacts would be less than significant.
- Impact 3.16.4: Existing and/or proposed facilities would be able to accommodate solid waste associated with ECRSP buildout, and waste generated would not be in excess of State or local standards. Impacts would be less than significant.
- Impact 3.16.5: The ECRSP project would comply with Federal, State, and local statutes and regulations related to solid waste. Impacts would be less than significant.

ECRSP EIR Mitigation Measures

The ECRSP EIR did not identify mitigation measures related to utilities and service systems.

Project Analysis

Threshold 5.3.19.a: Would the project require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?

Water

As discussed previously, the project site is located in the SCVWD service area for local water service. The City relies on four sources for its long-term water supply: 1) City owned groundwater wells; 2) imported water from SFPUC's Regional Water System; 3) imported water from SCVWD; and 4) recycled water from a wastewater reclamation program which supplies non-potable water for uses such as parks and golf courses. The City projects that it can meet future water demands during drought years by utilizing a combination of groundwater, conservation, recycled water, and the available SFPUC and SCVWD contractual water supply limits.

The project site currently consists of an existing car dealership and paved parking lot, and as such, the site is already connected to existing water mains located within El Camino Real. According to the project's Civil Utility Plan, the project would connect to an existing water main in West Olive Avenue via a 4-inch connection line. In addition, the project proposes a 4-inch fire service connection line to an existing main in West El Camino Real. No relocation or expansion of offsite water mains or facilities is proposed nor required for the project. As such, no significant environmental effects would occur as a result of implementation of the project's proposed water connections. A less than significant impact would occur.

Wastewater Treatment

Wastewater from homes and businesses (toilets, showers, kitchen sinks, etc.) in the City is carried by sanitary sewer lines to the Sunnyvale Water Pollution Control Plant (WPCP). Sunnyvale's wastewater collection system has the capacity to convey all sewage and industrial wastes generated when the City is fully developed in accordance with the land use projections. The WPCP is located at 1444 Borregas Avenue and is currently designed for an ultimate flow treatment capacity of 29.5 mgd, though current flows through the plant average approximately 13 mgd. The WPCP collects wastewater from the sanitary sewer system; the water must then be treated before it can be discharged to the lower San Francisco Bay. This treatment occurs at the plant, which is an advanced tertiary treatment plant consisting of primary treatment (sedimentation), secondary treatment (oxidation), and tertiary treatment (filtration and disinfection).

The project site currently consists of an existing car dealership and paved parking lot, and as such, the site is already connected to existing wastewater lines. According to the project's Civil Utility Plan, the project would connect to an existing wastewater main in West Olive Avenue via two 6-inch connection lines. Two new manholes would be constructed at the points of connection. No relocation or expansion of offsite wastewater mains or facilities is proposed nor required for the project. Wastewater produced by the project would continue to meet wastewater disposal regulations through treatment at the WPCP and would be treated to disinfected tertiary recycled water standards that meet or exceed California Department of Public Health Title 22 Standards under Division 4, Article 1 Section 60301.230. Therefore, no significant environmental effects would occur as a result of implementation of the project's proposed wastewater connections. A less than significant impact would occur.

Stormwater

Local storm drainage facilities in Sunnyvale are owned by the City of Sunnyvale and maintained by the City's Environmental Services Department. The system consists of approximately 3,200 storm drain inlets, five pump stations, and approximately 295 miles of storm drains (Sunnyvale 2015). The local system discharges into a regional system under the jurisdiction of the SCVWD. In lower-elevation areas, pump stations collect runoff from low-lying urban areas and discharge to creeks and sloughs in higher elevations. The local system then conveys storm runoff to San Francisco Bay. SCVWD facilities in the project area include the East El Camino Storm Drain Channel (East Channel). The East Channel is approximately 6 miles long and stretches from I-280 to Guadalupe Slough.

The project site currently consists of an existing car dealership and paved parking lot, and as such, the site already contains existing impervious surfaces and has stormwater capture infrastructure on-site. According to the project's Civil Utility Plan, the project would construct a 12-inch stormwater main in West Olive Avenue to connect to an existing main west of the site. Two new manholes would be constructed at the points of connection. Nonetheless, as discussed in Section 5.3.10, *Hydrology and Water Quality*, stormwater drainage system improvements may be required to be incorporated into the project design. A Stormwater Management Plan (SWMP) was prepared for the project; refer to Attachment F, *Stormwater Management Plan Data Form*, which requires all projects, whether commercial, residential, or industrial that create and/or replace 5,000 square feet or more of impervious surface area to implement stormwater treatment measures, site design measures (e.g., LID), and source control measures. The form recommends the implementation of flow-through planters as a Stormwater Treatment Measure (STM), and regular maintenance (including street sweeping and catch basin cleaning) as a Specific Stormwater Control Measure. Compliance with these measures would ensure that operational impacts to runoff and surface and groundwater quality would be less than significant.

As such, implementation of the project would not increase the volume and/or rate of stormwater flows that enter the existing storm drain system. The project would not result in expansion of any existing off-site facilities or in the construction or relocation of new off-site facilities. Impacts would be less than significant.

Dry Utilities

Since the project site is already developed and has existing utility connections, extension of electric power and telecommunication facilities is not required for the project. The project does not propose natural gas. As a result, impacts associated with upgrades of electric, natural gas, and telecommunication lateral connections to the project site would be less than significant. Therefore, there are no impacts that are peculiar to the project or project site; there are no impacts that were not analyzed as significant effects in the ECRSP EIR; there are no potentially significant off-site or cumulative impacts that were not already evaluated by the ECRSP EIR; and there is no substantial new information resulting in more severe adverse impacts to the environment from significant effects identified in the ECRSP EIR.

Threshold 5.3.19.b: Would the project have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?

The project could result in significant impacts if the project required additional water supplies than are currently entitled. The project includes the development of a senior living facility, commercial space, and convalescent hospital that would require water for irrigation and day-to-day activities within the development.

The 2019 Water Supply Assessment (2019 WSA) prepared by Michael Baker International for the ECRSP EIR concluded that the City can meet future water demands, including the demands associated with buildout from the ECRSP, during drought years by utilizing a combination of groundwater, conservation, recycled water, and the available SFPUC and SCVWD contractual water supply limits. The 2019 WSA found that supplies of imported water are expected to remain relatively stable throughout the forecast period and that water conservation and increased local well production would balance the demand for water in the City. Analysis of water demand and supply projections for the City finds that the existing water supply contracts, groundwater, conservation, and recycled water programs would sufficiently meet the increased water demand from implementation of the ECRSP through the year 2035. Reliability of future water supplies to the region is based on implementation of the regional projects, implementation of local agency programs, and combined efforts and programs among agencies, including all water retailers, and the SFPUC, SCVWD, RWQCB, and BAWSCA. Furthermore, analysis in the 2019 WSA also demonstrates that possible reductions in imported water deliveries due to drought conditions do not prevent the City from satisfying its anticipated demands.

The proposed project is consistent with the land use and zoning assumptions assumed for the site in the ECRSP EIR. As such, the project would have sufficient water supplies available to serve the project from existing entitlements and resources. Therefore, this impact would be less than significant. Therefore, there are no impacts that are peculiar to the project or project site; there are no impacts that were not analyzed as significant effects in the ECRSP EIR; there are no potentially significant off-site or cumulative impacts that were not already evaluated by the ECRSP EIR; and there is no substantial new information resulting in more severe adverse impacts to the environment from significant effects identified in the ECRSP EIR.

Threshold 5.3.19.c: Would the project result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?

As discussed in the ECRSP EIR, wastewater from homes and businesses (toilets, showers, sinks) in the City is carried by sanitary sewer lines to the Sunnyvale Water Pollution Control Plant (WPCP) where it is treated before being discharged to local waterways that flow into the San Francisco Bay. The amount and quality of this effluent is regulated by the San Francisco Bay (RWQCB). The Board's purpose is to protect beneficial uses of the San Francisco Bay in compliance with the California Water Code and the Federal Clean Water Act. The WPCP has an existing treatment capacity of 29.5 million gallons per day (mgd). The amount of influent wastewater handled by the plant varies with the time of day and with seasonal changes in demand. Current flows average approximately 13 mgd. Thus, the WPCP has approximately 16.5 mgd of unused capacity. Projected wastewater flows generated by the proposed project would represent a small percentage of this unused capacity.

The project is consistent with the land use designations set forth in the ECRSP EIR; therefore, the project's resulting population increase was anticipated in the EIR analysis for wastewater treatment. Consistent with the finding of the ECRSP EIR, the project's impacts to wastewater treatment capacity would be less than significant. Therefore, there are no impacts that are peculiar to the project or project site; there are no impacts that were not analyzed as significant effects in the ECRSP EIR; there are no potentially significant off-site or cumulative impacts that were not already evaluated by the ECRSP EIR; and there is no substantial new information resulting in more severe adverse impacts to the environment from significant effects identified in the ECRSP EIR.

Threshold 5.3.19.d: Would the project generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?

According to the ECRSP EIR, garbage and cardboard recycling collection service is provided to Sunnyvale businesses by the City's franchised hauler, Specialty Solid Waste & Recycling. The solid waste generated in Sunnyvale is hauled to the Kirby Canyon Landfill 27 miles away in south San Jose. In addition, some solid waste from Sunnyvale is disposed of at the Zanker Road Landfill and other disposal sites around the State. The Kirby Canyon Landfill has a remaining capacity of 16,191,600 cubic yards, with an estimated closure date of 2059.

Construction Impacts

Construction of the project would result in the generation of solid waste such as scrap lumber, concrete, residual wastes, packing materials, plastics, and soils. All construction activities would be subject to conformance with relevant Federal, State, and local requirements related to solid waste disposal. Specifically, the project would be required to demonstrate compliance with the California Integrated Waste Management Act of 1989 (AB 939), which requires all California cities to "reduce, recycle, and re-use solid waste generated in the State to the maximum extent feasible." The California Integrated Waste Management Act of 1989 requires that at least 50 percent of waste produced is recycled, reduced, or composted. The project would also be required to demonstrate compliance with the most recent Green Building Code, which includes design and construction measures that act to reduce construction-related waste though material conservation measures and other construction-related efficiency measures. Compliance with these programs would ensure the project's construction-related solid waste impacts would be less than significant.

Operational Impacts

The proposed project is consistent with the land use designation assumed for the site in the ECRSP EIR. As such, the project is not anticipated to generate solid waste in excess of State or local standards, or in excess of the

capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals. Impacts would be less than significant. Consistent with the conclusion reached by the ECRSP EIR, the existing solid waste facilities have ample capacity to accommodate increased volumes of waste from the City through 2040, and impacts would be less than significant. There are no impacts that are peculiar to the project or project site; there are no impacts that were not analyzed as significant effects in the ECRSP EIR; there are no potentially significant off-site or cumulative impacts that were not already evaluated by the ECRSP EIR; and there is no substantial new information resulting in more severe adverse impacts to the environment from significant effects identified in the ECRSP EIR.

Threshold 5.3.19.e: Would the project comply with Federal, State, and local management and reduction statutes and regulations related to solid waste?

Statutes and regulations regarding solid waste generation, transport, and disposal are intended to decrease solid waste generation through mandatory reductions in solid waste quantities (e.g., through recycling and composting of green waste) and the safe and efficient transport of solid waste. As required by the City, solid waste disposal would be coordinated with Specialty Solid Waste & Recycling to develop a collection program for recyclables (e.g., paper, plastics, glass, and aluminum) in accordance with local and State programs. Notably, Specialty Solid Waste & Recycling provides commercial and multi-family bin collection services for properties in the City, and assists businesses with adhering to applicable waste management requirements, such as AB 241 (requires commercial businesses and public entities that generate four or more cubic yards per week of waste and multi-family housing complexes with five or more units to adopt recycling practices) and AB 1826 (requires businesses that generate a specified amount of organic waste per week to arrange for recycling services for that waste).

Additionally, the project would be required to comply with applicable practices enacted by the City under the California Integrated Waste Management Act of 1989 (AB 939) and any other applicable solid waste management regulations. AB 939 created the California Department of Resources Recycling and Recovery Board, now known as CalRecycle. AB 939 required that local jurisdictions divert at least 50 percent of all solid waste generated by January 1, 2000. The diversion goal has been increased to 75 percent by 2020 by SB 341. Further, the Solid Waste Disposal Measurement Act of 2008 (SB 1016) was established to make the process of goal measurement (as established by AB 939) simpler, more timely, and more accurate. SB 1016 builds on AB 939 compliance requirements by implementing a simplified measure of jurisdictions' performance. SB 1016 accomplishes this by changing to a disposal-based indicator—the per capita disposal rate—which uses only two factors: (1) a jurisdiction's population (or in some cases employment); and (2) its disposal, as reported by disposal facilities.

Additionally, the City of Sunnyvale and CalGreen Code require new developments to divert 65 percent of non-hazardous construction and demolition debris for all projects. In compliance with these regulations, the project contractor would submit a Waste Diversion Plan to the City. Based on the above analysis, the project would comply with Federal, State, and local management and reduction statutes and regulations related to solid waste, and impacts would be less than significant. Therefore, there are no impacts that are peculiar to the project or project site; there are no impacts that were not analyzed as significant effects in the ECRSP EIR; there are no potentially significant off-site or cumulative impacts that were not already evaluated by the ECRSP EIR; and there is no substantial new information resulting in more severe adverse impacts to the environment from significant effects identified in the ECRSP EIR.

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5.3.20 Wildfire

ECRSP EIR Findings

The ECRSP EIR made the following findings with respect to Wildfire:

- Impact 4.7: Buildout of the ECRSP project would not substantially impair an adopted emergency response plan or emergency evacuation plan; exacerbate wildfire risks due to slope, prevailing winds, and other factors, thereby exposing project occupants to elevated particulate concentrations from a wildfire; require the installation and maintenance of associated infrastructure in areas that are undeveloped or vacant, which could exacerbate fire risk or result in temporary or ongoing impacts to the environment; or expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes. No impact would occur.

ECRSP EIR Mitigation Measures

The ECRSP EIR did not identify mitigation measures related to wildfire.

Project Analysis

Threshold 5.3.20.a: If located in or near SRAs or lands classified as very high fire hazard severity zones, would the project:

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

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

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

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

The California Department of Forestry and Fire Protection (CAL FIRE) has mapped areas of significant fire hazards in the State through its Fire and Resources Assessment Program (FRAP). These maps place areas of the State into different fire hazard severity zones (FHSZ). CAL FIRE uses FHSZs to classify anticipated fire-related hazards for the entire State and includes classifications for SRAs, Local Responsibility Areas (LRAs), and Federal Responsibility Areas (FRAs). Fire hazard severity classifications take into account the following elements: vegetation, topography, weather, crown fire production, and ember production and movement.

The project site is located within a highly developed urban area that is not adjacent to large open spaces susceptible to the risk of wildfire. According to the Santa Clara County Fire Hazard Severity Zones Map, Sunnyvale is not located within an SRA for wildfire. Therefore, the risk of wildfire is considered to be low due to the urbanized setting of the City. The project site lies approximately four miles from the nearest Fire Hazard Severity Zone, which is located in the foothills to the west of I-280.

The project site is generally flat and does not support slopes or other topographical conditions that may exacerbate wildfire risks or expose occupants of the area to pollutant concentrations from a wildfire or the

uncontrolled spread of a wildfire. The project site is also not susceptible to the risks of downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes.

The City participates in a multi-jurisdictional effort that fulfills the requirements of the FEMA Disaster Mitigation Act of 2000 requiring all local governments to develop similar, cooperative plans designed to maintain and enhance a disaster-resistant region by reducing the potential loss of life, property damage, and environmental degradation from natural disasters. The local plan is entitled Taming Natural Disasters: Multi-Jurisdictional LHMP for the San Francisco Bay Area. The plan's territory is administered by Association of Bay Area Governments. Additionally, the City maintains an Emergency Preparedness Advisory Commission and operates a Community Emergency Response Team to educate and prepare the public to respond and survive in case of natural or manmade disasters. The Sunnyvale Hazard Mitigation Plan summarizes emergency response functions in the City's EMO. In sum, the project would be subject to local policies and actions, in addition to other regulations and standards for new development, including appropriate standards for emergency access roads, emergency water supply, and fire preparedness, capacity, and response that would ensure that potential wildfire impacts remain less than significant.

In consideration of the above analysis, project impacts relative to wildfire would be less than significant. Therefore, there are no impacts that are peculiar to the project or project site; there are no impacts that were not analyzed as significant effects in the ECRSP EIR; there are no potentially significant off-site or cumulative impacts that were not already evaluated by the ECRSP EIR; and there is no substantial new information resulting in more severe adverse impacts to the environment from significant effects identified in the ECRSP EIR.

5.3.21 Mandatory Findings of Significance

Threshold 5.3.21.a: Does the project have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?

As indicated throughout the analysis in this CEQA Guidelines Section 15183 Environmental Checklist, assuming incorporation of the applicable COAs, MMs, laws, ordinances, and regulatory requirements specified in the ECRSP EIR, implementation of the project would not: substantially degrade the quality of the environment; substantially reduce the habit of 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. Therefore, there are no impacts that are peculiar to the proposed project site; there are no direct or cumulatively considerable impacts of the proposed project that were not already evaluated by the ECRSP EIR; and there are no new or more severe impacts to the environment beyond what was previously evaluated and disclosed by the ECRSP EIR.

Threshold 5.3.21 b: Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?

A significant cumulative impact may occur if a proposed project, in conjunction with related projects, would result in impacts that are less than significant when viewed separately, but would be significant when viewed together. As concluded in Section 5.3.1 through Section 5.3.20, the project would not result in any significant impacts in any environmental categories with implementation of project design features, as well as the regulatory requirements and MMs specified by the ECRSP EIR. Additionally, the analysis herein demonstrates that physical impacts associated with the project (e.g., biological resources, cultural resources, geology/soils, etc.) would not substantially change or increase compared to the analysis presented in the ECRSP EIR. Accordingly, because the project would have similar or reduced cumulative impacts to the environment as compared to what was evaluated and disclosed by the ECRSP EIR, the project would not result in any new or increased impacts to the environment beyond what was evaluated, disclosed, and mitigated for by the ECRSP EIR. Therefore, there are no impacts that are peculiar to the project site; there are no direct or cumulatively considerable impacts of the proposed project that were not already evaluated by the ECRSP EIR; and there are no new or more severe impacts to the environment beyond what was previously evaluated and disclosed by the ECRSP EIR.

Threshold 5.3.21 c: Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?

Given the scope and nature of the project, the project would not result in environmental effects which would cause substantial adverse effects on human beings, either directly or indirectly. Compliance with applicable existing laws and regulations and implementation of standards COAs and MMs from the ECRSP EIR will be required, as supplemented by project design features enumerated in this CEQA Guidelines Section 15183 Environmental Checklist, to reduce these adverse effects to a level below significance. There are no components of the project that could result in substantial adverse effects on human beings that are not already evaluated and disclosed throughout this CEQA Guidelines Section 15183 Environmental Checklist and the ECRSP EIR.

Therefore, there are no impacts that are peculiar to the project or project site; there are no impacts that were not analyzed as significant effects in the ECRSP EIR; there are no potentially significant off-site or cumulative impacts that were not already evaluated by the ECRSP EIR; and there is no substantial new information resulting in more severe adverse impacts to the environment from significant effects identified in the ECRSP EIR.

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Sunnyvale

VMT Analysis Background:

The City adopted **Council Policy 1.2.8 Transportation Policy** that changes how transportation impacts are analyzed to comply with California Environmental Quality Act (CEQA). The new policy established Vehicles Miles Traveled (VMT) to identify potential environmental impacts related to transportation of a proposed project. Please reference the City webpage regarding the new policy: https://sunnyvale.ca.gov/business/environmental/vmt.htm

VMT Exemption Screening Checklist

Project Description (proposed square footage, number of residential units, any existing uses):

(SB330) – Mixed-use development with 52 bed convalescent hospital, 114 independent and 36 assisted senior living with retail.

Project Location: 1035 W El Camino Real

VMT Analysis Requirement Checklist: Project does not require a VMT analysis if it meets one of the following exemption screening criteria:

Exemption Screening Category Criteria	Land Use #1		Land Use #2		Land Use #3	
	Convalescent Hospital		Senior Living		Retail	
	Yes	No	Yes	No	Yes	No
A. Small Projects (defined as generating 110 or less daily trips):						
Land Use generating 110 daily trips or less?						
B. Local Serving Retail:	YES					
Commercial Retail 100K or less?					X	
Commercial/retail defined by zoning code?						
C. City facilities: Fire station, parks, community centers, branch libraries						
D. Restricted Affordable Housing Projects that meet the following:						
For rental developments: At least 25% of the proposed residential units dedicated as affordable to households up to 80% AMI.						
For ownership developments: At least 25% of the proposed residential units dedicated as affordable to households up to 120% AMI.						
For either type of development: The development may utilize the State Density Bonus, however 25% of the total constructed units on site must be deed restricted.						
E. Transportation Projects that reduce or do not increase VMT						
F. Transit Supportive Projects - Meet all of the following requirements:	YES					
Distance to Transit: Within ½ mile of an existing major bus stop or existing stop along a high-quality transit corridor?	X					

Exemption Screening Category Criteria	Land Use #1		Land Use #2		Land Use #3	
	Convalescent Hospital		Senior Living		Retail	
	Yes	No	Yes	No	Yes	No
Land use: Office/R&D project with a floor area ratio of more than 75% or Residential project of at least 35 dwelling units/acre	X					
(I) Support the multimodal transportation network by facilitating access to multimodal transportation with improved pedestrian facilities, bike lanes, transit stops; does not harm or hinder access to multimodal transportation (must satisfy at least 4):	X					
a. Limit the number and width of curb cuts	X					
b. Wide sidewalks along the project frontage	X					
c. Trash pickup not within bike lanes	X					
d. Improves transit accessibility or facilities	X					
e. Propose new bike lanes or pedestrian facilities	X					
(II) Does not exceed maximum parking requirements or propose higher than what is allowed per the development standards: b≤a?	X					
a. Number of parking spaces required by Specific Plan/Area Plan (if in a Plan Area) or zoning code	78					
b. Number of parking spaces proposed by project	78					
(III) Is transit oriented in design?	YES					
a. Has a walkable design that prioritizes pedestrians (must satisfy at least 3):	X					
i. Incorporates comfort and safety elements such as street trees, benches, lighting, etc.	X					
ii. Create pedestrian-oriented building frontage(s)	X					
iii. Allow zero or minimal building setbacks from the sidewalk to create intimate, pedestrian-scaled environments		X				
iv. Comprehensive onsite pedestrian circulation system	X					
b. Is sustainable, and compact (must satisfy at least 4):	X					
i. Support higher commercial and residential development intensities (FAR exceeds 75% for Office/R&D project or exceeds 35 dwelling units/acre for Residential project)		X				
ii. Zero or minimal building setbacks from the sidewalk to create intimate, pedestrian-scaled environments		X				
iii. Place buildings at or close to the property line	X					
iv. Mix complimentary land uses		X				
v. Active ground-floor uses						
vi. Support commercial and retail service diversity	X					
vii. Support community uses such as childcare, health services	X					
viii. Mix housing types, including senior and affordable housing	X		X			
ix. Create public gathering places and open spaces	X					
x. Balance jobs and housing						

Exemption Screening Category Criteria	Land Use #1		Land Use #2		Land Use #3	
	Convalescent Hospital		Senior Living		Retail	
	Yes	No	Yes	No	Yes	No
xi. Greater building height and bulk						
c. Facilitates ease of bicycle use (must satisfy at least 3):	X					
i. Creates a comprehensive bicycle circulation system		X				
ii. Enhances connections to transit street/station	X					
iii. Improves signage and information to highlight key destinations/transit		X				
iv. Provide convenient and secure bicycle parking/storage facilities	X					
v. Provide lockers, showers, and changing facilities	X					
vi. Bikeshare services (or system)						
d. Is focused or centered around transit (must satisfy at least 1):	X					
i. Provides real-time transit information at transit stop						
ii. Provide transit pass subsidies or other transit incentives						
iii. Facilitates clear unobstructed path to transit	X					
iv. Upgrades or improves transit station/stops along project frontage						
(IV) Redevelopment of a site which provides at least as many affordable units as previously existed.						

VMT Analysis Exemption Determination: Exempt

Reviewed by: Joshua Llamas **Date:** 8/29/2023