

Draft Mitigated Negative Declaration/Initial Study 1313 South Wolfe Road General Plan Amendment and Rezoning Project

File No. 2022-7146



Prepared by



Sunnyvale

In Consultation with



February 2024

Draft Mitigated Negative Declaration

1313 South Wolfe Road General Plan Amendment & Rezoning Draft Mitigated Negative Declaration

Project Name: 1313 South Wolfe Road General Plan Amendment & Rezoning – File # 2022-7146

Lead Agency:

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Project Location and Description:

The 1.76-acre (or 76,666 square foot) project site consists of three parcels (Accessor's Parcel Numbers [APN] 309-10-015, 309-10-026, and 309-10-027) and is located on the southwest corner of South Wolfe Road and East Fremont Avenue at 1313 South Wolfe Road and 898 East Fremont Avenue in the City of Sunnyvale.

The project proposes a General Plan Amendment (GPA) and rezoning to allow future development of multi-family residential and commercial uses on-site. The project proposes to change the General Plan land use designation of the site from Commercial to High Density Residential. The proposed High Density Residential land use designation allows a density of 25 to 36 dwelling units per acre (du/ac). The project also proposes to rezone the site from Neighborhood Business (C-1) to High Density Residential (R-4) with a MU Mixed Use (MU) combining district overlain on the site. The proposed R-4 zoning district supports residential uses with a maximum density of 36 du/ac.

There is no specific development application on file at this time associated with the proposed project. However, unrelated to this project, there is a development application on file for a portion of the site (APN 309-10-015) to redevelop the existing gas station at 878 East Fremont Avenue into a new gas station with a convenience store and quick service restaurant (Project file # 2016-7978), which is evaluated in a separate environmental document.

The analysis in the Initial Study for the proposed GPA and rezoning is generally programmatic in nature. For the purpose of the Initial Study analysis, it was assumed the project would result in demolition of the

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existing restaurant, gas station, and landscaping on-site and construction of a 70-foot tall, mixed-use building with 62 multi-family residential units and 7,579 square feet of ground floor commercial space, consistent with the development standards (e.g., setbacks and building height) of the proposed zoning. This future development would result in a density of 35.2 du/ac, consistent with the proposed land use and zoning designation. Refer to the attached Initial Study for additional details on the project assumptions.

Availability of the Initial Study:

The Initial Study for this Mitigated Negative Declaration is attached and available for review on the City's website at: <https://www.sunnyvale.ca.gov/business-and-development/planning-and-building/ceqa-environmental-notice>

Proposed Findings:

The City has prepared the attached Initial Study and determined that the analysis in the Initial Study identified potentially significant project effects, but:

1. Mitigation measures required by the City, and agreed to by the applicant, would avoid or mitigate the effects to a point where no significant effects would occur; and
2. There is no substantial evidence, in light of the whole record before the agency, that the project with implementation of mitigation measure may have a significant effect on the environment.

For these reasons, pursuant to California Environmental Quality Act (CEQA) Guidelines Sections 15064(f)(3) and 15070(b), a Mitigated Negative Declaration has been prepared for the project.

Basis of Findings:

Based on the environmental evaluation presented in the attached Initial Study, the project would not cause significant adverse effects related to aesthetics, agricultural and forestry resources, biological resources, cultural and tribal cultural resources, energy, geology and soils, greenhouse gas emissions, hazards and hazardous materials, hydrology and water quality, land use/planning, mineral resources, population/housing, public services, recreation, transportation, utilities/service systems, and wildfire. The project does not have impacts that are individually limited, but cumulatively considerable. The environmental evaluation has determined that the project would have a potentially significant impact on construction noise; however, implementation of the mitigation measure listed below would reduce the impact to a less than significant level.

Mitigation Measure:

LUTE EIR Mitigation Measure MM 3.6.3:

- The project shall employ site-specific noise attenuation measures during construction to reduce the generation of construction noise and vibration. These measures shall be included in a Noise Control Plan that shall be submitted for review and approval by the City prior to issuance of demolition permit. Measures specified in the Noise Control Plan and implemented during construction shall include, at a minimum, the following noise control strategies:

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- Equipment and trucks used for construction shall use the best available noise control techniques (e.g., improved mufflers, equipment redesign, use of intake silencers, ducts, engine enclosures, and acoustically attenuating shields or shrouds).
- Impact tools (e.g., jackhammers, pavement breakers, and rock drills) used for construction shall be hydraulically or electrically powered wherever possible to avoid noise associated with compressed air exhaust from pneumatically powered tools.
- Stationary noise sources shall be located as far from adjacent receptors as possible, and they shall be muffled and enclosed within temporary sheds, incorporate insulation barriers, or include other measures.
- Unnecessary idling of internal combustion engines should be strictly prohibited.
- Construction staging areas shall be established at locations that create the greatest distance between the construction-related noise sources and noise-sensitive receptors nearest the project site during all project construction. Locate material stockpiles, as well as maintenance/equipment staging and parking areas, as far as feasible from residential receptors.
- Control noise from construction workers' radios to a point where they are not audible at existing residences bordering the project site.
- Where feasible, temporary power service from local utility companies should be used instead of portable generators.
- Locate cranes as far from adjoining noise-sensitive receptors as possible.
- During final grading, substitute graders for bulldozers, where feasible. Wheeled heavy equipment are quieter than track equipment and should be used where feasible.

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- Appendix A: Phase I Environmental Site Assessments
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All appendices are incorporated herein by reference.

Section 1.0 Introduction and Purpose

1.1 Purpose of the Initial Study

The City of Sunnyvale, as the Lead Agency, has prepared this Initial Study for the 1313 South Wolfe Road General Plan Amendment & Rezoning project in compliance with the California Environmental Quality Act (CEQA), CEQA Guidelines (California Code of Regulations §15000 et. seq.), and regulations and policies of the City of Sunnyvale, California.

The project proposes a General Plan Amendment (GPA) and rezoning to allow future development of multi-family residential and commercial uses on a 1.76-acre site located at 1313 South Wolfe Road and 898 East Fremont Avenue in the City of Sunnyvale. This Initial Study evaluates the environmental impacts that might reasonably be anticipated to result from implementation of the proposed GPA and rezoning project. This Initial Study does not evaluate a specific development application. Section 3.0 describes the development that is reasonably foreseeable under the implementation of the project and assumed under the impact analysis in this Initial Study.

When a specific development application associated with the project is proposed, it will be subject to CEQA, and the City shall review and compare it to the development assumptions and analysis in this Initial Study. Subsequent environmental review for the specific development project could include preparation of an Addendum to this Initial Study/Mitigated Negative Declaration. Pursuant to CEQA Guidelines Section 15164, the lead agency shall prepare an addendum to a previously certified negative declaration if some changes or additions are necessary but none of the conditions described in CEQA Guidelines Section 15162 have occurred that would necessitate preparation of a subsequent EIR or negative declaration.

1.2 Public Review Period

Publication of this Initial Study marks the beginning of a 20-day public review and comment period. During this period, the Initial Study will be available to local, state, and federal agencies and to interested organizations and individuals for review. Written comments concerning the environmental review contained in this Initial Study during the 20-day public review period should be sent to:

Mary Jeyaprakash, Senior Planner
Community Development Department
City of Sunnyvale
456 West Olive Avenue
Sunnyvale, CA 94086
MJeyaprakash@sunnyvale.ca.gov
(408) 730-7449

1.3 Consideration of the Initial Study and Project

Following the conclusion of the public review period, the City of Sunnyvale will consider the adoption of the Initial Study/Mitigated Negative Declaration (MND) for the project at a regularly scheduled meeting. The City shall consider the Initial Study/MND together with any comments received during the public review process. Upon adoption of the MND, the City may proceed with project approval actions.

1.4 Notice of Determination

If the project is approved, the City of Sunnyvale will file a Notice of Determination (NOD), which will be available for public inspection and posted within 24 hours of receipt at the County Clerk's Office for 30 days. The filing of the NOD starts a 30-day statute of limitations on court challenges to the approval under CEQA (CEQA Guidelines Section 15075(g)).

Section 2.0 Project Information

2.1 Project Title

1313 South Wolfe Road General Plan Amendment & Rezoning

2.2 Lead Agency Contact

Mary Jeyaprakash, Senior Planner
Community Development Department
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2.3 Project Applicant

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(415) 450-6797

2.4 Project Location

The 1.76-acre (or 76,666 square foot) project site consists of three parcels (Accessor's Parcel Numbers [APN] 309-10-015, 309-10-026, and 309-10-027) and is located on the southwest corner of South Wolfe Road and East Fremont Avenue at 1313 South Wolfe Road and 898 East Fremont Avenue in the City of Sunnyvale. The surrounding land uses include office uses to the north, residential uses to south and west, and a hotel use to the east. Regional and vicinity maps are shown on Figure 2.4-1 and Figure 2.4-2. An aerial photograph of the project site and surrounding land uses is shown on Figure 2.4-3.

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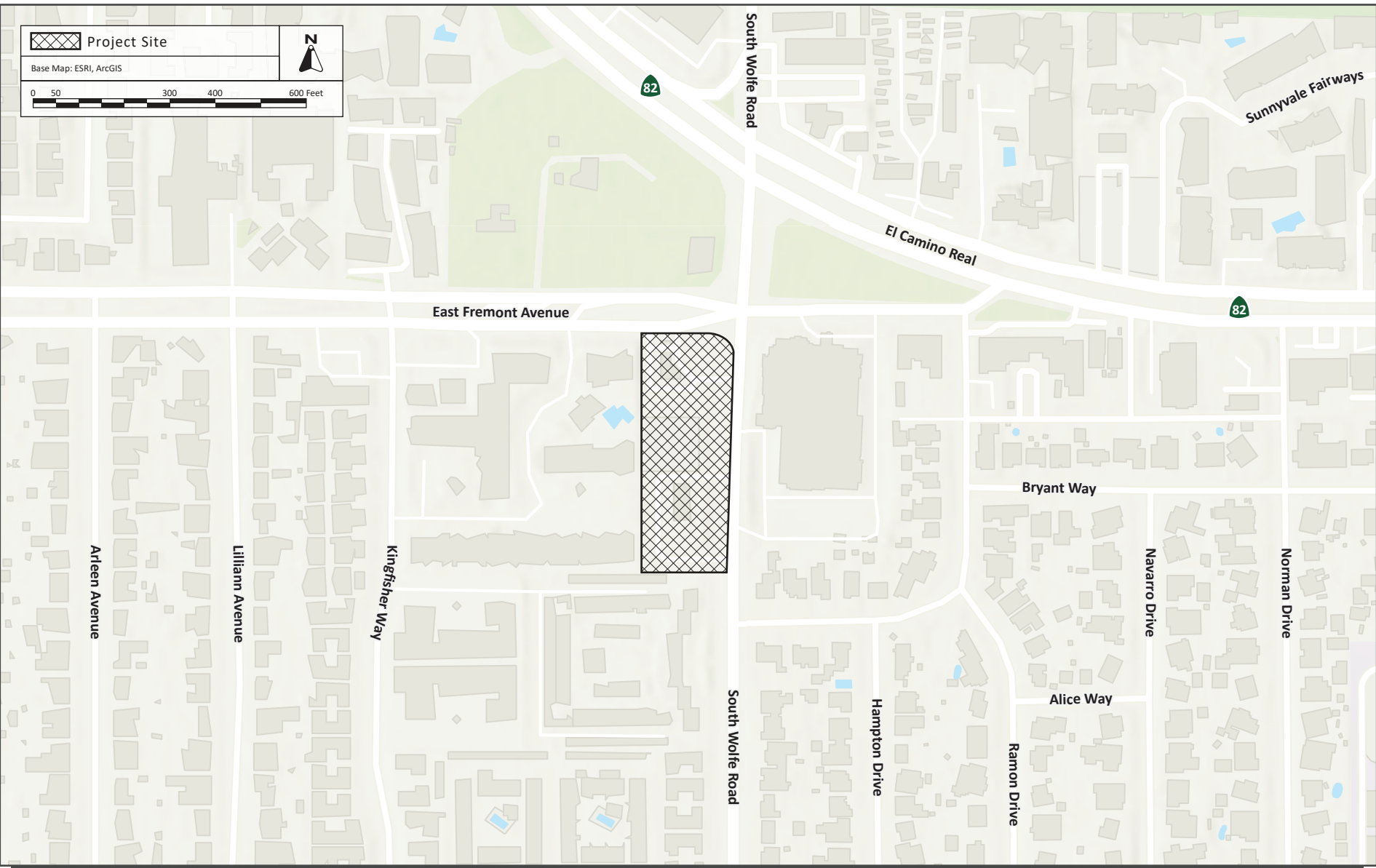
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REGIONAL MAP

FIGURE 2.4-1



VICINITY MAP

FIGURE 2.4-2



AERIAL PHOTOGRAPH AND SURROUNDING LAND USES

FIGURE 2.4-3

2.5 Assessor's Parcel Numbers

309-10-015, 309-10-026, and 309-10-027

2.6 General Plan Designation and Zoning District

The project site has a General Plan land use designation of Commercial and zoning of Neighborhood Business (C-1). The General Plan Commercial designation supports retail and retail service uses. Restaurants, entertainment, and small offices may also be appropriate under this designation. For Commercial designated sites with a C-1 zoning, low-scale neighborhood-serving commercial uses such as grocery stores, retail, personal services, recreational studios, and tutoring are allowed, with a density/intensity of up to two stories.¹

The C-1 zoning district is reserved for the construction, use and occupancy of commercial buildings that provide retail commercial shopping and service facilities to adjacent residential neighborhoods.² Uses permitted in this district are intended to allow for a wide range of commercial services, including bakeries, repair shops, retailers, liquor stores, and smaller office space.³ The allowable building height in the C-1 district is two stories (or 40 feet) and the maximum lot coverage is limited to 35 percent.⁴

Maps of the project area's existing General Plan land use and zoning are shown on Figure 2.7-1 and Figure 2.7-2, respectively.

2.7 Project-Related Approvals, Agreements, and Permits

- General Plan Amendment
- Rezoning

¹ City of Sunnyvale. *General Plan - Chapter 3: Land Use and Transportation*. June 2022. Pages 3-89 and 3-90.

² City of Sunnyvale. *Municipal Code*. Chapter 19.20.020 – Commercial Zoning Districts.

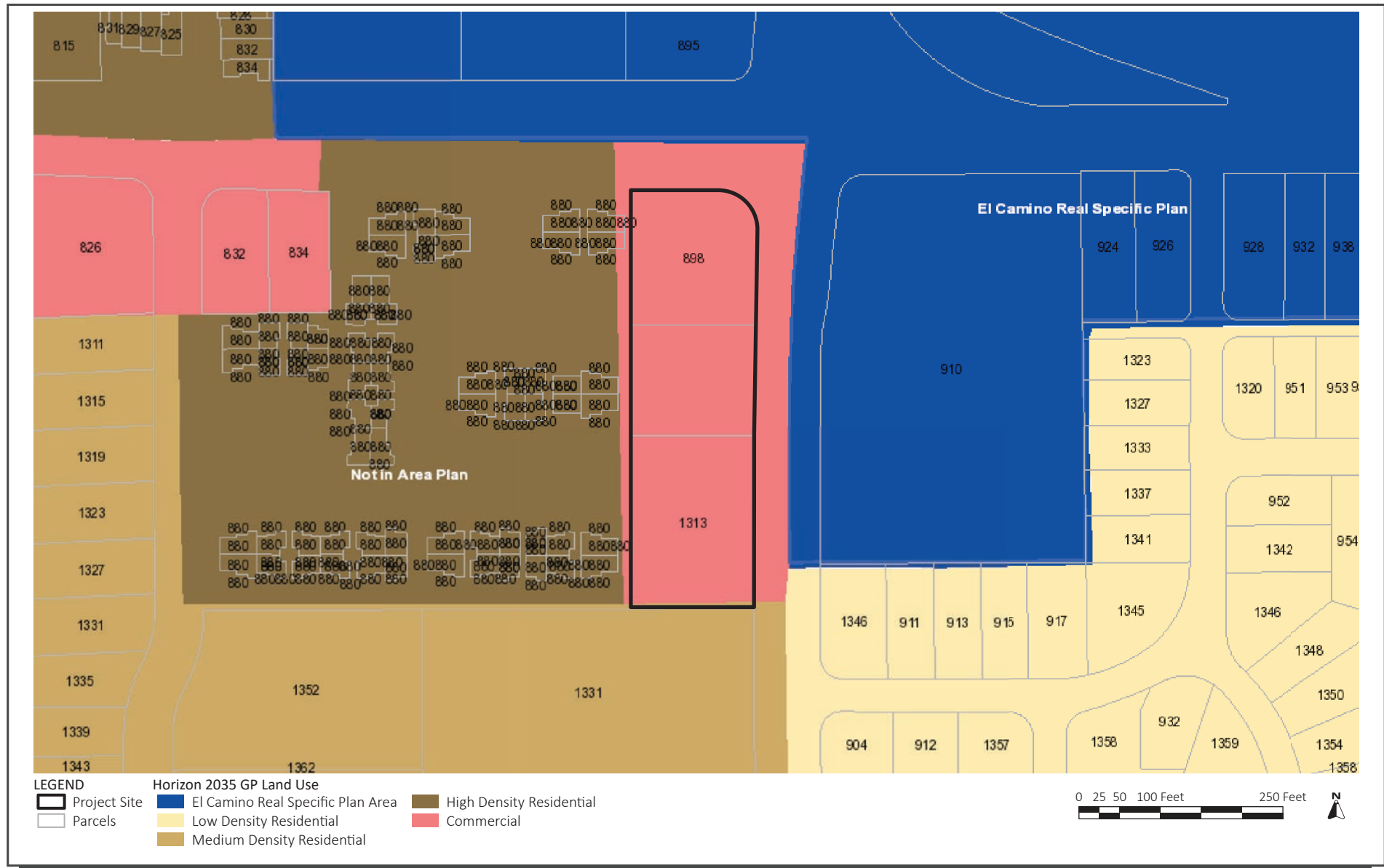
³ City of Sunnyvale. *Municipal Code*. Chapter 19.20 – Commercial Zoning Districts. Table 19.20.030.

⁴ City of Sunnyvale. *Municipal Code*. Chapter 19.32 – Building Heights, Lot Coverages, and Floor Area Ratios. Table 19.32.020.

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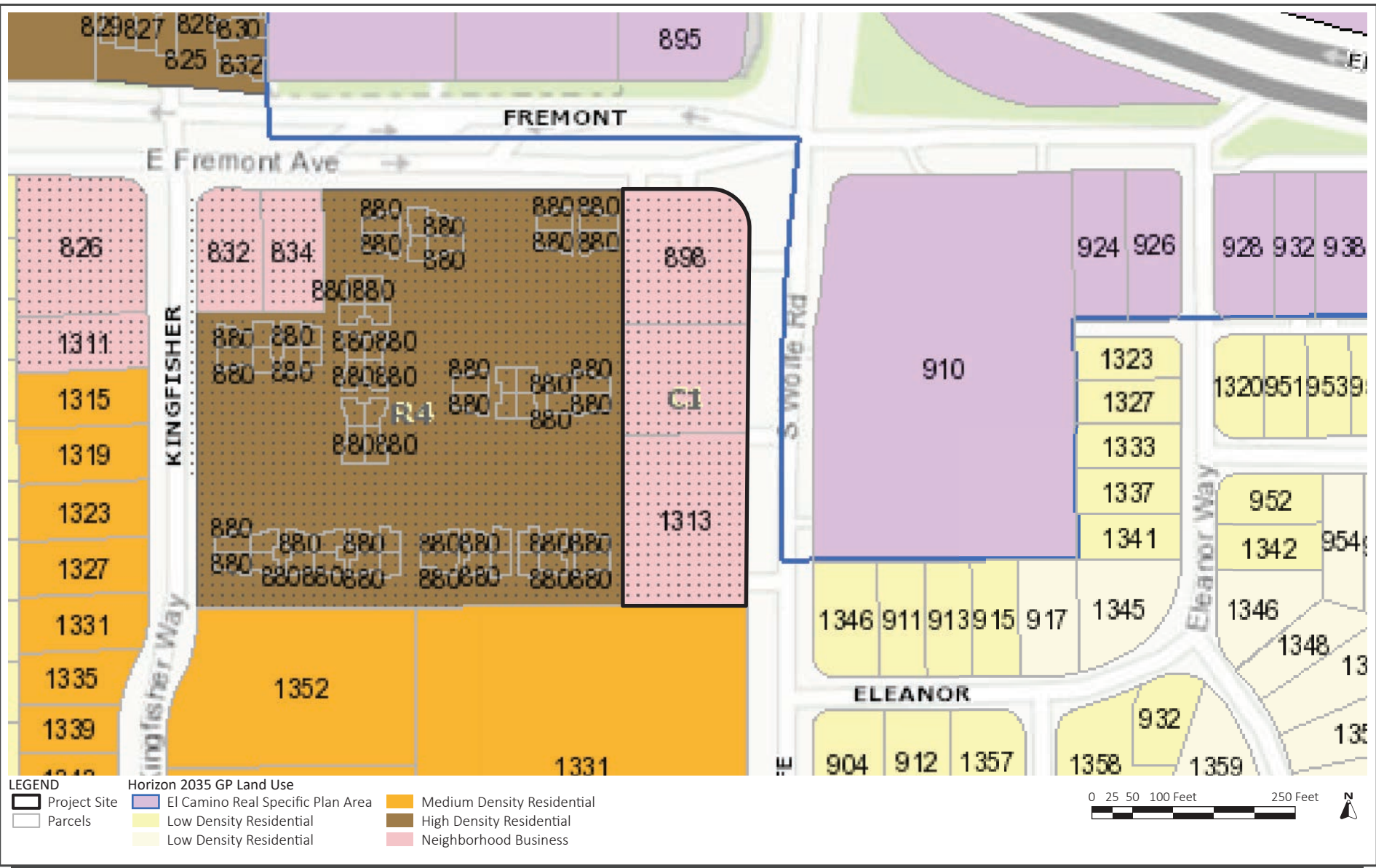
EXISTING GENERAL PLAN LAND USE MAP

FIGURE 2.7-1

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EXISTING ZONING MAP

FIGURE 2.7-2

Section 3.0 Project Description

The project proposes a GPA and rezoning to allow future development of multi-family residential and commercial uses on-site. The proposed GPA and rezoning are described below.

- **General Plan Amendment to High Density Residential** – The project proposes to change the General Plan land use designation of the site from Commercial to High Density Residential. The proposed High Density Residential land use designation allows a density of 25 to 36 dwelling units per acre (du/ac). The intent of this designation is to allow for the development of high-density neighborhoods and developments that should typically be located next to expressways, major arterial roads, or freeways. The primary purpose of this designation is to provide for high-density residential uses; however, mixed-use development (combining commercial with residential) is encouraged when sites are located near public transit (e.g., Santa Clara Valley Transportation Authority [VTA] light rail, Caltrain, or a major bus route) and where commercial uses would be beneficial to create a Village Center or meet a need for service in a residential or commercial neighborhood.⁵
- **Rezoning to R-4 with a MU Combining District** – The project also proposes to rezone the site from Neighborhood Business (C-1) to High Density Residential (R-4) with a MU Mixed Use (MU) combining district overlain on the site. The proposed R-4 zoning district supports residential uses with a maximum density of 36 du/ac, minimum property line setbacks of nine feet for side yard on one side and 20 feet total for two side yards added together, 20 feet for front yard, and 20 feet for rear yard.⁶ For residential developments greater than two stories (or thirty feet) in height, additional setbacks are required for each story above the second story. The maximum height allowed under R-4 is four stories (or 55 feet). A height bonus of up to five feet is allowed when underground parking is included in the development.⁷

The proposed MU combining district overlay is intended to modify the site development regulations of the R-4 zoning district to allow for the development of commercial/office uses on appropriately situated residential sites. These mixed use developments are reserved for sites located within one-half mile of a major expressway, or public transit stop (VTA Light Rail or Caltrain). The residential and commercial uses may be located in the same building or in separate buildings on-site, and projects where the uses are combined within the same building while utilizing underground parking are encouraged. The minimum lot size for this combining district is two acres. Applying this combining district to a site could potentially allow for an increase in height of 10 feet above the base zoning maximum and one story above the base zoning maximum. Sites within this combining district are required to include a commercial/office component equal to a minimum of 10 percent of the lot area and up to

⁵ City of Sunnyvale. *General Plan - Chapter 3: Land Use and Transportation*. June 2022. Page 3-85.

⁶ City of Sunnyvale. *Municipal Code*. Chapter 19.34 – Front, Side and Rear Yards. Table 19.34.030.

⁷ City of Sunnyvale. *Municipal Code*. Chapter 19.32.020 – Building Height, Lot Coverage, and Floor Area Ratio.

a maximum of 25 percent of the lot area. Uses permitted in the C-1 zoning district are allowed for the required commercial/office component.⁸

There is no specific development application on file at this time associated with the proposed project. However, unrelated to this project, there is a development application on file for a portion of the site (APN 309-10-015) to redevelop the existing gas station at 878 East Fremont Avenue into a new gas station with a convenience store and quick service restaurant (Project file # 2016-7978), which is evaluated in a separate environmental document.

The analysis in this document for the proposed GPA and rezoning is generally programmatic in nature. For the purpose of the Initial Study analysis, it is assumed the project would result in demolition of the existing restaurant, gas station, and landscaping on-site and construction of a 70-foot tall, mixed-use building with 62 multi-family residential units and 7,579 square feet of ground floor commercial space, consistent with the development standards (e.g., setbacks and building height) of the proposed zoning. This future development would result in a density of 35.2 du/ac, consistent with the proposed land use and zoning designation.

The Initial Study analysis also assumes that the City would require future development on-site to dedicate a minimum of nine feet of project frontage on South Wolfe Road and 10 feet of project frontage along East Fremont Avenue to accommodate the improvements identified in the City's Wolfe Road Corridor Traffic Study such as additional turn lanes and space for bike lanes. In addition, future development on-site would install upgraded, Americans with Disabilities Act (ADA) compliant pedestrian push buttons on the southwest corner of the South Wolfe Road/East Fremont Avenue intersection, and new ADA compliant directional curb ramps at the southwest and southwest corner of adjacent Wolfe Road/Fremont Avenue intersection.

Future development under the project would be subject to supplemental environmental review.

⁸ City of Sunnyvale. *Municipal Code*. Section 19.26.220 – Mixed use (MU) combining district.

Section 4.0 Environmental Setting, Checklist, and Impact Discussion

This section presents the discussion of impacts related to the following environmental subjects in their respective subsections:

4.1	Aesthetics	4.12	Mineral Resources
4.2	Agriculture and Forestry Resources	4.13	Noise
4.3	Air Quality	4.14	Population and Housing
4.4	Biological Resources	4.15	Public Services
4.5	Cultural Resources	4.16	Recreation
4.6	Energy	4.17	Transportation
4.7	Geology and Soils	4.18	Tribal Cultural Resources
4.8	Greenhouse Gas Emissions	4.19	Utilities and Service Systems
4.9	Hazards and Hazardous Materials	4.20	Wildfire
4.10	Hydrology and Water Quality	4.21	Mandatory Findings of Significance
4.11	Land Use and Planning		

The discussion for each environmental subject includes the following subsections:

- **Environmental Setting** – This subsection 1) provides a brief overview of relevant plans, policies, and regulations that compose the regulatory framework for the project and 2) describes the existing, physical environmental conditions at the project site and in the surrounding area, as relevant.
- **Impact Discussion** – This subsection 1) includes the recommended checklist questions from Appendix G of the CEQA Guidelines to assess impacts and 2) discusses the project’s impact on the environmental subject as related to the checklist questions. For significant impacts, feasible mitigation measures are identified. “Mitigation measures” are measures that will minimize, avoid, or eliminate a significant impact (CEQA Guidelines Section 15370). Each impact is numbered to correspond to the checklist question being answered. For example, the discussion under checklist question a) answers the first checklist question in the Biological Resources section. Mitigation measures are also numbered to correspond to the impact they address. For example, MM BIO-1.3 refers to the third mitigation measure for the first impact in the Biological Resources section.

4.1 Aesthetics

4.1.1 Environmental Setting

4.1.1.1 *Regulatory Framework*

State

Senate Bill 743

Senate Bill (SB) 743 was adopted in 2013 and requires lead agencies to use alternatives to level of service (LOS) for evaluating transportation impacts, specifically vehicle miles traveled (VMT). SB 743 also included changes to CEQA that apply to transit-oriented developments, as related to aesthetics and parking impacts. Under SB 743, a project's aesthetic impacts will no longer be considered significant impacts on the environment if:

- The project is a residential or mixed-use residential project, or employment center project; and
- The project is located on an infill site within a transit priority area.⁹

SB 743 also clarifies that local governments retain their ability to regulate a project's aesthetics impacts outside of the CEQA process.

Streets and Highway Code Sections 260 through 263

The California Scenic Highway Program (Streets and Highway Code, Sections 260 through 263) is managed by the California Department of Transportation (Caltrans). The program is intended to protect and enhance the natural scenic beauty of California highways and adjacent corridors through special conservation treatment.

In Santa Clara County, the one state-designated scenic highway is State Route (SR) 9 from the Santa Cruz County line to the Los Gatos City Limit. Eligible state scenic highways (not officially designated) include: SR 17 from the Santa Cruz County line to SR 9, SR 35 from Santa Cruz County line to SR 9,

⁹ An "infill site" is defined as "a lot located within an urban area that has been previously developed, or on a vacant site where at least 75 percent of the perimeter of the site adjoins or is separated only by an improved public right-of-way from, parcels that are developed with qualified urban uses." A "transit priority area" is defined as "an area within 0.5 mile of a major transit stop that is existing or planned, if the planned stop is scheduled to be completed within the planning horizon included in a Transportation Improvement Program or applicable regional transportation plan." A "major transit stop" means "a site containing an existing rail transit station, a ferry terminal served by either a bus or rail transit service, or the intersection of two or more major bus routes with a frequency of service interval of 15 minutes or less during the morning and afternoon peak commute periods." Source: California Legislative Information. "Chapter 2.7. Modernization of Transportation Analysis for Transit-Oriented Infill Projects [21099- 21099.]." Accessed September 14, 2023.

[https://leginfo.ca.gov/faces/codes_displayText.xhtml?lawCode=PRC&division=13.&part=&chapter=2.7.&article=.](https://leginfo.ca.gov/faces/codes_displayText.xhtml?lawCode=PRC&division=13.&part=&chapter=2.7.&article=)

Interstate 280 from the San Mateo County line to SR 17, and the entire length of SR 152 within the County.¹⁰

Local

City of Sunnyvale General Plan

The City of Sunnyvale General Plan (General Plan) includes policies for the purpose of avoiding or mitigating environmental impacts resulting from planned development projects within the City. The following policies are specific to aesthetic resources and are applicable to the proposed project.

Policy	Description
Land Use and Transportation Element	
LT-4.1	Preserve and enhance an attractive community, with a positive image, a sense of place, landscaping, and a human scale.
LT-4.3	Enforce design review guidelines and zoning standards that ensure the mass and scale of new structures are compatible with adjacent structures, and also recognize the City’s vision of the future for transition areas such as neighborhood Village Centers and El Camino Real nodes.
CC-1.3	Ensure that new development is compatible with the character of special districts and residential neighborhoods.
CC-3.1	Place a priority on quality architecture and site design which will enhance the image of Sunnyvale and create a vital and attractive environment for businesses, residents and visitors, and be reasonably balanced with the need for economic development to assure Sunnyvale’s economic prosperity.
CC-3.2	Ensure site design is compatible with the natural and surrounding built environment.
CC-5.2	Enhance the visual character of the city by preserving diverse as well as harmonious architectural styles, reflecting various phases of the city’s historical development and the cultural traditions of past and present residents.

Sunnyvale Municipal Code

Sunnyvale Municipal Code (SMC) Title 19 (Zoning) provides development standards and regulations meant to enhance the visual quality of new development through building height limits, building density, building design and landscaping standards, architectural features, setback requirements, sign regulations, usable open space requirements, and public artwork in private developments. The Zoning Code promotes good design and careful planning of development projects to enhance the visual environment.

- Chapter 19.94 (Tree Preservation) regulates the protection, installation, removal and long term management of significantly sized trees on private property within the City and City-

¹⁰ California Department of Transportation. “State Scenic Highway Map” Accessed October 10, 2023. <https://caltrans.maps.arcgis.com/apps/webappviewer/index.html?id=465dfd3d807c46cc8e8057116f1aaca>.

owned golf courses and parks; encourages the proper protection and maintenance of significantly sized trees which are located on such property; establishes a review and permit procedure to assure the correct planting, maintenance, protection and removal of significant trees on such property; and establishes penalties for violation of its provisions. The provisions of Chapter 19.94 identify and prescribe specific procedures and requirements for the filing, processing, and consideration of the removal and preservation of trees. A significant size tree, or protected tree, is defined as:

- Any single trunk tree 38 inches or greater in circumference (the circumference of the tree is measured at 4.5 feet above the ground); or
- Any multi-trunk tree which has at least one trunk 38 inches or greater in circumference or where the measurements of the multi-trunks added together equal at least 113 inches.

In addition to the provisions of the Zoning Code, Chapter 13.16 (City Trees) within SMC Title 13 provides guidance and regulations on City trees, including protected trees, removal or damage to trees, and permitting. Permitting is required for planting trees in the public ROW, removal or maintenance to protected trees, and construction affecting protected trees.

Sunnyvale Development Review Process

The City's development review process includes the review of preliminary plans and the consideration of public input by the Zoning Administrator, the Planning Commission, and the City Council. The City reviews private and public development applications for conformance with City plans, ordinances, and policies related to zoning, urban design, and CEQA.

4.1.1.2 *Existing Conditions*

Scenic Vistas

The term scenic vista typically refers to an expansive view of an area that is visually or aesthetically pleasing, usually as seen from an elevated point or open area. The project site is in a highly developed area of the City and is located on relatively flat land, which limits the amount of expansive views from the project area. Obstructed views of the Santa Cruz Mountains can be seen in the project vicinity, looking south on South Wolfe Road and west of East Fremont Avenue.

Visual Character and Quality

There are no state-designated scenic highways in Sunnyvale and the project site is not visible from a designated state scenic highway. The project site contains two existing buildings: a single-story gas station located on the northern portion of the site that consists of a convenience store with a flat roof, four dual-sided fuel stations, and a flat overhang, and a single-story restaurant located on the southern portion of the site with a flat roof, brick cladding, and a drive-through lane. Both buildings have surface parking areas surrounding the existing structures. The central portion of the project site between the two buildings is currently undeveloped. The existing landscaping on-site is

comprised of 29 trees, shrubs, limited lawn areas, and an undeveloped portion with natural groundcover. The trees and shrubs are located along the perimeter of the site and restaurant building, there is no landscaping surrounding the gas station. Of the 29 trees on-site, 15 are protected trees as defined by the Sunnyvale Zoning Code. Additional information regarding the trees on-site can be found in Section 4.4 Biological Resources.

The surrounding area in the immediate vicinity of the project site consists of two- to three-story residential and commercial properties. The properties to the west and south of the project site are developed with two- to three-story multi-family residential buildings. These properties are separated from the project site by a five- to six-foot tall concrete wall. A two-story building containing medical offices is located to the north of the site on the north side of East Fremont Avenue. To the east of the project site, on the east side of South Wolfe Road, is two-story hotel with minimally landscaped areas surrounding the property. A single-family residential neighborhood is located southeast of the site which is developed with one- to two-story residential structures.

Views of the project site and the surrounding area are shown in Photos 1-6.

Location within a Transit Priority Area

This project site is located within a half mile of the major transit stops along El Camino Real (see Figure 4.1 1). El Camino Real is served by Frequent Route 22 and Rapid Route 522, both of which have headways of 15 minutes. Therefore, the project site is within a transit priority area as defined in SB 743.



Photo 1: View from the southeast corner of the project site looking south on South Wolfe Road.



Photo 2: View from the eastern boundary of the project site looking north on South Wolfe Road.

PHOTOS 1 & 2



Photo 3: View from the southern portion of the project site looking north at the existing restaurant building.



Photo 4: View from the eastern boundary of the project site looking west towards the undeveloped portion of the site.

PHOTOS 3 & 4



Photo 5: View from the northeastern corner of the project site looking west on East Fremont Avenue.



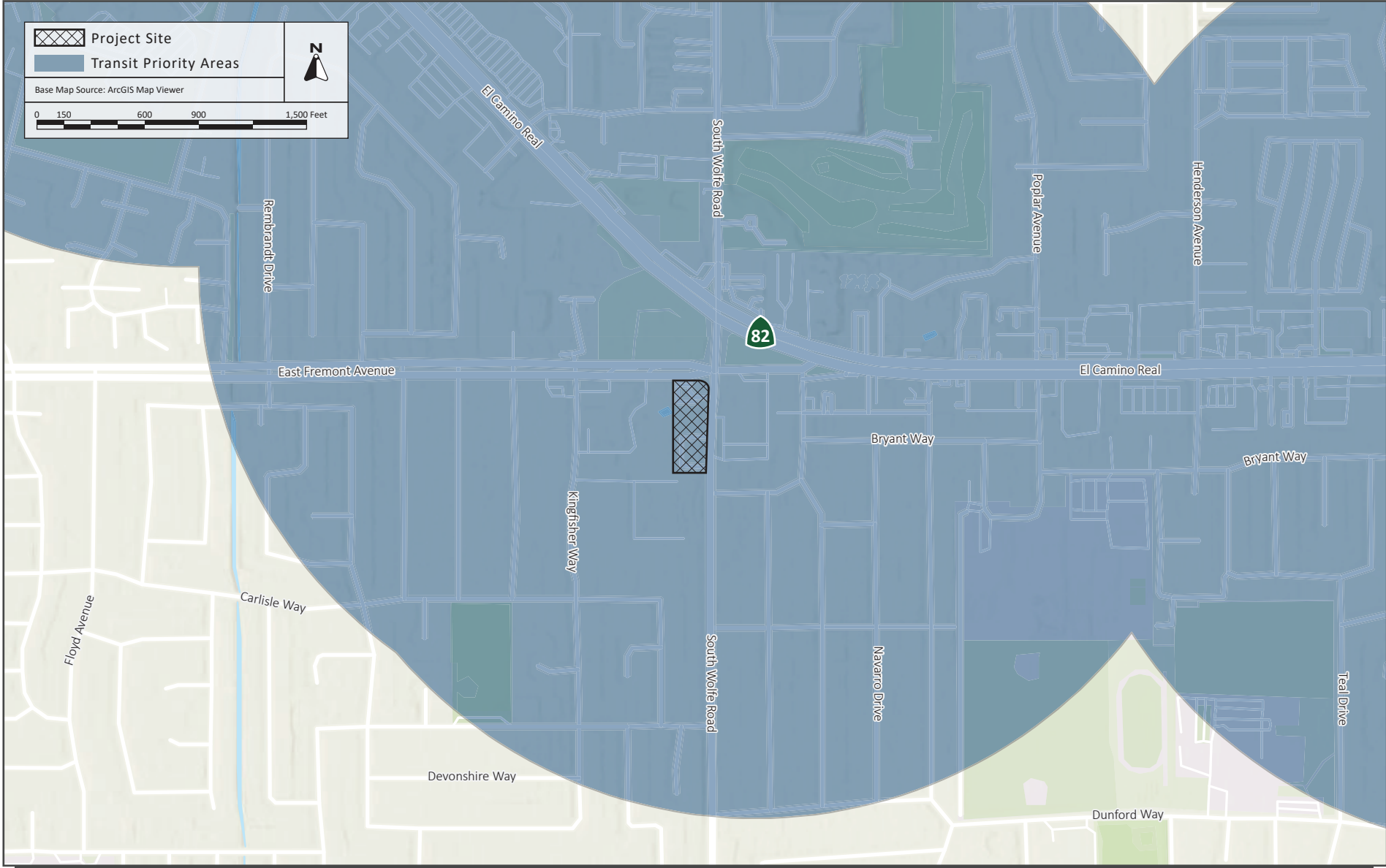
Photo 6: View from the northeastern corner of the project site looking east towards the Fremont Avenue/Wolfe Road intersection.

PHOTOS 5 & 6

1313 South Wolfe Road GPA & Rezoning
City of Sunnyvale

20

Initial Study
February 2024



TRANSIT PRIORITY AREAS

FIGURE 4.1-1

4.1.2 Impact Discussion

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Except as provided in Public Resources Code Section 21099, would the project:				
a) Have a substantial adverse effect on a scenic vista?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? ¹¹ If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

a) Would the project result in significant aesthetic impacts?

The project would allow the site to be redeveloped in the future with multi-family residential and commercial uses on-site. Implementation of the project would result in usual changes to the project site; however, the project would be a residential or mixed-use residential project located on an infill site within a transit priority area. Pursuant to SB 743, (Public Resources Code section 21099[d][1]) “aesthetic and parking impacts of a residential, mixed-use residential, or employment center on an infill site within a transit priority area shall not be considered significant impacts on the environment;” therefore, the aesthetics impacts of the project are not significant.

In addition, the project is required to obtain City design approval before construction and is required to comply with the design standards outlined in the City Zoning Code. The review and approval of the building design would further reduce the project’s less than significant aesthetic impacts. **(Less than Significant Impact)**

¹¹ Public views are those that are experienced from publicly accessible vantage points.

4.2 Agriculture and Forestry Resources

4.2.1 Environmental Setting

4.2.1.1 *Regulatory Framework*

State

Farmland Mapping and Monitoring Program

The California Department of Conservation’s Farmland Mapping and Monitoring Program (FMMP) assesses the location, quality, and quantity of agricultural land and conversion of these lands over time. Agricultural land is rated according to soil quality and irrigation status. The best quality land is identified as Prime Farmland. In CEQA analyses, the FMMP classifications and published county maps are used, in part, to identify whether agricultural resources that could be affected are present on-site or in the project area.¹²

California Land Conservation Act

The California Land Conservation Act (Williamson Act) enables local governments to enter into contracts with private landowners to restrict parcels of land to agricultural or related open space uses. In return, landowners receive lower property tax assessments. In CEQA analyses, identification of properties that are under a Williamson Act contract is used to also identify sites that may contain agricultural resources or are zoned for agricultural uses.¹³

Fire and Resource Assessment Program

The California Department of Forestry and Fire Protection (CAL FIRE) identifies forest land, timberland, and lands zoned for timberland production that can (or do) support forestry resources.¹⁴ Programs such as CAL FIRE’s Fire and Resource Assessment Program and are used to identify whether forest land, timberland, or timberland production areas that could be affected are located on or adjacent to a project site.¹⁵

¹² California Department of Conservation. “Farmland Mapping and Monitoring Program.” Accessed September 13, 2023. <http://www.conservation.ca.gov/dlrp/fmmp/Pages/Index.aspx>.

¹³ California Department of Conservation. “Williamson Act.” Accessed February 6, 2024. <http://www.conservation.ca.gov/dlrp/lca>.

¹⁴ Forest Land is land that can support 10 percent native tree cover and allows for management of forest resources (California Public Resources Code Section 12220(g)); Timberland is land not owned by the federal government or designated as experimental forest land that is available for, and capable of, growing trees to produce lumber and other products, including Christmas trees (California Public Resources Code Section 4526); and Timberland Production is land used for growing and harvesting timber and compatible uses (Government Code Section 51104(g)).

¹⁵ California Department of Forestry and Fire Protection. “Fire and Resource Assessment Program.” Accessed September 13, 2023. <http://frap.fire.ca.gov/>.

4.2.1.2 Existing Conditions

The project site has a General Plan land use designation of Commercial and zoning of Neighborhood Business (C-1). The project site is currently developed with a commercial restaurant and an operational gas station, and is surrounded by office uses to the north, residential uses to south and west, and a hotel use to the east.

The Santa Clara County Important Farmlands 2020 Map designates the project site as “Urban and Built-Up Land”, which is defined as land with at least six structures per 10 acres. Common examples of “Urban and Built-Up Land” are residential, institutional, industrial, commercial, landfill, golf course, airports, and other utility uses.¹⁶ No lands adjacent to the project site are used for agricultural production, forest land, or timberland. Surrounding properties are designated, zoned, and used for urban uses. There are no Williamson Act parcels on or in the vicinity of the project site.¹⁷

4.2.2 Impact Discussion

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code Section 12220(g)), timberland (as defined by Public Resources Code Section 4526), or timberland zoned Timberland Production (as defined by Government Code Section 51104(g))?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Result in a loss of forest land or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

¹⁶ California Natural Resources Agency. “Santa Clara County Important Farmland 2020.” Accessed September 13, 2023. Available at: <https://www.conservation.ca.gov/dlrp/fmmp/Pages/SantaClara.aspx>

¹⁷ County of Santa Clara. “Williamson Act and Open Space Easement.” September 17, 2018. Accessed September 13, 2023. Available at: <https://plandev.sccgov.org/policies-programs/williamson-act-and-open-space-easement>

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
--	--------------------------------	--	------------------------------	-----------

Would the project:

- | | | | | |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland to non-agricultural use or conversion of forest land to non-forest use? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|

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

The project site is designated as “Urban and Built-Up Land” on maps prepared by the California Resources Agency for Santa Clara County. Therefore, no Prime Farmland, Unique Farmland, or Farmland of Statewide Importance would be converted to non-agricultural use as a result of project implementation. **(No Impact)**

- b) Would the project conflict with existing zoning for agricultural use, or a Williamson Act contract?

As discussed in Section 4.2.1.2 Existing Conditions, the project site is zoned Neighborhood Business (C-1). The project site is not under a Williamson Act contract. Therefore, the project would not conflict with existing zoning for an agricultural use or a Williamson Act contract. **(No Impact)**

- c) Would the project conflict with existing zoning for, or cause rezoning of, forest land, timberland, or timberland zoned Timberland Production?

As discussed in Section 4.2.1.2 Existing Conditions, the project site is not zoned, or adjacent to land zoned, for forest land, timberland, or Timberland Production. It is in an urban area surrounded by urban development. Therefore, the project would not conflict with existing zoning or require rezoning of forest land or timberland uses. **(No Impact)**

- d) Would the project result in a loss of forest land or conversion of forest land to non-forest use?

The project site is in an urbanized area of the City and is currently developed with a restaurant and gas station. Therefore, no forest land would be lost as a result of the project. **(No Impact)**

-
- 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?
-

The project site is in an urbanized area of the City. No agricultural or forestry uses are on-site or in the vicinity of the project site. Therefore, the project would not result in impacts to agricultural lands or forest lands. **(No Impact)**

4.3 Air Quality

4.3.1 Environmental Setting

4.3.1.1 *Background Information*

Criteria Pollutants

Criteria air pollutants are pollutants that have established federal or state standards for outdoor concentrations to protect public health. Pursuant with the federal and state Clean Air Act, the United States Environmental Protection Agency (EPA) and the California Air Resources Board (CARB) have established and enforce the National Ambient Air Quality Standards (NAAQS) and California Ambient Air Quality Standards (CAAQS), respectively. The NAAQS and CAAQS address the following criteria air pollutants: ozone (O₃), nitrogen dioxide (NO₂), carbon monoxide (CO), particulate matter with a diameter of 10 microns or less (PM₁₀), particulate matter with a diameter of 2.5 microns or less (PM_{2.5}), sulfur dioxide (SO₂), and lead. The CAAQS also includes visibility reducing particles, sulfates, hydrogen sulfide, and vinyl chloride.

Toxic Air Contaminants

Toxic air contaminants (TACs) include airborne chemicals that are known to have short- and long-term adverse health effects. TACs are found in ambient air, especially in urban areas, and are caused by industry, agriculture, diesel fuel combustion, and commercial operations (e.g., dry cleaners). TACs are typically found in low concentrations, even near their source (e.g., diesel particulate matter [DPM] near a freeway). Unlike criteria air pollutants, which have a regional impact, TACs are highly localized and regulated at the individual emissions source level.

DPM is the predominant TAC in urban air and is estimated to represent about three-quarters of the cancer risk from TACs. Diesel exhaust is a complex mixture of gases, vapors, and fine particles. Medium- and heavy-duty diesel trucks represent the bulk of DPM emissions from California highways. The majority of DPM is small enough to be inhaled into the lungs. Most inhaled particles are subsequently exhaled, but some deposit on the lung surface or are deposited in the deepest regions of the lungs (most susceptible to injury).¹⁸ Chemicals in diesel exhaust, such as benzene and formaldehyde, are also TACs identified by the CARB.

An overview of the sources of criteria pollutants and TACs, as well as their associated health effects, is provided in Table 4.3-1.

¹⁸ California Air Resources Board. "Overview: Diesel Exhaust and Health." Accessed September 14, 2023. <https://ww2.arb.ca.gov/resources/overview-diesel-exhaust-and-health>.

Table 4.3-1: Sources and Health Effects of Criteria Air Pollutants and Toxic Air Contaminants

Pollutants	Description and Sources	Primary Effects
Ozone (O ₃)	O ₃ is a secondary criteria air pollutant that is the result of a photochemical (sunlight) reaction between reactive organic gases (ROG) and nitrogen oxides (NO _x). Pollutants emitted by motor vehicles, power plants, industrial boilers, refineries, and chemical plants are the common source for this reaction. High O ₃ levels are caused by the cumulative emissions of ROG and NO _x . These precursor pollutants react under certain meteorological conditions to form high O ₃ levels. Commons sources of ROG and NO _x are vehicles, industrial plants, and consumer products.	<ul style="list-style-type: none"> • Aggravation of respiratory and cardiovascular diseases • Irritation of eyes • Cardiopulmonary function impairment
Nitrogen Dioxide (NO ₂)	NO ₂ is a reactive gas that combines with nitric oxide (NO) to form NO _x . NO ₂ the byproduct of fuel combustion with common sources of NO ₂ being emissions from cars, trucks, buses, power plants, and off-road equipment. Sources of NO ₂ include motor vehicle exhaust, high temperature stationary combustion, atmospheric reactions.	<ul style="list-style-type: none"> • Aggravation of respiratory illness • Reduced visibility
Carbon Monoxide (CO)	CO is a colorless, odorless, and toxic gas that is the product of incomplete combustion of carbon-containing substances (e.g., when something is burned). Common outdoor sources of CO include mobile vehicles (passenger cars and trucks) and machinery that burn fossil fuels.	<ul style="list-style-type: none"> • Interferes with oxygen delivery to the body's organ due to binding with the hemoglobin in the blood • Fatigue, headaches, confusion, and dizziness
Fine Particulate Matter (PM _{2.5}) and Coarse Particulate Matter (PM ₁₀)	Particulate Matter is any material that is emitted as liquid or solid particles or a gaseous material, such as dust, soot, aerosols, and fumes. PM ₁₀ and PM _{2.5} are both small enough particulates to be inhaled into the human lungs, and PM _{2.5} is small enough to deposit into the lungs, which poses an increased health risk compared to PM ₁₀ . Typical sources of particular matter include stationary combustion of solid fuels, construction activities, vehicles, industrial processes, and atmospheric chemical reactions.	<ul style="list-style-type: none"> • Reduced lung function, especially in children • Aggravation of respiratory and cardiorespiratory diseases • Increased cough and chest discomfort • Reduced visibility
Sulfur Dioxide (SO ₂)	SO ₂ is a pungent and colorless gaseous pollutant the is part of the sulfur oxides (SO _x) group and is the pollutant of greatest concern in the SO _x group. SO _x can react with other compounds in the atmosphere to form small particles. These particles contribute to particulate matter pollution. SO ₂ is primarily formed from fossil fuel combustion at power plants and other industrial facilities. Sources of SO ₂ include motor vehicles, locomotives, ships, and off-road diesel equipment that are operated with fuels that contain high levels of sulfur. Industrial processes, such as natural gas and petroleum extraction, oil refining, and metal processing.	<ul style="list-style-type: none"> • Aggravation of respiratory illness • Respiratory irritation such as wheezing, shortness of breath and chest tightness • Increased incidence of pulmonary symptoms and disease, decreased pulmonary function

Pollutants	Description and Sources	Primary Effects
Lead	Lead is a naturally occurring element that can be found in all parts of the environment including the air, soil, and water. As an air pollutant, lead is present in small particles. The most common historic source of lead exposure was the past use of leaded gasoline in motor vehicles. The exhaust resulting from use of leaded gasoline would release lead emissions into the air. Now, major sources of lead in the air are from ore and metals processing plants and piston-engine aircraft operating on leaded aviation fuel. Other sources are waste incinerators, utilities, and lead-acid battery manufacturers. The highest air concentrations of lead are usually found near lead smelters.	<ul style="list-style-type: none"> Adversely affect the nervous system, kidney function, immune system, reproductive and developmental systems and the cardiovascular system
Toxic Air Contaminants (TACs)	TACs include certain air pollutants known to increase the risk of cancer and/or other serious health effects that range from eye irritation, respiratory issues, and neurological damage. Sources of TAC include, but are not limited to, cars and trucks, especially diesel-fueled; industrial sources, such as chrome platers; dry cleaners and service stations; and building materials and products.	<ul style="list-style-type: none"> Cancer Chronic eye, lung, or skin irritation Neurological and reproductive disorders

Sensitive Receptors

Some groups of people are more affected by air pollution than others. CARB has identified the following persons who are most likely to be affected by air pollution: children under 16, the elderly over 65, athletes, and people with cardiovascular and chronic respiratory diseases. These groups are classified as sensitive receptors. Locations that may contain a high concentration of these sensitive population groups include residential areas, hospitals, daycare facilities, elder care facilities, and elementary schools.

4.3.1.2 Regulatory Framework

Federal and State

Clean Air Act

At the federal level, the EPA is responsible for overseeing implementation of the Clean Air Act and its subsequent amendments. The federal Clean Air Act requires the EPA to set national ambient air quality standards for the six common criteria pollutants (discussed previously): PM, O₃, CO, SO₂, NO₂, and lead.¹⁹

¹⁹ NO_x is the group of nitrogen compounds (NO₂ and nitric oxide [NO]) that typically represents NO₂ emissions because NO₂ emissions contribute the majority of NO_x exhaust emissions emitted from fuel combustion.

CARB is the state agency that regulates mobile sources throughout the state and oversees implementation of the state air quality laws and regulations, including the California Clean Air Act. The EPA and the CARB have adopted ambient air quality standards establishing permissible levels of these pollutants to protect public health and the climate. Violations of ambient air quality standards are based on air pollutant monitoring data and are determined for each air pollutant. Attainment status for a pollutant means that a given air district meets the standard set by the EPA and/or CARB.

Diesel Risk Reduction Plan

To address the issue of diesel emissions in the state, CARB developed the Risk Reduction Plan to Reduce Particulate Matter Emissions from Diesel-Fueled Engines and Vehicles. In addition to requiring more stringent emission standards for new on-road and off-road mobile sources and stationary diesel-fueled engines to reduce particulate matter emissions by 90 percent, this plan involves application of emission control strategies to existing diesel vehicles and equipment to reduce DPM (in addition to other pollutants). Implementation of this plan, in conjunction with stringent federal and CARB-adopted emission limits for diesel fueled vehicles and equipment (including off-road equipment), will significantly reduce emissions of DPM and NO_x.

Regional

2017 Clean Air Plan

The Bay Area Air Quality Management District (BAAQMD) is the agency primarily responsible for assuring that the federal and state ambient air quality standards are maintained in the San Francisco Bay Area. Regional air quality management districts, such as BAAQMD, must prepare air quality plans specifying how federal and state air quality standards will be met. BAAQMD's most recently adopted plan is the Bay Area 2017 Clean Air Plan. The 2017 Clean Air Plan focuses on the following two related BAAQMD goals and how to achieve them:

- Protect air quality and health at the regional and local scale by attaining all state and national air quality standards and eliminating disparities among Bay Area communities in cancer health risk from TAC; and
- Protect the climate by reducing Bay Area GHG emissions 40 percent below 1990 levels by 2040 and 80 percent below 1990 levels by 2050.²⁰

CEQA Air Quality Guidelines

The BAAQMD CEQA Air Quality Guidelines are intended to serve as a guide for those who prepare or evaluate air quality impact analyses for projects and plans in the San Francisco Bay Area. Jurisdictions in the San Francisco Bay Area Air Basin utilize the thresholds and methodology for assessing air quality impacts developed by BAAQMD within their CEQA Air Quality Guidelines. The guidelines include information on legal requirements, BAAQMD rules, methods of analyzing

²⁰ Bay Area Air Quality Management District. *Final 2017 Clean Air Plan*. April 19, 2017. Page 12.

impacts, and recommended mitigation measures. The latest CEQA Air Quality Guidelines are the 2022 CEQA Air Quality Guidelines adopted on April 20, 2023 by the Air District Board of Directors.

Local

City of Sunnyvale General Plan

The City’s General Plan includes policies for the purpose of avoiding or mitigating environmental impacts resulting from planned development projects within the City. The following policies are specific to air quality and are applicable to the proposed project.

Policy	Description
Land Use and Transportation Element	
LT-2.1	Enhance the public’s health and welfare by promoting the city’s environmental and economic health through sustainable practices for the design, construction, maintenance, operation, and deconstruction of buildings, including measures in the Climate Action Plan.
Environmental Management Element	
EM-11.2	Utilize land use strategies to reduce air quality impact.
EM-11.3	Require all new development to utilize site planning to protect citizens from unnecessary exposure to air pollutants.
EM-11.4	Apply the Indirect Source Rule to new development with significant air quality impacts. Indirect Source review would cover commercial and residential projects as well as other land uses that produce or attract motor vehicle traffic.
EM-11.6	Contribute to a reduction in regional vehicle miles travelled.
EM-11.8	Assist employers in meeting requirements of Transportation Demand Management (TDM) plans for existing and future large employers and participate in the development of TDM plans for reemployment centers in Sunnyvale.

City of Sunnyvale Climate Action Playbook

The City of Sunnyvale Climate Action Playbook (August 2019) sets a vision for the City to reduce carbon emissions by 2050. The playbook includes six strategies with “plays” that identify areas for action to reduce GHG emissions (including air pollutant emissions). The following plays from the plan are related to air quality and are applicable to the proposed project.

Play	Description
Strategy 2: Decarbonizing Buildings	
2.3	Achieve all-electric new construction
Strategy 3: Decarbonizing Transportation & Sustainable Land Use	
3.1	Increase opportunities for and encourage development of mixed-use sites to reduce vehicle miles per person
3.2	Increase Transportation Options and Support Shared Mobility

4.3.1.3 *Existing Conditions*

The San Francisco Bay Area (Bay Area) Air Basin is designated a non-attainment area for the federal O₃ and PM_{2.5} standards and for the state O₃, PM₁₀, and PM_{2.5} standards.²¹ The area has attained both NAAQS and CAAQS for CO, SO₂, and NO₂.²² As the regional air district, BAAQMD is responsible for attaining the NAAQS and CAAQS for these pollutants. As part of an effort to attain and maintain ambient air quality standards for O₃, PM₁₀, and PM_{2.5}, BAAQMD has established thresholds of significance for these air pollutants and their precursors that apply to both construction period and operational period impacts. Controlling the emissions of these precursor pollutants is the focus of the Bay Area’s attempts to reduce O₃ levels. The highest O₃ levels in the Bay Area occur in the eastern and southern inland valleys where temperatures are higher, there is less wind circulation, and sources of the precursor pollutants (ROG and NO_x) are prominent. In the Bay Area, most particulate matter is generated from the following activities: combustion, factories, construction, grading, demolition, agriculture, and motor vehicles. Motor vehicles are currently responsible for about half of particulates in the Bay Area. Elevated concentrations of PM₁₀ and PM_{2.5} are the result of both region-wide emissions and localized emissions.

²¹ Bay Area Air Quality Management District. “Air Quality Standards and Attainment Status.” Last Updated January 5, 2017. Accessed September 13, 2023. <https://www.baaqmd.gov/about-air-quality/research-and-data/air-quality-standards-and-attainment-status>.

²² The area has attained both state and federal ambient air quality standards for CO. The project does not include substantial new emissions of SO₂ or lead. These criteria pollutants are not discussed further.

4.3.2 Impact Discussion

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
a) Conflict with or obstruct implementation of the applicable air quality plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Note: Where available, the significance criteria established by the applicable air quality management district or air pollution control district may be relied upon to make the determinations.

-
- a) Would the project conflict with or obstruct implementation of the applicable air quality plan?
-

The BAAQMD CEQA Air Quality Guidelines set forth criteria for determining consistency with the 2017 CAP. In general, a project is considered consistent if a) it supports the primary goals of the 2017 CAP; b) it includes relevant control measures; and c) it does not interfere with implementation of the 2017 CAP control measures.

The project is a GPA and rezoning that would allow for the development of mixed-use residential building on the commercially-designated 1.76-acre project site. The project would support the primary goals of the CAP, which are to protect public health and protect the climate. These goals are achieved through attainment of air quality standards, reducing exposure of populations to emissions, and reducing greenhouse gas emissions. The proposed project would facilitate mixed-use infill development on a site located within an urbanized and transit-oriented area with access to jobs and services, which would be an efficient form of development that allows increased use of public transportation, reduced VMT, and reduced greenhouse gas emissions. Additionally, as discussed below under checklist questions b) and c) and in Section 4.8 Greenhouse Gas Emissions, future development consistent with the project assumptions would make a minimal contribution to local and regional air pollutant and greenhouse gas emissions during both construction and operation.

The 2017 CAP contains 85 control measures that describe specific actions to reduce emissions and are categorized based on the economic sector framework used by CARB for the AB 32 Scoping Plan Update. The sectors covered by the control measures are: Stationary (Industrial Sources), Transportation, Energy, Buildings, Agriculture, Natural and Working Lands, Waste Management, Water, and Super-GHG Pollutants. Many strategies are related to industrial sources and are not applicable to the project. The key strategies related to buildings and energy are:

- Expand the production of low-carbon, renewable energy by promoting on-site technologies such as rooftop solar, wind and ground-source heat pumps;
- Support the expansion of community choice energy programs throughout the Bay Area;
- Promote energy and water efficiency in both new and existing buildings; and
- Promote the switch from natural gas to electricity for space and water heating in Bay Area buildings.

Consistent with the City's Reach Code, future development consistent with the project assumptions would install solar panels on all new buildings, be 100 percent electric with no natural gas appliances, and be enrolled in Silicon Valley Clean Energy which provides electricity that is 100 percent GHG-emission free. Based on this discussion, the project would not disrupt, delay, or otherwise hinder the implementation of any of the control measures. For these reasons, the project would not conflict with or obstruct implementation of the 2017 CAP. **(Less than Significant Impact)**

-
- 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?
-

As discussed previously in Section 4.3.1.3 Existing Conditions above, the Bay Area is considered a non-attainment area for ground-level O₃ and PM_{2.5} under both the federal and state Clean Air Act. The area is also considered a non-attainment area for PM₁₀ under the state act, but not the federal act. The Bay Area has attained both state and federal ambient air quality standards for CO.

The BAAQMD CEQA Air Quality Guidelines contains screening level sizes for various land use types and development. The screening levels were developed to provide a conservative indication of whether a proposed project could result in potentially significant air quality impacts. If the project consists of a single land use, meets specific criteria regarding construction and operation of the project, and is below the screening levels, a detailed air quality assessment of a project's air pollutant emissions is not required, and the project's air quality impacts are considered less than significant. As part of BAAQMD's most recent update to their CEQA Air Quality Guidelines in April 2023, a Mixed Land Use Screening Tool for Criteria Pollutants and Precursors was also released. This tool allows lead agencies to evaluate whether a proposed mixed land use project could result in potentially significant criteria air pollutants and precursors impacts.

The proposed project includes an amendment to the General Plan and rezoning that would result in changes at the policy level and does not include a specific development proposal; however, it is expected that the policy changes would facilitate the development of a mixed-use building with up to 62 multi-family residential units and 7,579 square feet of ground floor commercial space. The density of the land uses assumed under the project are below the single land use BAAQMD screening levels for construction and operation, and the BAAQMD Mixed Land Use Screening Tool indicates that further analysis would not be required. However, because construction activities would require demolition of the existing structures on-site, an analysis of construction-related criteria air pollutant or precursor emissions would be required when a specific development application associated with the project is proposed for the site. In addition, if the future development on-site proposes operational activities that would include stationary engines (e.g., backup generators), an analysis of operational criteria air pollutant or precursor emissions could also be required.

Future development of the project site would require further environmental review, including the technical analyses described above, and would be required to adhere to the following measures consistent with the standard BAAQMD construction Best Management Practices (BMPs) for reduction in construction-related criteria air pollutant emissions.

- All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day.
- All haul trucks transporting soil, sand, or other loose material off-site shall be covered.
- All visible mud or dirt trackout onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.
- All vehicle speeds on unpaved roads shall be limited to 15 mph.
- 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.
- All excavation, grading, and/or demolition activities shall be suspended when average wind speeds exceed 20 mph.
- All trucks and equipment, including their tires, shall be washed off prior to leaving the site.
- Unpaved roads providing access to sites located 100 feet or further from a paved road shall be treated with a 6- to 12-inch layer of compacted layer of wood chips, mulch, or gravel.
- Publicly visible signs shall be posted with the telephone number and name of the person to contact at the lead agency regarding dust complaints. This person shall respond and take corrective action within 48 hours. The Air District's General Air Pollution Complaints number shall also be visible to ensure compliance with applicable regulations.

Additional measures, such as utilizing construction equipment that meets U.S. EPA Tier 4 emission standards for NO_x and PM, may be required of future development to reduce construction-related criteria air pollutant emissions below the BAAQMD thresholds of significance. It is assumed that future development would implement the above standard BAAQMD BMPs and any additional

measures identified in the project-level air quality analysis, to reduce construction-related emissions below the BAAQMD thresholds of significance and, therefore, result in a less than significant impact. **(Less than Significant Impact)**

c) Would the project expose sensitive receptors to substantial pollutant concentrations?

Project impacts related to increased community health risk can occur by introducing a new source of TACs with the potential to adversely affect existing sensitive receptors in the project vicinity. In addition, project construction activities would generate dust and equipment exhaust that could affect nearby sensitive receptors such as the residential uses adjacent to the site.

As discussed under checklist question b) above, any future development on the project site would be required to implement measures consistent with the standard BAAQMD construction BMPs to control dust and exhaust during construction activities at the project site.

The operation a future mixed-use residential development consistent with development assumptions in this Initial Study would not result in any localized emissions that could expose sensitive receptors in the surrounding environment to unhealthy air pollutant levels. When operating, future residents and visitors to the commercial uses on-site would generate automobile traffic; however, these emissions are anticipated to result in fairly low impacts in terms of TAC or PM_{2.5} exposure and there would be no other operational sources of TAC or PM_{2.5}. Stationary sources of TACs, such as generators, are generally not included in mixed-use residential developments of this scale.

When a specific development application associated with the project is proposed, a community risk assessment would be completed. If significant health risks are identified in the assessment, measures such as implementing BAAQMD enhanced BMPs and/or utilizing construction equipment that meets U.S. EPA Tier 4 emission standards for NO_x and PM, would be required to reduce the health risk to below the BAAQMD thresholds of significance. For this reason, the project would not result in significant health risk impacts. **(Less than Significant Impact)**

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

Examples of land uses that generate considerable odors include wastewater treatment plants, landfills, and chemical plants. The project would allow for residential and a limited amount of commercial land uses, which are not land uses that generate emissions leading to objectionable odors. Implementation of the project would result in minor emissions of diesel exhaust during construction activities. These odors would be temporary in nature and minimized with the implementation of the measures identified under checklist question b). For these reasons, the project and future development made possible by the project would not result in significant odors. **(Less than Significant Impact)**

4.4 Biological Resources

4.4.1 Environmental Setting

4.4.1.1 *Regulatory Framework*

Federal and State

Endangered Species Act

Individual plant and animal species listed as rare, threatened, or endangered under state and federal Endangered Species Acts are considered special-status species. Federal and state endangered species legislation has provided the United States Fish and Wildlife Service (USFWS) and the California Department of Fish and Wildlife (CDFW) with a mechanism for conserving and protecting plant and animal species of limited distribution and/or low or declining populations. Permits may be required from both the USFWS and CDFW if activities associated with a proposed project would result in the take of a species listed as threatened or endangered. To “take” a listed species, as defined by the State of California, is “to hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture, or kill” these species. Take is more broadly defined by the federal Endangered Species Act to include harm of a listed species.

In addition to species listed under state and federal Endangered Species Acts, Sections 15380(b) and (c) of the CEQA Guidelines provide that all potential rare or sensitive species, or habitats capable of supporting rare species, must be considered as part of the environmental review process. These may include plant species listed by the California Native Plant Society and CDFW-listed Species of Special Concern.

Migratory Bird Treaty Act

The federal Migratory Bird Treaty Act (MBTA) prohibits killing, capture, possession, or trade of migratory birds except in accordance with regulations prescribed by the Secretary of the Interior. Hunting and poaching are also prohibited. This includes direct and indirect acts, except for harassment and habitat modification, which are not included unless they result in direct loss of birds, nests, or eggs. The CDFW also protects migratory and nesting birds under California Fish and Game Code Sections 3503, 3503.5, and 3800. The CDFW defines taking as causing abandonment and/or loss of reproductive efforts through disturbance.

Sensitive Habitat Regulations

Wetland and riparian habitats are considered sensitive habitats under CEQA. They are also afforded protection under applicable federal, state, and local regulations, and are generally subject to regulation by the United States Army Corps of Engineers (USACE), Regional Water Quality Control Board (RWQCB), CDFW, and/or the USFWS under provisions of the federal Clean Water Act (e.g., Sections 303, 304, 404) and State of California Porter-Cologne Water Quality Control Act.

Fish and Game Code Section 1602

Streambeds and banks, as well as associated riparian habitat, are regulated by the CDFW per Section 1602 of the Fish and Game Code. Work within the bed or banks of a stream or the adjacent riparian habitat requires a Streambed Alteration Agreement from the CDFW.

Local

City of Sunnyvale General Plan

The City’s General Plan includes policies for the purpose of avoiding or mitigating environmental impacts resulting from planned development projects within the City. The following policies are specific to biological resources and are applicable to the proposed project.

Policy	Description
Land Use and Transportation Element	
LT-2.3	Accelerate the planting of large canopy trees to increase tree coverage in Sunnyvale in order to add to the scenic beauty and walkability of the community; provide environmental benefits such as air quality improvement, wildlife habitat, and reduction of heat islands; and enhance the health, safety, and welfare of residents.
LT-2.5	Recognize the value of protected trees and heritage landmark trees (as defined in City ordinances) to the legacy, character, and livability of the community by expanding the designation and protection of large signature and native trees on private property and in City parks.

Urban Forest Management Plan

The Urban Forest Management Plan (UFMP) was adopted by the City in 2014 to sustain, protect, and promote the urban forest. The UFMP contains goals and guidelines for tree maintenance and encouraging positive tree management.

Sunnyvale Municipal Code

The SMC contains several chapters related to the protection of biological resources such as trees. Chapters relevant to the project site include the following:

- Chapter 13.16 (City Trees) provides guidance and regulations on City trees, including protected trees, removal or damage to trees, and permitting.²³ Permitting is required for planting trees in the public right of way, removal or maintenance to protected trees, and construction affecting protected trees.

²³ Pursuant to SMC Chapter 13.16, a “City tree” is defined as any woody plant which is growing within the public right-of-way along a city street and has a trunk four inches or more in diameter at four and one-half feet above normal ground level.

- Chapter 19.94 (Tree Preservation) regulates the protection, installation, removal and long term management of significantly sized trees on private property within the City and City owned golf courses and parks; encourages the proper protection and maintenance of significantly sized trees which are located on such property; establishes a review and permit procedure to assure the correct planting, maintenance, protection and removal of significant trees on such property; and establishes penalties for violation of its provisions. The provisions of Chapter 19.94 identify and prescribe specific procedures and requirements for the filing, processing, and consideration of the removal and preservation of trees. A significant size tree (or protected tree) is defined as:
 - Any single trunk tree 38 inches or greater in circumference (the circumference of the tree is measured at 4.5 feet above the ground); or
 - Any multi-trunk tree which has at least one trunk 38 inches or greater in circumference or where the measurements of the multi-trunks added together equal at least 113 inches.

Bird Safe Design Guidelines

In order to address bird safety concerns, the City Council adopted the Bird Safe Building Design Guidelines in January 2014. The intent of these guidelines is to reduce the risk of bird collisions in new construction. These guidelines focus on building design issues based upon the location of the proposed building and provide a set of design requirements. These guidelines address design requirements for (1) sites within 300 feet of a body of water or that are adjacent to an open space or park area larger than one acre in size and (2) for other areas of the City that are considered to be lower risk for bird collisions. The design requirements include minimizing reflective surfaces and glass walls, reducing nighttime lighting, discouraging the placement of larger water features, and avoiding landscape designs that emphasize tall landscaping adjacent to reflective surfaces.

4.4.1.2 *Existing Conditions*

Most of the project site is developed with existing structures. The site is within an urban area and provides habitat and foraging opportunities for urban-adapted birds. Habitats primarily associated with Bay Area special-status species, such as riparian, wetland, salt marsh, freshwater marsh, and serpentine grassland habitats, are not present on or adjacent to the site. The nearest waterway is the Sunnyvale East Channel, which is a man-made channel constructed to mitigate the risk associated with flooding in the area. It is located approximately 0.46-mile to the west of the project site. The nearest wetland area is the freshwater pond located adjacent to the Sunnyvale Community Center, approximately 0.75-mile northwest of the project site.

The primary biological resources on-site are trees. The project site contains 29 trees, including 15 protected trees as defined in the SMC. The predominant tree species on-site is the coast redwood, which comprises approximately 41 percent of the trees within the project site. The 15 protected trees on-site are primarily located along the southern and western boundaries of the project site, and several are located along South Wolfe Road on the eastern project boundary. The largest tree

on-site is a coast redwood located on the western boundary of the project site, which has a trunk circumference of approximately 89 inches.

4.4.2 Impact Discussion

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife (CDFW) or United States Fish and Wildlife Service (USFWS)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) 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 CDFW or USFWS?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) 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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, impede the use of native wildlife nursery sites?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

-
- 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 CDFW or USFWS?
-

Because the project site is mostly developed and occupied, located in an urban area surrounded by development, and lacks sensitive habitats, no special status species are expected on the project site. However, nesting birds (which are protected under provisions of the MBTA and CDFW regulations) may be periodically present in trees and landscaping on and adjacent to the project site. Future development would be required comply with MBTA and CDFW to avoid disturbing active nests that may be affected by project construction. Compliance with the MBTA and CDFW regulations could include implementation the following measure, or equivalent, by future development:

- When possible, construction shall be scheduled to avoid the nesting season to the extent feasible. The nesting season for most birds, including most raptors, in the San Francisco Bay area extends from February 1 through August 31.

If it is not possible to schedule construction and tree removal between September and January, then pre-construction surveys for nesting birds shall be completed by a qualified ornithologist to ensure that no nests shall be disturbed during project implementation. This survey shall be completed no more than 14 days prior to the initiation of grading, tree removal, or other demolition or construction activities during the early part of the breeding season (February through April) and no more than 30 days prior to the initiation of these activities during the late part of the breeding season (May through August).

During this survey, the ornithologist shall inspect all trees and other possible nesting habitats within and immediately adjacent to the construction area for nests. If an active nest is found sufficiently close to work areas to be disturbed by construction, the ornithologist shall determine the extent of a construction-free buffer zone to be established around the nest to ensure that nests of bird species protected by the MBTA or Fish and Game code shall not be disturbed during project construction.

A final report of nesting birds, including any protection measures, shall be submitted to the Director of Community Development prior to the start of grading or tree removal.

Compliance with the MBTA and CDFW regulations would result in less than significant impacts to nesting birds by avoiding construction activities during the nesting season and conducting preconstruction surveys in order to avoid disturbing active nests that may be affected by project construction. **(Less than Significant Impact)**

-
- 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 CDFW or USFWS?
-

As discussed in Section 4.4.1.2 Existing Conditions, the project site and adjacent sites do not contain any riparian habitat or other sensitive natural communities. The nearest waterway is the Sunnyvale East Channel, which is located approximately 0.46-mile to the west of the project site. Given the distance to the nearest waterway and riparian habitat, future development under the proposed project would not result in impacts to riparian habitat or other sensitive natural communities identified in local or regional plans, policies, regulations, or by the CDFW or USFWS. **(No Impact)**

- c) Would the project have a substantial adverse effect on state or federally protected wetlands through direct removal, filling, hydrological interruption, or other means?
-

As discussed in Section 4.4.1.2 Existing Conditions, the project site and adjacent sites do not contain any wetlands. The nearest wetland area is the freshwater pond located adjacent to the Sunnyvale Community Center approximately 0.75-mile northwest of the project site.²⁴ Future development under the proposed project would not result in impacts to state or federally protected wetlands. **(No Impact)**

- 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?
-

The project site is in a developed urban area, and it does not contain any waterways, wetlands, or open space areas along the San Francisco Bay that could provide habitat or movement corridors for wildlife species (including fish, birds, and non-flying wildlife) in the region. There are no identified wildlife nursery sites present on the project site.²⁵ For these reasons, future development under the project would not impact migratory fish or wildlife species, wildlife corridors, and wildlife nursery sites. **(No Impact)**

²⁴ United States Fish and Wildlife Service. *National Wetlands Inventory, Surface Waters and Wetlands*. Map. May 2021.

²⁵ A wildlife nursery site is defined as a site where wildlife concentrates for hatching and/or raising young, such as rookeries, spawning areas and bat colonies.

-
- e) Would the project conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?
-

Sunnyvale Municipal Code Chapters 13.16 and 19.94

As discussed in Section 4.4.1.2 Existing Conditions, the project site contains 29 trees, including 15 protected trees as defined in the SMC. Most of the trees are located on the perimeter of the project site. Future development on-site could result in the removal of on-site trees or street trees. Any trees removed would be replaced at a 1:1 ratio, and future development would obtain the necessary permits to plant, maintain, remove, and protect city trees during construction, consistent with the requirements in SMC Chapter 13.16. Pursuant to SMC Chapter 19.94, future development would follow the procedures and requirements for removing any of the 15 protected trees on the project site. At the discretion of the Director of Community Development, replacement trees may be required as a condition of issuance of a protected tree removal permit, or as a condition of any discretionary permit for development or redevelopment (SMC Chapter 19.94.080). Based on this discussion, implementation of the project would not conflict with the SMC Chapters 13.16 and 19.94. **(Less than Significant Impact)**

Bird Safe Design Guidelines

The City's Bird Safe Building Design Guidelines stipulate that efforts should be taken to reduce bird strikes in all locations of the City. Implementation of the project could result in the development of an up to 70-foot tall, mixed-use building on-site. Future development on-site would be designed to comply with the following applicable Bird Safe Design Guidelines.

- Avoid large expanse of glass near open areas, especially when tall landscaping is immediately adjacent to the glass walls
- Avoid the funneling of open space towards a building face
- Prohibit glass skyways or freestanding glass walls
- Avoid transparent glass walls coming together at building corners to avoid birds trying to fly through glass
- Reduce glass at top of building, especially when incorporating a green roof into the design;
- Prohibit up lighting or spotlights
- Shield lighting to cast light down onto the area to be illuminated
- Turn commercial building lights off at night or incorporate blinds into window treatment to use when lights are on at night
- Create smaller zones in internal lighting layouts to discourage wholesale area illumination

The City would review future development during the design review process to ensure compliance with the City's Bird Safe Design Guidelines. **(Less than Significant Impact)**

-
- 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 project site is not part 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/Natural Community Conservation Plan (Habitat Plan) is a conservation program to promote the recovery of endangered species in portions of Santa Clara County while accommodating planned development, infrastructure, and maintenance activities. The City of Sunnyvale, including the project site, is located outside the Habitat Plan area and outside of the expanded study area for burrowing owl conservation. Therefore, it would not conflict with any approved local, regional, or state habitat conservation plan. **(No Impact)**

4.5 Cultural Resources

The following discussion is based upon a Literature Search prepared by Archaeological/Historical Consultants dated January 2023. A copy of the Literature Search, which is a confidential report, is on file at the City of Sunnyvale and is available for review upon request with appropriate credentials.

4.5.1 Environmental Setting

4.5.1.1 *Regulatory Framework*

Federal and State

National Historic Preservation Act

Federal protection is legislated by the National Historic Preservation Act of 1966 (NHPA) and the Archaeological Resource Protection Act of 1979. These laws maintain processes for determination of the effects on historical properties eligible for listing in the National Register of Historic Places (NRHP). Section 106 of the NHPA and related regulations (36 Code of Federal Regulations [CFR] Part 800) constitute the primary federal regulatory framework guiding cultural resources investigations and require consideration of effects on properties that are listed or eligible for listing in the NRHP. Impacts to properties listed in the NRHP must be evaluated under CEQA.

California Register of Historical Resources

The California Register of Historical Resources (CRHR) is administered by the State Office of Historic Preservation and encourages protection of resources of architectural, historical, archeological, and cultural significance. The CRHR identifies historic resources for state and local planning purposes and affords protections under CEQA. Under Public Resources Code Section 5024.1(c), a resource may be eligible for listing in the CRHR if it meets any of the NRHP criteria.²⁶

Historical resources eligible for listing in the CRHR must meet the significance criteria described previously and retain enough of their historic character or appearance to be recognizable as historical resources and to convey the reasons for their significance. A resource that has lost its historic character or appearance may still have sufficient integrity for the CRHR if it maintains the potential to yield significant scientific or historical information or specific data.

The concept of integrity is essential to identifying the important physical characteristics of historical resources and, therefore, in evaluating adverse changes to them. Integrity is defined as “the authenticity of a historical resource’s physical identity evidenced by the survival of characteristics that existed during the resource’s period of significance.” The processes of determining integrity are similar for both the CRHR and NRHP and use the same seven variables or aspects to define integrity

²⁶ California Office of Historic Preservation. “CEQA Basics.” Accessed September 14, 2023. https://ohp.parks.ca.gov/?page_id=21721.

that are used to evaluate a resource's eligibility for listing. These seven characteristics include 1) location, 2) design, 3) setting, 4) materials, 5) workmanship, 6) feeling, and 7) association.

Senate Bill 18

The intent of SB 18 is to aid in the protection of traditional tribal cultural places through local land use planning by requiring city governments to consult with California Native American tribes on projects which include adoption or amendment of general plans (defined in Government Code Section 65300 et seq.) and specific plans (defined in Government Code Section 65450 et seq.). SB 18 requires local governments to consult with tribes prior to making certain planning decisions and to provide notice to tribes at certain key points in the planning process.

California Native American Historical, Cultural, and Sacred Sites Act

The California Native American Historical, Cultural, and Sacred Sites Act applies to both state and private lands. The act requires that upon discovery of human remains, construction or excavation activity must cease and the county coroner be notified.

Public Resources Code Sections 5097 and 5097.98

Section 15064.5 of the CEQA Guidelines specifies procedures to be used in the event of an unexpected discovery of Native American human remains on non-federal land. These procedures are outlined in Public Resources Code Sections 5097 and 5097.98. These codes protect such remains from disturbance, vandalism, and inadvertent destruction, establish procedures to be implemented if Native American skeletal remains are discovered during construction of a project, and establish the Native American Heritage Commission (NAHC) as the authority to resolve disputes regarding disposition of such remains.

Pursuant to Public Resources Code Section 5097.98, in the event of human remains discovery, no further disturbance is allowed until the county coroner has made the necessary findings regarding the origin and disposition of the remains. If the remains are of a Native American, the county coroner must notify the NAHC. The NAHC then notifies those persons most likely to be related to the Native American remains. The code section also stipulates the procedures that the descendants may follow for treating or disposing of the remains and associated grave goods.

California Health and Safety Code Section 7050.5

Section 7050.5 of the California Health and Safety Code states that it is a misdemeanor to knowingly disturb a human burial and requires that excavation be halted in the event of discovery of human remains in accordance with Public Resources Code Section 5097.98.

Local

City of Sunnyvale General Plan

The City’s General Plan includes policies for the purpose of avoiding or mitigating environmental impacts resulting from planned development projects within the City. The following policies are

Policy	Description
Community Character Element	
CC-5.1	Preserve existing landmarks and cultural resources and their environmental settings.
CC-5.2	Enhance the visual character of the City by preserving diverse as well as harmonious architectural styles, reflecting various phases of the City’s historical development and the cultural traditions of past and present residents.
CC-5.3	Identify and work to resolve conflicts between the preservation of historic resources and alternative land uses.
CC-5.4	Seek out, catalog and evaluate heritage resources which may be significant.
CC-5.5	Archeological resources should be preserved whenever possible.

specific to cultural resources and are applicable to the proposed project.

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

Sunnyvale Municipal Code

Chapter 19.96 (Heritage Preservation) of the SMC establishes the Heritage Preservation Commission to oversee the designation, preservation, restoration, rehabilitation, relocation, or reconstruction of qualified historic resources (e.g., buildings, properties, signs, features, and trees). The Heritage Preservation Commission has the chance to review all permit applications regarding heritage resources, heritage resource districts, landmark site, or landmark district designated structures that involve changing use, exterior alteration, or demolition; and approve, disapprove, or approve as modified said applications.

Heritage Resource Inventory

The City maintains a Heritage Resource Inventory (HRI) containing landmarks, trees, residential and commercial districts, and individual structures of local importance. There are two main types of protected structures in Sunnyvale: heritage resources and local landmarks. A local landmark is the highest level of protection afforded by the City under the SMC. Heritage resources have a somewhat lower level of protection that recognizes properties which have architectural or historic

significance. The inventory was last updated in September 2018.²⁷ In February 2022, the Heritage Preservation Commission identified a need to update the HRI, which would take approximately two years to complete.²⁸

4.5.1.2 *Existing Conditions*

Historic Resources

Sunnyvale was a historically agricultural community until the mid-twentieth century when the economy shifted towards industrial uses and, as a result, the City became more urbanized. The area surrounding the project site was historically split between agricultural and residential land uses. From the late 1800s through the 1950s, the project site and surrounding properties were used for agricultural purposes before being developed with residential and commercial structures.

The project site currently contains two buildings, the gas station (which was constructed in 1962) and the restaurant building (which was constructed in 1978). To be considered a historic resource, a site must meet certain sets of criteria including relevance to local and regional history, its association with historic figures, and the distinctiveness of its architecture. The project site does not contain any structures listed the NRHP or the CRHP; nor does it contain any resources listed on the City of Sunnyvale Historic Resources Inventory.²⁹

Archaeological Resources

A records search at the Northwest Information Center of the California Historical Resources Information System (CHRIS) was completed to identify all recorded archaeological sites on and within one-quarter mile of the project site. No archaeological resources have been recorded on the site, and only one built environment resource was recorded as being within one-quarter mile of the project site. This built environment resource (the 1895 Rolla Butcher Jr. House) was located approximately 350 feet north of the project site and was listed on the Sunnyvale Cultural Resources Inventory before being demolished in 1980.

Historic-era maps and aerial photos were also reviewed to identify the potential for historic archaeological resources in the project site. A review of historic maps shows no evidence of structures on the project area until the 1960s. Based on the historic uses on-site and the lack of substantial development prior to the current structures, the project site has a low sensitivity to contain historic era archaeological resources.

²⁷ City of Sunnyvale. "Heritage Resources Inventory." Revised September 2018. Accessed February 6, 2024. <https://www.sunnyvale.ca.gov/home/showpublisheddocument/1556/637820850915270000>.

²⁸ City of Sunnyvale. *2022 Council Study Issue (22-0006)*. February 17, 2022.

²⁹ City of Sunnyvale. "Heritage Resources Inventory." Accessed: September 18, 2023. Available at: <https://www.sunnyvale.ca.gov/home/showpublisheddocument/1556/637820850915270000>.

Native American archaeological sites are most often found in flat locations with access to a perennial source of fresh water. In Santa Clara County, these Native American sites are most often found within one-half mile of major watercourses and one-quarter mile of minor watercourses. Soils deposited during the Holocene era (approximately 11,700 years ago), are more likely to contain buried archaeological deposits. Within the project area, the soil consists of Pleistocene alluvial fan deposits, which were deposited prior to 11,700 years ago. The nearest water source in late pre-history was located approximately one mile to the southeast. Based on the absence of previously recorded archaeological resources within a one-quarter mile of the project site, the age of underlying soils, and the lack of nearby water courses, the project site has a low sensitivity for buried Native American archaeological deposits.

4.5.2 Impact Discussion

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
<hr/> Would the project:				
a) Cause a substantial adverse change in the significance of a historical resource pursuant to CEQA Guidelines Section 15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Cause a substantial adverse change in the significance of an archaeological resource as pursuant to CEQA Guidelines Section 15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Disturb any human remains, including those interred outside of dedicated cemeteries?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

a) Would the project cause a substantial adverse change in the significance of a historical resource pursuant to CEQA Guidelines Section 15064.5?

The project site currently contains two buildings, a gas station constructed in 1962 and a restaurant building constructed in 1978. As discussed in Section 4.5.1.2 Existing Conditions, the project site does not contain any structures currently listed the NRHP or the CRHP; nor does it contain any resources listed on the City of Sunnyvale Historic Resources Inventory. Although the site does not contain any currently listed resources, the gas station is over 50 years old, and the restaurant building may be over 50 years old when a specific development is proposed on-site in the future. Neither of the existing structures on-site have been previously evaluated for their potential historic significance.

Future development on-site shall avoid impacts to historic resources by complying with General Plan policies CC 5.1, CC-5.3, and CC-5.4 of preserving existing cultural resources and their environmental setting, identify and resolve conflicts between preservation of historic resources and alternative land uses, and seek out, catalog, and evaluation resources that may be significant (**Less than Significant Impact**)

-
- b) Would the project cause a substantial adverse change in the significance of an archaeological resource pursuant to CEQA Guidelines Section 15064.5?
-

No archaeological resources have been previously identified on or adjacent to the project site. As discussed in Section 4.5.1.2 Existing Conditions, the site has a low sensitivity for pre-historic archaeological resources and a low sensitivity for historic-era archaeological resources. Future development under the project, however, could disturb previously unknown archaeological resources on-site during excavation. Future development under the project would comply with the NHPA, CRHR, Archaeological Resource Protection Act of 1979, General Plan Policy CC-5.5, and General Plan Action LT-1.10f to avoid and/or reduce impacts to archaeological resources to a less than significant level by preserving archaeological resources, halting all ground-disturbing activities if resources are encountered, retaining a qualified archaeologist to evaluate the significance of the encountered resources pursuant to existing regulations, and implementing measures to protect the resource. Therefore, the project would not adversely impact archaeological resources. **(Less than Significant Impact)**

-
- c) Would the project disturb any human remains, including those interred outside of dedicated cemeteries?
-

As discussed in checklist question b) above, although the project site has low sensitivity for pre-historic resources, ground-disturbing activities during the construction of future developments on-site could impact unknown underground resources, including human remains. Future development under the project would comply with existing regulations, including Public Resources Code Section 5097 and 5097.98, California Health and Safety Code Section 7050.5, and General Plan Policy CC-5.5 to protect human remains (if discovered on-site) by following existing protocol to halt work in the event of a discovery, notifying the Santa Clara County Coroner and NAHC as applicable, and implementing measures to protect and reinter the remains. Therefore, the project would not result in significant impacts to human remains. **(Less than Significant Impact)**

4.6 Energy

4.6.1 Environmental Setting

4.6.1.1 *Regulatory Framework*

Federal and State

Energy Star and Fuel Efficiency

At the federal level, energy standards set by the EPA apply to numerous consumer products and appliances (e.g., the EnergyStar™ program). The EPA also sets fuel efficiency standards for automobiles and other modes of transportation.

Renewables Portfolio Standard Program

In 2002, California established its Renewables Portfolio Standard Program, with the goal of increasing the percentage of renewable energy in the state's electricity mix to 20 percent of retail sales by 2010. Governor Schwarzenegger issued Executive Order (EO) S-3-05, requiring statewide emissions reductions to 80 percent below 1990 levels by 2050. In 2008, EO S-14-08 was signed into law, requiring retail sellers of electricity serve 33 percent of their load with renewable energy by 2020. In October 2015, Governor Brown signed SB 350 to codify California's climate and clean energy goals. A key provision of SB 350 requires retail sellers and publicly owned utilities to procure 50 percent of their electricity from renewable sources by 2030. SB 100, passed in 2018, requires 100 percent of electricity in California to be provided by 100 percent renewable and carbon-free sources by 2045.

Executive Order B-55-18 To Achieve Carbon Neutrality

In September 2018, Governor Brown issued an executive order, EO-B-55-18 To Achieve Carbon Neutrality, setting a statewide goal "to achieve carbon neutrality as soon as possible, and no later than 2045, and achieve and maintain net negative emissions thereafter." The executive order requires CARB to "ensure future Scoping Plans identify and recommend measures to achieve the carbon neutrality goal." EO-B-55-18 supplements EO S-3-05 by requiring not only emissions reductions, but also that, by no later than 2045, the remaining emissions be offset by equivalent net removals of CO₂ from the atmosphere through sequestration.

California Building Standards Code

The Energy Efficiency Standards for Residential and Nonresidential Buildings, as specified in Title 24, Part 6 of the California Code of Regulations (Title 24), was established in 1978 in response to a legislative mandate to reduce California's energy consumption. Title 24 is updated approximately

every three years.³⁰ Compliance with Title 24 is mandatory at the time new building permits are issued by city and county governments.³¹

California Green Building Standards Code

CALGreen establishes mandatory green building standards for buildings in California. CALGreen was developed to reduce GHG emissions from buildings, promote environmentally responsible and healthier places to live and work, reduce energy and water consumption, and respond to state environmental directives. CALGreen covers five categories: planning and design, energy efficiency, water efficiency and conservation, material and resource efficiency, and indoor environmental quality.

Advanced Clean Cars Program

CARB adopted the Advanced Clean Cars II program in 2022 in coordination with the EPA and National Highway Traffic Safety Administration. The program combines the control of smog-causing pollutants and GHG emissions into a single coordinated set of requirements for vehicle model years 2026 through 2035. The program promotes development of environmentally superior passenger cars and other vehicles, as well as saving the consumer money through fuel savings.³²

Local

City of Sunnyvale Climate Action Playbook

The City of Sunnyvale Climate Action Playbook (August 2019) sets a vision for the City to reduce carbon emissions by 2050. The playbook includes six strategies with “plays” that identify areas for action to reduce GHG emissions (including energy consumption). The following play is related to energy and are applicable to the proposed project.

³⁰ California Building Standards Commission. “California Building Standards Code.” Accessed September 13, 2023. <https://www.dgs.ca.gov/BSC/Codes#@ViewBag.JumpTo>.

³¹ California Energy Commission (CEC). “2022 Building Energy Efficiency Standards.” Accessed September 13, 2023. <https://www.energy.ca.gov/programs-and-topics/programs/building-energy-efficiency-standards/2019-building-energy-efficiency>.

³² California Air Resources Board. “Advanced Clean Cars II.” Accessed September 13, 2023. <https://ww2.arb.ca.gov/our-work/programs/advanced-clean-cars-program/advanced-clean-cars-ii>

Play	Description
Strategy 1: Promoting Clean Electricity	
1.1	Promote 100 percent clean electricity
1.2	Increase local solar photovoltaics
Strategy 2: Decarbonizing Buildings	
2.3	Achieve all-electric new construction
Strategy 3: Decarbonizing Transportation & Sustainable Land Use	
3.2	Increase Transportation Options and Support Shared Mobility
Strategy 4: Managing Resources Sustainable	
4.1	Achieve Zero Waste goals for solid waste
4.2	Ensure resilience of water supply
4.3	Enhance natural carbon sequestration capacity

Sunnyvale Green Building Program

In May 2019, the City revised the green building standards for new construction, additions, and remodels of buildings.³³ The green building standards increase energy efficiency for heating and cooling and promote reduced vehicle travel. Incentives are offered for projects that exceed the minimum green building standards to encourage project applicants and developers to provide additional green building features. At minimum, new residential projects are required to implement CALGreen Mandatory Measures and achieve 90 points minimum on the GreenPoint Rated Checklist with a Build it Green Certification.

Sunnyvale Reach Code

The California Energy Commission (CEC) approved the City’s Reach Code Ordinance, which went in effect on January 26, 2021. The Reach Code is a local energy code for buildings design and construction that go beyond the minimum state requirements. The purpose of the Reach Code is to help reduce GHG emissions by promoting electric versus natural gas energy use. The Reach Code Ordinance applies to new residential and nonresidential construction, and includes the following requirements:

- Gas appliances including cooking range, water heater, space heater, fireplace, etc. are not permitted
- Solar panels are required for all new buildings
- Electric vehicle charging stations (or conduit and preliminary wiring for them) are required for all new building parking lots

³³ City of Sunnyvale. *Green Building Program*. May 2019.

Sunnyvale Construction and Demolition Waste Diversion

The City requires remodel or demolition projects where 50 percent or more of the exterior wall will be removed to recycle or reuse at least 65 percent of the project's nonhazardous waste.³⁴ Recycling of nonhazardous waste reduces the energy use to produce new materials from raw, non-renewable resources.

4.6.1.2 *Existing Conditions*

Total energy usage in California was approximately 6,278.7 trillion British thermal units (Btu) in the year 2021, the most recent year for which this data was available.³⁵ Out of the 50 states, California is ranked second in total energy consumption and 49th in energy consumption per capita. The breakdown by sector was approximately 20 percent (14,732.2 trillion Btu) for residential uses, 19 percent (1,396.7 trillion Btu) for commercial uses, 23.2 percent (1,704.4 trillion Btu) for industrial uses, and 37.8 percent (2,785 trillion Btu) for transportation.³⁶ This energy is primarily supplied in the form of natural gas, petroleum, nuclear electric power, and hydroelectric power.

Electricity

Electricity in Santa Clara County in 2021 was consumed primarily by the non-residential sector (74 percent), followed by the residential sector consuming 23 percent. In 2021, a total of approximately 16,407 gigawatt hours (GWh) of electricity was consumed in Santa Clara County.³⁷

The community-owned Silicon Valley Clean Energy (SVCE) is the electricity provider for the City of Sunnyvale.³⁸ SVCE sources the electricity and the Pacific Gas and Electric Company (PG&E) delivers it to customers over their existing utility lines. Customers are automatically enrolled in the GreenStart plan and can upgrade to the GreenPrime plan. Both options are considered 100 percent GHG-emission free.

³⁴ City of Sunnyvale. "Construction Waste." January 1, 2022. Accessed September 13, 2023.

<https://www.sunnyvale.ca.gov/business-and-development/planning-and-building/construction-waste>.

³⁵ United States Energy Information Administration. "State Profile and Energy Estimates, 2020." Accessed September 13, 2023. <https://www.eia.gov/state/?sid=CA#tabs-2>.

³⁶ Ibid.

³⁷ California Energy Commission. Energy Consumption Data Management System. "Electricity Consumption by County." Accessed September 13, 2023. <http://ecdms.energy.ca.gov/elecbycounty.aspx>.

³⁸ Silicon Valley Clean Energy. "Frequently Asked Questions." Accessed September 13, 2023. <https://www.svcleanenergy.org/faqs>.

Natural Gas

PG&E provides natural gas services within the City of Sunnyvale. In 2022, California's natural gas supply came from a combination of in-state production and imported supplies from other western states and Canada.³⁹ In 2021 residential and commercial customers in California used 33 percent of the state's natural gas, power plants used 0.01 percent, the industrial sector used 33 percent.⁴⁰ In 2021, Santa Clara County used less than one percent of the state's total consumption of natural gas.⁴¹

Fuel for Motor Vehicles

In 2022, California produced 124 million barrels of crude oil and in 2019, and 15.4 billion gallons of gasoline were sold in California.^{42 43} The average fuel economy for light-duty vehicles (autos, pickups, vans, and sport utility vehicles) in the United States has steadily increased from about 13.1 miles per gallon (mpg) in the mid-1970s to 25.4 mpg in 2021.⁴⁴ Federal fuel economy standards have changed substantially since the Energy Independence and Security Act was passed in 2007. That standard, which originally mandated a national fuel economy standard of 35 miles per gallon by the year 2020, was updated in April 2022 to require all cars and light duty trucks achieve an overall industry average fuel economy of 49 mpg by model year 2026.^{45,46}

³⁹ California Gas and Electric Utilities. 2022 *California Gas Report*. Accessed September 13, 2023. https://www.socalgas.com/sites/default/files/Joint_Utility_Biennial_Comprehensive_California_Gas_Report_2022.pdf.

⁴⁰ United States Energy Information Administration. "Natural Gas Consumption by End Use." 2021. Accessed September 13, 2023. https://www.eia.gov/dnav/ng/ng_cons_sum_dcu_SCA_a.htm.

⁴¹ California Energy Commission. "Natural Gas Consumption by County." Accessed September 13, 2023. <http://ecdms.energy.ca.gov/gasbycounty.aspx>.

⁴² U.S. Energy Information Administration. "Petroleum & Other Liquids, California Field Production of Crude Oil." February 28, 2023. <https://www.eia.gov/dnav/pet/hist/LeafHandler.ashx?n=pet&s=mcrfpca1&f=a>

⁴³ California Department of Tax and Fee Administration. "Net Taxable Gasoline Gallons." Accessed September 13, 2023. <https://www.cdtfa.ca.gov/dataportal/dataset.htm?url=VehicleTaxableFuelDist>.

⁴⁴ United States Environmental Protection Agency. "The 2023 EPA Automotive Trends Report: Greenhouse Gas Emissions, Fuel Economy, and Technology since 1975." December 2023. Accessed February 6, 2024. <https://www.epa.gov/system/files/documents/2023-12/420r23033.pdf>

⁴⁵ United States Department of Energy. *Energy Independence & Security Act of 2007*. Accessed September 13, 2023. <http://www.afdc.energy.gov/laws/eisa>.

⁴⁶ United States Department of Transportation. USDOT Announces New Vehicle Fuel Economy Standards for Model Year 2024-2026." Accessed September 13, 2023. <https://www.nhtsa.gov/press-releases/usdot-announces-new-vehicle-fuel-economy-standards-model-year-2024-2026>

4.6.2 Impact Discussion

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
a) Result in a potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<hr/>				
a) Would the project result in a potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?				

Construction

Implementation of the project would require energy for the manufacture and transportation of building materials, preparation of the site (e.g., demolition and grading), and construction of buildings and other improvements. These construction processes are generally designed to be efficient in order to avoid excess monetary cost, therefore, inefficient or wasteful use of energy is not expected to occur. Further, project development in urbanized areas (such as the project site) with proximity to roadways, construction supplies, and workers is already more efficient than construction occurring in outlying, undeveloped areas. In addition, BAAQMD's 2022 CEQA Guidelines includes BMPs for construction related GHG emissions, which in turn, would avoid wasteful inefficient, or unnecessary consumption of energy sources. Applicable BMPs that may be used by future development include, but are not limited to, use of off-road construction equipment that meets U.S. EPA Tier 4 emission standards, off-road heavy-duty trucks to be zero emissions or meet the most stringent emissions standard, minimizing idling time of equipment, and limit of hours of operation for off-road diesel-powered equipment. For these reasons, the construction process would be considered efficient.

Future development made possible by the project would also comply with the City's requirements to recycle and/or salvage for reuse a minimum of 65 percent of nonhazardous construction and demolition waste, minimizing energy impacts from the creation of excessive waste. For these reasons, construction activities would not use fuel or energy in a wasteful manner. **(Less than Significant Impact)**

Operation

Future development made possible by the project would be designed for energy efficiency and conservation, in accordance with the City's Climate Action Playbook, Green Building Program, and Reach Code. Future residential mixed-use development on-site would be required to implement CALGreen Mandatory Measures, achieve 90 points minimum on the GreenPoint Rated Checklist, and install solar panels on any new buildings, ensuring an energy-efficient design. In addition, consistent with the requirements of SMC Section 19.45.040, future development would prepare a transportation demand management (TDM) program for the residential portion of the development, which would reduce energy demand for vehicular transportation. Future development would also be constructed to meet the latest California Building Energy Efficiency Standards (Title 24 California Code of Regulations). Adherence to General Plan policies, existing regulations, adopted plans and policies would ensure that any future residential mixed-use project would not consume energy in a manner that is wasteful, inefficient, or unnecessary. **(Less than Significant Impact)**

-
- b) Would the project conflict with or obstruct a state or local plan for renewable energy or energy efficiency?
-

Electricity for future development made possible by the project would be from SVCE, which is 100 percent GHG-emission free energy from renewable and hydroelectric sources, consistent with the state's RPS program and SB 350.⁴⁷ In addition, future development under the project would meet state mandated Title 24 energy efficiency standards and CALGreen standards by complying with the Sunnyvale Green Building standards and the City's residential Reach Code (all-electric construction).

Future development made possible by the project would be required to comply with the plays from the City's Climate Action Playbook of promoting 100% clean energy (Play 1.1), installing solar photovoltaic panels (Play 1.2), achieving all-electric new construction (Play 2.3), providing on-site recycling services and recycling/salvaging demolition waste (Play 4.1), and planting new trees (Play 4.3). Therefore, future development made possible by the project would not obstruct a state or local plan for renewable energy or energy efficiency. **(Less than Significant Impact)**

⁴⁷ SVCE is the default electricity provider in the City. Building occupants/owners need to voluntarily opt-out of SVCE in order to obtain electricity directly from PG&E.

4.7 Geology and Soils

4.7.1 Environmental Setting

4.7.1.1 *Regulatory Framework*

State

Alquist-Priolo Earthquake Fault Zoning Act

The Alquist-Priolo Earthquake Fault Zoning Act was passed following the 1971 San Fernando earthquake. The act regulates development in California near known active faults due to hazards associated with surface fault ruptures. Alquist-Priolo maps are distributed to affected cities, counties, and state agencies for their use in planning and controlling new construction. Areas within an Alquist-Priolo Earthquake Fault Zone require special studies to evaluate the potential for surface rupture to ensure that no structures intended for human occupancy are constructed across an active fault.

Seismic Hazards Mapping Act

The Seismic Hazards Mapping Act (SHMA) was passed in 1990 following the 1989 Loma Prieta earthquake. The SHMA directs the California Geological Survey (CGS) to identify and map areas prone to liquefaction, earthquake-induced landslides, and amplified ground shaking. CGS has completed seismic hazard mapping for the portions of California most susceptible to liquefaction, landslides, and ground shaking, including the central San Francisco Bay Area. The SHMA requires that agencies only approve projects in seismic hazard zones following site-specific geotechnical investigations to determine if the seismic hazard is present and identify measures to reduce earthquake-related hazards.

California Building Standards Code

The California Building Standards Code (CBC) prescribes standards for constructing safe buildings. The CBC contains provisions for earthquake safety based on factors including occupancy type, soil and rock profile, ground strength, and distance to seismic sources. The CBC requires that a site-specific geotechnical investigation report be prepared for most development projects to evaluate seismic and geologic conditions such as surface fault ruptures, ground shaking, liquefaction, differential settlement, lateral spreading, expansive soils, and slope stability. The CBC is updated every three years.

California Division of Occupational Safety and Health Regulations

Excavation, shoring, and trenching activities during construction are subject to occupational safety standards for stabilization by the California Department of Industrial Relations, Division of Occupational Safety and Health (Cal/OSHA) under Title 8 of the California Code of Regulations and

Excavation Rules. These regulations minimize the potential for instability and collapse that could injure construction workers on the site.

Public Resources Code Section 5097.5

Paleontological resources are the fossilized remains of organisms from prehistoric environments found in geologic strata. They range from mammoth and dinosaur bones to impressions of ancient animals and plants, trace remains, and microfossils. These materials are valued for the information they yield about the history of the earth and its past ecological settings. California Public Resources Code Section 5097.5 specifies that unauthorized removal of a paleontological resource is a misdemeanor. Under the CEQA Guidelines, a project would have a significant impact on paleontological resources if it would disturb or destroy a unique paleontological resource or site or unique geologic feature.

Regional

Municipal Stormwater National Pollutant Discharge Elimination System Permit

The San Francisco Bay RWQCB has issued a Municipal NPDES Permit (MRP), which requires the use of Low Impact Development (LID) stormwater treatment controls (e.g., infiltration or bioretention-based facilities) to treat post-construction stormwater runoff. The City of Sunnyvale, as a permittee, reviews and enforces stormwater treatment controls on development sites to minimize pollutant discharge, as well as erosion and sedimentation.

Provision C.6.c of the MRP outlines the BMP categories that permittees must require all construction sites to implement. These BMPs are divided into six sections which include erosion control, run-on and run-off control, sediment control, active treatment systems, good site management, and non-stormwater management. Each construction site is required to implement the BMPs that are seasonally and phase appropriate.

Local

City of Sunnyvale General Plan

The City's General Plan includes policies for the purpose of avoiding or mitigating environmental impacts resulting from planned development projects within the City. The following policies are specific to geologic and soil resources and are applicable to the proposed project.

Policy	Description
Environmental Management Element	
EM-8.5	Prevent accelerated soil erosion. Continue implementation of a construction site inspection and control program to prevent discharges of sediment from erosion and discharges of other pollutants from new and redevelopment projects.
Safety and Noise Element	
SN-1.1	Evaluate and consider existing and potential hazards in developing land use policies. Make land use decisions based on an awareness of the hazards and potential hazards for the specific parcel of land.

In addition, the General Plan includes Action LT-1.10f to protect cultural resources and the intent of this action is to also be applied to paleontological resources.⁴⁸ Consistent with the intent of Action LT-1.10f, if paleontological resources are encountered during construction of a project, all ground-disturbing activities near the find shall be halt, a qualified paleontologist shall evaluate the find and prescribe measures to preserve the find.

Sunnyvale Municipal Code

SMC Titles 16 (Building and Construction) and 12 (Water and Sewers) includes the CBC and requirements for soil erosion control. In accordance with the SMC, procedures for the issuance, administration, and enforcement of a building and grading permits are employed in order to protect health and safety, this includes the reduction or elimination of the hazards of undue settlement, erosion, siltation, and flooding, or other special conditions. SMC Chapter 12.60.230 outlines the BMPs required for development projects mandating effective erosion control, run-on and runoff control, sediment control, active treatment systems, good site management, and non-stormwater management through all phases of construction.

4.7.1.2 *Existing Conditions*

Regional Geology

The City of Sunnyvale is located in the Coast Ranges Geomorphic Province in California. The mountain ranges in this Geomorphic Province are generally northwest trending and were formed tens of millions of years ago by intense folding and faulting caused by tectonic activity between the Pacific Oceanic Plate and the North American Continental Plate.

On-Site Geological Conditions

Soils and Topography

The project site is located on relatively flat land that slopes very gently northeast towards the San Francisco Bay. Sunnyvale, including the project site, is a part of Santa Clara Valley which spans the

⁴⁸ City of Sunnyvale. *2017 Land Use and Transportation Element Draft Environmental Impact Report*. August 2016. Page 3.7-18. SCH# 2012032003

stretch between the Santa Cruz Mountain Range to the southwest and west and the Diablo Range to the northeast. The site consists of two commercial buildings with paved surface parking lots, an undeveloped parcel in the center of the site, and small landscaping areas primarily around the perimeter of the site and restaurant building. The near surface soil on-site is classified as urban land flaskan complex, which is generally composed of gravelly sandy clay loam that has a medium degree of plasticity and a moderate potential for expansion.⁴⁹

Seismicity and Seismic Hazards

As the San Francisco Bay Area contains numerous active and potentially active faults, there is a high potential for seismic events such as fault surface ruptures and ground shaking, which can cause ground failure (landslides), settlement, erosion, liquefaction, lateral spreading, and soil expansion. Faults in the region are capable of generating earthquakes of magnitude 6.7 or higher, and strong-to-very-strong ground shaking would be expected to occur at the project site during a major earthquake on one of the nearby faults. Major faults in the vicinity of the project site include the San Andreas, Hayward, Calaveras, and San Gregorio faults.

During a major earthquake on a segment of one of the nearby faults, strong to severe ground shaking is expected to occur at the project site.⁵⁰ The ground shaking intensity felt at the project site would depend on the size of the earthquake (magnitude), distance from the site to the fault source, directivity (focusing of earthquake energy along the fault in the direction of the rupture), and site-specific soil conditions. The project site is not located within a State of California Earthquake Fault Zone or a Fault-Rupture Hazard Zone.⁵¹

Liquefaction, Landslide, and Lateral Spreading

Soil liquefaction can be defined as a complete loss of strength that causes otherwise solid soil to take on the characteristics of a liquid. The types of soil most susceptible to this hazard are loose, saturated, uniformly graded, fine-grain sands that comprise the soil layer within approximately 45 to 50 feet of the ground surface. Soils saturated with groundwater are more likely to experience liquefaction. Liquefaction mostly frequently occurs under vibratory conditions, such as those created by seismic events. The project area is not located in a designated landslide hazard zone, compressible soil hazard zone or a liquefaction hazard zone.⁵²

Lateral spreading is horizontal/lateral ground movement of relatively flat-lying soil deposits towards a free face such as an excavation, channel, or open body of water; typically, lateral spreading is associated with liquefaction of one or more subsurface layers near the bottom of the exposed slope. There are no open faces in proximity to the project site where lateral spreading could occur.

⁴⁹ United States Department of Agriculture Natural Resources Conservation Service. "Web Soil Survey." Accessed September 14, 2023. <https://websoilsurvey.sc.egov.usda.gov/App/WebSoilSurvey.aspx>.

⁵⁰ Association of Bay Area Governments. "Hazard Viewer." Accessed September 14, 2023. <https://abag.ca.gov/our-work/resilience/data-research/hazard-viewer>.

⁵¹ Santa Clara County Planning & Development. *Geologic Hazard Zones Mapping Application*. 2021.

⁵² Santa Clara County. *Santa Clara County Geologic Hazard Zones Map*. October 2012.

Groundwater

The estimated depth to groundwater below the site is approximately 40 to 55 feet below ground surface (bgs).⁵³ Groundwater levels on-site may vary depending on seasonal precipitation, irrigation practices, and other climate conditions.

Paleontological Resources

Paleontological resources are the fossilized remains of organisms from prehistoric environments in geologic strata. As discussed in Section 4.5 Cultural Resources, the project site underlain by late Pleistocene alluvial fan deposits which are more than 11,700 years old. These older sediments, which are often found at depths of greater than 10 feet, are considered highly sensitive for paleontological resources.⁵⁴

4.7.2 Impact Discussion

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
a) Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:				
- 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)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
- Strong seismic ground shaking?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
- Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
- Landslides?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

⁵³ Cornerstone Earth Group, Inc. *Phase I Environmental Site Assessment 1313 South Wolfe Road and 898 East Fremont Avenue*. December 20, 2022. Page 9.

⁵⁴ City of Sunnyvale. *Land Use and Transportation Element Draft Environmental Impact Report. SCH No. 2012032003*. August 2016. Page 3.7-12.

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
c) Be located on a geologic unit or soil that is unstable, or that will become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Be located on expansive soil, as defined in the current California Building Code, creating substantial direct or indirect risks to life or property?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Directly or indirectly destroy a unique paleontological resource or site or unique geological feature?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

- a) Would the project directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving 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; strong seismic ground shaking; seismic-related ground failure, including liquefaction; or landslides?

Fault Rupture

As discussed in Section 4.7.1.2 Existing Conditions, the project site is not located within an Alquist-Priolo Earthquake Fault Zone or a Fault-Rupture Hazard Zone and no known faults cross the site. While existing faults that are currently considered active are located within 20 miles of the site (i.e., the Monte Vista-Shannon, San Andreas, and Hayward faults), the project site is located outside of their fault rupture zones. For these reasons, future development made possible by the project would not directly or indirectly cause potential substantial adverse effects from rupture of a known earthquake fault. **(No Impact)**

Seismic Ground Shaking

There are several major fault lines within 20 miles of the project site that have the potential to produce a major earthquake during the lifespan of this project. During a major earthquake, this site is expected to experience strong to severe ground shaking. The level of intensity of this ground shaking at the project site would depend on a variety of factors such as the magnitude, distance from the site to the fault source, and site-specific soil conditions. The ground shaking could

potentially damage structures and threaten the safety of occupants in future development made possible by the project.

Prior to permit issuance, future development on-site would be required to adhere to the current CBC and any design recommendations included in a site-specific geotechnical report. Additionally, future development on-site would be required to utilize standard engineering techniques to ensure the project could withstand minor earthquakes without damage and major earthquakes without collapse. For these reasons, the project would not result in seismic hazards as future development would be constructed in accordance with current design and engineering standards. As such, the existing seismic hazards on-site would not be exacerbated by the project in a manner that it would impact (or worsen) off-site conditions. **(Less than Significant Impact)**

Liquefaction and Lateral Spreading

As discussed in Section 4.7.1.2 Existing Conditions, the project site is not located within a designated liquefaction hazard zone. Despite that, there could be some potential for liquefaction during future seismic events depending on the soil conditions, depth of water table, and strength of the seismic activity. Adherence to the current CBC and any design recommendations included in the future site-specific geotechnical report would reduce the risk of liquefaction at the project site.

There are no adjacent bodies of water, channels, or excavations in the vicinity of the site that would increase the potential for lateral spreading, therefore, the project would not exacerbate such conditions off-site. For these reasons, future development on-site would not cause potential substantial adverse effects related to liquefaction and lateral spreading. **(Less than Significant Impact)**

Landslides

As discussed in Section 4.7.1.2 Existing Conditions, the project site is not located in a designated landslide hazard zone. The project site is relatively flat and is not located in the vicinity of steep embankments that could increase the risk of landslides affecting the site. Future developments under the project would not include substantial earthwork that would create unstable slopes that would exacerbate any existing landslide risks. **(No Impact)**

b) Would the project result in substantial soil erosion or the loss of topsoil?

Future development made possible by the project would increase the potential for wind or water-related erosion and sedimentation during construction. By implementing standard grading and best management practices as required by the SMC in Section 12.60.230 and the recommendations of the site-specific geotechnical report that would be prepared for future development, erosion and sedimentation impacts would be less than significant. Compliance with the best management practices regarding erosion control listed in Provision C.6.c of the Municipal Regional Stormwater Permit (MRP) would reduce potential construction-related erosion impacts. Implementation of the required erosion control measures in the SMC Section 12.60.230, future site-specific geotechnical

report, and Provision C.6.c of the MRP would ensure that erosion and loss of topsoil are reduced to less than significant. **(Less than Significant Impact)**

-
- 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?
-

As discussed in Section 4.7.1.2 Existing Conditions and checklist question a) above, the project site is not located in a designated liquefaction hazard zone. However, there could be some potential for liquefaction during future seismic events depending on the soil conditions, depth of water table, and strength of the seismic activity. Adherence to the current CBC, the grading regulations identified in Section 12.60.230 of the SMC, and recommendations in the site-specific geotechnical report that would be prepared for future development under the project would reduce the risk of liquefaction at the on-site. In addition, the City's General Plan includes a Hazards and Disaster Preparedness and Response chapter that outlines policies and goals relating to mitigating risks stemming from natural hazards. Policy SN-1.1 requires geotechnical reports to determine the geologic stability of the site and to identify design measures to minimize geologic hazards. Future development would adhere to the CBC and prepare a design-level geotechnical report and implement the recommendations in the report to minimize impacts related to liquefaction and soil instability (such as collapse) to a less than significant level.

Valley Water actively monitors for land subsidence through surveying, groundwater elevation monitoring, and data from wells. Valley Water reduces the potential for land subsidence throughout the Santa Clara Valley by recharging groundwater basins with local and imported surface water. Valley Water also manages "in-lieu" recharge programs, including treated water deliveries, water conservation, and water recycling that reduce groundwater demand. As discussed in Section 4.10 Hydrology and Water Quality, the project site is not located within a groundwater recharge area and lies entirely within the area of the confined zone.⁵⁵ It is estimated that groundwater below the site is approximately 40 to 55 feet bgs, and depending on the depth of excavation required by future development, construction dewatering may be required. However, this would be temporary and would not result in the pumping of significant levels of groundwater that could cause in land subsidence.

As discussed in Section 4.7.1.2 Existing Conditions and Checklist question a) above, the project site is not subject to landslide, lateral spreading, or other forms of ground failure.

(Less than Significant Impact)

⁵⁵ Santa Clara Valley Water District. 2021 Groundwater Management Plan, Santa Clara and Llagas Subbasins. November 2021.

-
- d) Would the project be located on expansive soil, as defined in the current California Building Code, creating substantial direct or indirect risks to life or property?
-

As discussed in Section 4.7.1.2 Existing Conditions, the near-surface soil on-site is generally composed of gravelly sandy clay loam that has a medium degree of plasticity and a moderate potential for expansion. Expansive soils possess a “shrink-swell” characteristic. Shrink-swell is the cyclic change in volume (expansion and contraction) that occurs in fine-grained clay sediments from the process of wetting and drying. Structural damage may result over a long period of time, usually the result of inadequate soil and foundation engineering or the placement of structures directly on expansive soils. Although expansive soils can be a hazard, it is generally mitigated through adherence with the standard engineering and building practices and techniques specified in the CBC and adherence to recommendations in a site-specific geotechnical report.

In addition, the City’s General Plan Policy SN-1.1 requires geotechnical reports, in part, to determine the geologic stability of the site and to identify design measures to minimize geologic hazards. With adherence to the recommendations of the future site-specific geotechnical report and the current CBC, future development made possible by the project would not create substantial direct or indirect risks to life or property due to expansive soils. **(Less than Significant Impact)**

-
- e) Would the project have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?
-

Future development under the project would connect to the City’s sewer system and would not require septic tanks or alternative wastewater disposal systems. **(No Impact)**

-
- f) Would the project directly or indirectly destroy a unique paleontological resource or site or unique geological feature?
-

The project site does not contain any known paleontological resources or unique geological features. As discussed in Section 4.7.1.2 Existing Conditions, the project site is underlain by late Pleistocene alluvial fan deposits which are more than 11,700 years old and considered highly sensitive for paleontological resources.

Construction activities associated with future development made possible by the project could result in the disturbance and/or accidental destruction of unknown paleontological resources, if present on-site. Future development would comply with Public Resources Code Section 5097.5 and General Plan Action LT-1.10f to avoid and/or reduce impacts to a paleontological resources (if encountered on-site) to a less than significant level by halting all ground-disturbing activities if resources are encountered, retaining a qualified paleontologist to evaluate the significance of the encountered resources, and implementing measures to protect and preserve the resources in accordance with existing regulations. **(Less than Significant Impact)**

4.8 Greenhouse Gas Emissions

4.8.1 Environmental Setting

4.8.1.1 *Background Information*

Gases that trap heat in the atmosphere, GHGs, regulate the earth's temperature. This phenomenon, known as the greenhouse effect, is responsible for maintaining a habitable climate. In GHG emission inventories, the weight of each gas is multiplied by its global warming potential (GWP) and is measured in units of CO₂ equivalents (CO₂e). The most common GHGs are carbon dioxide (CO₂) and water vapor but there are also several others, most importantly methane (CH₄), nitrous oxide (N₂O), hydrofluorocarbons (HFCs), perfluorocarbons (PFCs), and sulfur hexafluoride (SF₆). These are released into the earth's atmosphere through a variety of natural processes and human activities. Sources of GHGs are generally as follows:

- CO₂ and N₂O are byproducts of fossil fuel combustion
- N₂O is associated with agricultural operations such as fertilization of crops
- CH₄ is commonly created by off-gassing from agricultural practices (e.g., keeping livestock) and landfill operations
- Chlorofluorocarbons (CFCs) were widely used as refrigerants, propellants, and cleaning solvents, but their production has been stopped by international treaty
- HFCs are now used as a substitute for CFCs in refrigeration and cooling
- PFCs and SF₆ emissions are commonly created by industries such as aluminum production and semiconductor manufacturing

An expanding body of scientific research supports the theory that global climate change is currently causing changes in weather patterns, average sea level, ocean acidification, chemical reaction rates, and precipitation rates, and that it will increasingly do so in the future. The climate and several naturally occurring resources within California are adversely affected by the global warming trend. Increased precipitation and sea level rise will increase coastal flooding, saltwater intrusion, and degradation of wetlands. Mass migration and/or loss of plant and animal species could also occur. Potential effects of global climate change that could adversely affect human health include more extreme heat waves and heat-related stress; an increase in climate-sensitive diseases; more frequent and intense natural disasters such as flooding, hurricanes and drought; and increased levels of air pollution.

4.8.1.2 *Regulatory Framework*

Assembly Bill 32 and State Bill 32

Under the California Global Warming Solutions Act, also known as AB 32, CARB established a statewide GHG emissions cap for 2020, adopted mandatory reporting rules for significant sources of GHGs, and adopted a comprehensive plan, known as the Climate Change Scoping Plan, identifying

how emission reductions would be achieved from significant GHG sources. The first Scoping Plan was approved by CARB in 2008 and must be updated at least every five years. Since 2008, there have been two updates to the Scoping Plan.

In 2016, SB 32 was signed into law, amending the California Global Warming Solution Act. SB 32, and accompanying Executive Order B-30-15, require CARB to ensure that statewide GHG emissions are reduced to 40 percent below the 1990 level by 2030. CARB updated its Climate Change Scoping Plan in December of 2017 to express the 2030 statewide target in terms of million metric tons of CO₂e (MMTCO₂e). Based on the emissions reductions directed by SB 32, the annual 2030 statewide target emissions level for California is 260 MMTCO₂e.

2022 Scoping Plan

On December 15, 2022, CARB approved the 2022 Scoping Plan. The 2022 Scoping Plan provides a sector-by-sector guide on how to reduce man-made (i.e., anthropogenic) GHG emissions by 85 percent below 1990 levels and achieve carbon neutrality by 2045 over a 25-year horizon.⁵⁶ The primary focus of the 2022 Scoping Plan is to reduce the usage of fossil fuels by electricizing the transportation sector, procuring electricity from renewable resources, phasing out natural gas in land use developments, and building transit-oriented communities that encourage multi-modal transportation. If implemented successfully, the 2022 Scoping Plan would not only reduce GHG emissions but also reduce smog-forming air pollution (NO_x) by 71 percent and reduce fossil fuel demand by 94 percent. The 2022 Scoping Plan also details natural carbon capture and storage process along with mechanical carbon capture programs to address the remaining 15 of anthropogenic GHG emissions that will remain post-2045. To meet these goals, CARB also includes a revised goal of reducing state GHG emissions 48 percent below 1990 levels by 2030.

Senate Bill 375 and Plan Bay Area 2050

SB 375, known as the Sustainable Communities Strategy and Climate Protection Act, was signed into law in September 2008. SB 375 builds upon AB 32 by requiring CARB to develop regional GHG reduction targets for automobile and light truck sectors for 2020 and 2035. The per capita GHG emissions reduction targets for passenger vehicles in the Bay Area include a seven percent reduction by 2020 and a 15 percent reduction by 2035.

Consistent with the requirements of SB 375, the Metropolitan Transportation Commission (MTC) partnered with the Association of Bay Area Governments (ABAG), BAAQMD, and Bay Conservation and Development Commission to prepare the region's Sustainable Communities Strategy (SCS) as part of the Regional Transportation Plan process. The SCS is referred to as Plan Bay Area 2050.

Plan Bay Area 2050 is a long-range plan for the nine-county San Francisco Bay Area that provides strategies that increase the availability of affordable housing, support a more equitable and efficient economy, improve the transportation network, and enhance the region's environmental resilience. Plan Bay Area 2050 promotes the development of a variety of housing types and

⁵⁶ CARB. *2022 Scoping Plan for Achieving Carbon Neutrality*. December 2022. Page 5.

densities within identified priority development areas (PDAs). PDAs are areas generally near existing job centers or frequent transit that are locally identified for housing and job growth.⁵⁷

Plan Bay Area 2050 includes a goal to increase the number of households that live within 0.5 mile of frequent transit by 2050. Plan Bay Area 2050 promotes strategies that support active and shared modes, combined with a transit-supportive land use patterns, which together are forecasted to lower the share of Bay Area residents that drive to work alone from 50 percent in 2015 to 33 percent in 2050, resulting in a decrease in GHG emissions. Plan Bay Area 2050 also includes goals to expand TDM initiatives that support and augment employers' commute programs, providing a path to emissions reductions.

SB 100

SB 100, known as The 100 Percent Clean Energy Act of 2018, was adopted on September 10, 2018. The overall goal is to have all retail electricity sold in California be procured from 100 percent renewable and zero-carbon resources by the year 2045. SB 100 also modified the renewables portfolio standard to 50 percent by 2025 and 60 percent by 2030.

Executive Order B-55-18 and Assembly Bill 1279

Executive Order B-55-18 was issued in September 2018. It ordered a new statewide goal of achieving carbon neutrality no later than 2045 and to maintain net negative emissions thereafter.

Assembly Bill 1279, also known as the California Climate Crisis Act, was approved on September 16, 2022 and codifies the statewide goal set by Executive Order B-55-18 of achieving net zero GHG emissions no later than the year 2045 and maintaining net negative emissions thereafter. In addition, this bill has a statewide goal of reducing anthropogenic GHG emissions by 85 percent below the 1990 levels by the year 2045. The bill requires CARB to work with relevant state agencies to ensure that updates to the scoping plan identify and recommend measures to achieve these policy goals and strategies that enable CO₂ removal solutions and carbon capture, utilization, and storage technologies in California are implemented. The bill requires CARB to submit an annual report.

Advanced Clean Cars II Regulation

To continue reducing air pollutants and GHG emissions in the transportation sector, CARB adopted the Advanced Clean Cars II Regulations (Resolution 22-12) on August 25, 2022. The new regulation requires that by 2035 all new passenger cars, trucks, and SUVs sold in California will be zero emissions. This regulation bans the sale of new gasoline or diesel passenger cars, trucks, and SUVs in California from automakers. Beginning in the 2026, 35 percent of new vehicle sales must be zero-emission vehicles and plug-in hybrid electric vehicles and that percentage will increase per year. By 2030, 70 percent of new vehicle sales will be zero-emissions vehicles and by the 2035 model year

⁵⁷ Association of Bay Area Governments and Metropolitan Transportation Commission. Plan Bay Area 2050. October 21, 2021. Page 20.

100 percent of new vehicle sales will be zero-emissions. CARB will limit the use of plug-in hybrid electric vehicles in the percentage requirements to keep the manufacturing of zero-emissions as the primary goal. Existing gasoline cars can continue to be driven and sold as used cars beyond 2035. CARB is required to track and report on the zero-emissions vehicle market development annually.

California Building Standards Code – Title 24 Part 11 and Part 6

The CALGreen Code is part of the California Building Standards Code under Title 24, Part 11. The CALGreen Code encourages sustainable construction standards that incorporate planning/design, energy efficiency, water efficiency resource efficiency, and environmental quality. These green building standard codes are mandatory statewide and are applicable to residential and non-residential developments. The most recent CALGreen Code (2022 CALGreen Code) was effective as of January 1, 2023.

The California Building Energy Efficiency Standards (California Energy Code) is under Title 24, Part 6 and is overseen by the CEC. This code includes design requirements to conserve energy in new residential and non-residential developments. This Energy Code is enforced and verified by cities during the planning and building permit process. The 2022 Energy Code replaced the 2019 Energy Code as of January 1, 2023. There are new 2022 standards for single-family residences, multi-family residences, and non-residential uses.^{58,59,60} Major changes include electric-ready single-family and multi-family residence and solar photovoltaic systems and energy storage systems for residential and commercial developments.

Requirements for electric vehicle (EV) charging infrastructure are set forth in Title 24 of the California Code of Regulations and are regularly updated on a three-year cycle. The CALGreen standards consist of a set of mandatory standards required for new development, as well as two more voluntary standards known as Tier 1 and Tier 2. The 2022 CALGreen standards require deployment of additional EV chargers in various building types, including multi-family residential, hotel, and non-residential land uses. They include requirements for both EV capable parking spaces and the installation of EV supply equipment for multi-family residential and nonresidential buildings. The 2022 CALGreen standards also include requirements for both EV readiness and the actual installation of EV chargers. The 2022 CALGreen standards include both mandatory requirements and more aggressive voluntary Tier 1 and Tier 2 provisions:

- CALGreen Tier 1 standards require multi-family developments and hotels with less than 20 units to have 35 percent of the total number of parking spaces EV ready; if there are more

⁵⁸ California Energy Commission. "2022 Building Energy Efficiency Standards What's New for Single-Family Residential." Revised July 15, 2022. Accessed September 13, 2023.

https://www.energy.ca.gov/sites/default/files/2022-08/2022_Single-family_Whats_New_Summary_ADA.pdf.

⁵⁹ California Energy Commission. "2022 Building Energy Efficiency Standards What's New for Multifamily." Revised August 4, 2022. Accessed September 13, 2023. https://www.energy.ca.gov/sites/default/files/2022-08/2022_Multifamily_Whats_new_Summary_ADA.pdf.

⁶⁰ California Energy Commission. "2022 Building Energy Efficiency Standards What's New for Nonresidential." Revised August 4, 2022. Accessed September 13, 2023. https://www.energy.ca.gov/sites/default/files/2022-08/2022_Nonresidential_Whats_New_Summary_ADA.pdf.

than 20 units, 10 percent of the parking spaces must be provided with EV supply equipment. These standards also require 30 percent of total parking spaces to be EV capable and 33 percent of parking spaces to be EV capable with EV supply equipment for non-residential and non-hotel uses.

- CALGreen Tier 2 standards require multi-family developments and hotels with less than 20 units to have 40 percent of the total number of parking spaces EV ready; if there are more than 20 units, 15 percent of the parking spaces must be provided with EV supply equipment. For non-residential and non-hotel uses, 45 percent of total parking spaces require EV capable spaces and 33 percent of parking spaces require EV capable spaces provided with EV supply equipment.

CALGreen also requires new construction and demolition projects to have a diversion of at least 65 percent of the construction waste generated. CALGreen also allows a disposal reduction option that can be met when the project's disposal rate is 2.0 pounds per square foot or less for non-residential and high-rise residential construction or 3.4 pounds per square foot or less for low-rise residential construction.

Regional and Local

2017 Clean Air Plan

To protect the climate, the 2017 Clean Air Plan prepared by BAAQMD includes control measures designed to reduce emissions of methane and other super-GHGs that are potent climate pollutants in the near-term, and to decrease emissions of carbon dioxide by reducing fossil fuel combustion.

BAAQMD CEQA Thresholds for Evaluating Climate Impacts from Land Use Projects and Plans

On April 20, 2022, the BAAQMD Board of Directors adopted the Justification Report: CEQA Thresholds for Evaluating the Significance of Climate Impacts from Land Use Projects and Plans. The report includes BAAQMD's thresholds of significance for use in determining whether a proposed project or plan will have a significant impact on climate change and provides the substantial evidence to support these thresholds. The April 2022 GHG thresholds, as incorporated in the newly adopted 2022 BAAQMD CEQA Guidelines, replace the GHG thresholds set forth in the May 2017 BAAQMD CEQA Air Quality Guidelines and represent what is required of new land use development projects and plans to achieve California's long-term climate goal of carbon neutrality by 2045.

City of Sunnyvale General Plan

The City's General Plan includes policies for the purpose of avoiding or mitigating environmental impacts resulting from planned development projects within the City. The following policies are specific to greenhouse gas reduction and are applicable to the proposed project.

Policy	Description
Land Use and Transportation Element	
LT-2.1	Enhance the public’s health and welfare by promoting the city’s environmental and economic health through sustainable practices for the design, construction, maintenance, operation, and deconstruction of buildings, including measures in the Climate Action Plan.
LT-2.2	Reduce greenhouse gas emissions that affect climate and the environment through land use and transportation planning and development.

City of Sunnyvale Climate Action Playbook

The City of Sunnyvale Climate Action Playbook (August 2019) sets a vision for the City to reduce carbon emissions by 2050. The playbook includes six strategies with “plays” that identify areas for action to reduce GHG emissions. The following plays are applicable to the proposed project.

Play	Description
Strategy 1: Promoting Clean Electricity	
1.1	Promote 100 percent clean electricity
1.2	Increase local solar photovoltaics
Strategy 2: Decarbonizing Buildings	
2.3	Achieve all-electric new construction
Strategy 3: Decarbonizing Transportation & Sustainable Land Use	
3.2	Increase Transportation Options and Support Shared Mobility
Strategy 4: Managing Resources Sustainable	
4.1	Achieve Zero Waste goals for solid waste
4.2	Ensure resilience of water supply
4.3	Enhance natural carbon sequestration capacity

The Playbook is not a qualified GHG reduction strategy pursuant to the BAAQMD CEQA Guidelines and CEQA Guidelines Section 15183.5(b). The City is in the process of developing the next five-year work plan for implementing the Playbook.

Sunnyvale Reach Code

The CEC approved the City’s Reach Code Ordinance, which went into effect on January 26, 2021. The City’s Reach Code is a local energy code for buildings design and construction that goes beyond the minimum state requirements. The purpose of the Reach Code is to help reduce GHG emissions by promoting electric versus natural gas energy use and encouraging electric vehicle charging infrastructure. The Reach Code Ordinance applies to new residential and nonresidential construction, and includes the following requirements:

- Gas appliances including cooking range, water heater, space heater, fireplace, etc. are not permitted (with the exception of certain non-residential uses such factories, hazardous materials manufacturing, and laboratory facilities, as well as emergency operation centers, and commercial dryers in large hotels)
- Solar panels are required for all new buildings
- Electric vehicle charging stations (or conduit and preliminary wiring for them) are required for all new building parking lots

The Reach Code was re-adopted as part of the 2022 Building Codes update on November 1, 2022.

Sunnyvale Construction and Demolition Waste Diversion

The City requires remodel or demolition projects where 50 percent or more of the exterior wall will be removed to recycle or reuse at least 65 percent of the project’s nonhazardous waste.⁶¹ Recycling of nonhazardous waste reduces the energy use to produce new materials from raw, non-renewable resources.

4.8.1.3 Existing Conditions

Unlike emissions of criteria and toxic air pollutants, which have regional and local impacts, emissions of GHGs have a broader, global impact. Global warming is a process whereby GHGs accumulating in the upper atmosphere contribute to an increase in the temperature of the earth and changes in weather patterns.

The existing uses on-site generate GHG emissions as a result of energy consumption, vehicle trips to and from the site, solid waste generation, and water usage.

4.8.2 Impact Discussion

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
a) Generate greenhouse gas (GHG) emissions, either directly or indirectly, that may have a significant impact on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of GHGs?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

⁶¹ City of Sunnyvale. “Construction Waste.” January 1, 2022. Accessed September 22, 2023. <https://www.sunnyvale.ca.gov/business-and-development/planning-and-building/construction-waste>.

-
- a) Would the project generate GHG emissions, either directly or indirectly, that may have a significant impact on the environment?
-

Construction Emissions

Future development that could occur with project approval would result in GHG emissions associated with construction activities, including operation of construction equipment and emissions from construction workers' personal vehicles traveling to and from the construction site. Construction-related GHG emissions vary depending on the level of activity, length of construction period, types of equipment, etc. Neither the City nor BAAQMD has established a quantitative threshold or standard for determining whether the project's construction related GHG emissions are significant, however, BAAQMD's 2022 CEQA Guidelines includes BMPs for reducing GHG emissions from construction-related activities. Applicable BMPs that may be used by future development include, but are not limited to, use of off-road construction equipment that meets U.S. EPA Tier 4 emission standards, off-road heavy-duty trucks to be zero emissions or meet the most stringent emissions standard, minimizing idling time of equipment, and limit of hours of operation for off-road diesel-powered equipment. Because future construction would be temporary and implement construction BMPs as appropriate, construction related emissions of future development under the project would be less than significant. **(Less than Significant Impact)**

Operational Emissions

Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the determinations. Pursuant with BAAQMD, for land use projects to result in a less than significant GHG emissions impact, the land use project would need to comply with threshold A or B below.

- A. Projects must include, at a minimum, the following project design elements:
1. Buildings
 - a. The project will not include natural gas appliances or natural gas plumbing (in both residential and nonresidential development).
 - b. The project will not result in any wasteful, inefficient, or unnecessary energy usage as determined by the analysis required under CEQA Section 21100(b)(3) and Section 15126.2(b) of the State CEQA Guidelines.
 2. Transportation
 - a. Achieve a reduction in project-generated vehicle miles traveled (VMT) below the regional average consistent with the current version of the California Climate Change Scoping Plan (currently 15 percent) or meet a locally adopted Senate Bill 743 VMT target, reflecting the recommendations provided in the Governor's Office of Planning and Research's Technical Advisory on Evaluating Transportation Impacts in CEQA:
 - i. Residential projects: 15 percent below the existing VMT per capita
 - ii. Office projects: 15 percent below the existing VMT per employee
 - iii. Retail projects: no net increase in existing VMT

- b. Achieve compliance with off-street electric vehicle requirements in the most recently adopted version of CALGreen Tier 2.
- B. Be consistent with a local GHG reduction strategy that meets the criteria under State CEQA Guidelines Section 15183.5(b).

It is assumed that implementation of the project would result in the development of a mixed-use building with up to 62 multi-family residential units and 7,579 square feet of ground floor commercial space. The operation of this mixed-use development would generate GHG emissions primarily from energy consumption, vehicular travel, and solid waste disposal.

Future development on-site would comply with the City's Reach Code and be 100 percent electric and not include any natural gas infrastructure or appliances, would not result in the wasteful, inefficient, or unnecessary use of energy as described in Section 4.6 Energy, achieve reduction in project-generated VMT below the regional average as further discussed in Section 4.17 Transportation, and would include off-street electric vehicle requirements in compliance with CALGreen Tier 2 standards. In addition, it is assumed that future development on-site would comply with applicable Climate Action Playbook's strategies and relevant General Plan policies (including those identified in Section 4.8.1.2 Regulatory Framework. For these reasons, implementation of the proposed project would have a less than significant operational GHG emission impact. **(Less than Significant Impact)**

-
- b) Would the project conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of GHGs?
-

2022 Scoping Plan Update

The proposed project is a GPA and rezoning of a site in a transit priority area to allow for mixed-use residential development. Future development under the project would use energy efficient appliances and equipment, as required by Title 24 and CALGreen, and would comply with the City's Green Building Program, and Reach Code Ordinance. Additionally, future development would receive its energy from Silicon Valley Clean Energy, who provides electricity generated from carbon free sources. For these reasons, the project would be consistent with the 2022 Scoping Plan **(Less than Significant Impact)**

2017 Clean Air Plan

The BAAQMD 2017 CAP focuses on two goals: protecting public health and protecting the climate. The 2017 CAP includes air quality standards and control measures designed to reduce emissions of methane, carbon dioxide, and other super-GHGs. As discussed in Section 4.3 Air Quality, the project would not disrupt, delay, or otherwise hinder the implementation of any of the control measures included in the 2017 CAP. In addition, as discussed under checklist question a) above, the project would result in less than significant construction and operational GHG emissions, consistent with

the 2017 CAP goal of protecting the climate. For these reasons, the project would not conflict with or obstruct implementation of the 2017 CAP. **(Less than Significant Impact)**

General Plan Policies

Implementation of the proposed project would be made possible by the project would be consistent with General Plan Policies LT-2.1 and LT-2.2 by redeveloping an infill site with increased density and local-serving retail and complying with Title 24 and CALGreen, the City's Green Building Program, Reach Code Ordinance, and Construction and Demolition Waste Diversion program. **(Less than Significant Impact)**

Climate Action Playbook

Future development made possible by the project would be consistent with the Climate Action Playbook strategies applicable to the project by sourcing electricity from SVCE (Play 1.1); installing solar panels on the rooftop of any new structures (Play 1.2); constructing a 100 percent electric development (Play 2.3); contributing to multi-modal improvements such as bike lanes and improved pedestrian crossings (Play 3.2); and planting replacement trees on-site (Play 4.3). For these reasons, the proposed project and future development made possible by the project would not conflict with City's Climate Action Playbook. **(Less than Significant Impact)**

4.9 Hazards and Hazardous Materials

The following discussion is based, in part, on a Phase I Environmental Site Assessment (ESA) prepared by Cornerstone Earth Group, Inc. dated December 20, 2022. This report is attached as Appendix A to this Initial Study.

4.9.1 Environmental Setting

4.9.1.1 *Regulatory Framework*

The storage, use, generation, transport, and disposal of hazardous materials and waste are highly regulated under federal and state laws. In California, the EPA has granted most enforcement authority over federal hazardous materials regulations to the California Environmental Protection Agency (CalEPA). In turn, local agencies have been granted responsibility for implementation and enforcement of many hazardous materials regulations under the Certified Unified Program Agency (CUPA) program.

Worker health and safety and public safety are key issues when dealing with hazardous materials. Proper handling and disposal of hazardous material is vital if it is disturbed during project construction. Cal/OSHA enforces state worker health and safety regulations related to construction activities. Regulations include exposure limits, requirements for protective clothing, and training requirements to prevent exposure to hazardous materials. Cal/OSHA also enforces occupational health and safety regulations specific to lead and asbestos investigations and abatement.

Federal and State

Federal Aviation Regulations Part 77

Federal Aviation Regulations, Part 77 Objects Affecting Navigable Airspace (FAR Part 77) sets forth standards and review requirements for protecting the airspace for safe aircraft operation, particularly by restricting the height of potential structures and minimizing other potential hazards (such as reflective surfaces, flashing lights, and electronic interference) to aircraft in flight. These regulations require that the Federal Aviation Administration (FAA) be notified of certain proposed construction projects located within an extended zone defined by an imaginary slope radiating outward for several miles from an airport's runways, or which would otherwise stand at least 200 feet in height above the ground.

Comprehensive Environmental Response, Compensation, and Liability Act

The Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), commonly known as Superfund, was enacted by Congress on December 11, 1980. This law created a tax on the chemical and petroleum industries and provided broad federal authority to respond directly to releases or threatened releases of hazardous substances that may endanger public health or the environment. Over five years, \$1.6 billion was collected and the tax went to a trust fund for cleaning

up abandoned or uncontrolled hazardous waste sites. CERCLA accomplished the following objectives:

- Established prohibitions and requirements concerning closed and abandoned hazardous waste sites;
- Provided for liability of persons responsible for releases of hazardous waste at these sites; and
- Established a trust fund to provide for cleanup when no responsible party could be identified.

The law authorizes two kinds of response actions:

- Short-term removals, where actions may be taken to address releases or threatened releases requiring prompt response; and
- Long-term remedial response actions that permanently and significantly reduce the dangers associated with releases or threats of releases of hazardous substances that are serious, but not immediately life-threatening. These actions can be completed only at sites listed on the EPA's National Priorities List.

CERCLA also enabled the revision of the National Contingency Plan (NCP). The NCP provided the guidelines and procedures needed to respond to releases and threatened releases of hazardous substances, pollutants, or contaminants. The NCP also established the National Priorities List. CERCLA was amended by the Superfund Amendments and Reauthorization Act on October 17, 1986.⁶²

Resource Conservation and Recovery Act

The Resource Conservation and Recovery Act (RCRA), enacted in 1976, is the principal federal law in the United States governing the disposal of solid waste and hazardous waste. RCRA gives the EPA the authority to control hazardous waste from the "cradle to the grave." This includes the generation, transportation, treatment, storage, and disposal of hazardous waste. RCRA also sets forth a framework for the management of non-hazardous solid wastes.

The Federal Hazardous and Solid Waste Amendments (HSWA) are the 1984 amendments to RCRA that focused on waste minimization, phasing out land disposal of hazardous waste, and corrective action for releases. Some of the other mandates of this law include increased enforcement authority for the EPA, more stringent hazardous waste management standards, and a comprehensive underground storage tank program.⁶³

⁶² United States Environmental Protection Agency. "Superfund: CERCLA Overview." Accessed May 11, 2020. <https://www.epa.gov/superfund/superfund-cercla-overview>.

⁶³ United States Environmental Protection Agency. "Summary of the Resource Conservation and Recovery Act." Accessed May 11, 2020. <https://www.epa.gov/laws-regulations/summary-resource-conservation-and-recovery-act>.

Government Code Section 65962.5

Section 65962.5 of the Government Code requires CalEPA to develop and update a list of hazardous waste and substances sites, known as the Cortese List. The Cortese List is used by state and local agencies and developers to comply with CEQA requirements. The Cortese List includes hazardous substance release sites identified by the Department of Toxic Substances Control (DTSC) and State Water Resources Control Board (SWRCB).⁶⁴

Toxic Substances Control Act

The Toxic Substances Control Act (TSCA) of 1976 provides the EPA with authority to require reporting, record-keeping and testing requirements, and restrictions relating to chemical substances and/or mixtures. Certain substances are generally excluded from TSCA, including, among others, food, drugs, cosmetics, and pesticides. The TSCA addresses the production, importation, use, and disposal of specific chemicals including polychlorinated biphenyls (PCBs), asbestos, radon, and lead-based paint.

California Accidental Release Prevention Program

The California Accidental Release Prevention (CalARP) Program aims to prevent accidental releases of regulated hazardous materials that represent a potential hazard beyond the boundaries of a property. Facilities that are required to participate in the CalARP Program use or store specified quantities of toxic and flammable substances (hazardous materials) that can have off-site consequences if accidentally released. The Sunnyvale Department of Public Safety reviews CalARP risk management plans as the CUPA.

Asbestos-Containing Materials

Friable asbestos is any asbestos-containing material (ACM) that, when dry, can easily be crumbled or pulverized to a powder by hand, allowing the asbestos particles to become airborne. Common examples of products that have been found to contain friable asbestos include acoustical ceilings, plaster, wallboard, and thermal insulation for water heaters and pipes. Common examples of non-friable ACMs are asphalt roofing shingles, vinyl floor tiles, and transite siding made with cement. The EPA began phasing out use of friable asbestos products in 1973 and issued a ban in 1978 on manufacture, import, processing, and distribution of some asbestos-containing products and new uses of asbestos products.⁶⁵ The EPA is currently considering a proposed ban on on-going use of asbestos.⁶⁶ National Emission Standards for Hazardous Air Pollutants (NESHAP) guidelines require that potentially friable ACMs be removed prior to building demolition or remodeling that may disturb the ACMs.

⁶⁴ California Environmental Protection Agency. "Cortese List Data Resources." Accessed October 11, 2023. <https://calepa.ca.gov/sitecleanup/corteselist/>.

⁶⁵ United States Environmental Protection Agency. "EPA Actions to Protect the Public from Exposure to Asbestos." Accessed April 19, 2022. <https://www.epa.gov/asbestos/epa-actions-protect-public-exposure-asbestos>

⁶⁶Ibid.

CCR Title 8, Section 1532.1

The United States Consumer Product Safety Commission banned the use of lead-based paint in 1978. Removal of older structures with lead-based paint is subject to requirements outlined by the Cal/OSHA Lead in Construction Standard, CCR Title 8, Section 1532.1 during demolition activities. Requirements include employee training, employee air monitoring, and dust control. If lead-based paint is peeling, flaking, or blistered, it is required to be removed prior to demolition.

Regional and Local

Municipal Regional Permit Provision C.12.f

Polychlorinated biphenyls (PCBs) were produced in the United States between 1955 and 1978 and used in hundreds of industrial and commercial applications, including building and structure materials such as plasticizers, paints, sealants, caulk, and wood floor finishes. In 1979, the EPA banned the production and use of PCBs due to their potential harmful health effects and persistence in the environment. PCBs can still be released to the environment today during demolition of buildings that contain legacy caulks, sealants, or other PCB-containing materials.

With the adoption of the San Francisco Bay Region Municipal Regional Stormwater National Pollutant Discharge Elimination System (NPDES) Permit (MRP) by the San Francisco Bay Regional Water Quality Control Board on November 19, 2015, Provision C.12.f requires that permittees develop an assessment methodology for applicable structures planned for demolition to ensure PCBs do not enter municipal storm drain systems.⁶⁷ Municipalities throughout the Bay Area are currently modifying demolition permit processes and implementing PCB screening protocols to comply with Provision C.12.f. Buildings constructed between 1950 and 1980 that are proposed for demolition must be screened for the presence of PCBs prior to the issuance of a demolition permit. Single-family homes and wood-frame structures are exempt from these requirements.

Comprehensive Land Use Plan for Moffett Federal Airfield

The project site is approximately 3.7 miles southeast of the Moffett Federal Airfield (Airfield); which is the closest airport to the site. The Moffett Federal Airfield Comprehensive Land Use Plan (CLUP), adopted by the Santa Clara County Airport Land Use Commission, is intended to safeguard the general welfare of the inhabitants within the vicinity of the airport, as well as aircraft occupants.⁶⁸ The CLUP is also intended to ensure that surrounding new land uses do not affect airfield operations. The CLUP identifies the Airfield's Airport Influence Area (AIA). The AIA is a composite of areas surrounding the Airfield that are affected by noise, height, and safety considerations. Within the AIA, the CLUP establishes a (1) noise restriction area, (2) height restriction area, and (3) safety restriction area.

⁶⁷ California Regional Water Quality Control Board. *San Francisco Bay Region Municipal Regional Stormwater NPDES Permit*. November 2015.

⁶⁸ Santa Clara County Airport Land Use Commission. *Moffett Federal Airfield Comprehensive Land Use Plan*. November 2, 2016.

Santa Clara County Operational Area Hazard Mitigation Plan

The City’s Hazard Mitigation Plan, an annex to Santa Clara County’s Operational Area Hazard Mitigation Plan (2017), performs a full risk assessment on the nine hazards that present the greatest concern in Santa Clara County. The nine hazards focused on for this mitigation plan are climate change/sea-level rise, dam and levee failure, drought, earthquakes, floods, landslides, severe weather, tsunamis, and wildfires.

The City’s annex, Chapter 16 of the document, provides a detailed overview of the City’s response capabilities, the organizational structure of local authorities, risk rating scores that determine which hazards present the greatest risk to Sunnyvale, and a priority schedule for mitigation measures planned by local and regional agencies.

City of Sunnyvale General Plan

The City’s General Plan includes policies for the purpose of avoiding or mitigating environmental impacts resulting from planned development projects within the City. The following policies are specific to hazards and hazardous materials and are applicable to the proposed project.

Policy	Description
Safety and Noise Element	
SN-1.1	Evaluate and consider existing and potential hazards in developing land use policies. Make land use decisions based on an awareness of the hazardous and potential hazards for the specific parcel of land.
SN-1.5	Promote a living and working environment safe from exposure to hazardous materials.
SN-1.6	Operate a response system that will provide effective control and investigation of hazardous materials emergencies

Certified Unified Program Agency

Approved by CalEPA, the Sunnyvale Department of Public Safety serves as the CUPA within its jurisdiction and is responsible for the unified hazardous waste and hazardous materials management regulatory program established by Health and Safety Code, Division 20, Chapter 6.11, Section 25404, et seq. This program consolidates the administration and enforcement of six hazardous materials management programs and ensures the coordination and consistency of any regulations adopted pursuant to such program requirements. The six locally implemented programs are:

1. Hazardous Waste Generator and Onsite Hazardous Waste Treatment (tiered permitting) Program;
2. Aboveground Petroleum Storage Act;
3. Underground Storage Tank Program;

4. Hazardous Materials Release Response Plans and Inventories (Business Plans);
5. California Accidental Release Prevention (CalARP) Program; and
6. California Fire Code: Hazardous Material Management Plans and Inventory Statements.

Sunnyvale Municipal Code

Chapter 20.10 of the SMC outlines the City's CUPA administration policies. This includes details on permits, fees, and enforcement policies regarding the regulation of hazardous materials in the City. Chapter 16.52 of the SMC includes additional regulations within the City's Fire Code which regulate the safe storage and proper containment of hazardous materials in the City.

4.9.1.2 *Existing Conditions*

The project site is located in an urban area of Sunnyvale, and it is currently developed with an operational gas station and restaurant building which were constructed in 1962 and 1978, respectively. Both buildings have surface parking lots and landscaping primarily along the perimeter of the buildings and site. The central portion of the site is currently undeveloped.

Site History

As discussed in Section 4.5 Cultural Resources, from the late 1800s through the 1950s, the project site and surrounding properties were used for agricultural purposes such as orchards and row crops before being developed with residential and commercial structures. Due to the historic agricultural use of the project site and the surrounding parcels, it is possible that the soils on-site contain residual agricultural chemicals.

Conditions On-Site

Hazardous Materials Storage and Use

The northern portion of the project site is developed with a gas station which stores various automotive related hazardous materials (e.g., lubricants, antifreeze, lead-acid batteries, etc.) aboveground. Gasoline is currently stored on-site in two double-walled 12,000-gallon underground storage tanks (USTs) that were installed in 1987. A hydraulic vehicle hoist and a sediment trap are also present within the vehicle service bay of the gasoline station building.

The restaurant on the southern portion of the site stores carbon dioxide for beverage dispensing equipment and used cooking oil in aboveground storage tanks (ASTs). In addition, common janitorial products and detergents used for cleaning and dishwashing are stored in maintenance closets. No evidence of improper storage or significant spills was observed during site reconnaissance.

Leaking Underground Storage Tanks

Two, 10,000-gallon fuel USTs and a 280-gallon waste oil UST were removed from the northern portion of the site in 1987, and a 520-gallon waste oil UST was removed in 1997. An initial leaking underground storage tank (LUST) case was closed by the Water Board in 1991; however, subsequent studies identified petroleum hydrocarbon impacts to soil, soil vapor, and groundwater and a second LUST case was opened on-site. Remedial measures conducted on-site to treat the contamination included the operation of soil vapor and groundwater extraction and the installation of treatment systems. This second LUST case was closed by the Santa Clara County Department of Environmental Health (SCCDEH) in 2015, and the SCCDEH established Site Management Requirements for future development on-site.

Asbestos Containing Building Materials

The age of the existing gas station on-site indicates that the building materials may contain asbestos. Because the restaurant was constructed in the same year that the ban on ACMs was enacted, it is unlikely that it contains ACMs.

Lead-Based Paint

Based on the age of the existing buildings, lead-containing paint may be present within the structures. Additionally, soil adjacent to structures that are painted with lead-containing paint can become impacted with lead as a result of the weathering and/or peeling of painted surfaces.

Cortese List

The project site is located on the Cortese List due to the previously discussed closed LUST cases at 898 East Fremont Avenue.⁶⁹

Off-Site Sources of Contamination

There is one closed LUST case in proximity to the project site at 895 East Fremont Avenue, which is directly across from the northern boundary of the site. Remediation was completed for this case in 1996, and Valley Water determined that the case could be closed as there was no ongoing risk of contamination.⁷⁰ Based on the information in the agency database report, there are no other off-site spill incidents that are likely to significantly impact soil, soil vapor or groundwater beneath the project site.

⁶⁹ California Environmental Protection Agency. "Cortese List Data Resources." Accessed October 11, 2023. <https://calepa.ca.gov/sitecleanup/corteselist/>.

⁷⁰ California State Water Resources Control Board. "Southland Corporation Property (T0608501933)." Accessed October 10, 2023. https://geotracker.waterboards.ca.gov/profile_report.asp?global_id=T0608501933.

Other Hazards

Airports

The project site is approximately 3.7 miles southeast of the Moffett Federal Airfield and is located outside of the Airfield’s AIA, 65 dBA noise contour area, and airport safety zones.⁷¹ As previously mentioned, FAR Part 77 requires that the FAA be notified of certain proposed construction projects located within an extended zone defined by an imaginary slope radiating outward for several miles from an airport’s runways, or which would otherwise stand at least 200 feet in height above ground. The project site is within the Airfield’s FAR Part 77 Notification Surface Area and falls within the 532 foot surface area.⁷² Based on the project site’s elevation of 135 feet above mean sea level, any structure exceeding 397 feet in height above grade would require submittal to the FAA for airspace safety review.

Wildfire

The project site is in an urban area surrounded by existing development that is not near any wildlands that could present a fire hazard. The site is not located within an identified Very High Fire Hazard Severity Zone in a State Responsibility Area (SRA) or a Local Responsibility (LRA).^{73,74}

4.9.2 Impact Discussion

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
<hr/> Would the project:				
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

⁷¹ Santa Clara County Airport Land Use Commission. *Moffett Federal Airfield Comprehensive Land Use Plan*. November 2, 2012. Figure 5, Figure 7, and Figure 8.

⁷² Santa Clara County Airport Land Use Commission. *Moffett Federal Airfield Comprehensive Land Use Plan*. November 2, 2012. Figure 6.

⁷³ CAL FIRE. *Santa Clara County Fire Hazard Safety Zone Map – State Responsibility Area*. November 2007.

⁷⁴ CAL FIRE. *Santa Clara County Fire Hazard Safety Zone Map – Local Responsibility Area*. October 2008.

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
<hr/> Would the project:				
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, will it create a significant hazard to the public or the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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, result in a safety hazard or excessive noise for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Impair implementation of, or physically interfere with, an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g) Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

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

The project does not propose any land uses that would result in hazardous materials being routinely transported, used, or disposed of in quantities that would pose a significant health hazard to the public. The operation of a future mixed-use residential development would include the on-site use and storage of cleaning supplies, maintenance chemicals, and landscaping-related chemicals in small quantities. The small quantities of domestic chemicals used on-site would not pose a risk to adjacent land uses as they would be properly stored and disposed of. **(Less than Significant Impact)**

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?

Historical Uses On-Site

The Phase I ESA identified historical use of the site for agriculture, which indicates that soils on-site may contain levels of pesticides exceeding applicable screening thresholds.

In addition, the northern portion of the project site has been developed with a gas station since the 1960s, and the current gas station stores various automotive related hazardous materials in the convenience store and has two USTs for gasoline storage. There have been two LUST cases reported

on-site related to the USTs utilized by the gas station. The cases were closed in 1991 and 2015, respectively. However, when the LUST case was closed in 2015, the letter from SCCDEH stated that, “residual contamination both in soil and groundwater remains at the site that could pose an unacceptable risk under certain site development activities such as, but not limited to, site grading, excavation, or the installation of water wells. Therefore, the impact of the disturbance of any residual contamination or the installation of water well(s) in the vicinity of the residual contamination shall be assessed and appropriate action taken so that there is no significant impact to human health, safety, or the environment. This could necessitate additional sampling, health risk assessment, and mitigation measures. SCCDEH and the appropriate planning and building department shall be notified prior to any changes in land use, grading activities, excavation, and installation of water wells.”⁷⁵

The proposed project is a GPA and rezoning only and does not include a development which could result in direct impacts from the release of hazardous materials, however, would allow for redevelopment of the site with a mixed-use residential development. Redevelopment of the site would include grading and excavation activities that could pose an unacceptable risk. Future development would be required to comply with RCRA, HSWA, CalARP, and City regulations (including General Plan policies SN-1.1 and SN-1.5) to further investigate and remediate any elevated contamination on-site. Based on the investigation of the project site to date, future development under the project would implement the following measures, or equivalent, to comply with existing regulations:

- Any land use change, grading activities, excavation, and installation of water wells on-site shall be notified by the property owner or project applicant to the Sunnyvale Community Development Department and Department of Public Safety (DPS), in accordance with the 2015 case closure letter from the Santa Clara County Department of Environmental Health (SCCDEH).
- A Site Management Plan (SMP) and Health Safety Plan (HSP) for redevelopment activities on-site shall be prepared by the project applicant. The SMP shall include (1) protocols for proper closure of the existing gasoline station (including its underground storage tanks) and restaurant under the supervision of DPS, (2) methodologies for collecting and testing soil/soil vapor/groundwater sampling for contaminants associated with the former agricultural use (e.g., pesticides), the potential presence of lead based paint in soil surrounding the structures, and current gasoline operations (e.g., total petroleum hydrocarbons and volatile organic compounds), (3) management practices for handling, remediation, and disposal of impacted soil/groundwater or other materials that may potentially be encountered during construction activities, and (4) protocols for accepting imported fill materials.

⁷⁵ County of Santa Clara Department of Environmental Health. “Fuel Leak Site Case Closure Unocal (ConocoPhillips 4848), 898 East Fremont Avenue, Sunnyvale, CA; Case No. 21-082, SCVWDID No. 07S1W06F04f.” February 10, 2015. Accessed September 20, 2023.
https://documents.geotracker.waterboards.ca.gov/regulators/deliverable_documents/8754392862/07S1W06F04f.pdf.

The soil/soil vapor/groundwater sampling completed as part of the SMP shall be compared against the applicable screening levels published by the RWQCB, DTSC and/or EPA. If there are no contaminants identified that exceed applicable screening levels published by the RWQCB, DTSC and/or EPA, the SMP does not need to be submitted to an oversight agency, and shall only be submitted to the City prior to the beginning of construction earthwork activities and issuance of a permit for grading and excavation. If contaminants are identified at concentrations exceeding applicable screening levels, the SMP shall be submitted for review and approval by an appropriate regulatory oversight agency (e.g., SCCDEH). Further investigation may be required by the oversight agency to determine the extent of contamination (i.e., location and concentration level) and the appropriate measures required to remediate the contamination for the proposed land use(s) shall be confirmed and implemented. Remediation measures could include operation of soil vapor and groundwater extraction and treatment systems. A copy of the approved SMP shall be submitted to the City prior to the issuance of a permit for grading and excavation.

Compliance with RCRA, HSWA, CalARP, and City regulations would ensure future development made possible by the proposed project would reduce impacts from potential soil contamination related to the agricultural use, and soil/soil vapor/groundwater contamination related to the gasoline station use to a less than significant level by requiring sampling for contaminants, proper handling of hazardous materials contamination, and remediation of contamination under regulatory agency oversight if necessary. **(Less than Significant Impact)**

Asbestos-Containing Materials and Lead-Based Paint

Based on the age of the structures on-site, ACMs and LBP may be present within the building materials. Future development under the project would comply with existing regulations, including NESHAP guidelines and Cal/OSHA guidelines that require pre-demolition surveys for ACMs and LBP and proper removal and disposal of ACMs and material containing LBP, to reduce impacts from ACMs and LBP to a less than significant level. **(Less than Significant Impact)**

-
- 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?
-

The closest school to the project site is Peterson Middle School, which is located approximately 0.26-mile east of the project site at 1380 Rosalia Avenue. While there are no existing or proposed schools within one-quarter mile of the project site, compliance with existing hazardous materials regulations would limit the risk of hazardous materials exposure to the closest school. For this reason, the proposed project would not result in significant hazardous materials impacts to existing or proposed schools within one-quarter mile of the project site. **(No Impact)**

-
- 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?
-

As discussed in Section 4.9.1.2 Existing Conditions, the project site (specifically the gas station associated with 898 East Fremont Avenue) is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 for the closed LUST cases on-site.

As discussed under checklist question b) above, although the two LUST cases associated with the site have been closed, there could still be elevated concentrations of pollutants present in the soil and groundwater on-site.

As discussed under checklist question b) above, future development made possible by the proposed project would be required to comply with RCRA, HSWA, CalARP, and City regulations to reduce impacts from potential soil/soil vapor/groundwater contamination related to LUSTs to a less than significant level by requiring sampling for contaminants, proper handling of hazardous materials contamination, and remediation of contamination under regulatory agency oversight if necessary.

(Less than Significant Impact)

-
- e) If 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?
-

This analysis assumes that implementation of the project would result in future construction of a 70-foot tall, mixed-use residential building on-site. While the project site is located within the FAA's FAR Part 77 Notification Surface Area, the maximum size of the structure allowed on-site as a result of this project would not exceed 397 feet in height above grade, nor would the equipment required for construction. Therefore, the project and the future development allowed by the project would not require submittal to the FAA for airspace safety review. Based on this discussion, the proposed project and future development under the proposed General Plan land use designation would not result in a safety hazard related to airport activities or expose people residing or working in the project area to excessive noise. **(No Impact)**

-
- f) Would the project impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?
-

The City of Sunnyvale has a Hazard Mitigation Plan, which is an annex to Santa Clara County's Operational Area Hazard Mitigation Plan (2017) that provides a regional framework for coordinated and comprehensive emergency response in the County. The project would allow for the development of up to 62 new multi-family residential units and 7,579 square feet of ground floor commercial space on-site, which could incrementally increase the demand on emergency responders during an emergency response situation. However, Sunnyvale's Department of Public Safety would review site development plans to ensure fire protection design features are

incorporated and adequate emergency access is provided. Based on this, future development allowed under the project would not impair or physically interfere with the implementation of the Hazard Mitigation Plan. **(Less than Significant Impact)**

-
- 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 not located within a Very High Fire Hazard Severity Zone as delineated on CalFire State Responsibility Area and Local Responsibility Area maps. The project site is in a developed, urban area and is not located near wildland areas that would be susceptible to wildland fires. For these reasons, implementation of the proposed project would not expose people or structures to wildland fires. **(No Impact)**

4.10 Hydrology and Water Quality

4.10.1 Environmental Setting

4.10.1.1 *Regulatory Framework*

Federal and State

The federal Clean Water Act and California’s Porter-Cologne Water Quality Control Act are the primary laws related to water quality in California. Regulations set forth by the Environmental Protection Agency (EPA) and the State Water Resources Control Board (SWRCB) have been developed to fulfill the requirements of this legislation. EPA regulations include the National Pollutant Discharge Elimination System (NPDES) permit program, which controls sources that discharge pollutants into the waters of the United States (e.g., streams, lakes, bays, etc.). These regulations are implemented at the regional level by the Regional Water Quality Control Boards (RWQCBs). The project site is within the jurisdiction of the San Francisco Bay RWQCB.

Under Section 303(d) of the federal Clean Water Act, the SWRCB and RWQCBs are required to identify impaired surface water bodies that do not meet water quality standards and develop total maximum daily loads (TMDLs) for contaminants of concern. The list of the state’s identified impaired surface water bodies, known as the “303(d) list” can be found on the on the SWRCB’s website.⁷⁶

National Flood Insurance Program

The Federal Emergency Management Agency (FEMA) established the National Flood Insurance Program (NFIP) to reduce impacts of flooding on private and public properties. The program provides subsidized flood insurance to communities that comply with FEMA regulations protecting development in floodplains. As part of the program, FEMA publishes Flood Insurance Rate Maps (FIRMs) that identify Special Flood Hazard Areas (SFHAs). An SFHA is an area that would be inundated by the one-percent annual chance flood, which is also referred to as the base flood or 100-year flood.

Statewide Construction General Permit

The SWRCB has implemented an NPDES General Construction Permit for the State of California (Construction General Permit). For projects disturbing one acre or more of soil, a Notice of Intent (NOI) must be filed with the RWQCB by the project sponsor, and a Storm Water Pollution Prevention Plan (SWPPP) must be prepared by a qualified professional prior to commencement of construction and filed with the RWQCB by the project sponsor. The Construction General Permit

⁷⁶ California State Water Resources Control Board. “2020-2022 California Integrated Report (Clean Water Act Section 303(d) List and 305(b) Report).” May 11, 2022. Accessed September 2, 2022. https://www.waterboards.ca.gov/water_issues/programs/water_quality_assessment/2020_2022_integrated_report.html.

includes requirements for training, inspections, record keeping, and, for projects of certain risk levels, monitoring. The general purpose of the requirements is to minimize the discharge of pollutants and to protect beneficial uses and receiving waters from the adverse effects of construction-related storm water discharges.

Regional and Local

San Francisco Bay Basin Plan

The San Francisco Bay RWQCB regulates water quality in accordance with the Water Quality Control Plan for the San Francisco Bay Basin (Basin Plan). The Basin Plan lists the beneficial uses that the San Francisco Bay RWQCB has identified for local aquifers, streams, marshes, rivers, and the San Francisco Bay, as well as the water quality objectives and criteria that must be met to protect these uses. The San Francisco Bay RWQCB implements the Basin Plan by issuing and enforcing waste discharge requirements, including permits for nonpoint sources such as the urban runoff discharged by a City's stormwater drainage system. The Basin Plan also describes watershed management programs and water quality attainment strategies.

Municipal Regional Permit Provision C.3

The San Francisco Bay RWQCB re-issued the Municipal Regional Stormwater NPDES Permit (MRP) in May 2022 to regulate stormwater discharges from municipalities and local agencies (co-permittees) in Alameda, Contra Costa, San Mateo, and Santa Clara Counties, and the cities of Fairfield, Suisun City, and Vallejo.⁷⁷ Under Provision C.3 of the MRP, new and redevelopment projects that create or replace 5,000 square feet or more of impervious surface area are required to implement site design, source control, and Low Impact Development (LID)-based stormwater treatment controls to treat post-construction stormwater runoff. LID-based treatment controls are intended to maintain or restore the site's natural hydrologic functions, maximizing opportunities for infiltration and evapotranspiration, and using stormwater as a resource (e.g., rainwater harvesting for non-potable uses). The MRP also requires that stormwater treatment measures are properly installed, operated, and maintained.

In addition to water quality controls, the MRP requires new development and redevelopment projects that create or replace one acre or more of impervious surface to manage development-related increases in peak runoff flow, volume, and duration, where such hydromodification is likely to cause increased erosion, silt pollutant generation, or other impacts to local rivers, streams, and creeks. Projects may be deemed exempt from these requirements if: (1) the post-project impervious surface area is less than, or the same as, the pre-project impervious surface area; (2) the project is located in a catchment that drains to a hardened (e.g., continuously lined with concrete) engineered channel or channels or enclosed pipes, which extend continuously to the Bay, Delta, or flowcontrolled reservoir, or, in a catchment that drains to channels that are tidally influenced; or (3)

⁷⁷ California Regional Water Quality Control Board San Francisco Region. Municipal Regional Stormwater NPDES Permit, Order No. R2-2022-0018, NPDES Permit No. CAS612008. May 11, 2022.

the project is located in a catchment or subwatershed that is highly developed (i.e., that is 70 percent or more impervious).⁷⁸

Municipal Regional Permit Provision C.12.f

Provision C.12.f of the MRP requires co-permittee agencies to implement a control program for PCBs that reduces PCB loads by a specified amount during the term of the permit, thereby making substantial progress toward achieving the urban runoff PCBs wasteload allocation in the Basin Plan by March 2030.⁷⁹ Programs must include focused implementation of PCB control measures, such as source control, treatment control, and pollution prevention strategies. Municipalities throughout the Bay Area are updating their demolition permit processes to incorporate the management of PCBs in demolition building materials to ensure PCBs are not discharged to storm drains during demolition. Buildings constructed between 1950 and 1980 that are proposed for demolition must be screened for the presence of PCBs prior to the issuance of a demolition permit. Single-family residential and wood frame structures are exempt.

Water Resources Protection Ordinance and District Well Ordinance

Valley Water operates as the flood control agency for Santa Clara County. Valley Water also provides stream stewardship and is the wholesale water supplier throughout the county, which includes the groundwater recharge program. Well construction and deconstruction permits, including borings 45 feet or deeper, are required under Valley Water's Well Ordinance 90-1. Under Valley Water's Water Resources Protection Ordinance, projects within Valley Water property or easements are required to obtain encroachment permits.

2021 Groundwater Management Plan

The 2021 Groundwater Management Plan (GWMP) describes the Valley Water's comprehensive groundwater management framework, including existing and potential actions to achieve basin sustainability goals and ensure continued sustainable groundwater management. The GWMP covers the Santa Clara and Llagas subbasins, which are located entirely in Santa Clara County. Valley Water manages a diverse water supply portfolio, with sources including groundwater, local surface water, imported water, and recycled water. About half of the county's water supply comes from local sources and the other half comes from imported sources. Imported water includes the District's State Water Project and Central Valley contract supplies and supplies delivered by the San Francisco Public Utilities Commission (SFPUC) to cities in northern Santa Clara County. Local sources include natural groundwater recharge and surface water supplies. A small portion of the county's water supply is recycled water.

⁷⁸ The Hydromodification Applicability Maps developed the permittees under Order No. R2-2009-0074 were prepared using this standard, adjusted to 65 percent imperviousness to account for the presence of vegetation on the photographic references used to determine imperviousness. Thus, the maps for Order No. R2-2009-0074 are accepted as meeting the 70 percent requirement.

⁷⁹ California Regional Water Quality Control Board San Francisco Region. Municipal Regional Stormwater NPDES Permit, Order No. R2-2022-0018, NPDES Permit No. CAS612008. May 11, 2022.

Local groundwater resources make up the foundation of the county’s water supply, but they need to be augmented by the District’s comprehensive water supply management activities to reliably meet the county’s needs. These include the managed recharge of imported and local surface water and in-lieu groundwater recharge through the provision of treated surface water and raw water, acquisition of supplemental water supplies, and water conservation and recycling.⁸⁰

City of Sunnyvale General Plan

The City’s General Plan includes policies for the purpose of avoiding or mitigating environmental impacts resulting from planned development projects within the City. The following policies are specific to hydrology and water quality and are applicable to the proposed project.

Policy	Description
Environmental Management Element	
EM-8.3	Ensure that stormwater control measures and best management practices are implemented to reduce the discharge of pollutants in stormwater to the maximum extent practicable.
EM-8.5	Prevent accelerated soil erosion. Continue implementation of a construction site inspection and control program to prevent discharges of sediment from erosion and discharges of other pollutants from new and redevelopment projects.
EM-8.6	Minimize the impacts from stormwater and urban runoff on the biological integrity of natural drainage systems and water bodies.
EM-10.1	Consider the impacts of surface runoff as part of land use and development decisions and implement BMPs to minimize the total volume and rate of runoff of waste quality and quantity (hydro modification) of surface runoff as part of land use and development decisions.
EM-10.2	Consider the ability of a land parcel to detain excess stormwater runoff in flood prone areas and require incorporation of appropriate controls. Require the incorporation of appropriate stormwater treatment and control measures for new and redevelopment regulated projects and/or any sites that may reasonably be considered to cause or contribute to the pollution of stormwater and urban runoff as defined in the current version of the stormwater Municipal Regional Permit.
EM-10.3	Require the incorporation of appropriate stormwater treatment and control measures for industrial and commercial facilities as identified in the stormwater Municipal Regional Permit.

⁸⁰ Valley Water. *2021 Groundwater Management Plan, Santa Clara and Llagas Subbasins*. November 2021.

Policy	Description
Safety and Noise Element	
SN-1.1	Evaluate and consider existing and potential hazards in developing land use policies. Make land use decisions based on an awareness of the hazards and potential hazards for the specific parcel of land.
SN-1.2	Take measures to protect life and property from the effects of a 1% (100-year) flood.
SN-1.3	Operate and maintain the storm drainage system at a level to minimize damages and ensure public safety.

Sunnyvale Municipal Code

Chapter 12.60 (Stormwater Management) in Title 12 of the SMC include the currently adopted water quality, wastewater, and stormwater management regulations. This includes regulations for compliance with NPDES permits, best management practices, project design, and water quality.

Chapter 16.62 of the SMC provides regulations to prevent flood damage in Sunnyvale. This chapter establishes provisions for reducing flood hazards, including standards for construction, utilities, subdivisions, manufactured homes, floodways, and coastal high hazard areas.

4.10.1.2 *Existing Conditions*

Water Quality

The project site is developed with two existing buildings, surface parking lots, and small amounts of landscaping. Stormwater runoff from the project site enters the City’s main storm drain system and eventually flows to the San Francisco Bay.

Groundwater

The City of Sunnyvale is located within the Santa Clara Valley Groundwater Basin.⁸¹ Hydrologically, the groundwater basin is separated into recharge and confined zones. Geological conditions in the recharge areas allow precipitation, stream flow, and water diverted into percolation areas to recharge the deeper aquifers. The confined zones include areas of the valley where low permeability clays and silts overlie the major groundwater aquifers which impedes the vertical flow of groundwater into the deeper aquifers. The City of Sunnyvale, including the project site, lies entirely within the area of the confined zone.⁸²

⁸¹ United States Geological Survey. “Groundwater Quality in the San Francisco Bay Groundwater Basins, California.” March 2013. Accessed September 14, 2023. <https://pubs.usgs.gov/fs/2012/3111/pdf/fs20123111.pdf>.

⁸² Santa Clara Valley Water District. 2021 Groundwater Management Plan, Santa Clara and Llagas Subbasins. November 2021.

As discussed in Section 4.7 Geology and Soils, groundwater is estimated to be located at a depth between 40 feet to 55 feet bgs on-site.⁸³ Water levels on-site may vary depending on seasonal precipitation, irrigation practices, and other climate conditions.

Stormwater Drainage

The storm drainage system that serves the project site is owned and maintained by the City of Sunnyvale. Currently, the project site consists of approximately 39,066 square feet (or 51 percent) of impervious area. The remaining 37,600 square feet (or 49 percent) of the site consists of pervious area, which is comprised of landscaping, the undeveloped parcel, and other permeable surfaces. The nearest drainage inlets to the project site are located on East Fremont Avenue and South Wolfe Road, and the storm drain lines adjacent to the project site range from 30 to 33 inches in diameter.⁸⁴

Flooding

The project site is not located within a 100-year special flood hazard area. According to the FEMA, the project site is in Zone X with 0.2 percent annual chance of flood.⁸⁵

Other Inundation Hazards

A seiche is a standing wave oscillating in a body of water that can produce flooding along the shoreline under certain natural conditions.⁸⁶ There are no bodies of water such as lakes, harbors, or reservoirs near the project site that would affect the site in the event of a seiche. The project site is not close enough to San Francisco Bay to be affected in the event of a tsunami.⁸⁷

4.10.2 Impact Discussion

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
a) Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

⁸³ Cornerstone Earth Group, Inc. *Phase I Environmental Site Assessment 1313 South Wolfe Road and 898 East Fremont Avenue*. December 20, 2022. Page 9.

⁸⁴ City of Sunnyvale. "Utility Maps." Accessed September 14, 2023. <https://www.sunnyvale.ca.gov/city-services/online-services/maps-and-gis/utility-maps>.

⁸⁵ Federal Emergency Management Agency. "FEMA Flood Map Service Center." Accessed September 14, 2023. <https://msc.fema.gov/portal/search>.

⁸⁶ National Ocean Service. "What is a Seiche?" Accessed September 14, 2023. <https://oceanservice.noaa.gov/facts/seiche.html>

⁸⁷ Association of Bay Area Governments. "Tsunami & Additional Hazards." Accessed September 14, 2023. <https://abag.ca.gov/our-work/resilience/data-research/tsunami-additional-hazards>

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
b) Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
– result in substantial erosion or siltation on- or off-site;	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
– substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site;	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
– 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	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
– impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<hr/>				
a) Would the project violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?				

Construction

Implementation of the project would result in redevelopment of the project site with a residential mixed-use development. Future construction activities, such as grading and excavation, have the potential to result in temporary impacts to surface water quality. When disturbance to the soil occurs, sediments may be dislodged and discharged into the storm drainage system by surface runoff flows from the site. Future development that would disturb over one acre of soil would be required to conform to the requirements of the Construction General Permit. An NOI would need to be submitted to the RWQCB and a SWPPP would be developed and implemented to control erosion and sedimentation associated with construction activities. This Initial Study assumes that future

development of the project site would disturb more than one acre of the project site and compliance with the General Construction Permit would ensure that all BMPs related to stormwater pollution prevention for construction projects are implemented. In addition, implementation of these BMPs by future development would be consistent with General Plan Policies EM-8.3, EM-8.5, EM-8.6, and EM-10.1. For these reasons, future construction under the project would not result in significant water quality impacts. **(Less than Significant Impact)**

Post-Construction

It is assumed future development of the project site under the project could result in the addition of more than 5,000 square feet of impervious surface areas, which would require compliance with Provision C.3 of the MRP and SMC Section 12.60. The MRP requires projects that would add or replace more than 5,000 square feet of impervious surface area to implement post-construction stormwater treatment controls, using LID-based stormwater treatment controls to reduce the pollutant loads of runoff from the project to the maximum extent feasible. The inclusion of post-construction stormwater treatment controls on-site would be consistent with the requirements of General Plan Policies EM-10.1, EM-10.2, and EM-10.3. Based on this discussion, future development of the project site, in compliance with existing regulations and best management practices (including the MRP, General Plan, and SMC), would not result in significant water quality impacts. **(Less than Significant Impact)**

-
- 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?
-

Groundwater recharge occurs when surface water percolates through the soil to recharge groundwater aquifers. As discussed in Section 4.10.1.2 Existing Conditions, the project site is not located within a recharge zone for the Santa Clara Subbasin.⁸⁸ The project would facilitate the redevelopment of the site with a mixed-use residential development. Future development of the site would rely on existing sources of water and the City's existing water delivery system. Groundwater levels at the site are estimated to be 40 feet to 55 feet bgs on-site. Future development of the site would not likely require dewatering of subsurface groundwater during construction. If construction dewatering occurs, it would be temporary in nature and would not substantially affect regional groundwater supplies. Future residential uses on the project site would contribute to the cumulative increase in demand for water in the City; however, the project itself would not result in the overdraft of any groundwater basins. Therefore, the project and future development on the site would not interfere with groundwater recharge activities or substantially deplete groundwater levels. **(Less than Significant Impact)**

⁸⁸ Santa Clara Valley Water District. 2021 Groundwater Management Plan, Santa Clara and Llagas Subbasins. November 2021.

-
- 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 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?
-

There are no streams or rivers on-site, therefore, the proposed project and subsequent development allowed under the project would not affect the existing drainage pattern of any streams or rivers. Future development of the site under the project could alter the existing drainage patterns of the site as a result of increased impervious surface area. However, future development of the site would be required to comply with the Construction General Permit and MRP, which requires the implementation of standard stormwater control measures to reduce the pollutant loads of stormwater runoff.

The project would also be subject to SMC Chapter 12.60 (Stormwater Management), which presents regulations for compliance with NPDES permits, best management practices, project design, and water quality to reduce the potential for runoff generated by future development to result in significant erosion, siltation, and/or flooding impacts. In addition, future development on-site would be reviewed by the City to confirm whether the surrounding storm drainage infrastructure has capacity to handle any potential increases in stormwater runoff from the site and implement localized improvements (if required). Based on this discussion, the proposed project and future development allowed by the project would not substantially alter the existing drainage pattern of the site or create or contribute runoff which would exceed existing stormwater drainage capacity or result in flooding on- or off-site. **(Less than Significant Impact)**

-
- d) Would the project risk release of pollutants due to project inundation in flood hazard, tsunami, or seiche zones?
-

As discussed in Section 4.10.1.2 Existing Conditions, the project site is not located within a 100-year flood hazard area. According to the FEMA, the project site is in Zone X with 0.2 percent annual chance of flooding. The San Francisco Bay presents an inundation risk to sections of the coastline during a tsunami. The project site is not located near enough to San Francisco Bay to be affected in the event of a tsunami and there are no bodies of waters near the project site that would affect the site in the event of a seiche. In addition, the residential and commercial uses allowed by the project would not use or store substantial quantities of hazardous materials on-site. Based on the above discussion, implementation of the proposed project and any future development allowed under the project would not risk release of pollutants due to inundation in flood hazard, tsunami or seiche zones. **(Less than Significant Impact)**

-
- e) Would the project conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?
-

The San Francisco Basin Plan provides a framework for state and local governments to meet water quality objectives and criteria to protect the beneficial uses of local aquifers, streams, marshes, and San Francisco Bay. Consistent with the San Francisco Basin Plan, future development allowed on-site under the proposed project would comply with the MRP requirement to install LID treatment controls to treat stormwater runoff.

Valley Water prepared their GWMP for the Santa Clara and Llagas subbasins in 2021, describing its comprehensive groundwater management framework including objectives and strategies, programs and activities to support those objectives, and outcome measures to gauge performance. The GWMP is the guiding document for how Valley Water will ensure groundwater basins within its jurisdiction are managed sustainably. The Santa Clara subbasin has not been identified as a groundwater basin in a state of overdraft. Implementation of the proposed project and future development on-site would not interfere with any actions set forth by Valley Water in its GWMP regarding groundwater recharge, transport of groundwater, and/or groundwater quality because future development would not interfere with groundwater recharge and would implement measures during construction and operation of the project to reduce stormwater runoff. Therefore, the proposed project would not preclude the implementation of the GWMP.

For these reasons, the project would not conflict with water quality control plans or sustainable groundwater management plans. **(Less than Significant Impact)**

4.11 Land Use and Planning

4.11.1 Environmental Setting

4.11.1.1 *Regulatory Framework*

Regional and Local

Comprehensive Land Use Plan for Moffett Federal Airfield

Moffett Federal Airfield is located northwest of the project site. The Moffett Federal Airfield CLUP is intended to safeguard the general welfare of the inhabitants within the vicinity of the airport, as well as aircraft occupants.⁸⁹ The CLUP is also intended to ensure that surrounding new land uses do not affect the airport’s continued operation.

City of Sunnyvale General Plan

The City’s General Plan includes policies for the purpose of avoiding or mitigating environmental impacts resulting from planned development projects within the City. The following policies are specific to land use and planning and are applicable to the proposed project.

Policy	Description
Land Use and Transportation Element	
LT-1.2	Minimize regional sprawl by endorsing strategically placed development density in Sunnyvale and by utilizing a regional approach to providing and preserving open space for the broader community.
LT-1.3	Contribute to a healthy jobs-to-housing ratio in the region by considering jobs, housing, transportation, and quality of life as inseparable when making planning decisions that affect any of these components.

Sunnyvale Municipal Code

The Zoning Code, Title 19, defines the various zoning districts and allowable land uses within the City and provides development standards (i.e., building height limits, building density, sign regulations, etc.) to enhance the visual appeal of new development.

4.11.1.2 *Existing Conditions*

As discussed in Section 2.6 General Plan Designation and Zoning District, the existing General Plan land use designation of the project site is Commercial which supports retail, retail service, restaurants, entertainment, and small office uses. Commercial services in this designation could include bakeries, repair shops, retailers, liquor stores, and small office spaces.

⁸⁹ Santa Clara County Airport Land Use Commission. *Moffett Federal Airfield Comprehensive Land Use Plan*. November 2, 2012. Page 1-1.

The project site is zoned Neighborhood Business (C-1) which is reserved for the construction, use and occupancy of commercial buildings that provide retail commercial shopping and service facilities to adjacent residential neighborhoods.

The project site is currently developed with commercial uses (i.e., a gas station and restaurant) and is surrounded by primarily residential land uses, a hotel directly to the west of the site, and a commercial office space north of the site.

4.11.2 Impact Discussion

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
a) Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

a) Would the project physically divide an established community?

Examples of projects that have the potential to physically divide an established community include new freeways and highways, major arterial streets, and railroad lines. The project proposes a GPA and rezoning to allow for residential mixed-use land uses on the site. There are existing residential neighborhoods to the west, south, and east of the project site. Future construction of a mixed-use residential building on-site would not divide an established community, as this development would not obstruct access to existing, surrounding land uses. In addition, the future development under the project would dedicate frontage along East Fremont Avenue and South Wolfe Road to facilitate the development of circulation improvements identified by the City to improve access in and out of the area. Therefore, the project would not physically divide the existing community. **(Less than Significant Impact)**

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?

Future development under the project would be subject to design review by the City to ensure that the project meets the development standards in SMC Chapter 19.28. The project is consistent with General Plan Policies LT-1.2 and LT-1.3 because it would facilitate infill development that would minimize regional sprawl and provide both housing units and jobs within the City. By meeting the requirements of the proposed zoning, including setbacks, building heights, and useable open space, land use conflicts with surrounding uses would be minimized. For these reasons, the proposed

project, and any future development of the site, would not conflict with land use plans, policies, or regulations adopted to avoid or mitigate an environmental effect. **(Less than Significant Impact)**

4.12 Mineral Resources

4.12.1 Environmental Setting

4.12.1.1 *Regulatory Framework*

State

Surface Mining and Reclamation Act

The Surface Mining and Reclamation Act (SMARA) was enacted by the California legislature in 1975 to address the need for a continuing supply of mineral resources, and to prevent or minimize the negative impacts of surface mining to public health, property, and the environment. As mandated under SMARA, the State Geologist has designated mineral land classifications in order to help identify and protect mineral resources in areas within the state subject to urban expansion or other irreversible land uses which would preclude mineral extraction. SMARA also allowed the State Mining and Geology Board (SMGB), after receiving classification information from the State Geologist, to designate lands containing mineral deposits of regional or statewide significance.

4.12.1.2 *Existing Conditions*

The project site is in an urban area and is currently developed with commercial buildings. According to the US Geologic Service (USGS), there are no critical mineral resources in Sunnyvale, including this project site.⁹⁰

4.12.2 Impact Discussion

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
a) Result in the loss of availability of a known mineral resource that will be of value to the region and the residents of the state?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

⁹⁰ USGS. "Mineral Resources Online Spatial Data." Accessed September 20, 2023. <https://mrddata.usgs.gov/general/map-us.html>.

-
- a) Would the project result in the loss of availability of a known mineral resource that would be of value to the region and residents of the state?
-

There are no known mineral resources on-site, nor are there any in the immediate vicinity of the project area. The proposed project and future development made possible by the project, therefore, would not result in impacts to mineral resources. **(No Impact)**

- 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 proposed project site is not identified in the General Plan as containing any locally important mineral resources and no known mineral resources have previously been discovered on-site. The proposed project and future development made possible by the project, therefore, would not result in impacts to locally important mineral resource recovery sites. **(No Impact)**

4.13 Noise

4.13.1 Environmental Setting

4.13.1.1 *Background information*

Noise

Factors that influence sound as it is perceived by the human ear, include the actual level of sound, period of exposure, frequencies involved, and fluctuation in the noise level during exposure. Noise is measured on a decibel scale, which serves as an index of loudness. The zero on the decibel scale is based on the lowest sound level that the healthy, unimpaired human ear can detect. Each 10 decibel increase in sound level is perceived as approximately a doubling of loudness. Because the human ear cannot hear all pitches or frequencies, sound levels are frequently adjusted or weighted to correspond to human hearing. This adjusted unit is known as the A-weighted decibel, or dBA.

Since excessive noise levels can adversely affect human activities and human health, federal, state, and local governmental agencies have set forth criteria or planning goals to minimize or avoid these effects. Noise guidelines are generally expressed using one of several noise averaging methods, including L_{eq} , L_{dn} , or CNEL.⁹¹ These descriptors are used to measure a location's overall noise exposure, given that there are times when noise levels are higher (e.g., when a jet is taking off from an airport or when a leaf blower is operating) and times when noise levels are lower (e.g., during lulls in traffic flows on freeways or in the middle of the night). L_{max} is the maximum A-weighted noise level during a measurement period.

Vibration

Ground vibration consists of rapidly fluctuating motions or waves with an average motion of zero. Vibration amplitude can be quantified using Peak Particle Velocity (PPV), which is defined as the maximum instantaneous positive or negative peak of the vibration wave. PPV has been routinely used to measure and assess ground-borne construction vibration. Studies have shown that the threshold of perception for average persons is in the range of 0.008 to 0.012 inches/second (in/sec) PPV.

⁹¹ L_{eq} is a measurement of average energy level intensity of noise over a given period of time. Day-Night Level (L_{dn}) is a 24-hour average of noise levels, with a 10 dB penalty applied to noise occurring between 10:00 PM and 7:00 AM. Community Noise Equivalent Level (CNEL) includes an additional five dB applied to noise occurring between 7:00 PM and 10:00 PM. Where traffic noise predominates, the CNEL and L_{dn} are typically within two dBA of the peak-hour L_{eq} .

4.13.1.2 Regulatory Framework

Federal

Federal Transit Administration Vibration Limits

The Federal Transit Administration (FTA) has developed vibration impact assessment criteria for evaluating vibration impacts associated with transit projects. The FTA has proposed vibration impact criteria based on maximum overall levels for a single event. The impact criteria for groundborne vibration are shown in Table 4.13-1 below. These criteria can be applied to development projects in jurisdictions that lack vibration impact standards.

Table 4.13-1: Groundborne Vibration Impact Criteria

Land Use Category	Groundborne Vibration Impact Levels (VdB inch/sec)		
	Frequent Event	Occasional Events	Infrequent Events
Category 1: Buildings where vibration would interfere with interior operations	65	65	65
Category 2: Residences and buildings where people normally sleep	72	75	80
Category 3: Institutional land uses with primarily daytime use	75	78	83

Source: Federal Transit Administration. *Transit Noise and Vibration Assessment Manual*. September 2018.

State and Local

California Building Standards Code

The CBC establishes uniform minimum noise insulation performance standards to protect persons within new buildings housing people, including hotels, motels, dormitories, apartments, and dwellings other than single-family residences. Title 24 mandates that interior noise levels attributable to exterior sources do not exceed 45 L_{dn} /CNEL in any habitable room. Exterior windows must have a minimum Sound Transmission Class (STC) of 40 or Outdoor-Indoor Transmission Class (OITC) of 30 when the property falls within the 65 dBA L_{dn} noise contour for a freeway or expressway, railroad, or industrial source.

For commercial uses, CALGreen (Section 5.507.4.1 and 5.507.4.2) requires that wall and roof-ceiling assemblies exposed to the adjacent roadways have a composite STC rating of at least 50 or a composite OITC rating of no less than 40, with exterior windows of a minimum STC of 40 or OITC of 30 when the commercial property falls within the 65 dBA L_{dn} or greater noise contour for a freeway or expressway, railroad, or industrial or stationary noise source. The state requires interior noise levels to be maintained at 50 dBA $L_{eq(1-hr)}$ or less during hours of operation at a proposed commercial use.

Regional and Local

Comprehensive Land Use Plan for Moffett Federal Airfield

The project site is located 3.7 miles southeast of the Moffett Federal Airfield, which is the closest airport to the site. As described in Section 4.9 Hazards and Hazardous Materials, the Moffett Federal Airfield CLUP is intended to safeguard the general welfare of the inhabitants within the vicinity of the airport, as well as aircraft occupants.⁹² The CLUP is also intended to ensure that surrounding new land uses do not affect airport operations. The CLUP establishes 65 dBA CNEL as the maximum allowable exterior noise level considered compatible with residential uses and 45 dBA CNEL as the maximum allowable interior for residences.

City of Sunnyvale General Plan

The City’s General Plan includes policies for the purpose of avoiding or mitigating environmental impacts resulting from planned development projects within the City. The following policies are specific to noise and vibration and are applicable to the proposed project.

Policy	Description
Safety and Noise Element	
SN8.1	Enforce and supplement state laws regarding interior noise levels of residential units.
SN-8.4	Require development projects to assess potential construction noise impacts on nearby noise-sensitive land uses and to minimize impacts on those uses, to the extent feasible, as determined by the Director of Community Development.
SN-9.1	Regulate land use operational noise including but not limited to hours of operation limits, consistent with operational noise standards in the Sunnyvale municipal code.
SN-9.2	When new equipment is installed on a property, including new stationary noise sources (e.g., heating, ventilation, and air conditioning systems, generators, heating boilers) that could affect existing sensitive land uses, construction of enclosures or other screening materials should be installed around the stationary noise source such that equipment is in compliance with the city’s operational noise code.

⁹² Santa Clara County Airport Land Use Commission. *Moffett Federal Airfield – Comprehensive Land Use Plan*. Amended November 2016.

Sunnyvale Municipal Code

SMC Section 19.42.030 includes operational noise standards enforced on residential and non-residential zoned property lines, listed below.

(a) Residential Noise Limits:

- (1) Operational noise shall not exceed 50 dBA during nighttime or 60 dBA during daytime hours at any point on the property line of the adjacent single family or duplex uses.
- (2) Operational noise shall not exceed 55 dBA during nighttime or 65 dBA during daytime hours on the primary useable open space of multi-family uses.
- (3) Operational noise shall not exceed 60 dBA during nighttime or 70 dBA during daytime hours on the primary useable open space of residential uses located along major transportation corridors (freeways, expressways, arterials, and rail lines) or mixed-use residential properties.

(b) Non-Residential Noise Limits:

- (1) Operational noise shall not exceed 60 dBA during nighttime or 70 dBA during daytime hours at any point on the property line of the adjacent nonresidential use.
- (2) Operational noise generated at industrial, manufacturing, or similar uses shall not exceed 75 dBA during daytime hours at the adjacent property line.

(c) Special Exceptions from Noise Limits:

- (1) **Powered Equipment:** Powered equipment used on a temporary basis during daytime hours is exempt from the operational noise limits. 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.
- (2) **Construction:** Construction activity regulated by Title 16 of this code shall not be governed by this section.
- (3) **Deliveries:** Noise from deliveries shall not be considered operational noise. 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. Businesses legally operating at a specific location as of February 1, 1995, are exempt from this requirement.
- (4) **Leaf Blower:** A "leaf blower" is a small, combustion engine-powered or electric device used for property or landscape maintenance that can be hand-held or carried by the operator and which operates by propelling air under pressure through a cylindrical tube. It is unlawful for any person to operate a leaf blower on private property in or adjacent to a residential use except between the hours of 8:00 a.m. and 8:00 p.m. Effective January 1, 2000, all leaf blowers operated in or adjacent to a residential area shall operate at or below a noise level of sixty-five dBA at a distance of fifty feet, as determined by a test conducted by the American National Standards Institute or an

equivalent. The dBA rating shall be prominently displayed on the leaf blower. (Ord. 2623-99 § 1; prior zoning code § 19.24.020(b)—(d)).

- (5) Warning Sounds: Warning sounds necessary for the protection of public health, safety, and welfare including but not limited to: civil defense and fire sirens; commercial and residential burglar or fire alarms; and emergency response warning noises are exempt from the operational noise limits.
- (6) Emergency Utility and Street Repairs: Noise from emergency utility and street repairs are exempt from this chapter.
- (7) Street Sweeping and Refuse Collection Services: Noise from street sweeping and refuse collection services (garbage, recycling, and organic materials) are exempt from this chapter.

Chapter 16.08 of the SMC limits construction activity to between 7:00 AM and 6:00 PM daily Monday through Friday. Construction operations on Saturday are limited to between 8:00 AM and 5:00 PM. No construction activities are allowed on Sunday or federal holidays when the city offices are closed. Exceptions to these hours may granted by the Chief Building Official when it is determined emergency construction activity is required or construction activity will not be a nuisance to surrounding properties.

While the SMC does not define the acoustical time descriptor such as L_{eq} or L_{max} that is associated with the above limits, a reasonable interpretation of the SMC would identify the ambient base noise level criteria as L_{eq} .

4.13.1.3 Existing Conditions

The noise environment at the proposed project site is currently dominated by the vehicular traffic from East Fremont Avenue, South Wolfe Road, and the nearby El Camino Real. Flights to Moffett Federal Airfield also occasionally pass overhead.

4.13.2 Impact Discussion

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project result in:				
a) Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Generation of excessive groundborne vibration or groundborne noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project result in:				
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

CEQA does not define what noise level increase would be considered substantial. The following criteria based on City practice, standards identified by the FTA, and standards in the CBC, CALGreen, General Plan, and SMC were used to evaluate the significance of environmental noise resulting from the project:

- A significant noise impact would be identified if the project would generate a substantial temporary or permanent noise level increase over ambient noise levels at existing noise-sensitive receptors surrounding the project site and that would exceed applicable noise standards at existing noise-sensitive receptors surrounding the project site.
 - Due to the temporary nature of construction activities, construction noise levels are treated differently than operational noise levels. Hourly average noise levels during construction that would exceed 60 dBA L_{eq} at residential land uses, and the ambient by at least five dBA L_{eq} for a period of more than one year require noise attenuating mitigation measures to reduce the impact to a less than significant level.
 - A significant permanent noise level increase would occur if project-generated traffic generated by the project or project improvements/operations would substantially increase noise levels at sensitive receivers in the vicinity. A substantial increase would occur if: a) the noise level increase is five dBA L_{dn} or greater, with a future noise level of less than the “normally acceptable” standard, or b) the noise level increase is three dBA L_{dn} or greater, with a future noise level equal to or greater than the “normally acceptable” standard.
 - A significant noise impact would be identified if the project would expose persons to or generate noise levels that would exceed applicable noise standards presented in the General Plan or Municipal Code.
 - A significant impact would be identified if the construction of the project would generate excessive vibration levels surrounding receptors. Consistent with the 2017 Land Use and Transportation Element (LUTE) EIR (SCH# 2012032003), groundborne vibration levels exceeding 0.25 in/sec PPV would have the potential to result in cosmetic damage to older buildings.

A significant noise impact would be identified if the project would expose people residing or working in the project area to excessive aircraft noise levels.

A significant cumulative traffic noise impact would occur if two criteria are met: (1) noise levels at existing sensitive receivers would be substantially increased (i.e., three dBA L_{dn} above existing noise levels where noise levels would exceed 60 dBA L_{dn}); and (2) if the project would make a “cumulatively considerable” contribution to the overall noise level increase. A “cumulatively considerable” contribution is defined as an increase of one dBA L_{dn} or more attributable solely to the project.

-
- a) Would the project 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?
-

Construction Noise

Noise impacts resulting from construction depend upon the noise generated by various pieces of construction equipment, the timing and duration of noise-generating activities, and the distance between construction noise sources and noise-sensitive areas. Construction noise impacts primarily result when construction activities occur during noise-sensitive times of the day (e.g., early morning, evening, or nighttime hours), the construction occurs in areas immediately adjoining noise-sensitive land uses, or when construction lasts over extended periods of time.

Chapter 16.08 of the SMC allows for construction between the hours of 7:00 AM and 6:00 PM on weekdays and between 8:00 AM and 5:00 PM on Saturdays. Construction activity is not permitted on Sundays or federal holidays when the City offices are closed. This chapter also states that no loud environmentally disruptive noises, such as air compressors without mufflers, continuously running motors or generators, loud playing musical instruments, radios, etc., would be allowed where such noises may be a nuisance to adjacent residential neighborhoods. Chapter 19.42.030 provides quantitative limits on noise levels; however, those limits do not apply to construction noise that is regulated by Chapter 16.08 of the SMC. The City does not establish quantitative thresholds for the impact of temporary increases in noise due to construction. It is the City’s practice for in-fill projects that hourly average noise levels during construction that would exceed 60 dBA L_{eq} at residential land uses, and the ambient by at least five dBA L_{eq} for a period of more than one year, would require the implementation of noise attenuating mitigation measures to reduce impacts to a less than significant level.⁹³

The project would amend the General Plan land use designation and zoning of the site to allow for future residential mixed-use development. Construction noise from future development of the project site would temporarily increase ambient noise levels at nearby sensitive receptors. Sensitive receptors in proximity to the project site include the residential uses to the west, south and east of the project site. Future development would be required to implement LUTE EIR Mitigation Measure MM 3.6.3 to reduce construction noise levels.

⁹³ City of Sunnyvale. *2017 Land Use and Transportation Element Draft Environmental Impact Report*. August 2016. Page 3.6-42. SCH# 2012032003.

LUTE EIR Mitigation Measure MM 3.6.3:

- The project shall employ site-specific noise attenuation measures during construction to reduce the generation of construction noise and vibration. These measures shall be included in a Noise Control Plan that shall be submitted for review and approval by the City prior to issuance of demolition permit. Measures specified in the Noise Control Plan and implemented during construction shall include, at a minimum, the following noise control strategies:
 - Equipment and trucks used for construction shall use the best available noise control techniques (e.g., improved mufflers, equipment redesign, use of intake silencers, ducts, engine enclosures, and acoustically attenuating shields or shrouds).
 - Impact tools (e.g., jackhammers, pavement breakers, and rock drills) used for construction shall be hydraulically or electrically powered wherever possible to avoid noise associated with compressed air exhaust from pneumatically powered tools.
 - Stationary noise sources shall be located as far from adjacent receptors as possible, and they shall be muffled and enclosed within temporary sheds, incorporate insulation barriers, or include other measures.
 - Unnecessary idling of internal combustion engines should be strictly prohibited.
 - Construction staging areas shall be established at locations that create the greatest distance between the construction-related noise sources and noise-sensitive receptors nearest the project site during all project construction. Locate material stockpiles, as well as maintenance/equipment staging and parking areas, as far as feasible from residential receptors.
 - Control noise from construction workers’ radios to a point where they are not audible at existing residences bordering the project site.
 - Where feasible, temporary power service from local utility companies should be used instead of portable generators.
 - Locate cranes as far from adjoining noise-sensitive receptors as possible.
 - During final grading, substitute graders for bulldozers, where feasible. Wheeled heavy equipment are quieter than track equipment and should be used where feasible.

Future development under the project would conform with the SMC limits on allowable construction hours and implement LUTE EIR Mitigation Measure MM 3.6.3 to reduce construction-related noise that requires preparing and implementing a noise control plan to reduce construction noise by limiting unnecessary idling of equipment, requiring noise control measures on equipment and vehicles, and organizing construction staging areas to be as far away from surrounding residences as possible. **(Less than Significant Impact with Mitigation Incorporated)**

Operational Noise

Future development of the site under the project with multi-family residential units and ground-floor commercial space would not substantially increase permanent ambient noise levels in the project area because these uses would be similar to the immediately surrounding uses. Project-generated traffic would be the main contributor to existing noise levels. It is estimated that 62 multi-family residential units and 7,579 square feet of ground floor commercial space would generate approximately 694 daily trips.⁹⁴ This increase in vehicle trips would not be expected to generate a perceptible increase in traffic noise because it would not double the roadway volumes on Fremont Avenue and Wolfe Road⁹⁵ and, therefore, would not be expected to generate a perceptible increase in traffic noise.

As discussed in Section 4.13.1.2 Regulatory Framework, Chapter 19.42 of the SMC includes operational noise standards for mechanical equipment adjacent to residential properties to prevent excessive operational noise levels for surrounding residents. Chapter 19.42 of the SMC outlines noise limits as measured on-site during day time and night time hours, at the property line with adjacent residential uses, and for steady audible tones. The proposed project itself is a GPA and rezoning and does not include a specific development that could result in any direct operational noise impacts. Future development made possible by this project would comply with all regulations in Chapter 19.42 of the SMC regarding operational noise, therefore, the project and future development under the project would not result in a significant increase in ambient noise. **(Less than Significant Impact)**

-
- b) Would the project result in generation of excessive groundborne vibration or groundborne noise levels?
-

Construction activities associated with future development could include grading, foundation work, paving, and new building framing and finishing. These construction activities may generate vibration when heavy equipment or impact tools (e.g., jackhammers, hoe rams) are used in proximity to existing buildings on surrounding properties, and this vibration could affect adjacent uses.

Future development of the project site would require subsequent environmental review, and as discussed under checklist question a) above, future development would comply with the measures outlined in LUTE EIR Mitigation Measure MM 3.6.3. To comply with this mitigation measure, future development would prepare a Noise Control Plan to outline measures to be implemented during construction to reduce the generation of construction noise and vibration. The Noise Control Plan would be submitted for review and approval by the City which would ensure that potential

⁹⁴ Project trips were estimated using the Institute of Transportation Engineers (ITE) trip generation rates of 4.54 daily trips per dwelling unit (Multifamily Housing Not Close to Rail Transit Mid-Rise Land Use 221) and 54.45 trips per thousand feet of ground-floor retail (Strip Retail Plaza (<40k) Land Use 822). Source: Institute of Transportation Engineers. ITE Trip Generation Manual, 11th Edition. 2021.

⁹⁵ City of Sunnyvale. *Land Use and Transportation Element Draft Environmental Impact Report. SCH No. 2012032003*. August 2016. Figure 3.4-2B.

vibration impacts are reduced to a less than significant level. Examples of measures that future development could implement under the future Noise Control Plan include, but are not limited to:

- Prohibiting the use of heavy vibration-generating construction equipment within 25 feet of residences. Instead, a smaller vibratory roller, such as the Caterpillar model CP433E vibratory compactor, could be used when compacting materials within 25 feet of residences adjoining the site.
- Avoiding dropping heavy equipment within 25 feet of residences. Alternative methods for breaking up existing pavement, such as a pavement grinder, could be used instead of dropping heavy objects within 25 feet of residences adjoining the site.
- Alerting heavy equipment operators in close proximity of the adjacent structures so they can exercise extra care.

In addition, future development of the project site would comply with all City construction standards and requirements (including those in SMC Chapter 16.08). Due to the type of development anticipated and required setbacks specified in the SMC, operation of future development under the project would not generate a substantial level of groundborne vibration or noise to the surrounding land uses. **(Less than Significant Impact)**

-
- 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 to the project site is Moffett Federal Airfield, which is approximately 3.7 miles northwest of the site. According to the CLUP, the project site is not located within its AIA, nor is it located within the 65 dB noise contour of Moffett Federal Airfield.⁹⁶ Therefore, the project and any future development made possible by the project would not expose people residing or working in the project area to excessive noise levels. **(Less than Significant Impact)**

4.13.3 Non-CEQA Effects

Per California Building Industry Association v. Bay Area Air Quality Management District, 62 Cal. 4th 369 (BIA v. BAAQMD), effects of the environment on the project are not considered CEQA impacts. The following discussion is included for informational purposes only because the City of Sunnyvale has policies that address existing noise conditions affecting a proposed project.

Based on the General Plan noise and land use compatibility guidelines, residential development is “normally acceptable” in areas with ambient noise levels up to 60 dBA L_{dn} and is “conditionally acceptable” in areas with noise levels up to 75 dBA L_{dn} . The project area has existing noise levels of

⁹⁶ Santa Clara County Airport Land Use Commission. *Moffett Federal Airfield Comprehensive Land Use Plan*. December 2018.

approximately 72 dBA L_{dn} .⁹⁷ Therefore, the project site would be conditionally acceptable for future residential development. Future residential development on-site would be required to provide a detailed analysis of the noise reduction requirements and needed noise insulation features that would be included in the project design. These design features would be reviewed by the City prior to issuance of a building permit.

⁹⁷ City of Sunnyvale. *2017 Land Use and Transportation Element Draft Environmental Impact Report*. August 2016. Page 3.6-12. SCH# 2012032003.

4.14 Population and Housing

4.14.1 Environmental Setting

4.14.1.1 *Regulatory Framework*

State

Housing-Element Law

State requirements mandating that housing be included as an element of each jurisdiction’s general plan is known as housing-element law. The Regional Housing Need Allocation (RHNA) is the state-mandated process to identify the total number of housing units (by affordability level) that each jurisdiction must accommodate in its housing element. California housing-element law requires cities to: 1) zone adequate lands to accommodate its RHNA; 2) produce an inventory of sites that can accommodate its share of the RHNA; 3) identify governmental and non-governmental constraints to residential development; 4) develop strategies and a work plan to mitigate or eliminate those constraints; and 5) adopt a housing element and update it on a regular basis.⁹⁸ As of October 2023, the City of Sunnyvale Housing Element and related land use policies are in the process of being updated for 2023 to 2031.⁹⁹

Regional and Local

Plan Bay Area 2050

Plan Bay Area 2050 is a long-range plan for the nine-county San Francisco Bay Area that provides strategies that increase the availability of affordable housing, support a more equitable and efficient economy, improve the transportation network, and enhance the region’s environmental resilience. Plan Bay Area 2050 promotes the development of a variety of housing types and densities within identified Priority Development Areas (PDAs). PDAs are areas generally near existing job centers or frequent transit that are locally identified for housing and job growth.¹⁰⁰

ABAG allocates regional housing needs to each city and county within the San Francisco Bay Area, based on statewide goals. These allocations are designed to lay the foundation for Plan Bay Area 2050’s long-term envisioned growth pattern for the region. ABAG also develops a series of forecasts and models to project the growth of population, housing units, and jobs in the Bay Area. ABAG, MTC, and local jurisdiction planning staff created the Forecasting and Modeling Report, which is a

⁹⁸ California Department of Housing and Community Development. “Regional Housing Needs Allocation” Accessed September 13, 2023. <https://www.hcd.ca.gov/planning-and-community-development/regional-housing-needs-allocation>.

⁹⁹ City of Sunnyvale. “Housing Element Update.” Accessed October 10, 2023. <https://www.sunnyvale.ca.gov/business-and-development/projects-in-sunnyvale/long-range-planning-initiatives/housing-element-update>.

¹⁰⁰ Association of Bay Area Governments and Metropolitan Transportation Commission. *Plan Bay Area 2050*. October 21, 2021. Page 20.

technical overview of the growth forecasts and land use models upon which Plan Bay Area 2050 is based.

City of Sunnyvale General Plan

The General Plan includes policies for the purpose of avoiding or mitigating environmental impacts resulting from planned development projects within the City. The following policies are specific to population and housing resources and are applicable to the proposed project.

Policy	Description
Land Use and Transportation Element	
LT-1.3	Contribute to a healthy jobs-to-housing ratio in the region by considering jobs, housing, transportation, and quality of life as inseparable when making planning decisions that affect any of these components.
Housing Element	
HE-4.1	Provide site opportunities for development of housing that responds to diverse community needs in terms of density, tenure type, location, and cost.
HE-4.2	Continue to direct new residential development into Moffett Parks, near transit, and close to employment and activity centers.
HE-4.3	Require new development to build to at least 75 percent of the maximum zoning density, unless an exception is granted by the City Council.

4.14.1.2 *Existing Conditions*

As of May 2023, the City of Sunnyvale has 63,111 housing units and an approximate population of 156,317, with an average of 2.58 persons per household.¹⁰¹ The City projects an overall population of 174,500 residents by the year 2035.¹⁰² The project site is currently developed with an operational gas station and restaurant. There are no dwelling units on-site.

¹⁰¹ Population: California Department of Finance. “E-5 Population and Housing Estimates for Cities, Counties, and the State, 2020-2023.” May 2023. Accessed: September 14, 2023. Available at: <https://dof.ca.gov/forecasting/demographics/estimates/e-5-population-and-housing-estimates-for-cities-counties-and-the-state-2020-2023/>.

¹⁰² City of Sunnyvale. *2017 Land Use and Transportation Element Draft Environmental Impact Report*. August 2016. Page 3.2-5. SCH# 2012032003.

4.14.2 Impact Discussion

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
a) Induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

- 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)?

The project would allow for residential and mixed-use development on-site. Buildout assumed in the recently adopted Moffett Park Specific Plan EIR for 2040 would result in a total of 84,170 households citywide and a population of 222,210 residents.¹⁰³ Assuming future development of the project site would construct approximately 62 multi-family residential units, future development would generate approximately 160 residents.¹⁰⁴ This represents a 0.07 percent increase in the number of units anticipated by the City in 2040, and 0.07 percent of the increase in population anticipated through 2040.

The project's increase in population is not substantial, given the overall population growth projected within Sunnyvale. Future development of the project site with approximately 62 multi-family housing units would not result in an expansion of urban services or the pressure to expand beyond the City's existing Sphere of Influence. For these reasons, impacts would be less than significant. **(Less than Significant Impact)**

- b) Would the project displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?

There are no existing residents or housing units on-site, therefore, future redevelopment of the site would not displace housing or residents. As a result, the proposed project would not necessitate the construction of replacement housing. **(No Impact)**

¹⁰³ City of Sunnyvale. Moffett Park Specific Plan Draft Environmental Impact Report. December 2022. Page 259. SCH# 2021080338 .

¹⁰⁴ Based on an average of 2.58 persons per household. $2.58 \times 62 = 160$ residents

4.15 Public Services

4.15.1 Environmental Setting

4.15.1.1 *Regulatory Framework*

State

Government Code Section 66477

The Quimby Act (included within Government Code Section 66477) requires local governments to set aside parkland and open space for recreational purposes. It provides provisions for the dedication of parkland and/or payment of fees in lieu of parkland dedication to help mitigate the impacts from new residential developments. The Quimby Act authorizes local governments to establish ordinances requiring developers of new residential subdivisions to dedicate parks, pay a fee in lieu of parkland dedication, or perform a combination of the two.

Government Code Section 65995 through 65998

California Government Code Section 65996 specifies that an acceptable method of offsetting a project's effect on the adequacy of school facilities is the payment of a school impact fee prior to the issuance of a building permit. Government Code Sections 65995 through 65998 set forth provisions for the payment of school impact fees by new development by "mitigating impacts on school facilities that occur (as a result of the planning, use, or development of real property" (Section 65996[a]). The legislation states that the payment of school impact fees "are hereby deemed to provide full and complete school facilities mitigation" under CEQA (Section 65996[b]).

Developers are required to pay a school impact fee to the school district to offset the increased demands on school facilities caused by residential developments. The school district is responsible for implementing the specific methods for mitigating school impacts under the Government Code.

Regional and Local

Countywide Trails Master Plan

The Santa Clara County Trails Master Plan Update is a regional trails plan approved by the Santa Clara County Board of Supervisors. It provides a framework for implementing the County's vision of providing a contiguous trail network that connects cities to one another, cities to the county's regional open space resources, County parks to other County parks, and the northern and southern urbanized regions of the County. The plan identifies regional trail routes, sub-regional trail routes, connector trail routes, and historic trails.

City of Sunnyvale General Plan

The City’s General Plan includes policies for the purpose of avoiding or mitigating environmental impacts resulting from planned development projects within the City. The following policies are specific to public services and are applicable to the proposed project.

Policy	Description
Land Use and Transportation Element	
LT-14.8	Ensure that development projects provide appropriate improvements or resources to meet the future infrastructure and facility needs of the City, and provide development incentives that result in community benefits and enhance the quality of life for residents and workers.
Community Character Element	
CC-7.2	Maintain a full-service Library adequate to meet community needs.
Safety and Noise Element	
SN-3.1	Provide rapid and timely response to all emergencies.
SN-5.1	Assure that equipment and facilities are provided and maintained to meet reasonable standards of safety, dependability, and compatibility with fire service operations.

Sunnyvale Municipal Code

SMC Chapter 16.52 is the City’s Fire Code and, adopted by reference, the 2018 International Fire Code (IFC) in its entirety as published by the International Code Council and the California Fire Code under Ordinance 3018-13 are included in the City’s Fire Code. The Fire Code regulates, among other things, issuance of permits where operations or business or the installation or modification of any systems regulated under the Fire Code are planned (Section 16.52.105), application and collection of applicable fire permit fees (Section 16.52.106), and installation of residential and commercial automatic sprinkler systems (Section 16.52.903). Chapter 19.74 outlines the City’s park dedication fees for rental housing projects. As detailed in Chapter 19.74 of the SMC, new rental housing developments must pay a fee for each proposed unit if there is no park or recreational facility included within a proposed multifamily residential housing project. Alternatively, a new project may develop or dedicate land for future use.

4.15.1.2 *Existing Conditions*

Fire and Police Protection Services

Fire and police protection services are provided to the project site by the Sunnyvale Department of Public Safety (DPS). The DPS is staffed by Public Safety Officers who are cross-trained as police officers, firefighters, and emergency medical technicians.¹⁰⁵ The DPS is divided into nine separate

¹⁰⁵ City of Sunnyvale. “Public Safety.” Accessed September 14, 2023. Available at <https://www.sunnyvale.ca.gov/your-government/departments/public-safety>.

programs: Fire Services, Police Services, Special Operations, and Internal Affairs. The Fire Services program is responsible for responding to fire calls and providing emergency medical services. The Fire Services program provides fire prevention compliance inspections, fire code enforcement, and hazardous materials regulation. The Police Services program is responsible for providing law enforcement and SWAT services to the community.¹⁰⁶

The Fire Services program operates a total of six fire stations that serve the City of Sunnyvale. The nearest fire station to the project site is Sunnyvale Fire Station #4 at 996 South Mathilda Avenue, which is approximately 0.3-mile north of the project site. DPS has an established response time goal of seven minutes and 59 seconds for the Fire Services program, and in fiscal year 2020/21, 94 percent of emergency events were responded to within the established goal.¹⁰⁷ The Police Services program is based out of the Sunnyvale DPS complex at 700 All America Way, which is approximately 1.9 miles northwest of the project site. DPS does not have established response time goals or service ratio for the Police Services program; however, they do track average response times throughout each fiscal year. In fiscal year 2021/22, the average response time was four minutes and sixteen seconds.¹⁰⁸

The City of Sunnyvale participates in a mutual aid program with neighboring cities, including the cities of Mountain View, Santa Clara, and San José. Through this program, should Sunnyvale need additional assistance, one or more of the mutual aid cities would provide assistance in whatever capacity was needed.

Schools

The project site is within the boundaries for Cupertino Union School District (CUSD) and Fremont Union High School District (FUHSD). CUSD is comprised of 14 elementary schools, five middle schools, and four alternative schools.¹⁰⁹ FUHSD is comprised of five high schools and one adult school.¹¹⁰

Students on-site would attend Stocklmeir Elementary School at 592 Dunholme Way approximately 0.7-mile southwest of the site, Cupertino Middle School at 1650 South Bernardo Avenue approximately 2.4 miles southwest of the site, and Fremont High School at 1279 Sunnyvale-Saratoga Road approximately one mile west of the site.

Table 4.15-1 shows the existing school capacities and recent enrollment data at Stocklmeir Elementary School, Cupertino Middle School, and Fremont High School. As shown in the table, there is available enrollment capacity for 34 students at Stocklmeir Elementary School and available

¹⁰⁶ City of Sunnyvale. "DPS Organizational Chart." Accessed September 14, 2023. Available at <https://www.sunnyvale.ca.gov/home/showpublisheddocument/3052/638100604224870000>.

¹⁰⁷ Hunter, Jeff. Public Safety Department Deputy Chief, City of Sunnyvale. Personal Communication. May 20, 2022.

¹⁰⁸ Ibid.

¹⁰⁹ Cupertino Union School District. "District Map." Accessed September 14, 2023. Available at: <https://www.cusdk8.org/about-us/district-map>.

¹¹⁰ Fremont Union High School District. "Our Schools." Accessed September 14, 2023. Available at: <https://www.fuhdsd.org/our-schools>.

enrollment capacity for 501 students at Cupertino Middle School. The enrollment at Fremont High School currently exceeds its current capacity by 321 students. The existing enrollment at Fremont High School is currently accommodated in existing buildings and portable classrooms.

Table 4.15-1: School Enrollment and Capacity

	2022 to 2023 Enrollment ^{1,2}	Existing Capacity ^{3,4}
Stocklmeir Elementary School	822	856
Cupertino Middle School	1,099	1,600
Fremont High School	2,171	1,850

¹ California Department of Education: Data Quest. “2022-23 Enrollment by Grade – Cupertino Union Report (43-69419).” <https://dq.cde.ca.gov/dataquest/dqcensus/EnrGrdLevels.aspx?cds=4369419&agglevel=district&year=2022-23>.

² California Department of Education: Data Quest. “2022-23 Enrollment by Grade - Fremont Union High Report (43-69468).” <https://dq.cde.ca.gov/dataquest/dqcensus/EnrGrdLevels.aspx?cds=4369468&agglevel=district&year=2022-23>.

³ Ino, Dana. Director, Business Operations, Cupertino Union School District. Personal Communication. November 30, 2023.

⁴ Crutchfield, Jason. Director of Administrative Services, Fremont Union High School District. Personal Communication. December 1, 2023.

Parks

Parks and open space in the City are managed by the Parks Division within the Department of Public Works. The City currently has approximately 772 acres of parkland, including 185 acres of parks, 264 acres of special use facilities (including the Sunnyvale Golf Course and Baylands Park Wetlands), 87 acres of school open space, three acres of public grounds (including orchards and open space surrounding the Community Center and Civic Center campuses), and 48 acres of greenbelts and trails. The City’s parkland total includes other recreational facilities such as the John W. Christian Greenbelt, a senior center, tennis courts, a skate park. The nearest park facility to the project site is Panama Park, which is approximately 0.22-mile southwest of the project site.

Libraries

Sunnyvale Public Library is the sole public library in the City. It is located at 665 West Olive Avenue, which is approximately 1.9 miles northwest of the project site. Library features include book rentals, computer services, wireless internet, access to 3D printing, and a sewing lab.¹¹¹

In 2007, the City of Sunnyvale developed a service ratio goal of one square foot per capita of building space for libraries.¹¹² Based on the current population (156,234 persons) and current library size (60,800 square feet), the City of Sunnyvale is providing 0.39 square feet per capita and is not meeting its goals.

In September 2018, the City approved the Civic Center Modernization Project Master Plan. The Master Plan consists of three phases. The first phase is to replace City Hall and construct a new

¹¹¹ City of Sunnyvale. “Sunnyvale Public Library: About.” Accessed September 15, 2023. Available at: <https://www.library.sunnyvale.ca.gov/about/computers-printing>.

¹¹² City of Sunnyvale. *Council Report: Sunnyvale Library of the Future Study and Strategy: Facility Scenarios*. April 24, 2022. Page 2.

Emergency Operations Center. This phase is estimated for completion in 2023. The second phase will be focused on the main library and will consider expanding or replacing the existing 60,800 square foot library with up to a 120,000 square foot library. The intent of the larger library is to serve existing and future growth in the City. The impacts of the new/larger library were analyzed in the certified Civic Center Modernization Master Plan EIR.¹¹³ Phase 3 is to relocate the DPS building from the corner of El Camino Real/Pastoria to the corner of Charles/Olive. Construction of the Civic Center Modernization Project phase 1 began in December 2020.¹¹⁴ The City is currently preparing a feasibility study for Phase 2 of the Civic Center Modernization Master Plan (main library).

The City is currently in the process of finishing design for a new branch library located at Lakewood Park. This library will be 20,000 square feet of library and learning center. It is scheduled to open end of 2024 or early 2025.

4.15.2 Impact Discussion

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, the need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:				
a) Fire Protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Police Protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Parks?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Other Public Facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

¹¹³ City of Sunnyvale. *Civic Center Modernization Master Plan Draft Program Environmental Impact Report*. SCH #2017092075. April 2018. Certified September 2018.

¹¹⁴ City of Sunnyvale. *Civic Center Modernization Phase 1 – Notice of Construction*. December 2020. Accessed May 20, 2022. <https://www.sunnyvale.ca.gov/home/showpublisheddocument/2648/637822576224600000>

-
- 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 fire protection services?
-

The proposed project would allow for the future development of up to 62 multi-family residential units and 7,579 square feet of ground floor commercial space that would incrementally increase demand for fire protection services in the area. While the project would allow for additional residential units that were not accounted for in the General Plan. The addition of 62 units alone would not require the construction of new or expanded fire protection facilities. In addition, the site is within the existing DPS service area and is in proximity to existing fire stations. Future development made possible by the project would also be required to meet current California Building Standards Code and requirements in SMC Chapter 16.52 that ensure future development include adequate design and infrastructure for fire protection. For those reasons, the proposed project and future development made possible by the would not result in a significant impact to fire protection services in the City or require the construction of new or expanded fire protection facilities. **(Less than Significant Impact)**

-
- b) 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 police protection services?
-

Similar to fire protection services, while the project would allow for additional residential units that were not accounted for in the General Plan, this additional development alone would not require the construction of new or expanded police protection facilities. In addition, the site is within the existing DPS service area and is in proximity to existing police stations. Future development under the project would be constructed in accordance with building codes and would be reviewed by the DPS prior to issuance of building permits. For those reasons, the proposed project and future development made possible by the project would not result in a significant impact to police protection services or require the construction of new or expanded police protection facilities. **(Less than Significant Impact)**

-
- c) 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 schools?
-

Assuming a CUSD student generation rate of 0.32 students per dwelling unit, and a FUHSD student generation rate of 0.08 students per dwelling unit, future development allowed by the project would generate approximately 20 new elementary and middle school students and five new high school students.^{115,116}

As shown in Table 4.15-1, both Stockmeir Elementary School and Cupertino Middle School have existing capacity to accommodate project generated students based on current enrollment numbers. As of the end of the 2022 to 2023 school year, Fremont High School is over capacity by 321 students. Fremont High School is in the process of constructing additional school facilities in the 2024-2025 school year.¹¹⁷ Although the project would generate approximately five additional high school students that would attend Fremont High School, this incremental increase compared to the current number of students exceeding the school's capacity alone would not necessitate the construction of additional school facilities.

It is unknown when a development application associated with the project will be filed to redevelop the project site. School enrollment changes over time and could be different than it is today. However, in accordance with California Government Code Section 65996, future development under the project would be required to pay school impact fees to CUSD and FUHSD to offset the increased demands on school facilities caused by the project. Payment of school impact fees is considered adequate mitigation of impacts to schools under CEQA. Therefore, the proposed project would have a less than significant impact on school facilities. **(Less than Significant Impact)**

-
- d) 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 parks?
-

The project would allow residential mixed-use development on-site. Future residents of the site would use existing parks in the area. The City collects park in-lieu fees from residential developments if there are no park facilities included as part of the project and these fees are determined based on the number of units proposed and the density at which the project would be developed. The fees contribute to the cost of purchasing new parkland or compensating for the anticipated increased usage of existing parklands. Future development under the project would be required to comply with SMC Chapter 19.74 to offset its increased demand for parks and recreational facilities. Thus, the project's impact on parks would be less than significant. **(Less than Significant Impact)**

¹¹⁵ Cupertino Union School District. *Development Impact Fee Justification Review and Update*. June 2018. Table 3-3.

¹¹⁶ Fremont Union High School District. *Development Impact Fee Justification Review and Update*. June 2018. Table 3-3.

¹¹⁷ Crutchfield, Jason. Director of Administrative Services, Fremont Union High School District. Personal Communication. December 1, 2023.

-
- e) 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 other public facilities?
-

Future residents resulting from implementation of the project would likely use nearby libraries. The Sunnyvale Public Library is the sole public library in the City, serving the City's existing population of approximately 156,319 residents. The incremental increase of approximately 160 new residents from the project (which represents a 0.1 percent increase in City population) would not substantially reduce the library's capacity for service.

As discussed under Section 4.15.1.2 Existing Conditions, the Civic Center Modernization project will study a new or renovated 120,000 square foot library facility to serve the City of Sunnyvale by 2040.¹¹⁸ The City is also pursuing implementation of other library projects. The Lakewood Branch Library and Learning Center Project, which is currently undergoing environmental review, is anticipated to open at the end of 2024.¹¹⁹ The project funds construction of an approximately 20,000 square foot branch library facility in the Lakewood Village neighborhood of Sunnyvale. It is possible that future residents would also use these library facilities; however, the incremental increase in residents from development under the project would not substantially reduce the capacity for service of these facilities. Therefore, the impact of the project and future development made possible by the project would be less than significant. **(Less than Significant Impact)**

¹¹⁸ City of Sunnyvale. *Civic Center Addendum to Program Environmental Impact Report*. April 2020. Page 26.

¹¹⁹ City of Sunnyvale. "Lakewood Branch Library." Accessed December 13, 2022.

<https://www.sunnyvale.ca.gov/business-and-development/projects-in-sunnyvale/infrastructure-projects/lakewood-branch-library>

4.16 Recreation

4.16.1 Environmental Setting

4.16.1.1 *Regulatory Framework*

State

Government Code Section 66477

The Quimby Act (included within Government Code Section 66477) requires local governments to set aside parkland and open space for recreational purposes. It provides provisions for the dedication of parkland and/or payment of fees in lieu of parkland dedication to help mitigate the impacts from new residential developments. The Quimby Act authorizes local governments to establish ordinances requiring developers of new residential subdivisions to dedicate parks, pay a fee in lieu of parkland dedication, or perform a combination of the two.

Regional and Local

City of Sunnyvale General Plan

The City’s General Plan includes policies for the purpose of avoiding or mitigating environmental impacts resulting from planned development projects within the City. The following policies are specific to recreation and are applicable to the proposed project.

Policy	Description
Land Use and Transportation Element	
LT-9.1	Ensure that the planned availability of open space in both the city and the region is adequate.
LT-14.8	Ensure that development projects provide appropriate improvements or resources to meet the city’s future infrastructure and facility needs, and provide development incentives that result in community benefits and enhance the quality of life for residents and workers.

Sunnyvale Municipal Code

SMC Chapter 19.74 (Parks Dedication for Rental Housing Projects) defines the park in-lieu fees or land dedication required for multi-family rental housing projects within Sunnyvale. In accordance with the open space and recreation sub-element of the General Plan, five acres of land for public park and recreational facilities shall be devoted per each one thousand persons in a neighborhood planning area. As detailed in Chapter 19.74 of the SMC, new rental housing developments must pay a fee for each proposed unit if there is no park or recreational facility included within a proposed multifamily residential housing project. Alternatively, a new project may develop or dedicate land for future use.

4.16.1.2 Existing Conditions

Parks and open space in the City are managed by the Parks Division within the Department of Public Works. The City currently has approximately 772 acres of parkland, including 185 acres of parks, 264 acres of special use facilities (including the Sunnyvale Golf Course and Baylands Park Wetlands), 87 acres of school open space, three acres of public grounds (including orchards and open space surrounding the Community Center and Civic Center campuses), and 48 acres of greenbelts and trails. The City’s parkland total includes other recreational facilities such as the John W. Christian Greenbelt, a senior center, tennis courts, a skate park. The nearest recreational facility to the project site is the Sunnyvale Community Center, which contains indoor sports and general recreation buildings, and is approximately 0.65-mile northwest of the project site.

4.16.2 Impact Discussion

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
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 will occur or be accelerated?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<hr/>				
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?				

Development under the proposed project would result in approximately 160 future residents on-site, which would incrementally increase the demand on existing parks and other recreational facilities. Consistent with Section 19.31.100 of the SMC, future development under the proposed project would include a minimum of 80 square feet of private useable open space per unit, which would offset some of the increase in demand generated for existing park facilities. In addition, as discussed in Section 4.15 Public Services, future development would be required to comply with SMC Chapter 19.74 by paying park land dedication fees to offset its increased demand for parks and recreational facilities. For these reasons, the project would not result in a substantial physical deterioration of park and recreational facilities. **(Less than Significant Impact)**

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?

The project does not include the construction of any recreational facilities. As discussed under checklist question a), future development would comply with SMC Chapter 19.74 to offset its park and recreation demand. If the in-lieu fees are used to construct new or expanded recreation facilities, those facilities would be subject to a separate CEQA review when proposed. **(Less than Significant Impact)**

4.17 Transportation

4.17.1 Environmental Setting

4.17.1.1 *Regulatory Framework*

State

Regional Transportation Plan

MTC is the transportation planning, coordinating, and financing agency for the nine-county San Francisco Bay Area, including Santa Clara County. MTC is charged with regularly updating the Regional Transportation Plan, a comprehensive blueprint for the development of mass transit, highway, airport, seaport, railroad, bicycle, and pedestrian facilities in the region. MTC and ABAG adopted Plan Bay Area 2050 in October 2021, which includes a Regional Transportation Plan to guide regional transportation investment for revenues from federal, state, regional and local sources through 2050.

Senate Bill 743

SB 743 establishes criteria for determining the significance of transportation impacts using a vehicle miles traveled (VMT) metric intended to promote the reduction of GHG emissions, the development of multimodal transportation networks, and a diversity of land uses. Specifically, SB 743 requires analysis of VMT in determining the significance of transportation impacts. Local jurisdictions were required by the Governor's Office of Planning and Research (OPR) to implement a VMT policy by July 1, 2020.

SB 743 did not authorize OPR to set specific VMT impact thresholds, but it did direct OPR to develop guidelines for jurisdictions to utilize. CEQA Guidelines Section 15064.3(b)(1) describes factors that might indicate whether a development project's VMT may be significant. Notably, projects located within 0.50 mile of transit should be considered to have a less than significant transportation impact based on OPR guidance.

Regional and Local

City of Sunnyvale General Plan

The City's General Plan includes policies for the purpose of avoiding or mitigating environmental impacts resulting from planned development projects within the City. The following policies are specific to transportation and traffic and are applicable to the proposed project.

Policy	Description
Land Use and Transportation Element	
LT-1.6	Integrate land use planning in Sunnyvale and the regional transportation system.
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-3.2	Refine land use patterns and the transportation network so they work together to protect sensitive uses and provide convenient transportation options throughout the planning area.
LT-3.3	Establish appropriately scaled car-free and pedestrian-only zones in higher-density locations and high pedestrian demand locations.
LT-3.5	Follow California Environmental Quality Act requirements, Congestion Management Program requirements, and additional City requirements when analyzing the transportation impacts of proposed projects and assessing the need for offsetting transportation system improvements or limiting transportation demand.
LT-3.11	As they become available, use multimodal measures of effectiveness to assess the transportation system in order to minimize the adverse effect of congestion. Continue to use level of service (LOS) to describe congestion levels. Use vehicle miles traveled (VMT) analysis to describe potential environmental effects and impacts to the regional transportation system.
LT-3.14	Require roadway and signal improvements for development projects to improve multimodal transportation system efficiency.
LT-3.21	Implement best practices, innovative facilities, and technology to enhance complete streets.
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-3.27	Require appropriate roadway design practice for private development consistent with City standards and the intended use of the roadway.
Safety and Noise Element	
SN-3.5	Facilitate the safe movement of pedestrians, bicyclists, and vehicles.

City of Sunnyvale Active Transportation Plan 2020

The City’s Active Transportation Plan 2020 was approved by the Sunnyvale City Council in August 2020. The plan recommends improvements that integrate pedestrian, bicycling, and safe routes to schools throughout the City to create a connected and efficient network. The Active Transportation Plan serves as an update to the 2006 Bicycle Plan, 2007 Pedestrian Safety and Opportunities Study, and the 2012 Comprehensive School Traffic Study. The Active Transportation Plan 2020 identified the construction of a Class IV separated bicycle lane along Fremont Avenue and the maintenance of the existing Class II bicycle lane on Wolfe Road.

City Council Policy 1.2.8: Transportation Analysis Policy

In June 2020, the Sunnyvale City Council adopted Council Policy 1.2.8 to comply with the requirements set forth in SB 743, which requires the use of VMT rather than level-of-service (LOS) to identify significant transportation impacts under CEQA. Council Policy 1.2.8 states that a land use project is not required to conduct a VMT analysis to identify significant transportation impacts under CEQA if it meets any of the exemption criteria under Section 2. Exemption of the policy. These exemptions can be related to the size, specific land use, or location of the proposed project.

Wolfe Road Corridor Traffic Improvement Study

The City completed the Wolfe Road Corridor Traffic Improvement Study in 2016 to identify alternatives to improve operations at the El Camino/Fremont Avenue/Wolfe Road intersection. The City selected the alternative to remove on-street parking, widen bicycle lanes, and provide a center two-way left-turn lane to create a safer multimodal corridor at Wolf Road south of Fremont Avenue to Homestead Road.

Vision Zero Plan

Adopted on July 30, 2019, the City’s Vision Zero Plan establishes a phased approach to reduce roadway fatalities and serious injuries by 50 percent by 2029, with an ultimate goal of zero percent by 2039. The plan established a High Injury Network that identifies traffic corridors with the highest concentrations of fatal and serious injury collisions. The plan includes the following safety strategies to reach its established goals.

Strategy	Description
Vision Zero Program Initiation	
LT-1.6	Integrate land use planning in Sunnyvale and the regional transportation system.
Street Design and Operation	
B.9	When identifying safety improvements, consider all road users and how countermeasures follow the City’s Complete Streets Policy.
D.1	Continue building and improving the bicycle network consistent with the Sunnyvale Bicycle Plan and Santa Clara Countywide Bike Plan.
D.2	Install pedestrian countdown timers at every signalized crossing location.
D.4	Complete projects that improve bicycle and pedestrian safety related to turning vehicles at intersections.

City of Sunnyvale Development Review Process

The City’s standard development review process includes review of proposed site plans by the DPS and completion of project-specific Local Transportation Analyses (LTAs), as warranted. Site plans and project-specific LTAs are reviewed by the Department of Public Works to ensure specific projects are consistent with the City’s site design standards.

4.17.1.2 Existing Conditions

Regional Access

Regional access to the project site is provided by Interstate 280, Lawrence Expressway, and El Camino Real, as described below.

I-280 is located south of the project site. It provides regional access between San Francisco and San Jose. I-280 is a north-south freeway with three mixed-flow lanes and one high occupancy vehicle lane (HOV) in each direction. I-280 provides access to the project site via interchanges with South Wolfe Road.

Lawrence Expressway is a divided four-lane north-south expressway between SR 237 in north Sunnyvale and Saratoga Avenue in the City of San José. Lawrence Expressway provides access to the project site via East Homestead Road and South Wolfe Road.

El Camino Real (SR 82) connects the cities of San Francisco and San Jose. It is a divided six-lane arterial road traveling northwest-southeast, providing access to the project site via South Wolfe Road.

Local Roadway Access

Local roadway access to the project site is provided by Fremont Avenue and Wolfe Road, as described below.

Fremont Avenue is a divided, four-lane east-west roadway that extends from Springer Road in Los Altos to El Camino Real. Fremont Avenue runs parallel to El Camino Real. This road provides direct access to the project site via two, two-way driveways on the northern site boundary.

Wolfe Road is a four-lane north-south roadway extending from Fair Oaks Avenue in the north to Stevens Creek Boulevard in the south. This road provides direct access to the project site via three two-way driveways on the eastern site boundary.

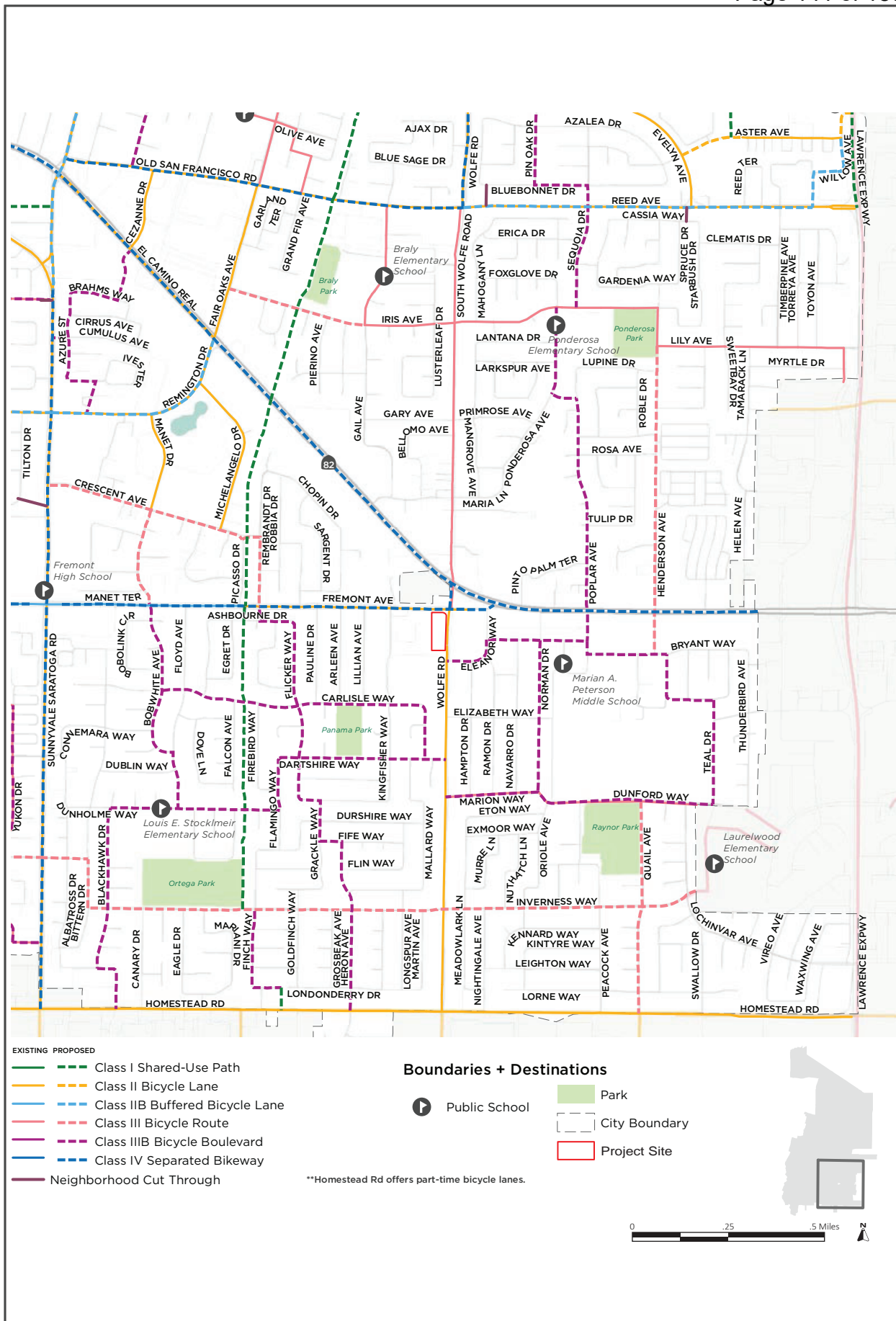
Existing Bicycle, Pedestrian, and Transit Facilities

Bicycle Facilities

Bicycle facilities within the vicinity of the project site consist of Class II bike lanes and Class III bike routes. Class II bike lanes are characterized as on-street bike lanes with a striped lane, pavement markings, and signage for one way bicycle traffic. Class III bike routes are typically characterized as streets where the lanes are wide enough, and the number of vehicles is low enough for both bicycles and vehicles to share the road.

North of El Camino Real, Wolfe Road is classified as a Class III bike route that is oriented in a north-south direction. In the project vicinity, East Fremont Avenue and South Wolfe Road both contain Class II bike lanes that are generally oriented in an east-west and north-south direction,

respectively. The bicycle facilities along major roads in the immediate vicinity of the project site are well connected. The existing bicycle facilities are shown on Figure 4.17-1, as are the planned improvements identified in the City's Active Transportation Plan 2020.



EXISTING AND PLANNED BICYCLE FACILITIES

FIGURE 4.17-1

Pedestrian Facilities

The streets adjacent to the project site, East Fremont Avenue and South Wolfe Road, have sidewalks on both sides of the street. The nearest intersection, East Fremont Avenue/South Wolfe Road, is a signalized intersection that has striped crosswalks and pedestrian push-buttons on all four sides of the intersection. The northernmost segment of the intersection has a small median in the center of the crosswalk.

Transit Facilities

The existing bus transit services in the vicinity of the project site are provided by the Santa Clara Valley Transportation Authority (VTA). The nearest bus stop is located on the eastern boundary of the project site. The VTA services operating in the vicinity of the project area are listed below with information regarding their headways, or the frequency at which transit vehicles arrive at the transit stop during peak travel hours. Existing transit facilities are shown on Figure 4.17 2.

- Local Route 56 runs from the Lockheed Martin transit stop to De Anza College with peak headways of 30 minutes.
- Frequent Route 22 runs from the Palo Alto Transit Center to the Eastridge Transit Center with peak headways of 15 minutes.
- Rapid Route 522 runs from the Palo Alto Transit Center to the Eastridge Transit Center with peak headways of 15 minutes.

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EXISTING TRANSIT FACILITIES

FIGURE 4.17-2

4.17.2 Impact Discussion

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
a) Conflict with a program, plan, ordinance, or policy addressing the circulation system, including transit, roadways, bicycle lanes, and pedestrian facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Conflict or be inconsistent with CEQA Guidelines Section 15064.3, subdivision (b)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible land uses (e.g., farm equipment)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<hr/>				
a) Would the project conflict with a program, plan, ordinance, or policy addressing the circulation system, including transit, roadways, bicycle lanes, and pedestrian facilities?				

Roadway System

The project's effect on the roadway system was evaluated consistent with Council Policy 1.2.8 and the City's Transportation Analysis Guideline. The projected increase in net-new peak-hour trips generated by the change in land use on-site would be under the threshold of 100 AM and PM peak hour trips established in the City's Transportation Analysis Guidelines. Therefore, the project would not trigger the requirement to conduct a LTA for Level of Service (LOS) analysis and is assumed to not result in roadway LOS deficiencies.¹²⁰ As a result, the project would comply with the City's Council Policy 1.2.8 and Transportation Analysis Guidelines. As discussed under checklist question b) below, the project would have a less than significant VMT impact.

The City's Wolfe Road Corridor Traffic Improvement Study identifies improvements at the intersection of Wolfe Road and Fremont Avenue that include adding a second northbound left turn lane and bike lanes on both sides of the intersection. The City would require future development on-site to dedicate a minimum of nine feet of project frontage on South Wolfe Road and 10 feet of project frontage along East Fremont Avenue to accommodate these improvements.

Based on this discussion, the project and future development made possible by the project would not conflict with any program, plan, ordinance, or policy addressing the roadway system. **(Less than Significant Impact)**

¹²⁰ Jeyaprakash, Mary – Senior Planner. Personal Communication. August 10, 2023.

Bicycle Facilities

Bicycle facilities within the vicinity of the project site consist primarily of Class III bike routes and Class II bike lanes. The City's Active Transportation Plan 2020 identified the construction of a Class IV separated bike lane along Fremont Avenue and the maintenance of the existing Class II bike lane on Wolfe Road. Funding for these proposed improvements would be sourced from a variety of local, regional, state, and federal grant programs. These additions to the bicycle network would improve bicycle access to the site. The proposed project does not include a specific development proposal for the site at this time, however, the City would require future development on-site to dedicate project frontage along East Fremont Avenue and South Wolfe Road to accommodate these planned improvements. In addition, the project would be consistent with LUTE Policy LT-3.1 by placing mixed use development near transit to encourage biking, and LUTE Policy LT-3.22 by allowing for the construction of improved bicycle facilities. Therefore, future development under the project would not impede implementation of any planned improvements, nor would it conflict with another program, plan, ordinance, or policy addressing the bicycle circulation system. **(Less than Significant Impact)**

Pedestrian Facilities

Pedestrian facilities in the project area consist of sidewalks, striped crosswalks, and pedestrian push-buttons at signalized intersections. The northernmost segment of the adjacent Wolfe Road/Fremont Avenue intersection has a small median in the center of the crosswalk that provides pedestrian respite. The city would require future development on-site to upgrade the existing pedestrian push buttons on the southwest corner of the adjacent intersection with ADA push-buttons, install new ADA compliant directional curb ramps at the southwest and southeast corner of adjacent Wolfe Road/Fremont Avenue intersection, and construct new 10-foot-wide sidewalks along South Wolfe Road with street trees. These improvements would be consistent with Strategies D.2 and D.4 of the City's Vision Zero Plan by improving pedestrian mobility and safety at the nearest signalized intersection. Based on this discussion, the project and future development made possible by the project would not conflict with any program, plan, ordinance, or policy addressing the pedestrian circulation system. **(Less than Significant Impact)**

Transit Facilities

The project vicinity is served by VTA Local Route 56, Frequent Route 22, and Rapid Route 522. Although future development under the project could generate additional transit users, it is not expected that these additional users would exceed the capacity of or obstruct the operation of the existing transit facilities, or conflict with a program, plan, ordinance, or policy addressing the transit circulation system. **(Less than Significant Impact)**

-
- b) Would the project conflict or be inconsistent with CEQA Guidelines Section 15064.3, subdivision (b)?
-

The City of Sunnyvale adopted Council Policy 1.2.8 to implement a VMT analysis policy that would be consistent with the requirements of SB 743 and CEQA Guidelines Section 15064.3, subdivision (b). Pursuant to CEQA Guidelines Section 15064.3, subdivision (b), land use projects within one-half mile of an existing major transit stop or a stop along a high-quality transit corridor are presumed to result in a less than significant transportation impact. Council Policy 1.2.8 implements additional requirements and criteria for projects to be screened out of preparing a VMT analysis. These criteria include proximity to transit, land use density, design that supports the multi-modal transportation network, transit-oriented design, parking supply, and number of affordable residential units.

Based on the proposed General Plan land use designation and zoning, the project would not be exempted from VMT Analysis under Council Policy 1.2.8. However, per the Residential VMT Heat Map for Countywide VMT Average, the project is located in the area where the average VMT/capita is 15% below the Countywide VMT Baseline Average.¹²¹ Therefore, it is assumed that the residential component of the project does not trigger the need for a VMT analysis and is assumed to have a less than significant VMT impact. In addition, the amount of ground-floor commercial uses that would be allowed under this project would be considered a local serving retail use that would serve customers who live near the retail use and also assumed to have a less than significant VMT impact.¹²² **(Less than Significant Impact)**

-
- 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 proposed project would change the General Plan land use designation for the project site from Commercial to High Density Residential, and the zoning designation from Neighborhood Business (C-1) to High Density Residential (R-4) with a MU Mixed Use (MU) combining district. The project would not result in any direct physical changes to the environment, but could result in future development that would result in physical changes to the environment.

The City would require a project-specific LTA for future development and review site plans to ensure consistency with the City's site design guidelines. Therefore, the proposed project would not substantially increase transportation hazards. **(Less than Significant Impact)**

¹²¹ City of Sunnyvale. City of Sunnyvale Residential VMT Heat Map - Countywide Average as of December 2019. June 2020.

¹²² Jeyaprakash, Mary – Senior Planner. Personal Communication. August 10, 2023.

d) Would the project result in inadequate emergency access?

Future development under the project would be reviewed by the DPS and designed consistent with the City's site design standards, applicable CBC regulations, and Fire Code requirements to ensure adequate emergency access. **(Less than Significant Impact)**

4.18 Tribal Cultural Resources

4.18.1 Environmental Setting

4.18.1.1 *Regulatory Framework*

State

Assembly Bill 52

AB 52, effective July 2015, established a new category of resources for consideration by public agencies called Tribal Cultural Resources (TCRs). AB 52 requires lead agencies to provide notice of projects to tribes that are traditionally and culturally affiliated with the geographic area if they have requested to be notified. Where a project may have a significant impact on a TCR, consultation is required until the parties agree to measures to mitigate or avoid a significant effect on a TCR or until it is concluded that mutual agreement cannot be reached.

Under AB 52, TCRs are defined as follows:

- Sites, features, places, cultural landscapes, sacred places, and objects with cultural value to a California Native American tribe that are also either:
 - Included or determined to be eligible for inclusion in the California Register of Historic Resources, or
 - Included in a local register of historical resources as defined in Public Resources Code Section 5020.1(k).
- A resource determined by the lead agency to be a TCR.

4.18.1.2 *Existing Conditions*

AB 52 requires lead agencies to conduct formal consultations with California Native American tribes during the CEQA process to identify TCRs that may be significantly impacted by a project. Where a project may have a significant impact on a TCR, the lead agency's environmental document must discuss the impact and whether feasible alternatives or mitigation measures could avoid or substantially lessen the impact. This consultation requirement applies only if the tribes have sent written requests for notification of projects to the lead agency. The Tamien Nation tribe has requested notification of all projects within the City of Sunnyvale. In September 2023, representatives of the Tamien Nation Tribe were notified via certified mail about the proposed project under AB 52. The City did not receive any response from the Tamien Nation tribe during the 30-day consultation period. There are no known TCRs on-site. As discussed in Section 4.5 Cultural Resources, the site has a low sensitivity for pre-historic resources and a low sensitivity for historic-era archaeological resources.

4.18.2 Impact Discussion

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code Section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:				
a) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code Section 5020.1(k)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1? In applying the criteria set forth in subdivision (c) of Public Resources Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<hr/>				
a) Would the project 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)?				

As stated in Section 4.18.1.2 Existing Conditions, there are no known TCRs on-site.

While there is the potential for unknown Native American artifacts or human remains to be present in the project area, impacts of future development under the project would be less than significant by implementing measures compliant with the California Native American Historical, Cultural, and Sacred Sites Act, Public Resources Code Section 5097 and 5097.98, General Plan Policy CC-5.5, and General Plan Action LT-1.10f such as preserving archaeological resources, halting all ground-disturbing activities if resources are encountered, retaining a qualified archaeologist to evaluate the significance of the encountered resources pursuant to existing regulations, notifying the Santa Clara County Coroner and NAHC as applicable, and implementing measures to protect and reinter the remains, as described in detail in Section 4.5 Cultural Resources. **(Less than Significant Impact)**

-
- b) Would the project cause a substantial adverse change in the significance of a tribal cultural resource that is 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?
-

Refer to discussion under checklist question a) above. No TCRs were identified on the project site and the implementation of measures compliant with the California Native American Historical, Cultural, and Sacred Sites Act, Public Resources Code Section 5097 and 5097.98, General Plan Policy CC-5.5, and General Plan Action LT-1.10f would reduce impacts to unknown, buried TCRs (if present on-site) to a less than significant level. **(Less than Significant Impact)**

4.19 Utilities and Service Systems

The following discussion in this section is based, in part, on a Utility Impact Study prepared by Schaaf & Wheeler dated September 2023. A copy of this report is included as Appendix B of this Initial Study.

4.19.1 Environmental Setting

4.19.1.1 *Regulatory Framework*

State

State Water Code

Pursuant to the State Water Code, water suppliers providing water for municipal purposes to more than 3,000 customers or supplying more than 3,000 acre-feet (approximately 980 million gallons) of water annually must prepare and adopt an urban water management plan (UWMP) and update it every five years. As part of a UWMP, water agencies are required to evaluate and describe their water resource supplies and projected needs over a 20-year planning horizon, water conservation, water service reliability, water recycling, opportunities for water transfers, and contingency plans for drought events. The City of Sunnyvale adopted its most recent UWMP in June 2020.

Assembly Bill 939

The California Integrated Waste Management Act of 1989, or AB 939, established the Integrated Waste Management Board, required the implementation of integrated waste management plans, and mandated that local jurisdictions divert at least 50 percent of solid waste generated (from 1990 levels), beginning January 1, 2000, and divert at least 75 percent by 2010. Projects that would have an adverse effect on waste diversion goals are required to include waste diversion mitigation measures.

Assembly Bill 341

AB 341 sets forth the requirements of the statewide mandatory commercial recycling program. Businesses that generate four or more cubic yards of garbage per week and multi-family dwellings with five or more units in California are required to recycle. AB 341 sets a statewide goal for 75 percent disposal reduction by the year 2020.

Senate Bill 610

SB 610 amended state law, effective January 1, 2002, to improve the link between information on water supply availability and certain land use decisions made by cities and counties. SB 610 requires preparation of a WSA containing detailed information regarding water availability to be provided to the decision-makers prior to approval of specified large development projects that also require a General Plan Amendment. This WSA must be included in the administrative record that serves as

the evidentiary basis for an approval action by the city or county on such projects. Under SB 610, WSAs must be furnished to local governments for inclusion in any environmental documentation for certain projects subject to CEQA. Pursuant to the California Water Code (Section 10912[a]), projects that require a WSA include any of the following:

- A proposed residential development of more than 500 dwelling units;
- A proposed shopping center or business establishment employing more than 1,000 persons or having more than 500,000 square feet of floor space;
- A proposed commercial office building employing more than 1,000 persons or having more than 250,000 square feet of floor space;
- A proposed hotel or motel, or both, having more than 500 rooms;
- A proposed industrial, manufacturing, or processing plant, or industrial park planned to house more than 1,000 persons, occupying more than 40 acres of land, or having more than 650,000 square feet of floor area;
- A mixed-use project that includes one or more of the projects identified in this list; or
- A project that would demand an amount of water equivalent to, or greater than, the amount of water required by a 500 dwelling unit project.

Senate Bill 1383

SB 1383 establishes targets to achieve a 50 percent reduction in the level of the statewide disposal of organic waste from the 2014 level by 2020 and a 75 percent reduction by 2025. The bill grants CalRecycle the regulatory authority required to achieve the organic waste disposal reduction targets and establishes an additional target that at least 20 percent of currently disposed edible food is recovered for human consumption by 2025. CalRecycle released an analysis titled “Analysis of the Progress Toward the SB 1383 Organic Waste Reduction Goals” in August of 2020, which recommended maintaining the disposal reduction targets set forth in SB 1383.¹²³

California Green Building Standards Code

CalGreen establishes mandatory green building standards for all buildings in California. CalGreen covers five categories: planning and design, energy efficiency, water efficiency and conservation, material conservation and resources efficiency, and indoor environmental quality. These standards include the following mandatory set of measures, as well as more rigorous voluntary guidelines, for new construction projects to achieve specific green building performance levels:

- Reducing indoor water use by 20 percent;
- Reducing wastewater by 20 percent;

¹²³ California Department of Resources Recycling and Recovery. “Analysis of the Progress Toward the SB 1383 Organic Waste Reduction Goals.” August 18, 2020.
[https://www2.calrecycle.ca.gov/Publications/Details/1693#:~:text=Analysis%20of%20the%20Progress%20Toward,\(DRRR%2D2020%2D1693\)&text=SB%201383%20establishes%20targets%20to,75%20percent%20reduction%20by%202025.](https://www2.calrecycle.ca.gov/Publications/Details/1693#:~:text=Analysis%20of%20the%20Progress%20Toward,(DRRR%2D2020%2D1693)&text=SB%201383%20establishes%20targets%20to,75%20percent%20reduction%20by%202025.)

- Recycling and/or salvaging 65 percent of nonhazardous construction and demolition debris; and
- Providing readily accessible areas for recycling by occupants.

Local

City of Sunnyvale General Plan

The City’s General Plan includes policies for the purpose of avoiding or mitigating environmental impacts resulting from planned development projects within the City. The following policies are specific to utilities and service systems and are applicable to the proposed project.

Policy	Description
Environmental Management Element	
EM-1.3	Provide enough redundancy in the water supply system so that minimum potable water demand and fire suppression requirements can be met under both normal and emergency circumstances.
EM-2.1	Lower overall water demand through the effective use of water conservation programs in the residential, commercial, industrial and landscaping arenas.
EM-10.1	Consider the impacts of surface runoff as part of land use and development decisions and implement BMPs to minimize the total volume and rate of runoff of waste quality and quantity (hydro modification) of surface runoff as part of land use and development decisions.
EM-14.2	Maximize diversion of solid waste from disposal by use of demand management techniques, providing and promoting recycling programs, and encouraging private sector recycling.
EM-14.3	Meet or exceed all federal, state and local laws and regulations concerning solid waste diversion and implementation of recycling and source reduction programs.

Sunnyvale Water Pollution Control Plan Master Plan

In 2016, the City adopted its Water Pollution Control Plant Master Plan to rebuild the Donald M. Somers Water Pollution Control Plant (WPCP) over the next 20 years. Implementation of the plan will upgrade existing outdated equipment and aging infrastructure, complying with all applicable federal, state, and local regulations. In March 2023, a Notice to Proceed was issued for the planned update to the WPCP Master Plan. It is anticipated that the updated WPCP Master Plan will be available in March 2025.

Sunnyvale Water Utility Master Plan

The City’s Water Utility Master Plan (WUMP) was adopted in 2010 and later updated as part of the Potable Water System Comprehensive Preliminary Design Study Report (CPDS, 2013). The City’s

WUMP and CPDS identify Capital Improvement Projects (CIPs) and pipeline upsizing projects to address the City's fire flow deficiencies and provide sufficient fire flow in the City through 2033.¹²⁴

Sunnyvale Wastewater Collection System Master Plan

The City's 2015 Wastewater Collection System Master Plan (WWMP) evaluated the capacity and condition of the sanitary sewer and storm drain collection system in order to recommend a long-term Capital Improvement Program with improvements.¹²⁵ Based on the findings, the WWMP identifies CIPs to be implemented to ensure the sanitary sewer and storm drain systems can accommodate the existing development and projected growth in the City. Improvements needed for the City's sewer system, including the WPCP, are funded through the collection of sewer connection fees. Developers are required to pay the appropriate sewer connection fee prior to redevelopment of a property.

Sunnyvale Municipal Code

Section 12.16.020 (Types of charges and fees) states that the City Council from time to time shall establish by resolution fees and charges for sewage services provided by the City. Such fees and charges shall be based on cost influencing factors such as flow, pollutant loading rates, volumes, and the degree of effort required for purposes of billing, inspection, sampling, testing and permitting.

Section 12.40.010 (Allocation of Sewage Treatment Capacity) states that the entire sewage treatment capacity of the WPCP shall be allocated to four categories as follows: (A) Industrial (consisting of all zoning districts M-1, M-2, M-3, M-4 or any replacement district intended to be primarily for manufacturing land use); (B) Commercial/Public (consisting of all zoning districts O, P-F, CD, C-H, C-1, C-2, C-3, C-4); (C) Residential (consisting of all zoning districts R-0, R-1, R-2, R-3, R-4, R-5, R-MH); which allocations shall total 96% of the WPCP's rated capacity. In addition, a fourth category, (D) "Reserves" shall be established totaling four percent of the WPCP's rated capacity.

Section 12.40.030 (Initial baseline limits) states there shall be established for each of Categories A, B and C, an "Initial Baseline Limit," which shall be defined as the initial allocations, less the present estimated vacant land needs of 1.485 MGD for Category A (Industrial), 0.256 MGD for Category B (Commercial/Public), and 1.160 MGD for Category C (Residential).

Section 12.40.060 (Monitoring of Wastewater Flows) states the Director of Community Development or his or her designate shall monitor wastewater flows to the WPCP and periodically calculate, on the basis of water sales information, and any other relevant information, the amount of wastewater flow originating from the zoning districts comprising each of the wastewater capacity allocation categories.

¹²⁴ City of Sunnyvale. *Water Utility Master Plan*. November 2010. Page 9, Table 7-2 for CIPs and Table 8-2 for pipeline upsizing.

¹²⁵ The 2015 WWMP evaluated 12-inch or larger pipelines.

Section 12.40.070 (Declaration of need for wastewater capacity evaluations) states if the calculated amount of wastewater from any allocation category reaches the baseline limit for such category, the Director of Community Development, or designate, shall immediately issue and cause to be filed with the City Clerk a Declaration of Need for Wastewater Capacity Evaluation. The City Clerk shall within 10 days publish this Declaration in the official newspaper of the City. Thereupon for a period of 60 days, or until the Declaration is withdrawn, whichever is earlier, no new wastewater discharge permits shall be issued, and no existing permits shall be modified to permit increased flow. The Director of Community Development or his or her designate shall perform within such 60 days an analysis of the remaining vacant land in each wastewater capacity allocation category, and the wastewater capacity anticipated to be needed to service such vacant land when developed. For each acre of vacant land in Categories A and B, three thousand gallons per acre per day will be reserved. For each vacant acre of land within Category C, capacity needs based upon the maximum density allowed in each zoning district making up Category C, will be calculated and reserved. A new baseline limit for each capacity allocation category shall be calculated by subtracting vacant land needs in each category from total WPCP capacity allocation in each category.

Chapter 19.37 (Landscaping, Irrigation and Usable Open Space) promotes the conservation and efficient use of water. All new landscaping installations of 500 square feet or more or rehabilitated landscaping projects of 1,000 square feet or more are subject to water-efficiency design, planting, and irrigation requirements.

Sunnyvale Construction and Demolition Waste Diversion

The City requires remodel or demolition projects where 50 percent or more of the exterior wall will be removed to recycle or reuse at least 65 percent of the project's nonhazardous waste.¹²⁶ Recycling of nonhazardous waste reduces the energy use to produce new materials from raw, non-renewable resources.

4.19.1.2 *Existing Conditions*

The project site is located in a developed area within the City of Sunnyvale and is currently served by existing wastewater/sanitary sewer, water, stormwater, and solid waste service systems.

Wastewater Treatment and Sanitary Sewer System

Wastewater Treatment

Wastewater within the City is treated at the WPCP, which collects wastewater from residential, commercial, and industrial sources in Sunnyvale, the Rancho Rinconada portion of Cupertino, and Moffett Federal Airfield. Sewage is collected through approximately 310 miles of gravity pipelines which direct the flow of wastewater through five interceptors (the Lawrence, Borregas, Lockheed,

¹²⁶ City of Sunnyvale. "Construction Waste." January 1, 2022. Accessed September 15, 2023. Available at: <https://www.sunnyvale.ca.gov/business-and-development/planning-and-building/construction-waste>.

Moffett, and Cannery interceptors) to the WPCP for treatment. Treated effluent from the WPCP is discharged into the San Francisco Bay via the Guadalupe Slough.¹²⁷

The WPCP has five different process areas, which are comprised of preliminary, primary, secondary, tertiary, and solid processing facilities. At the end of 2022, the Average Dry Weather Flow (ADWF) processing capacity of the WPCP was reduced from 29.5 mgd to 19.5 mgd.^{128,129} The amount of influent wastewater handled by the WPCP varies within the time of day and within seasonal changes in demand. In 2022, the ADWF was approximately 11.5 mgd.¹³⁰

Sanitary Sewer System

The existing development on-site has a sewer flow of 1,608 gallons per day (gpd) based on the current land use and density.¹³¹ Sewage generated on-site flows to an existing 21-inch main line in East Fremont Avenue and an existing 12-inch main line in South Wolfe Road.

A segment of sewer system is considered to have sufficient capacity if the freeboard in the upstream manhole is greater than five feet below the ground surface under peak wet weather flow (PWWF).¹³² Once pipes are considered deficient, improvements are necessary to correct the deficiency.

Based on the current capacity and existing sewer flow, the sanitary sewer system in the project area does not meet the City performance design criteria.¹³³ Currently, there are 17 pipe segments within the project flow path that do not meet the City-designated performance criteria based on the freeboard in the upstream manhole being less than five feet below the ground surface.

Water Supply and Demand

Water service is provided to the project site by the Sunnyvale municipal water system. Potable water supply in the City is sourced from the San Francisco Public Utilities Commission (SFPUC), Santa Clara Valley Water District (Valley Water), and groundwater from six City-owned wells.¹³⁴ The City also provides recycled water that has been treated at the WPCP to certain locations throughout Sunnyvale. The City's cumulative water demand in 2040 is estimated to be approximately 33,018-acre feet per year (AFY).¹³⁵ to be. The total water supply available to the City in 2040 is projected to

¹²⁷ City of Sunnyvale. *Wastewater Collection System Master Plan*. December 2015. Pages 9-15.

¹²⁸ City of Sunnyvale. *Draft Sunnyvale Water Pollution Control Plant Master Plan Program Environmental Impact Report*. February 2016.

¹²⁹ Jennifer Ng, Assistant Director, City of Sunnyvale Department of Public Works. March 22, 2022.

¹³⁰ City of Sunnyvale. *Water Pollution Control Plant 2022 Annual NPDES Report*. February 1, 2023. Pages 3-13.

¹³¹ Schaaf & Wheeler Consulting Civil Engineers. *1313 S Wolfe Road Utility Impact Study*. September 2023. Page 4-2.

¹³² Freeboard is defined as the vertical distance between the wastewater surface and the manhole.

¹³³ Schaaf & Wheeler Consulting Civil Engineers. *1313 S Wolfe Road Utility Impact Study*. September 2023. Page 5-2.

¹³⁴ City of Sunnyvale. *2020 Urban Water Management Plan*. Adopted June 29, 2021.

¹³⁵ City of Sunnyvale. *Water Supply Assessment for the Moffett Park Specific Plan Update Project*. April 2023. Table 4-1.

be 35,255 AFY,¹³⁶ which exceeds the demand and results in a surplus of available water. Projections from the 2020 UWMP indicate that the City will be able to meet water demands during normal, single-dry year, and five consecutive dry-year conditions.

It is estimated that the existing development has a water demand of 2,196 gpd.

Water System

Water for domestic and fire service uses are served by existing 12-inch water mains on South Wolfe Road and East Fremont Avenue.

Water Storage

The State Water Resources Control Board Division of Drinking Water (DDW) requires cities to store enough water to meet eight hours of Maximum Day Demand (MDD) in addition fire flow volume. In order to meet DDW requirements for existing and planned development in the City, the City must have storage capacity for 18.74 million gallons (mg) of water. The City's maximum water storage capacity is approximately 19.70 mg, which provides sufficient storage capacity for existing and planned development.

Hydraulic Conveyance

Sunnyvale is split into three different pressure zones, and the project site is located in Pressure Zone 2. The minimum allowable pressure for the Peak Hour Demand (PHD) scenario is 40 psi, for the Maximum Day Demand with Fire Flow (MDD+FF) scenario is 20 psi. The Zone 2 pressures range from 40 to 80 psi, which meets the minimum requirement for PHD and MDD+FF scenarios.

Fire Flow

There are two fire hydrants located along the project site frontages (Node IDs J-1130 and J-1571) with a fire flow rate of 6,557 gallons per minute (gpm) and 6,473 gpm under the MDD+FF scenario. The fire flow rate required for the existing development is 2,500 gpm. Outside of the project site, there are two fire hydrants with existing deficiencies under the MDD+FF scenario that do not meet the required flow rate.

Storm Drain System

The City stormwater system is comprised of approximately 150 miles of storm drains and two pump systems that convey water to four separate waterways that lead to San Francisco Bay. These waterways are the Sunnyvale West Channel, Sunnyvale East Channel, Stevens Creek, and Calabazas Creek.¹³⁷

¹³⁶ City of Sunnyvale. *2020 Urban Water Management Plan*. Adopted June 29, 2021. Table 6-8.

¹³⁷ City of Sunnyvale. *2020 Urban Water Management Plan*. Adopted June 29, 2021. Page 6-5.

The project site is comprised of approximately 39,066 square feet (or 51 percent) of impervious surfaces and 37,600 square feet (or 49 percent) of pervious surfaces. Runoff from the project site flows into the nearest drainage inlets on East Fremont Avenue and South Wolfe Road, and the storm drain lines adjacent to the project site range from 30 to 33 inches in diameter. Stormwater runoff is eventually discharged into the San Francisco Bay.

Solid Waste

Solid waste collected in the City is transported to the Sunnyvale Materials Recovery and Transfer Station (SMaRT Station[®]). The SMaRT Station currently serves the cities of Mountain View, Palo Alto, and Sunnyvale. In 2020, the SMaRT Station processed an average peak tonnage of 758 tons of materials, with a permitted peak capacity of 1,500 tons of material each day.¹³⁸ The SMaRT Station receives municipal solid waste, recyclables, and yard trimmings. The SMaRT Station diverts approximately 41 percent of the materials delivered from being landfilled.¹³⁹ Diverted materials primarily include compostable organics, concrete, dirt, carpet, mattresses, and yard trimmings. The remaining waste is disposed of at Kirby Canyon Landfill in south San José.

Kirby Canyon Landfill has a capacity of 36.4 million cubic yards and is permitted to receive 2,600 tons of waste per day.¹⁴⁰ As of January 2023, Kirby Canyon Landfill had approximately 13.8 million cubic yards of capacity remaining and an estimated closure date of 2060.¹⁴¹

The project site currently generates approximately 39.6 tons (79,200 pounds or 42.8 cubic yards) per year of solid waste.¹⁴²

¹³⁸ California Department of Resources Recycling and Recovery. "Sunnyvale MRF & Transfer Station (43-AA-0009)." Accessed September 15, 2023. Available at:

<https://www2.calrecycle.ca.gov/SolidWaste/SiteInspection/Index/3376>. This average was calculated using the average peak tonnage measured during each of the monthly inspections for 2022.

¹³⁹ City of Sunnyvale. "SMaRT Station Annual Report 2018-2019." Accessed: September 15, 2023. Available at: <https://www.sunnyvale.ca.gov/homes-streets-and-property/recycling-and-garbage/smart-station-recycling-center>.

¹⁴⁰ California Department of Resources Recycling and Recovery. "Kirby Canyon Recycle & Disposal Facility (43-AN-0008)." Accessed September 15, 2023. Available at:

<https://www2.calrecycle.ca.gov/SolidWaste/SiteActivity/Details/1370?siteID=3393>.

¹⁴¹ Azevedo, Becky, Technical Manager. Personal Communication. May 23, 2023.

¹⁴² 1) Solid waste tonnage based on the CalEEMod default assumptions. The site contains an approximately 1,300 square foot convenience market (3.005 tons of waste per 1,000 square feet), eight fuel pumps (0.424 tons per pump), and an approximately 2,800 square foot fast food restaurant with drive thru (11.519 tons per 1,000 square feet). 2) Cubic yards based on a compaction rate of 1,850 pounds per cubic yard.

4.19.2 Impact Discussion

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
a) Require or result in the relocation or construction of new or expanded water, wastewater treatment or stormwater drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Have insufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry, and multiple dry years?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Result in a determination by the wastewater treatment provider which serves or may serve the project that it does not have adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Generate solid waste in excess of state or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Be noncompliant with federal, state, and local management and reduction statutes and regulations related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<hr/>				
a) Would the project require or result in the relocation or construction of new or expanded water, wastewater treatment or stormwater drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?				

Future development under the project would connect to existing water, wastewater, and other utility lines in the vicinity of the site. No new or expanded utility infrastructure is required as a result of this project, as described in more detail below. The UIS prepared for this project assumed construction of 62 multi-family residential units and 7,579 square feet of ground floor commercial space on-site.

Water Supply and Demand

The demand for potable water on-site would be approximately 12,586 gpd (approximately 0.0126 mgd). With the project's ADD, the citywide ADD would increase slightly by 0.04 percent (or 0.01

mgd) from approximately 24.71 to 24.72 mgd. The total supply available to the City is projected to be 36.54 mgd, which is adequate to meet the demand from buildout of the General Plan and the project. In addition, the project's net increase in ADD is less than 12,586 gpd given the existing water use on-site. Therefore, the project's impact on total water supply is less than stated. For these reasons, no improvements to or expansion of existing water supply infrastructure is required to serve the proposed project. **(Less than Significant Impact)**

Water System

The project's impact on the City's water storage, hydraulic conveyance, and fire flows are discussed below.

Water Storage

The proposed project's impact on the utility system for water storage was analyzed under cumulative conditions. The cumulative condition scenario incorporates the projected buildout of the City, the recommended CIPs, and other recommended upgrades that have been previously identified. As discussed above, DDW requires the City to maintain a storage capacity for 18.74 mg of water. With the project, the citywide total for eight hours of MDD would increase slightly by 0.01 mg to 18.75 mg. This incremental increase in demand would not require any additional increases in storage capacity, as the City's infrastructure is capable of storing 19.70 mg. Therefore, the project would have a less than significant impact on water storage infrastructure. **(Less than Significant Impact)**

Hydraulic Conveyance

The proposed project's impact on the utility system for hydraulic conveyance was analyzed under existing conditions and cumulative conditions. The existing conditions scenario models the project's impact on the existing condition and configuration of the utility system. The cumulative condition scenario incorporates the projected buildout of the City, the recommended CIPs, and other recommended upgrades that have been previously identified. As discussed in Section 4.19.1.2 Existing Conditions, the water system must meet minimum allowable pressure levels under the PHD scenario, which is 40 psi, and under the MDD+FF scenario is 20 psi.

Under existing conditions, the performance criteria is met system-wide. With implementation of the project, the analysis in the UIS found that the system would continue to meet the required performance criteria under the PHD and MDD+FF scenarios. Under future cumulative conditions, the system would continue to maintain an adequate pressure level in both the pre- and post-project scenario.¹⁴³

Based on this analysis, the project would have a less than significant impact on pressure levels within the system. **(Less than Significant Impact)**

¹⁴³ Schaaf & Wheeler Consulting Civil Engineers. *1313 S Wolfe Road Utility Impact Study*. September 2023. Page 3-4.

Fire Flow

The proposed project's impact on the utility system for fire flow was analyzed under existing conditions and cumulative conditions. The existing conditions scenario models the project's impact on the existing condition and configuration of the utility system. The cumulative condition scenario incorporates the projected buildout of the City, the recommended CIPs, and other recommended upgrades that have been previously identified. Under existing conditions, the required flow rate for the project site is approximately 2,500 gpm. The required flow rate would not increase as a result of implementation of the project. The existing fire hydrants along the project frontages would continue to provide the same fire flow as existing conditions, which would continue to adequately serve the site with implementation of the project. Outside of the project site, but within Pressure Zone 2, there are several nodes with existing deficiencies that do not meet the required flow rate. Two of these deficiencies would increase by less than one percent due to the project, which is a nominal increase and would not substantially exacerbate or change the existing deficiency.

Under cumulative conditions, with the implementation of the planned CIPs,¹⁴⁴ the utility system would continue to provide adequate fire flow to the project site. There are several existing deficiencies in the surrounding area and the addition of the project would increase those existing deficiencies by less than one percent, which would not substantially exacerbate or change the existing deficiency. Based on this discussion, the project would not require new construction or expansion of infrastructure to ensure adequate levels of fire flow in the City. **(Less than Significant Impact)**

Sanitary Sewer Infrastructure

The project site is adjacent to a 21-inch main line in East Fremont Avenue and a 12-inch main line in South Wolfe Road. Because this Initial Study does not evaluate a specific development application, it is not known which exact line the future development associated with the project would connect to. For modeling purposes, it is assumed future development would discharge to the 12-inch main line in South Wolfe Road and the project would generate approximately 11,157 gpd of sewer.

Existing Plus Project Impacts

As discussed in Section 4.19.1.2 Existing Conditions, there are 17 pipe segments within the project flow path that are considered deficient due to the freeboard in the upstream manhole being less than five feet below the ground surface. Under existing plus project conditions, modeling determined the project-generated flows would not increase any of the deficiencies in the project flow path.¹⁴⁵ The City's 2022 Capacity Analysis identified CIP C4 Alternative 1, would address existing deficiencies along the Lawrence Interceptor and extends from US-101 and Lawrence Expressway to Caribbean Drive and Crossman Avenue. CIP C4 Alternative 1 would upsize 35 pipe

¹⁴⁴ City of Sunnyvale. *Draft EIR: Downtown Specific Plan Amendments and Specific Development Project*. SCH# 2018052020. Table 3.18-2. November 2019.

¹⁴⁵ Schaaf & Wheeler Consulting Civil Engineers. *1313 S Wolfe Road Utility Impact Study*. September 2023. Page 5-2.

segments totaling approximately 11,900 feet in length from 33-inch, 36-inch, and 39-inch to 42-inch, 45-inch, and 48-inch pipes, respectively. Implementation of these planned CIPs would resolve the existing deficiencies in the project flow path. The sanitary sewer system CIPs are funded through the collection of sewer connection fees. Developers, including the applicant of future development on-site, are required to pay appropriate sewer connection fees prior to redevelopment of a property that will fund CIPs required to provide adequate service to their projects. **(Less than Significant Impact)**

Cumulative Plus Project Impacts

The future cumulative condition assumes that the planned CIPs, including CIP C4 Alternative 1 discussed above, are constructed. The model also accounts for planned buildout in the City. As described above, the sewer flow estimated for development on-site under the project would be 11,157 gpd. Under the future cumulative condition, modeling determined there would be no deficiencies in the sewer system assuming the planned CIPs are constructed.¹⁴⁶ Implementation of the project would not create any new deficiencies. Pipe segments downstream of the project site would continue to be surcharged; however, the freeboard levels would remain sufficient under pre- and post-project conditions.

As described above, developers, including the future project applicant, would be required to pay the appropriate sewer connection fee prior to redevelopment of the project site, which would be used by the City to fund CIPs and reduce its fair-share impact to the sanitary sewer system to a less than significant level.¹⁴⁷ **(Less than Significant Impact)**

Stormwater Drainage Infrastructure

The project site consists of approximately 39,066 square feet (or 51 percent) of impervious area and 37,600 square feet (or 49 percent) of pervious area. The nearest drainage inlets to the project site are located on East Fremont Avenue and South Wolfe Road, and the storm drain lines adjacent to the project site range from 30 to 33 inches in diameter.¹⁴⁸

The project would result in future mixed-use residential development on-site that would require lateral connections to existing stormwater lines. As discussed in Section 4.10 Hydrology and Water Quality, the project would comply with Provision C.3 of the MRP and SMC Section 12.60 which requires the implementation LID-based stormwater treatment controls to reduce potential runoff from the project to the maximum extent feasible. In addition, future development on-site would be reviewed by the City to confirm whether the surrounding storm drainage infrastructure has capacity to handle any potential increases in stormwater runoff from the site. Improvements, if required, could include upsizing of storm drain lines serving the site and downstream of the site. Impacts of

¹⁴⁶ Schaaf & Wheeler Consulting Civil Engineers. *1313 S Wolfe Road Utility Impact Study*. September 2023. Page 5-3.

¹⁴⁷ All CIPs are subject to environmental review at the time the design and construction details of the CIPs are known.

¹⁴⁸ City of Sunnyvale. "Utility Maps." Accessed September 14, 2023. <https://www.sunnyvale.ca.gov/city-services/online-services/maps-and-gis/utility-maps>.

these types of improvements are typically minimal and can be reduced to a less than significant level with implementation of typical construction BMPs. For these reasons, future development of the project site would not result in significant impacts to the capacity of the existing storm drainage system serving the project site. **(Less than Significant Impact)**

Electric Power and Telecommunications Facilities

The project would result in future residential mixed-use development on-site, which would connect to existing electric power and telecommunications infrastructure. Therefore, future development on the project site would not require new or expanded electric power and telecommunications facilities, aside from connections to existing facilities which would not result in significant environmental effects.¹⁴⁹ The project itself is a General Plan Amendment and rezoning which would not result in any direct impacts related to new or expanded facilities. **(Less than Significant Impact)**

-
- b) Would the project have insufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?
-

As part of Sunnyvale's 2020 UWMP, a Drought Risk Assessment was conducted to determine whether the City would be able to adequately meet the demand for water during normal, single-dry year, and five consecutive dry-year conditions. The assessment was calculated in five-year intervals from 2025 to 2040. This assessment found that the City has adequate water supplies to maintain a surplus level of water supply during normal, dry, and multiple (five-year) drought years even when accounting for future growth in the City.¹⁵⁰

As discussed under checklist question a) above, future development allowed under the project would increase the demand for potable water on-site to 12,586 gpd (approximately 14.11 AFY). Based on the City's projected water supply (35,255 AFY), future projected water demand (33,018 AFY), and project demand (12,586 gpd, or approximately 14.11 AFY), the City would continue to have adequate water supply to serve development within the City and future development allowed under the project during normal, single- and multiple-dry years. In addition, the project's net increase in water demand is less than 12,586 gpd (or approximately 14.11 AFY) given the existing water use on-site. Therefore, the project's impact on total water supply is less than stated. **(Less than Significant Impact)**

¹⁴⁹ Future development would be subject to environmental review at the time the design and construction details are known.

¹⁵⁰ City of Sunnyvale. *2020 Urban Water Management Plan*. Adopted June 29, 2021. Pages 7-24 through 7-26.

-
- c) Would the project result in a determination by the wastewater treatment provider which serves or may serve the project that it does not have adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?
-

Existing Plus Project Conditions

As discussed above in Section 4.19.1.2 Existing Conditions, the previous capacity of 29.5 mgd for ADWF was reduced to 19.5 mgd at the end of 2022. Based on the most recently published data in 2022, the current ADWF is approximately 11.5 mgd. therefore, the available treatment capacity at the WPCP is 8.0 mgd.¹⁵¹

As described above, future development made possible by the project is estimated to result in a net increase of approximately 9,459 gpd (or approximately 0.01 mgd) of wastewater compared to existing conditions. Given the existing, available treatment capacity at the WPCP (8.0 mgd) and the project's net increase in ADWF (0.01 mgd), there is sufficient capacity at the WPCP to serve the project and existing treatment demand. **(Less than Significant Impact)**

Cumulative Plus Project Impacts

The projected wastewater flows for the WPCP in 2035 is estimated to be 23.23 mgd of ADWF, which would exceed the WPCP's processing capacity of 19.5 mgd due to the approval of recent plan area projects, including the Moffett Park Specific Plan Update, Lawrence Station Area Plan, and Downtown Specific Plan Amendments projects.¹⁵² The City is aware an update to the WPCP Master Plan is needed to plan for adequate wastewater treatment in the future. Subsequent environmental review for the WPCP Master Plan update will be completed by the City. The specific design and improvements needed are unknown at this time, therefore, it is speculative to evaluate the environmental impacts of these undetermined improvements. For this reason, the environmental impact from the construction of new or expanded wastewater treatment facilities to provide adequate cumulative wastewater treatment that includes these three larger projects has been previously and conservatively disclosed as significant and unavoidable by the City.¹⁵³

Under future cumulative conditions, the project's net increase of 9,210 gpd (or approximately 0.01 mgd) of sewage generation would incrementally increase the 2035 projected wastewater flow. This 0.01 mgd increase does not meaningfully change the amount of wastewater estimated to be generated under cumulative conditions. Most of the cumulative wastewater generation above the WPCP's existing capacity is attributed to the build out of the large plan area projects recently

¹⁵¹ City of Sunnyvale. *Water Pollution Control Plant 2022 Annual NPDES Report*. February 1, 2023. Pages 3-13.

¹⁵² City of Sunnyvale. *Moffett Park Specific Plan Draft Environmental Impact Report*. SCH# 2021080338. December 2022. Page 339.

¹⁵³ Sources: 1) City of Sunnyvale. *Downtown Specific Plan Amendments and Specific Developments Project Draft Environmental Impact Report*. SCH# 2018052020. Page 300. 2) City of Sunnyvale. *Lawrence Station Area Plan Update/Intuitive Surgical Corporate Campus Project Draft Subsequent Environmental Impact Report*. May 2021. SCH# 2019012022. Page 3.15-22. 3) City of Sunnyvale. *Moffett Park Specific Plan Draft Environmental Impact Report*. SCH# 2021080338. December 2022. Page 339.

approved by the City. The estimated sewage generation from the buildout of the Moffett Park Specific Plan, Lawrence Station Area Plan, and Downtown Specific Plan Amendments projects total 3.73 mgd. For these reasons, the project's contribution to the cumulative wastewater treatment impact is not cumulatively considerable.

As described above, the City's WPCP operates under the NPDES permit and is required to treat wastewater to meet applicable water quality standards prior to discharge. Compliance with the NPDES is enforced by monitoring and reporting the type and volume of pollutants discharged in an annual Discharge Monitoring Report prepared by the City. In addition, the City periodically calculates the amount of wastewater flow originating from each of the wastewater capacity allocation categories based on water sales information, and other relevant information. Through the annual monitoring reports and periodic calculations, the City actively monitors the wastewater flows to the WPCP to ensure continued capacity at the WPCP to treat existing and approved development in the City. If the flow of one of the categories reaches to its Initial Baseline Limits, the City will issue a Declaration of Need for Wastewater Capacity Evaluation and will not issue new or modify to increase capacity of wastewater discharge permits until a new baseline limit can be established to ensure there is sufficient capacity reserved for vacant land in each category. For these reasons, existing regulations (including compliance with the NPDES permit and Municipal Code) ensure adequate sewage treatment for development in the City.

Based on the above discussion, the project's contribution to a cumulative wastewater treatment impact is not cumulatively considerable. **(Less than Significant Cumulative Impact)**

-
- 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?
-

In order to reduce the amount of solid waste disposed of within the City, contractors are required to use a waste diversion and recycling tracking system called Green Halo to create a Construction and Demolition Waste Management Plan (CDWMP) for any construction and demolition projects. This program helps the contractor and City track diversion rates for construction waste. In compliance with CALGreen construction waste management requirements, the City requires a minimum 65 percent waste diversion of building materials or a disposal rate of less than or equal to two pounds of waste per square foot of building area.¹⁵⁴

As discussed above in Section 4.19.1.2 Existing Conditions, the project site currently generates approximately 39.6 tons (79,200 pounds or 42.8 cubic yards) per year of solid waste.¹⁵⁵ The project

¹⁵⁴ City of Sunnyvale. "Construction and Demolition Waste Tracking Requirements for Projects in Sunnyvale." Accessed October 4, 2023. Available at: <https://www.sunnyvale.ca.gov/home/showpublisheddocument/1524/637820848558170000>.

¹⁵⁵ 1) Solid waste tonnage based on the CalEEMod default assumptions. The site contains an approximately 1,300 square foot convenience market (3.005 tons of waste per 1,000 square feet), eight fuel pumps (0.424 tons per pump), and an approximately 2,800 square foot fast food restaurant with drive thru (11.519 tons per 1,000 square feet). 2) Cubic yards based on a compaction rate of 1,850 pounds per cubic yard.

would result in a future mixed-use residential development that would generate approximately 23.3 tons (46,600 pounds or 25.2 cubic yards) per year of solid waste.¹⁵⁶

Compared to existing conditions, future development under the project would result in a net decrease in 16.3 tons (or 17.6 cubic yards) per year of solid waste. The City has implemented a waste reduction goal to divert 90 percent of solid waste out of the landfills by 2030.¹⁵⁷ Future development on-site would be subject to the CalGreen and the City's construction waste management requirements, in addition to AB 341 and SB 1383 which require businesses and multi-family residential developments to implement recycling programs on-site and recycle their organic waste respectively. Compliance with these waste reduction programs would further reduce solid waste generated by the project.

As discussed in Section 4.19.1.2 Existing Conditions, solid waste from the project site is eventually disposed at Kirby Canyon Landfill which has an overall capacity of 36.4 million cubic yards, approximately 13.8 million cubic yards of capacity remaining, and an estimated closure date of 2060.¹⁵⁸

Given the remaining capacity (13.8 million cubic yards), estimated lifespan of the landfill (year 2060), and the project's net decrease in solid waste, there would be sufficient capacity at Kirby Canyon Landfill to accommodate the solid waste disposal needs of future development made possible by the project. The construction and operation of future development would comply with applicable federal, state, and local regulations and policies related to diversion of materials from disposal in addition to meeting the requirements for LEED Gold certification. Adherence to these policies and requirements would result in less than significant impact. **(Less than Significant Impact)**

-
- e) Would the project be noncompliant with federal, state, or local management and reduction statutes and regulations related to solid waste?
-

Future development on-site made possible by the proposed project would comply with state and local regulations related to solid waste reduction. Future development would comply with AB 341 by utilizing the City's garbage service, which commercially sorts recyclable material at the SMaRT Station. Future development would also comply with CALGreen and the City's requirements regarding the diversion of construction waste and debris by recycling or reusing a minimum of 65 percent of the non-hazardous waste. In addition, the future development would comply with General Plan Policy EM-14.2 by maximizing their diversion of solid waste through participation in a recycling program. Consistent with General Plan Policy EM-14.3, future occupants of the site would be required to recycle waste consistent with federal, state, and local requirements. Therefore,

¹⁵⁶ Solid waste tonnage based on the CalEEMod default assumptions. A future project on-site could develop up to 62 multi-family residential units (0.247 tons per unit) and 7,579 square feet of ground floor commercial space (1.05 tons per 1,000 square feet).

¹⁵⁷ City of Sunnyvale. "Managing Resources Sustainably." Accessed: October 4, 2023. Available at: <https://sunnyvaleclimateaction.org/category/managing-resources-sustainably#understanding-waste-levels>.

¹⁵⁸ Azevedo, Becky, Technical Manager. Personal Communication. May 23, 2023.

future development made possible by the project would comply with federal, state, and local solid waste statutes and regulations. **(Less than Significant Impact)**

4.20 Wildfire

4.20.1 Environmental Setting

4.20.1.1 Existing Conditions

The proposed project site is in an urban area surrounded by existing development. The site is not located within an identified Very High Fire Hazard Severity Zone in an SRA or an LRA.^{159,160} The project site is not located near wildlands that could present a fire hazard.

4.20.2 Impact Discussion

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
If located in or near state responsibility areas 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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

The project site is not located in or near state responsibility areas or lands classified as very high fire hazard severity zones; therefore, the project would not result in wildfire impacts. **(No Impact)**

¹⁵⁹ California Department of Forestry and Fire Protection. *Santa Clara County Fire Hazard Safety Zone Map – State Responsibility Area*. November 2007.

¹⁶⁰ California Department of Forestry and Fire Protection. *Santa Clara County Fire Hazard Safety Zone Map – Local Responsibility Area*. October 2008.

4.21 Mandatory Findings of Significance

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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.)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<hr/>				
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 discussed in Section 4.4 Biological Resources, implementation of the project would not impact sensitive habitats or special-status species. Future development under the project would comply with existing regulations, including the MBTA and CDFW regulations, to avoid significant impacts to nesting birds. As discussed in Sections 4.5 Cultural Resources and 4.18 Tribal Cultural Resources, there are no known cultural resources on-site and future development under the project would comply with existing regulations, including NHPA, CRHR, Archaeological Resource Protection Act of 1979, Public Resources Code Sections, California Health and Safety Code sections, General Plan Policies CC 5.1, CC-5.3, CC-5.4, and General Plan Action LT-1.10f, to reduce impacts to unknown resources (if encountered on-site during construction) to a less than significant level. For these reasons, future development made possible by the project would not degrade the quality of the environment. **(Less than Significant Impact)**

b) Does the project have impacts that are individually limited, but cumulatively considerable?

Under Section 15065(a)(3) of the CEQA Guidelines, a lead agency shall find that a project may have a significant effect on the environment where there is substantial evidence that the project has potential environmental effects “that are individually limited, but cumulatively considerable.” As defined in Section 15065(a)(3) of the CEQA Guidelines, cumulatively considerable means “that the incremental effects of an individual project are significant when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.” In addition, under Section 15152(f) of the CEQA Guidelines, where a lead agency has determined that a cumulative effect has been adequately addressed in a prior EIR, the effect is not treated as significant for purposes of later environmental review and need not be discussed in detail.

The project would allow a future mixed-use residential development of approximately 62 multi-family residential units and 7,579 square feet of ground floor commercial space on-site. The project and future development made possible by the project would not result in impacts to agricultural and forestry resources, mineral resources, or wildfires (as discussed in Sections 4.2 Agricultural and Forestry Resources, 4.12 Mineral Resources, and 4.20 Wildfire); therefore, the project would not contribute to cumulative impacts to these resources. Pursuant to SB 743, the project results in less than significant aesthetic (including cumulative aesthetic) impacts. Impacts related to geology and soils and hazards and hazardous materials from foreseeable development as a result of the project are site-specific and, therefore, would not contribute to a significant cumulative impact to those resources.

The geographic boundary for cumulative construction air quality (specifically TACs) and noise impacts are 1,000 feet and 500 feet from the project site, respectively. There is a recently approved project currently under construction on the parcel immediately to the north of the project site at 871 East Fremont Avenue that is within 500 feet of the project site. As discussed throughout this Initial Study, the project is a GPA and rezoning that is intended to allow for future mixed-use residential development on-site. No physical development is proposed at this time; therefore, there are no construction TACs and noise impacts that would result from the project that could be cumulatively considerable when combined with the ongoing construction north of the project site. Future development on-site would not result in cumulatively considerable impacts to cumulative health risk or noise impacts by complying with existing regulations including General Plan policies and BAAQMD best management practices. Once a specific development application associated with the project is proposed on-site, a project-level air quality and noise evaluation would be conducted to determine whether project construction would overlap with any construction activities occurring within 1,000 feet of the project site. It is assumed that the noisiest construction phases for cumulative infill projects would not exceed one year at the same off-site receptors, and would implement LUTE EIR mitigation measure MM 3.6.3 impacts to a less than significant level. In addition, it is assumed the projects-specific air quality evaluation would identify any necessary measures (such as using construction equipment with a U.S. EPA Tier 4 emission standards) to reduce health risk impact to below the BAAQMD cumulative threshold and be less than significant.

Given the existing regulations intended to protect biological resources (i.e., birds and trees), cultural resources (including TCRs), and hydrology and water quality, cumulative projects (including future development under the proposed project) would not result in significant cumulative impacts to those resources beyond what was disclosed in the certified 2017 LUTE EIR.¹⁶¹

In general, an individual project's impact on broader resources including air quality (specifically criteria air pollutants), energy, GHGs, and VMT are evaluated at a cumulative level. That is, if a project results in a significant impact to criteria air pollutants, energy, GHGs, and VMT, the project would be considered to have a significant cumulative impact to those resources as well. As discussed in Sections 4.3 Air Quality, Section 4.6 Energy, and 4.8 Greenhouse Gas Emissions, future development allowed as a result of the GPA and rezoning would result in less than significant (and, therefore, less than cumulatively considerable) criteria air pollutant, energy, GHG, and VMT impacts.

The proposed project would amend the General Plan designation of the site to allow for mixed-use residences to be built adjacent to an existing neighborhood that is primarily residential. By adhering to the allowable density of the proposed land use designation and the applicable Municipal Code standards of the proposed zoning, the project and future development on-site made possible by the project would not conflict with surrounding land uses. The project would not conflict with any land use plans adopted with the purpose of reducing an environmental impact (as described in Section 4.11 Land Use and Planning) and would not make a cumulatively considerable contribution to land use impacts.

As described in Section 4.14 Population and Housing, the project's increase in population is not substantial, given the overall population growth projected within Sunnyvale and would not result in an expansion of urban services or the pressure to expand beyond the City's existing Sphere of Influence. In addition, the project would not divide an existing community or displace people or housing. Therefore, the project would not make a cumulatively considerable contribution to a population and housing impact.

As described in Section 4.15 Public Services and Section 4.16 Recreation, the proposed project, with approximately 160 future residents, would incrementally increase the demand for public services in the area, including fire, police protection, parks, community centers, and libraries. While demand on these facilities would increase, the existing facilities have capacity to meet the incremental increase created by the project, and future development under the project would comply with local regulations related to public services such as payment of park in-lieu fees. In addition, DPS continually evaluates its service levels and works with the City Council during the budget process to balance resources and plan for future needs. As concluded in the LUTE EIR, if any new or expanded police or fire facilities are required in the future, they would be constructed on previously disturbed

¹⁶¹ City of Sunnyvale. *2017 Land Use and Transportation Element Draft Environmental Impact Report*. August 2016. Pages 3.9-21, 3.10-15, and 3.8-23. SCH# 2012032003.

sites within the City and are not expected to result in significant unavoidable environmental impacts.¹⁶²

As described in Section 4.15 Public Services, the project would generate 20 elementary and middle school students and five high school students to Stockmeir Elementary School, Cupertino Middle School, and Fremont High School. In addition to the project, there are other approved plans and development that will contribute to the future enrollment at these schools, including the buildout of the Moffett Park Specific Plan. It is possible that new or physically altered school facilities would be needed in the future to serve the students generated by future planned growth. School districts routinely evaluate enrollment trends and capacity as part of facility planning. Any new or physically altered school facilities proposed by the local school districts would be subject to subsequent project-level environmental review and mitigation by the school districts and in accordance with CEQA and other applicable regulations. In accordance with California Government Code Section 65996, payment of school impact fees is considered adequate mitigation of impacts to schools under CEQA. All applicable cumulative projects, including the proposed project, are required to pay school impact fees to mitigate its school impacts.

Therefore, the proposed project would not make a cumulatively considerable contribution to the degradation of public facilities in the area.

As discussed in Section 4.19 Utilities and Service Systems, the project would contribute to a cumulative impact to the WPCP and sanitary sewer system; however, given the incremental increase in sewer flow resulting from the project, the project's contribution to the cumulative wastewater treatment capacity impact at the WPCP is not cumulatively considerable and the project would pay appropriate connection fees to mitigate its fair-share contribution to the necessary cumulative utility CIPs. The project would result in less than significant cumulative impacts to water supply and water system infrastructure, and be required to pay the appropriate connection fee to reduce its fair-share impacts. In addition, the project would result in less than significant solid waste impacts.

Based on the above discussion, the project would not result in significant, unavoidable cumulative impacts. **(Less than Significant Cumulative Impact with Mitigation Incorporated)**

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

Consistent with Section 15065(a)(4) of the CEQA Guidelines, a lead agency shall find that a project may have a significant effect on the environment where there is substantial evidence that the project has the potential to cause substantial adverse effects on human beings, either directly or indirectly. Under this standard, a change to the physical environment that might otherwise be minor must be treated as significant if it would cause substantial adverse effects to humans, either

¹⁶² City of Sunnyvale. *Land Use and Transportation Element Draft Environmental Impact Report*. SCH#2012032003. August 2016. Pages 4.0-5 and 4.0-6.

directly or indirectly. This factor relates to adverse changes to the environment of human beings generally, and not effects on particular individuals.

The potential for the proposed project to result in changes to the environment that could directly or indirectly affect human beings is evaluated in each section of this Initial Study using the CEQA Checklist. In particular, the resource areas that could directly affect human beings include air quality, geology and soils, hazards and hazardous materials, and noise. The potential project-related impacts discussed in Section 4.3 Air Quality, Section 4.9 Hazards and Hazardous Materials, and Section 4.13 Noise would be reduced to a less than significant level with adherence to existing regulations, including General Plan policies identified in those sections, and LUTE EIR mitigation measure MM 3.6.3. No other direct or indirect adverse effects of the project on human beings have been identified. **(Less than Significant Impact with Mitigation Incorporated)**

Section 5.0 References

The analysis in this Initial Study is based on the professional judgement and expertise of the environmental specialists preparing this document, based upon review of the site, surrounding conditions, site plans, and the following references:

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- Jeyaprakash, Mary – Senior Planner, City of Sunnyvale Community Development Department August 10, 2023.

Section 6.0 Lead Agency and Consultants

6.1 Lead Agency

City of Sunnyvale

Department of Community Development
George Schroeder, Principal Planner
Mary Jeyaprakash, Senior Planner

6.2 Consultants

David J. Powers & Associates, Inc.

Environmental Consultants and Planners
Kristy Weis, Vice President/Principal Project Manager
Amy Wang, Project Manager
Nick Towstopiat, Associate Project Manager
Ryan Osako, Graphic Artist

Archaeological/Historical Consultants

Archaeological Consultants
Molly Fierer-Donaldson, Archaeologist
Daniel Shoup, Principal/Owner

Cornerstone Earth Group, Inc.

Hazardous Materials Consultant
Ron L. Helm, Senior Principal Geologist
Stason Foster, Senior Project Engineer

Schaaf & Wheeler

Consulting Civil Engineers
Leif Coponen, Vice President
Brett Crews, Associate Engineer

Section 7.0 Acronyms and Abbreviations

AB	Assembly Bill
ABAG	Association of Bay Area Governments
ACM	Asbestos-Containing Material
ALUC	Airport Land Use Commission
APN	Assessor's Parcel Number
ATCM	Asbestos Airborne Toxic Control Measure
BAAQMD	Bay Area Air Quality Management District
Bay Area	San Francisco Bay Area
Btu	British Thermal Unit
CAAQS	California Ambient Air Quality Standard
CAL FIRE	California Department of Forestry and Fire Protection
Cal/OSHA	California Department of Industrial Relations, Division of Occupational Safety and Health
CalARP	California Accidental Release Prevention
CalEPA	California Environmental Protection Agency
CALGreen	California Green Building Standards
Caltrans	California Department of Transportation
CARB	California Air Resources Board
CBC	California Building Standards Code
CDFW	California Department of Fish and Wildlife
CEQA	California Environmental Quality Act
CERCLA	Comprehensive Environmental Response, Compensation, and Liability Act
CFC	Chlorofluorocarbon
CFR	Code of Federal Regulations
CGS	California Geological Survey
CH ₄	Methane
CLUP	Comprehensive Land Use Plan
CNEL	Community Noise Equivalent Level
CO	Carbon Monoxide
CO ₂	Carbon Dioxide

CO ₂ e	Carbon Dioxide Equivalents
CRHR	California Register of Historical Resources
CUPA	Certified Unified Program Agency
dBA	A-weighted decibel
L _{dn}	Day/Night Average Sound Level
DPM	Diesel Particulate Matter
DTSC	Department of Toxic Substances Control
EIR	Environmental Impact Report
EO	Executive Order
EPA	Environmental Protection Agency
ESA	Environmental Site Assessment
FAA	Federal Aviation Administration
FAR	Federal Aviation Regulations
FHSZ	Fire Hazard Severity Zone
FMMP	Farmland Mapping and Monitoring Program
GHG	Greenhouse Gases
GHGRS	Greenhouse Gas Reduction Strategy
GWh	Gigawatt Hour
GWP	Global Warming Potential
Habitat Plan	Santa Clara Valley Habitat Plan
HSWA	Hazardous and Solid Waste Amendments
L _{eq}	Energy-Equivalent Sound/Noise Descriptor
L _{max}	Maximum A-weighted noise level during a measurement period
LOS	Level of Service
LRA	Local Responsibility Area
MBTA	Migratory Bird Treaty Act
MMTCO ₂ e	Million Metric Tons of Carbon Dioxide Equivalent
MND	Mitigated Negative Declaration
mpg	Miles per Gallon
MSL	Mean Sea Level
MTC	Metropolitan Transportation Commission

N ₂ O	Nitrous Oxide
NAAQS	National Ambient Air Quality Standard
NAHC	Native American Heritage Commission
NCP	National Contingency Plan
NESHAP	National Emission Standards for Hazardous Air Pollutants
NO ₂	Nitrogen Dioxide
NOA	Naturally Occurring Asbestos
NOD	Notice of Determination
NO _x	Nitrogen Oxides
NRHP	National Register of Historic Places
O ₃	Ozone
PCB	Polychlorinated Biphenyls
PCF	Perfluorocarbon
PDA	Priority Development Areas
PG&E	Pacific Gas and Electric Company
PM	Particulate Matter
PM ₁₀	Particulate matter with a diameter of 10 microns or less
PM _{2.5}	Particulate matter with a diameter of 2.5 microns or less
PPV	Peak Particle Velocity
R&D	Research and Development
RAP	Removal Action Plan
RCRA	Resource Conservation and Recovery Act
ROG	Reactive Organic Gases
RTP	Regional Transportation Plan
RWQCB	Regional Water Quality Control Board
SB	State Bill
SCS	Sustainable Communities Strategy
SF ₆	Sulfur Hexafluoride
SHMA	Seismic Hazards Mapping Act
SMARA	Surface Mining and Reclamation Act
SMGB	State Mining and Geology Board

SMP	Site Management Plan
SO _x	Sulfur Oxides
SR	State Route
SRA	State Responsibility Area
SWRCB	State Water Resources Control Board
TAC	Toxic Air Contaminants
Title 24	Title 24, Part 6 of the California Code of Regulations
TSCA	Toxic Substances Control Act
USACE	United States Army Corps of Engineers
USFWS	United States Fish and Wildlife Service
VMT	Vehicle Miles Traveled
Williamson Act	California Land Conservation Act
WUI	Wildland-Urban Interface
ZNE	Zero Net Carbon Emission