



Sunnyvale

CALIFORNIA ENVIRONMENTAL QUALITY ACT
GUIDELINES §15183 COMPLIANCE
FINAL ENVIRONMENTAL CHECKLIST

1123 LAWRENCE EXPRESSWAY PROJECT

PREPARED FOR
CITY OF SUNNYVALE
PLANNING DEPARTMENT
456 WEST OLIVE AVENUE
SUNNYVALE, CA 94086

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California Environmental Quality Act Guidelines §15183 Compliance Final Environmental Checklist

1123 Lawrence Expressway Project

Lead Agency



Sunnyvale

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September 2025

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1.0 Introduction and Background

The proposed 1123 Lawrence Expressway Project (“project”) is an implementing project of the City of Sunnyvale’s General Plan Land Use and Transportation Element (“LUTE”), a long-term planning document that was developed to help guide decision making regarding land use and transportation for approximately 20 years—a time frame that is referred to as “Horizon 2035.” The City of Sunnyvale City Council adopted the LUTE and certified the LUTE Environmental Impact Report (herein, “LUTE EIR;” State Clearinghouse [SCH] No. 2012032003) in 2017. In July 2023, the City of Sunnyvale approved an Addendum to the LUTE EIR which integrated Environmental Justice objectives and analyzed the potential effects of updates to the Air Quality, Noise, and Safety Elements of the General Plan as they relate to development guided by the LUTE.

The LUTE EIR was prepared in conformance with the California Environmental Quality Act (CEQA; California Public Resources Code, Sections 21000, et seq.) and the CEQA Guidelines (California Code of Regulations, Title 14, Sections 15000, et seq.).

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

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

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

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

The goal of the LUTE is to establish the framework of how streets and buildings will be laid out in Sunnyvale, and how various land uses, developments, and transportation facilities will function together. The LUTE framework is based on a concept of Complete Community, identified as an attractive, green, sustainable place that is accessible for all residents and less dependent on automobiles.

When the application for the development project that is subject to this environmental checklist was submitted to the City of Sunnyvale (in 2023), the project site’s General Plan land use designation was Village Mixed Use (VMU) and the zoning designation was “Neighborhood Business/Planned Development” (C-1/PD). Additionally, it is noted that on July 1, 2025, the City adopted the Village Center Master Plan (VCMP), which included an amendment to the General Plan and zoning designation for Village Center sites such as the project site as well as a LUTE EIR addendum, among other related/associated implementation documents. As the VCMP is now

effective, the current General Plan land use designation for the subject site is “Village Center Master Plan” and the zoning designation is now a blend of “Village Center Mixed Use” and “Village Center Commercial.” Nonetheless, this analysis is applied to the General Plan, zoning designation, and LUTE EIR provisions that were effective in 2023 at the time of submitting the development project to the City of Sunnyvale, which are discussed in more detail below.

The VMU land use designation falls under the General Plan’s broader “Mixed-Use” land use designation category. Within the VMU designation, the General Plan permits neighborhood-serving commercial uses integrated with residential uses, typically located near arterial intersections or major collector streets providing pedestrian and bicycle connections, and promotes residential uses concentrated near street corners above commercial uses and provides buffers between higher-intensity development and adjacent lower-density neighborhoods.

The LUTE contains policies and actions regarding design guidelines intended to preserve and enhance the character, scale, and context of the city and its neighborhoods. In an effort to protect the attractiveness of Sunnyvale’s distinct neighborhoods and direct the visual impact of future growth and improvements, the City has adopted Design Guidelines and Standards, including the following that are relevant to this project: Citywide Objective Design Standards for Multi-Family and Mixed-Use Development; Bird Safe Design Guidelines; and Non-Residential Design Guidelines. As an implementing project of the LUTE, the project has been designed in conformance with applicable development standards under the LUTE, Sunnyvale Municipal Code Title 19, and relevant Design Guidelines.

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

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

2.0 Project Location

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

The project site is an approximate 5.28-acre (229,968-square foot) site comprised of three (3) parcels (Assessor's Parcel Numbers [APNs] 110-23-108, 110-23-109, and 110-23-110) and is currently developed with the Lakewood Shopping Center, an approximately 58,549-square foot commercial retail center ("site" or "property"); refer to Exhibit 2, Site Vicinity. A San Francisco Public Utilities Commission ("SFPUC") parcel bisects the "northern parcel" (APN: 110-23-110) and two "southern parcels" (APNs 110-23-108 and 110-23-109). The parcel owned by SFPUC is not part of the site and no development is proposed or authorized by SFPUC thereon. Regional access to the site is provided by Highway 101 and State Route 237. Local Access to the site is provided via Lawrence Expressway, Lakehaven Drive, and Lakedale Way.

3.0 Project Description

3.1 Conceptual Site Plan

The project as evaluated herein consists of an application for a Special Development Permit to redevelop the site with: 1) a commercial parcel providing 23,104 square feet of commercial floor area on the southern parcel; and, 2) 101 townhouse units, distributed among fifteen buildings ranging in height from approximately 36 feet, 4 inches to approximately 40-feet, 6 inches on the northern parcel; Refer to Exhibit 3, Conceptual Site Plan. The project also requests vesting tentative tract map approval for the northern parcel. The proposed three-story townhomes include a mix of 2-bedroom, 3-bedroom, and 4-bedroom floor plans in two building types: “rowtowns” and “townflats.” In total, the residential component of the project proposes a density of 19.13 dwelling units per acre (du/ac) and the commercial space proposes a floor area ratio (FAR) of 10 percent (23,104 square feet). Table 3.1-a below outlines the project development summary.

Table 3.1
Project Development Summary

Project Component	Unit Count / Square Feet (SF)
<i>Residential</i>	
Townhomes	101 units / 208,189 SF
<i>Commercial</i>	
Commercial	23,104 SF
<i>Parking</i>	
Townhomes	227 spaces
Commercial	51 spaces
Total Parking Spaces	278 spaces
<i>Open Space / Recreation</i>	
Townhomes	31,143 SF

The 101 total proposed for-sale units would result in a minimum required below market rate (“BMR”) unit count of 16 (101 total units x 15% = 15.15, rounded up to 16), pursuant to Sunnyvale Municipal Code (SMC) 19.67 (Inclusionary Below Market Rate Ownership Housing Program), which would qualify the project for the benefits and protections of State Density Bonus Law (Government Code Section 65915 – 65918). In addition, in March 2025, the City adopted a retail preservation incentive program (SMC 19.67.040) in which a site that provides more than 10% commercial/retail floor area ratio is exempt from the City’s below market rate set-aside requirement. As the applicant proposes 23,104 square feet of commercial floor area, this represents a floor area ratio of just over 10% and the applicant is exempt from the requirement.

Qualifying projects are also entitled to waivers from development standards that would physically preclude construction of the project at the proposed residential density and one “concession” as defined by California Government Code section 65915(k). The retail preservation incentive program still enables qualifying projects to utilize the same waivers (and one concession per project) identified in the State Density Bonus law as if they provided the 15% BMR units. The project applicant is requesting the following 18 waivers to deviate from the following SMC development standards:

1. **Exceedance of Maximum Building Height:** SMC Section 19.32.020 establishes a maximum building height of 3 stories/35 feet where the proposed project is approximately 40 feet and 6 inches in height for the townflats building style and approximately 36 feet and 4 inches for the rowtowns building style.
2. **Exceedance of Maximum Building Height Near Single-Family Zoning:** SMC Section 19.32.040 establishes a maximum building height of 30 feet for buildings constructed or erected in any commercial or industrial zoning district within seventy-five feet of the property line of property located in a single-family residence zoning district if the existing buildings are two-story or the lot is undeveloped. The project proposes a maximum building height of approximately 40 feet and 6 inches for the townflat buildings, approximately 36 feet and 4 inches for the rowtown buildings, and approximately 36 feet for the commercial building.
3. **Reduction of Front Yard Setback:** SMC Section 19.34.030 and SMC Section 19.34.040 establish a minimum front yard setback of 25 feet and 3 inches, where the project proposes a front yard setback of approximately 7 feet and 6 inches at the Lawrence Expressway frontage and approximately 5 feet and 2 inches at the Lakedale Way frontage.
4. **Reduction of Side Yard Setback at Street Level:** SMC Section 19.34.030 establishes a minimum side yard setback of 11 feet and 3 inches, where the project proposes a side yard setback of approximately 10 feet along Building 15.
5. **Reduction of Side Yard Setback Second Story and Above:** SMC Section 19.34.030 and SMC Section 19.34.080 require a second story side yard setback of 14 feet and 3 inches, a third story side yard setback of 17 feet and 3 inches, and a fourth story side yard setback of 20 feet and 3 inches. The project proposes a side yard setback of approximately 10 feet at the second and third stories along Building 15.
6. **Reduction of Rear Yard Setback:** SMC Section 19.34.030 requires a rear yard setback of 25 feet and 3 inches, where the project proposes a setback of approximately 10 feet and 4 inches along Buildings 13, 14, and 15.
7. **Reduction of Distance Between Main Buildings:** SMC Section 19.48.030 requires a minimum distance between buildings of 29 feet, where the project proposes approximately 16 feet between buildings.
8. **Reduction of Usable Open Space:** SMC Section 19.37.040(a) and SMC Section 19.37.100(c) require 400 square feet of open space, such as a park or patio, be provided per residential unit. A total of 40,400 square feet of open space is required, where the project proposes approximately 31,143 square feet.
9. **Reduction of Private Balcony Dimensions:** SMC Section SMC 19.37.100(d) requires a minimum of 7 feet in any direction for the dimensions of private balconies, where the project proposes balconies with 4-foot dimensions for 85 units of the proposed 101 units.
10. **Removal of Community Room/Club House Requirement:** SMC Section 19.38.045 requires a 450 square foot community room/clubhouse for multi-family residential developments. The project proposes to waive this requirement and provide no community room.
11. **Ground Equipment Screening:** SMC Section 19.48.100 prohibits locating mechanical equipment (i.e. A/C units) between the face of a building and the street. The project proposes A/C units between Buildings 1 and 8 and Lakedale Way.
12. **Commercial Front Yard Setback:** SMC Section 19.34.030 requires a minimum front yard setback of 70 feet in C-1 districts, where the project proposes 6 feet and 9 inches.

13. **Reduction of Parking Count for Nonresidential Uses**: SMC Section 19.46.100(c) requires 92 spaces for a general retail or shopping center rate, where the project proposes 51 spaces.
14. **Removal of Loading Space**: SMC Section 19.46.100(g)(4) requires one (1) loading space for general retail and service uses, where the project proposes to waive this requirement.
15. **Reduction of Parking Lot Shading**: SMC Section 19.46.120(g) requires a minimum of 50 percent parking lot shading, where the project proposes approximately 28.2 percent.
16. **Reduction of Landscape Buffer**: SMC Section 19.37.040(b)(1) requires a minimum landscape buffer of 10 feet, where the project proposes approximately 4 feet.
17. **Landscape Buffer Wall Design and Height**: SMC Section 19.37.040(b)(3) requires a decorative masonry wall 8 feet in height, where the project proposes to maintain the existing perimeter 8-foot-tall wall and fence.
18. **Reduction of Landscape Frontage Strip**: SMC Section 19.37.040(c) requires a minimum landscape frontage strip of 15 feet, where the project proposes approximately 6 feet.

In addition to being consistent with applicable development standards,¹ the proposed project is also consistent with the scope of development analyzed in the LUTE, which contemplates a net increase of 15,100 residential units and up to 12,500,000 square feet of commercial development (over existing conditions) within the City through buildout year 2035.

¹ Under California case law, waived development standards are not “applicable” to the project.

Access and Circulation

Site access to the residential component of the project would be provided via one driveway along Lakedale Way. An emergency vehicle access driveway is also proposed along Lakedale Way. Site access to the commercial space would be provided via one driveway from Lakehaven Drive. The proposed driveways and interior streets have been designed to accommodate a 50-foot City of Sunnyvale fire truck.

Parking

The project would provide 278 parking spaces in total (227 spaces provided for the residential portion and 51 spaces provided for the commercial portion). Pursuant to SMC Section 19.46.060, *Parking for multiple-family dwellings*, the project meets the City's parking requirements for the number of stalls.

Open Space

The townhomes project provides a total of approximately 31,143 square feet of usable open space comprised of both private open space and common open space, such as private decks and courtyards. Pursuant to SMC Section 19.37.040, *Minimum landscaped area and usable open space* 400 square feet of usable open space is required per residential unit. The project requires a total of 40,400 square feet, where 31,143 is provided. The project is requesting a waiver for this requirement.

Landscaping

Proposed landscaping for the project would comply with the provisions of SMC Chapter 19.37, *Landscaping, Irrigation, and Usable Open Space*, which includes standards outlined for location of landscape improvements; plant type; plant layout and plant diversity; planting size, spacing and planter widths; and water efficiency. The proposed area of landscaping for the project site is 67,858 square feet. As the total footprint of the project site is approximately 229,997 square feet (5.28 acres), the landscaping area would comprise approximately 29.5 percent of the lot area. This exceeds the City's requirement of 20 percent landscape of the lot area. Pursuant to SMC Section 19.37.040, *Minimum landscaped area and usable open space*, the City requires 425 square feet per unit of "Other Landscaped Area" (totaling 42,925 square feet). The townhomes would exceed this requirement by providing 58,046 square feet of other landscaped area. Pursuant to SMC Section 19.37.040, the City requires the commercial component of the project to provide other landscaped area comprising 12.5 percent of the floor area for a total of 2,888 square feet. As the applicant is proposing 7,080 square feet of landscaping in the commercial component of the proposed project, the project is compliant. The parking area would total 54,740 square feet, and the parking area tree canopy coverage would be approximately 14,925 square feet, totaling approximately 28.2 percent parking area shade coverage, which does not meet the City's requirement of a minimum 50 percent of the parking lot area to be shaded within 15 years of tree establishment. As noted above, the project seeks a waiver from this standard under the City's Commercial Incentive Program.

Grading

The project site would generally maintain the existing topography of the site, except as needed to allow for site drainage and basement/subterranean space. Grading activities require approximately 5,778 cubic yards of soil to be exported off-site.

Utilities

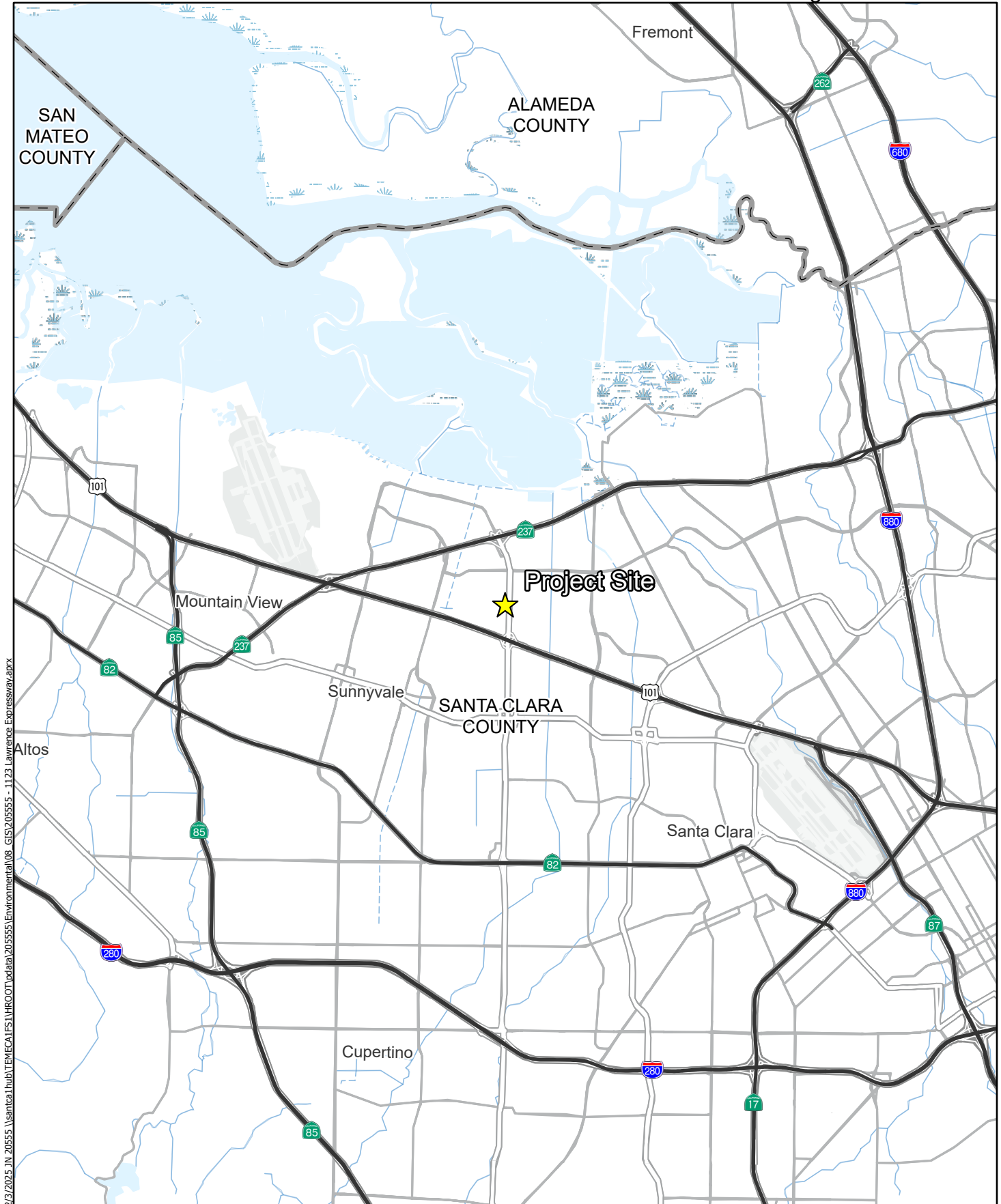
The following utilities and services are available to the project site:

- Water and Sewer: Water and wastewater services for the proposed project would be provided by the City via 8-inch diameter connections to existing water and wastewater lines on Lakedale Way and Lakehaven Drive.

- Electricity: Electricity for the proposed project would be provided by Silicon Valley Clean Energy (SVCE). The project would be all-electric and would install solar panels and include electric vehicle (EV) charging stations.
- Solid Waste: Garbage and cardboard recycling collection service is provided to Sunnyvale residents and businesses by the City's franchised hauler, Specialty Solid Waste & Recycling.

3.2 Project Phasing and Construction

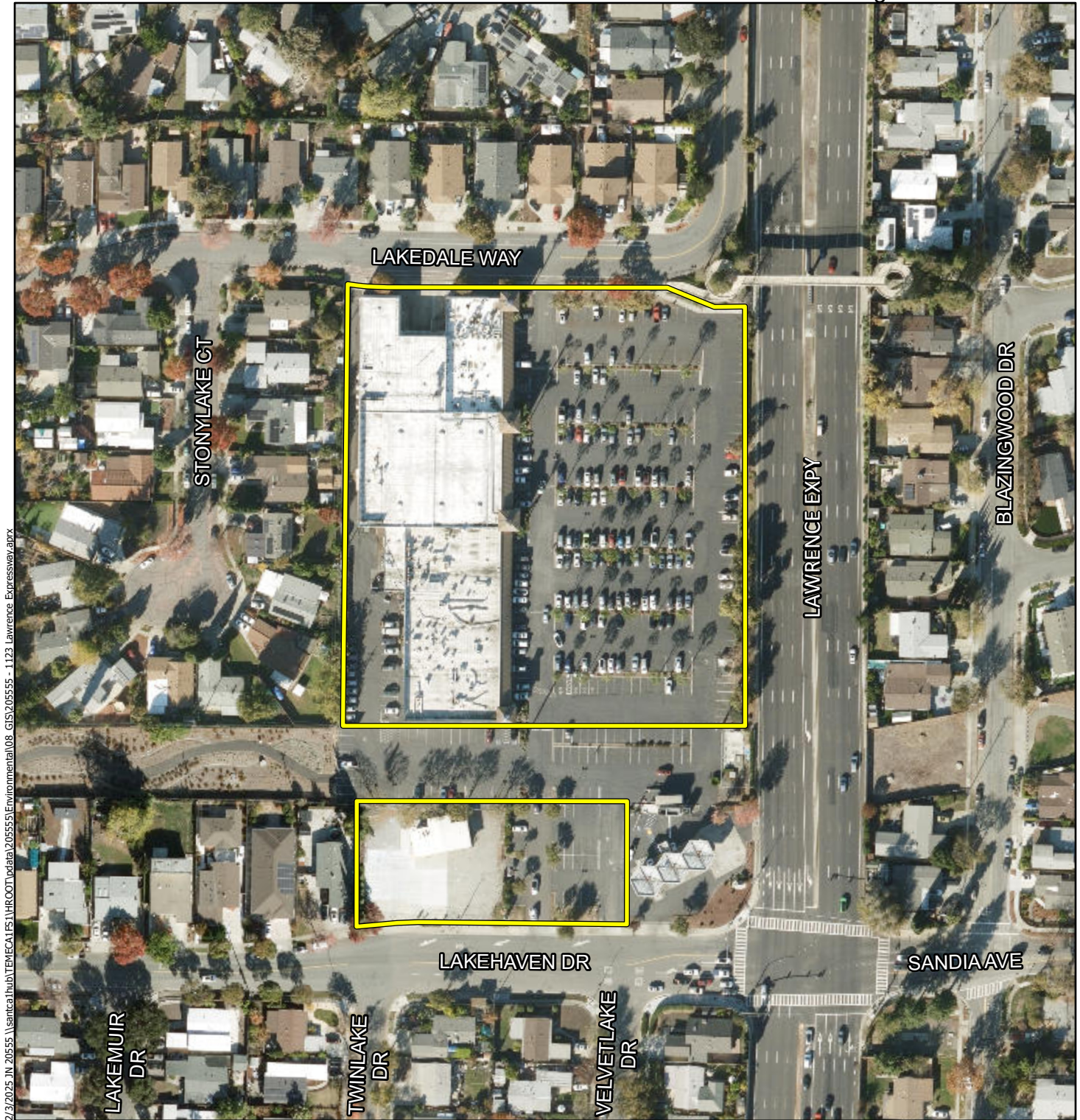
The project would be constructed in a single phase, anticipated to begin in January 2026 with a duration of approximately 15 months, with the project opening in 2027.



1123 LAWRENCE EXPRESSWAY PROJECT
ENVIRONMENTAL CHECKLIST



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Legend

 Project Site



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PLAN VIEW
Scale: 1"=40'-0"

Illustrative Site Plan
L-1.1

400-125 TTLC 1123 Lawrence Expressway
Sunnyvale, CA
August 22, 2025

TRUE COMPANIES TTLC Sunnyvale - Lakehaven, LLC
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LANDSCAPE ARCHITECTURE
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4.0 Environmental Review Conclusion

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

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

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

5.0 Analysis of Conformance with CEQA Guidelines Section 15183

5.1 Conformance with Policies Analyzed by a Certified EIR

The site has a General Plan land use designation of Village Mixed Use. The project is consistent with the development density allowed within the designated land use as analyzed in the LUTE EIR, which anticipated around 900 to 1,200 housing units across all Village Centers, an average of 18 dwelling units per acre, and three to four stories of building height.

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

The site is zoned Neighborhood Business/Planned Development (C-1/PD). As a residential mixed-use project, the project is not consistent with the zoning designation. However, the project's inconsistency with the site's existing zoning designation does not preclude use of the CEQA Guidelines Section 15183 Exemption, which applies to projects that are consistent with the development density established by existing zoning, community plan, or general plan policies for which an EIR was certified [*Emphasis Added*]. Further, refer to Section 3.0, Project Description, for a list of waivers, reductions, or deviations from LUTE and SMC development standards as waivers under the City's Commercial Incentive Program.

5.2 Overview of CEQA Guidelines Section 15183

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

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

If an impact is not peculiar to the parcel or to the project, has been addressed as a significant effect in the prior EIR, or can be substantially mitigated by the imposition of uniformly applied development policies or standards,

as contemplated by CEQA Guidelines Section 15183(c), then an additional EIR or other environmental review need not be prepared for the project solely on the basis of that impact. Section 15183(e) allows for the analysis to be limited for those significant environmental effects that were previously identified in the prior EIR, and for which all applicable mitigation measures identified by the prior EIR are found to be feasible. For such effects, the Lead Agency is required to make a finding at a public hearing as to whether the feasible mitigation measures will be undertaken.

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

Pursuant to CEQA Guidelines Section 15183(h), an environmental effect shall not be considered peculiar to the project or parcel solely because no uniformly applied development policy or standard is applicable to it.

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

5.3 Project-Specific Environmental Assessment

The following analysis addresses the potential environmental impacts from the proposed project in relation to the analysis presented in the LUTE EIR that was certified in 2017 (SCH No. 2012032003). The discussion below is formatted to address each of the thresholds identified by Appendix G to the CEQA Guidelines, which also were relied upon by the LUTE EIR. The analysis assumes that the proposed project would be subject to applicable mitigation measures identified in Table A-1, *Land Use and Transportation Element Mitigation Monitoring and Reporting Program*, of the LUTE EIR, as well as applicable RRs, and applicable standard COAs. Applicable mitigation measures that were relied upon to evaluate the project's potential environmental effects are listed under the appropriate environmental subject heading in the following subsections.

5.3.1 Aesthetics

LUTE EIR Findings

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

- Impact 3.12.1: There are no designated scenic vistas within the City of Sunnyvale. There are several trees and historic resources that are considered local scenic attributes. However, zoning regulations, standard development conditions, Citywide Design Guidelines, Murphy Avenue Design Guidelines, and General Plan policies would protect and preserve these resources. Implementation of the LUTE would have less than significant impacts on scenic views and vistas.
- Impact 3.12.2: There are no officially designated state scenic highways in Sunnyvale, and no portions of the city encompass the viewshed of a state scenic highway. The LUTE would have no impact on scenic resources within a state scenic highway.
- Impact 3.12.3: Development associated with implementation of the LUTE would generally be concentrated around transit nodes and other areas that allow similar development intensities such as densities and structure height. Intensification of uses associated with implementation of the LUTE would complement the existing visual character of the City. The LUTE contains policies and actions to address the implementation of design guidelines to ensure the compatibility of land uses for protection of residential neighborhoods from incompatible activities. These policies in combination with Citywide Design Guidelines would maintain compatibility with surrounding neighborhoods. Impacts to the existing visual character of the City would be less than significant.
- Impact 3.12.4: Development associated with implementation of the LUTE could result in an increase of daytime glare and/or nighttime lighting within the City. However, compliance with Citywide Design Guidelines and provisions of the SMC would ensure that glare and lighting impacts are less than significant.

LUTE EIR Mitigation Measures

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

Project Analysis

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

The LUTE EIR specifies that there are no designated scenic vistas or viewsheds within the City of Sunnyvale. The project site is entirely surrounded by existing development. Consistent with the findings of the LUTE EIR, the project site does not contain a designated scenic vista or viewshed. However, the City does host several trees and historic resources that are considered local scenic attributes. The project would comply with SMC Chapter 19.94, *Tree Preservation*, in addition to existing zoning regulations, standard development conditions, Citywide Design Guidelines, and existing General Plan policies to protect and preserve these resources. Thus, there are no impacts to scenic vistas, viewsheds, or other scenic resources (including protected trees) that are peculiar to the project or project site; there are no impacts that were not analyzed as significant effects in the LUTE EIR; there are no potentially significant off-site or cumulative impacts that were not already evaluated by the LUTE EIR; and there is no substantial new information resulting in more severe adverse impacts to the environment from significant effects identified in the LUTE EIR.

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

According to the California Department of Transportation (Caltrans), and consistent with the findings of the LUTE EIR, there are no officially designated State scenic highways within the City or adjacent to the project site.² Consistent with the LUTE EIR, the proposed project would have no potential to substantially damage scenic resources within a State scenic highway, and no impact would occur. Based on the foregoing analysis, there are no impacts to scenic resources that are peculiar to the project or project site; there are no impacts that were not analyzed as significant effects in the LUTE EIR; there are no potentially significant off-site or cumulative impacts that were not already evaluated by the LUTE EIR; and there is no substantial new information resulting in more severe adverse impacts to the environment from significant effects identified in the LUTE EIR.

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

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

The project site has a General Plan land use designation of Village Mixed Use (VMU) and is zoned as Neighborhood Business/Planned Development (C-1/PD). The C-1 zoning allows for neighborhood-serving commercial uses, whereas the PD overlay allows for a site-specific development that may deviate from standard zoning regulations on a case-by-case basis. The proposed project consists of residential mixed-use development and is not consistent with the zoning designation.

As discussed in the LUTE EIR, future development anticipated as a result of LUTE implementation would generally not affect areas with a high degree of scenic value, including areas with a concentration of historic structures, open space areas, and single-family residential neighborhoods. The visual character of change areas would be affected primarily through the intensification of existing urban uses, including mixed-use development along transit corridors and infill development, where such development is visually compatible with the existing urban fabric. The LUTE contains policies and actions to address the implementation of design guidelines to ensure the compatibility of land uses for protection of residential neighborhoods from incompatible activities. Specifically, the LUTE contains Policies (and associated Actions) 51-53, Policies 55-57, 89, 91, 95, and 97 that promote harmony between existing neighborhood character and new development, in addition to ensuring design compatibility between land uses (such as residential versus commercial). Further, the project would comply with the Citywide Design Guidelines, which aim to enhance and preserve existing community character, communicate the image the community desires, and achieve higher design quality. Adherence to these LUTE policies and actions in combination with Citywide Design Guidelines would maintain compatibility with surrounding

² California Department of Transportation, *California State Scenic Highway Mapping System Map*, <https://dot.ca.gov/programs/design/lap-landscape-architecture-and-community-livability/lap-liv-i-scenic-highways>, accessed June 7, 2025.

neighborhoods. Impacts to the existing visual character of the City would be less than significant.

SMC Title 19, *Zoning Code*, includes development standards and regulations that are 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, lighting and illumination requirements, usable open space requirements, and public artwork in private developments. Further, the Community Character chapter of the General Plan includes development and design policies to guide development within the City. As detailed in Section 3.0, Project Description, the project seeks the approval of 18 waivers of development standards related to design features like building height, setback reductions, landscape buffers. Under California case law, once approved, development standards waived using incentive programs are not considered “applicable” to the project. Thus, the project would remain consistent with the LUTE EIR and applicable design requirements outlined in the SMC, General Plan, and Citywide Design Guidelines.

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

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

The project site is developed with the existing Lakewood Shopping Center, which generates light and daytime glare. Redevelopment of the site would not substantially increase lighting or sources of glare at the project site compared to existing conditions. The project would be required to comply with all applicable requirements and guidelines outlined SMC Chapter 19.80, for guidelines and restrictions intended to ensure that development prohibits lighting and glare from causing spillover on other properties and to ensure lighting is appropriately scaled or shielded as necessary to minimize light pollution. In accordance with SMC Chapter 19.80, the project would be subject to the City’s Design Review Process. This regulatory procedure would ensure that neighboring uses are not exposed to substantial impacts related to lighting or daytime glare. Short-term and long-term impacts on lighting would be reduced to less than significant levels following conformance with SMC Chapter 19.80 and the City’s Design Review Process.

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

5.3.2 Agriculture and Forestry Resources

LUTE EIR Findings

The General Plan does not designate any land in Sunnyvale for agricultural uses. Furthermore, while the city has some small pockets of remaining orchards zoned for non-agricultural uses, it does not contain any agricultural operations. Therefore, the LUTE would not result in physical environmental impacts to agricultural uses.

LUTE EIR Mitigation Measures:

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

Project Analysis

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

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

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

The project site is zoned C-1 with a General Plan land use designation of VMU. Based on the City's General Plan and SMC, there is no land designated for agricultural uses within the City. Further, there are no agricultural operations within the City, and there are no lands subject to a Williamson Act contract. Thus, there are no impacts to existing agricultural zoning or Williamson Act contracts that are peculiar to the project or project site; there are no impacts that were not analyzed as significant effects in the LUTE EIR; there are no potentially significant off-site or cumulative impacts that were not already evaluated by the LUTE EIR; and there is no substantial new information resulting in more severe adverse impacts to the environment from significant effects identified in the LUTE EIR.

³ California Department of Conservation, *California Important Farmland Finder*, <https://maps.conservation.ca.gov/DLRP/CIFF/>, accessed January 27, 2025.

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

The project site is not zoned for forest land, timberland, or Timberland Production. In addition, the project site is presently paved and developed. Therefore, no impacts would occur related to the loss or conversion of forest land to a non-forest use. Accordingly, and based on the foregoing analysis, there are no impacts that are peculiar to the project or project site; there are no impacts to forest land that were not analyzed as significant effects in the LUTE EIR; there are no potentially significant off-site or cumulative impacts that were not already evaluated by the LUTE EIR; and there is no substantial new information resulting in more severe adverse impacts to the environment from significant effects identified in the LUTE EIR.

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

See Threshold 5.3.2.c above. No impact would occur.

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

There are no existing agricultural uses on the project site or within areas surrounding the project site. Additionally, there is no land surrounding the project site that is planned for agricultural uses. Therefore, there are no components of the proposed project which, due to their location or nature, could result in conversion of Farmland to non-agricultural use. No impact would occur. Similarly, as described above, there are no forestry uses or zoning on the project site. As such, the project would not involve other changes in the existing environment which, due to their location or nature, could result in the conversion of forest land to non-forest uses. No impact would occur.

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

5.3.3 Air Quality

LUTE EIR Findings

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

- Impact 3.5.1: Land use activities associated with implementation of the LUTE would not conflict with the Bay Area 2010 Clean Air Plan. Policies in the LUTE would support the goals of the 2010 Clean Air Plan. Impacts would be less than significant.
- Impact 3.5.2: Subsequent land use activities related to implantation of the LUTE would not conflict with the Bay Area 2010 Clean Air Plan. However, implementation would result in an increase in vehicle miles traveled beyond the projected population increase over the planning period of the plan. Therefore, implementation of the LUTE would result in an air quality violation during long-term operations, and impacts would be significant and unavoidable.
- Impact 3.5.3: Implementation of the LUTE would result in subsequent land use activities that could result in short-term construction emissions that could violate or substantially contribute to a violation of federal and state air quality standards, and impacts would be significant and unavoidable.
- Impact 3.5.4: Implementation of the LUTE would result in subsequent land use activities that would not contribute to localized concentrations of mobile-source Carbon Monoxide (CO) that would exceed applicable ambient air quality standards. As such, implantation of the LUTE would not expose sensitive receptors to substantial CO pollutant concentrations, and impacts would be less than significant.
- Impact 3.5.5: Implementation of the LUTE would result in subsequent land use activities that could result in an increased exposure of existing or planned sensitive land use to construction-source toxic air contaminant (TAC) emissions. Implementation of mitigation measures would ensure that impacts associated with TAC emissions are less than significant.
- Impact 3.5.6: An increase in land use activities associated with implementation of the LUTE could result in the development of sensitive land uses near stationary or mobile-source TACs. Further, future development could produce new sources of TACs in the City, which could expose existing or new sensitive receptors to unhealthy levels of TACS and PM_{2.5}. Mitigation measures and Bay Area Air Quality Management District (BAAQMD) permitting requirements would mitigate TAC-related impacts for sensitive receptors to a less than significant level.
- Impact 3.5.7: Implementation of the LUTE could include sources that could create objectionable odors affecting a substantial among of people or expose new residents to existing sources of odor. Implementation of mitigation measure MM 3.5.7 would mitigate potential odor impacts to less than significant.

LUTE EIR Mitigation Measures:

MM 3.5.3 The following will be added as policies to the Environmental Management Chapter of the General Plan:

NEW POLICY: Prior to the issuance of grading or building permits, the City of Sunnyvale shall ensure that the Bay Area Air Quality Management District's (BAAQMD) basic construction

mitigation measures from Table 8-1 of the BAAQMD 2011 CEQA Air Quality Guidelines (or subsequent updates) are noted on the construction documents.

NEW POLICY: In cases where construction projects are projected to exceed the BAAQMD's air pollutant significance thresholds for NOX, PM10, and/or PM2.5, all off-road diesel-fueled equipment (e.g., rubber-tired dozers, graders, scrapers, excavators, asphalt paving equipment, cranes, tractors) shall be at least California Air Resources Board (CARB) Tier 3 Certified or better.

MM 3.5.5

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

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

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

MM 3.5.6

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

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

- Future development that includes sensitive receptors (such as residences, schools, hospitals, daycare centers, or retirement homes) located within 1,000 feet of Caltrain,

Central Expressway, El Camino Real, Lawrence Expressway, Mathilda Avenue, Sunnyvale-Saratoga Road, US 101, State Route 237, State Route 85, and/or stationary sources shall require site-specific analysis to determine the level of health risk. This analysis shall be conducted following procedures outlined by the BAAQMD. If the site-specific analysis reveals significant exposures from all sources (i.e., health risk in terms of excess cancer risk greater than 100 in one million, acute or chronic hazards with a hazard Index greater than 10, or annual PM_{2.5} exposures greater than 0.8 µg/m³) measures shall be employed to reduce the risk to below the threshold (e.g., electrostatic filtering systems or equivalent systems and location of vents away from TAC sources). If this is not possible, the sensitive receptors shall be relocated.

- Future nonresidential developments identified as a permitted stationary TAC source or projected to generate more than 100 heavy-duty truck trips daily will be evaluated through the CEQA process or BAAQMD permit process to ensure they do not cause a significant health risk in terms of excess cancer risk greater than 10 in one million, acute or chronic hazards with a hazard Index greater than 1.0, or annual PM_{2.5} exposures greater than 0.3 µg/m³ through source control measures.
- For significant cancer risk exposure, as defined by the BAAQMD, indoor air filtration systems shall be installed to effectively reduce particulate levels to avoid adverse public health impacts. Projects shall submit performance specifications and design details to demonstrate that lifetime residential exposures would not result in adverse public health impacts (less than 10 in one million chances).

MM 3.5.7 The following will be added as a policy and actions to the Environmental Management Chapter of the General Plan:

NEW POLICY: Avoid Odor Conflicts. Coordinate land use planning to prevent new odor complaints.

NEW ACTION: Consult with the BAAQMD to identify the potential for odor complaints from various existing and planned or proposed land uses in Sunnyvale. Use BAAQMD odor screening distances or city-specific screening distances to identify odor potential.

NEW ACTION: Prohibit new sources of odors that have the potential to result in frequent odor complaints unless it can be shown that potential odor complaints can be mitigated.

NEW ACTION: Prohibit sensitive receptors from locating near odor sources where frequent odor complaints would occur, unless it can be shown that potential odor complaints can be mitigated.

Project Analysis

In order to evaluate the project's potential to result in air quality impacts, a site-specific Air Quality, Greenhouse Gas Emissions, and Energy Analysis was prepared for the site in 2025. The *City of Sunnyvale – 1123 Lawrence Expressway Residential Project Air Quality, Greenhouse Gas Emissions, and Energy Analysis Report*, dated July 10, 2024, and revised August 13, 2025, was prepared by FirstCarbon Solutions, Inc.; the report is included as Attachment A of this document.

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

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

The BAAQMD prepared the Bay Area 2017 Clean Air Plan as a multipollutant plan to address the air basin's ozone nonattainment status, as well as particulate matter, air toxics, and greenhouse gases (GHG). The plan establishes a program of rules and regulations directed at reducing air pollutant emissions and achieving the State and Federal ambient air quality standards (California Ambient Air Quality Standards [CAAQS] and National Ambient Air Quality Standards [NAAQS]). The 2017 Clean Air Plan pollutant control strategies are based on the latest scientific and technical information and planning assumptions, updated emission inventory methodologies for various source categories, and the latest population growth projections and vehicle miles traveled (VMT) projections for the region.

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

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

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

Attain Air Quality Standards. BAAQMD's 2017 Clean Air Plan strategy is based on regional population and employment projections in the Bay Area compiled by Association of Bay Area Governments (ABAG), which are based in part on cities' general plan land use designations. These demographic projections are incorporated into Plan Bay Area. Demographic trends incorporated into Plan Bay Area determine VMT in the Bay Area, which BAAQMD uses to forecast future air quality trends. The San Francisco Bay Area Air Basin (SFBAAB) is currently designated a CAAQS nonattainment area for O₃, PM_{2.5}, and PM₁₀.

Future growth associated with the proposed project would occur within the approved LUTE's 2035 buildout horizon. The project could induce population growth in an area either directly, through the development of new residences or businesses, or indirectly, through the extension of roads or other infrastructure. The project site is currently Village Mixed Use (VMU). The LUTE describes the VMU land use as an area that provides regional, community, or employment-serving retail uses in conjunction with higher-density residential uses. The proposed project would develop a mixed-use development with 101 townhome units and 23,104 square feet of ground-

floor retail. As such, the project is consistent with the General Plan land use designation for the project site; refer to [Section 5.3.11, Land Use and Planning](#).

The 2017 LUTE EIR estimated that total buildout of the City through the year 2035 would accommodate approximately 72,100 residential units and 47,300,000 square feet of commercial floor area, which would serve as net increases of approximately 15,100 residential units and 12,500,000 square feet of industrial/office/commercial floor area above then-existing conditions. The proposed project would develop 101 townhome units (distributed across 15 three-story buildings) and 23,104 square feet of commercial floor area. As detailed in [Section 5.3.14](#), the project's future residential population and commercial development was analyzed for the project site by the LUTE EIR. Because population and employment projections of the proposed project are consistent with regional (LUTE) growth projections, General Plan land use designation, the BAAQMD emissions forecasts have already considered the additional growth and associated emissions from the proposed project. Thus, emissions resulting from potential future development associated with the proposed project are included in BAAQMD projections, and future development accommodated under the proposed project would not hinder BAAQMD's ability to attain the State or Federal ambient air quality standards (CAAQS and NAAQS). Therefore, impacts would be less than significant. There are no impacts that are peculiar to the project or project site; there are no impacts that were not analyzed as significant effects in the LUTE EIR; there are no potentially significant off-site or cumulative impacts that were not already evaluated by the LUTE EIR; and there is no substantial new information resulting in more severe adverse impacts to the environment from significant effects identified in the LUTE EIR.

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

Table 5.3.3-a
2017 Clean Air Plan Control Measures

Type	Measure Number/Title		Project Consistency
Buildings Control Measures	BL1: Green Buildings		<u>Consistent</u> . The proposed project would not conflict with the implementation of this measure. The proposed project would comply with the latest energy efficiency standards and incorporate applicable energy efficiency features designed to reduce project energy consumption
	BL4: Urban Heat Island Mitigation		<u>Consistent</u> . The proposed project includes landscaping and open space in both the residential and commercial portions which will help to reduce urban heat island effect.

Type	Measure Number/Title		Project Consistency
Energy Control Measures	EN1: Decarbonize Electricity Generation		<u>Consistent.</u> The project applicant would, at a minimum, be required to conform to the energy efficiency requirements of the California Building Standards Code, also known as Title 24. The 2022 Title 24 Standards are the current State building regulations, which went into effect on January 1, 2023. Proposed buildings that would receive building permits after January 1, 2023, would be subject to the 2022 Title 24 Standards, including the proposed project. In addition, the proposed project will be all-electric in design, which will reduce fossil fuel demand.
	EN2: Decrease Electricity Demand		
Natural and Working Lands Control Measures	NW2: Urban Tree Planting		<u>Consistent.</u> The proposed project site would include landscaped areas and open space, including tree planting.
Waste Management Control Measures	WA3: Green Waste Diversion		<u>Consistent.</u> The waste service provider for the proposed project will be required to meet the Assembly Bill (AB) 341 and Senate Bill (SB) 939 and SB 1374 requirements that require waste service providers to divert green waste. In addition, AB 1383 went into effect on January 1, 2022, which aims to reduce organic waste disposal by 75 percent by 2025 and to secure 20 percent of surplus edible food for the food insecure by 2025.
	WA4: Recycling and Waste Reduction		<u>Consistent.</u> The waste service provider for the proposed project will be required to meet the AB 341, SB 939 and SB 1374 requirements that require recyclable waste to be recycled and remove 75 percent from the landfill waste stream by 2020.
Stationary Control Measures	SS36: Particulate Matter from Track out		<u>Consistent.</u> BAAQMD's recommended mitigation measures for construction fugitive dust control would be implemented to reduce fugitive dust and track-out during project construction, as required by the City's General Plan policies. In addition, mud and dirt that may be tracked out onto the nearby public roads during construction activities shall be removed promptly by the contractor based on BAAQMD's requirements.

Type	Measure Number/Title		Project Consistency
			Therefore, the proposed project would be consistent with this measure.
Transportation Control Measures	TR9: Bicycle and Pedestrian Access and Facilities.		<u>Consistent</u> . The proposed project site would provide 22 commercial bicycle parking stalls and 22 residential bicycle parking stalls. This would contribute to the BAAQMD's efforts to encourage planning for pedestrian and other active transportation facilities.

Source: FirstCarbon Solutions, Inc., *City of Sunnyvale – 1123 Lawrence Expressway Residential Project Air Quality, Greenhouse Gas Emissions, and Energy Analysis Report*, August 13, 2025.

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

This impact is related to the cumulative effect of a project's regional criteria pollutant emissions. By its nature, air pollution is largely a cumulative impact resulting from emissions generated over a large geographic region. The nonattainment status of regional pollutants results from past and present development within the SFBAAB, and this regional impact is a cumulative impact. Therefore, new development projects (such as the proposed project) within the SFBAAB would contribute to this impact only on a cumulative basis. No single project would be sufficient in size, by itself, to result in the nonattainment of regional air quality standards. Instead, a project's emissions may be individually limited, but cumulatively considerable when evaluated in combination with past, present, and future development projects.

Potential localized and regional impacts would result in exceedances of State or federal standards for NOX, ROG, particulate matter (PM10 and PM2.5), or CO. NOX emissions are of concern because of potential health impacts from exposure to NOX and ROG emissions during both construction and operation and as a precursor in the formation of airborne ozone. PM10 and PM2.5 are of concern during construction because of the potential to emit exhaust emissions from the operation of offroad construction equipment and fugitive dust during earth-disturbing activities (construction fugitive dust). CO emissions are of concern during project operation because operational CO hotspots are related to increases in on-road vehicle congestion and potential health effects.

The cumulative analysis focuses on whether a specific project would result in cumulatively considerable emissions. According to Section 15064(h)(4) of the CEQA Guidelines, the existence of significant cumulative impacts caused by other projects alone does not constitute substantial evidence that the proposed project's incremental effects would be cumulatively considerable. Rather, the determination of cumulative air quality impacts for construction and operational emissions is based on whether the proposed project would result in regional emissions that exceed the BAAQMD regional thresholds of significance for construction and operations on a project level. The significance thresholds represent the allowable amount of emissions each project can generate without generating a cumulatively considerable contribution to regional air quality impacts.

Therefore, a project that would not exceed the BAAQMD thresholds of significance on the project level also would not be considered to result in a cumulatively considerable contribution to these regional air quality impacts. Construction and operational emissions are discussed separately below.

Construction

During construction, fugitive dust would be generated from site grading and other earthmoving activities. The majority of this fugitive dust would remain localized and deposited near the project site; however, potential fugitive dust impacts exist unless control measures are implemented to reduce this source's emissions. Exhaust emissions would also be generated from the operation of the off-road construction equipment and on-road construction vehicles.

Construction Fugitive Dust

For a project to have a less than significant criteria air pollutant impact related to construction-related fugitive dust emissions, it must implement all of the Air District's basic BMPs listed in the guidelines. Pursuant to the City's General Plan policies, the proposed project would be required to include all construction BMPs as part of compliance with construction permits and would implement dust control measures (COA AIR-1). Therefore, impacts related to fugitive dust would be less than significant.

Construction Air Pollutant Emissions: ROG, NOX, PM10, and PM2.5

CalEEMod was used to estimate the proposed project's construction emissions. CalEEMod provides a consistent platform for estimating construction and operational emissions from various land use projects and is the model recommended by the BAAQMD for estimating project emissions.

Estimated construction emissions are compared with the applicable thresholds of significance established by the BAAQMD to assess ROG, NOX, exhaust PM10, and exhaust PM2.5 construction emissions to determine significance for this impact.

At the time of this analysis, the construction of the proposed project was anticipated to begin in January 2026 and last approximately 15 months. If the construction schedule moves to later years, construction emissions would likely decrease because of improvements in technology and more stringent regulatory requirements.

Construction activities such as demolition, site preparation, grading, excavation, and travel on unpaved surfaces would generate dust and may lead to elevated concentrations of PM10 and PM2.5. As the BAAQMD dust control measures would be required to ensure fugitive dust impacts are less than significant, the emission estimates shown below account for the implementation of these dust control measures. The operation of construction equipment results in exhaust emissions, which include ROG and NOX.

As discussed in Threshold 5.3.3.c, COA AIR-2 would require the proposed project to implement use of Tier 4 construction equipment because, as identified in the Health Risk Assessment (HRA) conducted below, DPM emissions generated by project construction would result in an exceedance of cancer risk thresholds and would require the implementation of COA AIR-2 to ensure impacts are less than significant. Therefore, the construction emissions presented in Table 5.3.3-b, Construction Emissions, reflect the use of Tier 4 equipment.

Table 5.3.3-b presents construction-period emissions (with the use of Tier 4 equipment) that would result from the development of the proposed project. Complete CalEEMod output files are included as part of Attachment A. As shown in Table 5.3.3-b, the proposed project's construction emissions would not exceed any of the applicable significance thresholds. Therefore, the proposed project would have a less than significant impact related to air quality during project construction.

**Table 5.3.3-b
Construction Emissions**

Emissions Source	Pollutant (lbs/day for Daily Emissions; tons/year for Annual Emissions) ^{1,2}			
	ROG	NO _x	PM ₁₀	PM _{2.5}
Demolition (2026)	0.025	0.296	0.009	0.009
Site Preparation (2026)	0.017	0.178	0.007	0.006
Grading (2026)	0.017	0.152	0.006	0.006
Building Construction (2026)	0.137	1.104	0.040	0.037
Building Construction (2027)	0.013	0.105	0.004	0.003
Paving (2027)	0.010	0.074	0.003	0.003
Architectural Coating (2027)	1.541	0.009	0.0002	0.0002
Total Emissions (tons) ³	1.759	1.919	0.069	0.064
Total Emissions (lbs)	3,518.2	3,838.2	138.2	127.4
Average Daily Emissions (lbs/day)	10.99	11.99	0.43	0.40
<i>BAAQMD Average Daily Threshold</i>	<i>54</i>	<i>54</i>	<i>82</i>	<i>54</i>
<i>Is Threshold Exceeded?</i>	<i>No</i>	<i>No</i>	<i>No</i>	<i>No</i>
Notes: 1. Emissions were calculated using CalEEMod, version 2022.1. 2. Energy emissions are not included as the project is all-electric in design would not include natural gas consumption. 3. The numbers may be slightly off due to rounding.				
Source: FirstCarbon Solutions, Inc., <i>City of Sunnyvale – 1123 Lawrence Expressway Residential Project Air Quality, Greenhouse Gas Emissions, and Energy Analysis Report</i> , August 13, 2025.				

Cumulative Operational Emissions

Operational Air Pollutant Emissions: ROG, NO_x, PM₁₀, and PM_{2.5} Following project construction, long-term operational emissions would be generated resulting from daily operations. Operational emissions would include area, energy, and mobile sources. Area sources would include emissions from architectural coatings, consumer products, and landscape equipment. Pursuant to City of Sunnyvale requirements, the proposed project will be all-electric in design, and therefore emissions from the combustion of natural gas for water heaters and other heat sources are not applicable for this project. Mobile sources include exhaust and road dust emissions from the automobiles that would travel to and from the project site. Pollutants of concern include ROG, NO_x, PM₁₀, and PM_{2.5}.

Project operations were analyzed at full buildout immediately following the completion of construction in 2027 and are compared against the BAAQMD quantitative threshold in [Table 5.3.3-c, Operational Air Emissions](#). As shown in [Table 5.3.3-c](#), the proposed project's regional daily operational emissions would not exceed any of the BAAQMD thresholds of significance. Therefore, the proposed project would not result in a considerable net increase of any criteria pollutant for which the project region is nonattainment during operation or construction.

**Table 5.3.3-c
Operational Air Emissions**

Emissions Source	Pollutant (lbs/day for Daily Emissions; tons/year for Annual Emissions) ^{1,2}			
	ROG	NO _x	PM ₁₀	PM _{2.5}
Mobile	1.017	0.831	2.029	0.523
Area	1.094	0.006	0.0005	0.0004
Energy	0.000	0.000	0.000	0.000
Total (tons/year)	2.111	0.837	2.029	0.524
Total (lbs/year)	4,221	1,674	4,058	1,047
Average Daily (lbs/day)	11.57	4.59	11.12	2.87
Significance Threshold (tons/year)	10	10	15	10
Is Threshold Exceeded?	No	No	No	No
Significance Threshold (lbs/day)	54	54	82	54
Is Threshold Exceeded?	No	No	No	No
Notes:				
1. Emissions were calculated using CalEEMod, version 2022.1.				
2. Energy emissions are not included as the project is all-electric in design would not include natural gas consumption.				
3. The numbers may be slightly off due to rounding.				
Source: FirstCarbon Solutions, Inc., <i>City of Sunnyvale – 1123 Lawrence Expressway Residential Project Air Quality, Greenhouse Gas Emissions, and Energy Analysis Report</i> , August 13, 2025.				

Operational Carbon Monoxide Hotspot

The CO emissions from traffic generated by the proposed project are a concern at the local level. Congested intersections can result in high, localized concentrations of CO. The BAAQMD recommends a screening analysis to determine whether a project has the potential to contribute to a CO hotspot. The screening criteria identify when site-specific CO dispersion modeling is necessary. The proposed project would result in a less than significant impact to air quality for local CO if all the following screening criteria are met:

- The project is consistent with an applicable congestion management program established by the county congestion management agency for designated roads or highways, regional transportation plan, and local congestion management agency plans; and
- The project traffic would not increase traffic volumes at affected intersections to more than 44,000 vehicles per hour; and
- The project traffic would not increase traffic volumes at affected intersections to more than 24,000 vehicles per hour where vertical and/or horizontal mixing is substantially limited (e.g., tunnel, parking garage, bridge underpass, natural or urban street canyon, below-grade roadway).

Consistency with an Applicable Congestion Management Program

In accordance with SB 743, transportation analysis in accordance with CEQA no longer uses delay-based metrics such as congestion to analyze project impacts. According to the technical memorandum prepared by TJKM (Appendix A of Attachment A), the proposed project is expected to account for a net reduction in trips generated by the site during a typical weekday and during the morning and afternoon commuter peak hours. Further, the

proposed project qualifies for a categorical exemption from a VMT analysis due to the project's location in a low residential-VMT area. Therefore, the proposed project would not conflict with a program, plan, ordinance, or policy of the circulation system, including transit, roadway, bicycle, and pedestrian facilities.

Increase Traffic Volumes at Affected Intersections to No More Than 44,000 Vehicles Per Hour

The California Department of Transportation (Caltrans) Traffic Census Program provides traffic volume data for the State highway system. US-101 and SR-237 are the nearest highways which would experience the most traffic compared to other nearby roadways. According to the Traffic Census Program, the sections of US-101 near the project site (at Lawrence Expressway) and SR-237 (at Lawrence Expressway) each receive a peak-hour traffic volume of 12,200 and 13,800 vehicles, respectively. No nearby intersections impacted by the proposed project would experience traffic volumes of 44,000 vehicles per hour. Therefore, the proposed project would not result in any nearby intersection having peak-hour traffic volumes exceeding 44,000 vehicles per hour. Furthermore, as stated, the proposed project is anticipated to have a net-reduction in VMT over existing conditions.

Increase Traffic Volumes Where Vertical and/or Horizontal Mixing Is Substantially Limited

CO hotspots can occur when a transportation facility's design or orientation prevents the adequate dispersion of CO emissions from vehicles, resulting in the accumulation of local CO concentrations. The design or orientation of a transportation facility that may prevent the dispersion of CO emissions include tunnels, parking garages, bridge underpasses, natural or urban canyons, below-grade roadways, or other features where vertical or horizontal atmospheric mixing is substantially limited. Adjacent roadways that would receive new vehicle trips generated by the proposed project do not include roadway segments where vertical or horizontal atmospheric mixing is substantially limited.

Therefore, based on the above criteria, the proposed project would not exceed the CO screening criteria and would have a less than significant impact related to CO.

Based on the above analysis, with implementation of COA AIR-1 and AIR-2, there are no impacts that are peculiar to the project or project site; there are no impacts that were not analyzed as significant effects in the LUTE EIR; there are no potentially significant off-site or cumulative impacts that were not already evaluated by the LUTE EIR; and there is no substantial new information resulting in more severe adverse impacts to the environment from significant effects identified in the LUTE EIR.

COA AIR-1 Dust Control. The following dust control measures as recommended by the Bay Area Air Quality Management District (BAAQMD), shall be included in the design of the proposed project and implemented during construction:

- All exposed non-paved surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and access roads) shall be watered at least two times per day and/or non-toxic soil stabilizers shall be applied to exposed non-paved surfaces.
- All haul trucks transporting soil, sand, or other loose material off-site shall be covered and/or shall maintain at least 2 feet of freeboard.
- All visible mud or dirt tracked out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.

- All vehicle speeds on unpaved roads shall be limited to 15 miles per hour.
- All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.
- Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes, as required by the California Airborne Toxics Control Measure (ATCM) Title 13, Section 2485 of California Code of Regulations. Clear signage regarding idling restrictions shall be provided for construction workers at all access points.
- All construction equipment shall be maintained and properly tuned in accordance with the manufacturer's specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation.
- The prime construction contractor shall post a publicly visible sign with the telephone number and person to contact regarding dust complaints. The construction contractor shall take corrective action within 48 hours. The BAAQMD's and Santa Clara County's phone numbers shall also be visible to ensure compliance with applicable regulations.

COA AIR-2

Tier 4 Construction Equipment Certification. All off-road equipment equal to or greater than 25 horsepower shall meet either United States Environmental Protection Agency (EPA) or California Air Resources Board (ARB) Tier 4 Interim off-road emission standards during all construction activities. The project applicant shall submit a construction management plan to the Director of Planning, Building and Code Enforcement, or the Director's designee, for review and approval prior to issuance of any grading and building permits. The construction management plan shall demonstrate that the off-road equipment used on-site to construct the project would comply with Tier 4 Interim off-road emission standards. Off-road equipment descriptions and information included in the construction management plan may include but are not limited to equipment type, equipment manufacturer, equipment identification number, engine model year, engine certification (Tier rating), horsepower, and engine serial number.

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

The proposed project could expose sensitive receptors to elevated pollutant concentrations if it causes or contributes significantly to elevated pollutant concentration levels. The closest sensitive receptors include single-family residences within 1,000 feet surrounding the proposed project site. Unlike regional emissions, localized emissions are typically evaluated in terms of air concentration rather than mass so they can be more readily correlated to potential health effects. As the proposed project would constitute the development of multi-unit residential buildings and commercial buildings—which are typically not associated with ongoing emissions of elevated pollutant concentrations—only a construction HRA was prepared for the proposed project and is contained in Attachment A. The estimated health and hazard impacts at the residential cancer risk (MEIR) and Maximally Exposed Individual Worker (MEIW) are provided in Table 5.3.3-d, Cumulative Health Risks at the Maximally Exposed Impacted Receptors. The health risks were calculated assuming 320 workdays (2,560 working hours). The chronic hazards and PM_{2.5} concentrations from health from DPM are below the BAAQMD thresholds of significance. However, cancer risks for both the MEIR and MEIW would exceed the BAAQMD's significance

thresholds. Therefore, emissions reductions would be required by using a construction equipment fleet that meets Tier 4 Interim off-road emission standards (COA AIR-2) to reduce this impact to less than significant.

Table 5.3.3-d
Cumulative Health Risks at the Maximally Exposed Impacted Receptors

Source	Cancer Risk (per million)	Chronic HI	PM2.5 Concentration (µg/m3)
Cumulative Health Risks at MEIR			
Project Source–Mitigated Construction	6.85	0.01	0.15
Air Basin Roadways	22.168	0.086	0.644
Air Basin Railways	0.000	0.000	0.000
BAAQMD Permitted Stationary Source: Lakewood Shell (Facility ID 112380)	9.06	0.039	0.000
Cumulative Health Risks at MEIR	38.08	0.135	0.794
BAAQMD's Cumulative Thresholds of Significance	100	100	0.8
Threshold Exceeded?	NO	NO	NO
Notes: BAAQMD = Bay Area Air Quality Management District DPM = diesel particulate matter HI = hazard index MEIR = Maximally Exposed Individual Receptor MEIW = Maximally Exposed Individual Worker ND = No Data PM2.5 = particulate matter, including dust, 2.5 micrometers or less in diameter µg/m3 = micrograms per cubic meter The health risks and concentrations from railway, roadway and stationary sources are based on BAAQMD screening tools. Source: Refer to <u>Attachment A, Air Quality/Greenhouse Gas Emissions/Energy Analysis</u> for detailed model data.			

Mitigated modeling results are shown in Table 5.3.3-d. As shown in Table 5.3.3-d, the proposed project's construction DPM emissions would not result in health risks exceeding the cancer risk significance threshold or non-cancer hazard index significance threshold at the MEIR or MEIW after implementation of COA AIR-2. Therefore, the proposed project would not result in a significant impact on nearby receptors from TACs during construction.

As a result, with implementation of COA-AIR 2, the proposed project would remain consistent with the findings of the LUTE EIR, this impact would be less than significant. There are no pollutant impacts that are peculiar to the project or project site; there are no impacts that were not analyzed as significant effects in the LUTE EIR; there are no potentially significant off-site or cumulative impacts that were not already evaluated by the LUTE EIR; and there is no substantial new information resulting in more severe adverse impacts to the environment from significant effects identified in the LUTE EIR.

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

The BAAQMD does not have a recommended odor threshold for construction activities. For purposes of this analysis, it is anticipated that heavy-duty construction equipment associated with future development activities would emit odors. However, construction activities would be short-term and finite in nature. Furthermore,

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

The land uses identified by the BAAQMD as sources of odors include wastewater treatment plants, wastewater pumping facilities, sanitary landfills, transfer stations, composting facilities, petroleum refineries, asphalt batch plants, chemical manufacturing and fiberglass manufacturing facilities, painting/coating operations, rendering plants, coffee roasters, food processing facilities, confined animal facilities, feedlots, dairies, green waste and recycling operations, and metal smelting plants. The project proposes a mixed-use residential development of 101 townhome units and 23,104 square feet of commercial space, none of which are considered major sources of odorous emissions. The proposed project would not result in the installation of any major odor-emitting sources. Therefore, long-term exposure to odorous emissions would be considered less than significant.

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

5.3.4 Biological Resources

LUTE EIR Findings

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

- Impact 3.9.1: Implementation of the LUTE could result in the loss of special-status plant and animal species. Actions and policies in the LUTE would reduce impacts to special-status and other protected species to less than significant.
- Impact 3.9.2: Implementation of the LUTE could adversely affect protected wetlands, waters, and/or riparian habitats. LUTE policies and actions, as well as conformance with SMC Section 12.60.010, which requires compliance with the Clean Water Act and the Porter-Cologne Water Quality Control Act, would reduce impacts to less than significant.
- Impact 3.9.3: Future development associated with the LUTE would occur in existing urban areas of Sunnyvale and would not expand the existing urban footprint of the city. Therefore, the LUTE would not substantially interfere with wildlife movement and impacts would be less than significant.
- Impact 3.9.4: Implementation of the LUTE would not conflict with an adopted habitat, natural community conservation plan, or local protection measures. Since no conflict with biological resource-related protection plans or standards would result, any impact would be less than significant.

LUTE EIR Mitigation Measures

The LUTE EIR did not identify mitigation measures related to biological resources.

Project Analysis

In order to evaluate the project's potential to result in impacts regarding biological resources, a site-specific Biological Resources Assessment and Arborist Report for the project site were prepared. The *Biological Resources Assessment 1123 Lawrence Expressway Residential Project City of Sunnyvale, Santa Clara County, California* (Biological Resources Assessment), prepared by FirstCarbon Solutions, is dated April 4, 2025. The Biological Resources Assessment is included as Attachment B1 of this report. The *Preliminary Arborist Report 1123 Lawrence Expressway Sunnyvale, CA* (Arborist Report), prepared by HortScience Bartlett Consulting, is dated October 18, 2024, and included as Attachment B2.

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

The project site is currently developed with a shopping center and a paved parking lot, which would be demolished prior to project construction. The project site is developed with associated ornamental vegetation. The project site does not contain suitable habitat to support special-status plant species. As identified in the Biological Resources Assessment (Attachment B1) prepared for the project, two special-status wildlife species were determined to have the potential to occur on the project site, the Pallid bat (*Antrozous pallidus*) and the Townsend's big-eared bat (*Corynorhinus townsendii*). Neither of the species were observed during the field survey as part of the Biological Resources Assessment.

Nesting birds and roosting bats include groups of species that are protected under federal and State law and

regulations and are considered sensitive and protected under certain conditions (e.g., when nesting, breeding). Trees within the project site provide suitable nesting habitat for a variety of species of nesting birds. Construction activities that occur during the avian nesting season (generally February 1 to August 31) could disturb protected nesting sites within the construction footprint and within disturbance distance. The removal of trees during the nesting season could result in direct harm to nesting birds, while noise, light, and other construction-related disturbances may cause nesting birds adjacent to or within the tree removal areas to abandon their nests. Condition of Approval (COA) BIO-1, below, would require pre-construction nesting bird surveys and avoidance of direct and indirect impacts on nests. Implementation of COA BIO-1 would minimize impacts to nesting birds to a less than significant level, consistent with the LUTE EIR.

According to the Biological Resources Assessment, the project site contains trees and vacant buildings that could provide suitable bat roosting habitat, including special-status bats such as the pallid bat and Townsend's big-eared bat. Impacts could occur on roosting bats due to removal of potential roosting habitat during project construction. These activities could potentially subject bats to risk of death or injury, and they are likely to avoid using the area until such construction activities have dissipated or ceased. Relocation, in turn, could cause hunger or stress among individual bats by displacing them into adjacent territories belonging to other individuals.

Implementation of COA BIO-1 and COA BIO-2 below, which would require pre-construction roosting bat surveys and avoidance of direct and indirect impacts on active bat roosts, would minimize impacts to roosting bats to a less than significant level, consistent with the LUTE EIR.

COA BIO-1 Protection of Active Bird Nests (includes pre-construction survey and implementation of avoidance buffer, if found).

- Removal of trees shall be limited to the extent feasible to only those reasonably necessary to construct the proposed project as reflected in the relevant project approval documents.
- If the proposed project requires vegetation to be removed during the nesting season (February 1 to August 31), pre-construction surveys shall be conducted no more than 7 days prior to the start of ground or vegetation disturbance (including tree removal) in connection with the subject individual development phase to determine whether or not active nests are present.
- If an active nest is located during pre-construction surveys, a qualified Biologist shall determine an appropriately sized avoidance buffer based on the species and anticipated disturbance level. (The California Department of Fish and Wildlife [CDFW] recommends a minimum no-disturbance buffer of 250 feet around active nests of non-listed bird species and a 500-foot no-disturbance buffer around active nests of non-listed raptors.) A qualified Biologist shall delineate the avoidance buffer using Environmentally Sensitive Area fencing, pin flags, and/or yellow caution tape. The buffer zone shall be maintained around the active nest site(s) until the young have fledged and are foraging independently, as confirmed by a qualified Biologist. No construction activities or construction foot traffic is allowed to occur within the avoidance buffer(s).
- In consultation with United States Fish and Wildlife Service (USFWS) or CDFW (as appropriate), the qualified Biologist shall monitor the active nest during the subject construction activities and modify the protection zone accordingly to prevent project-

related nest disturbance, until the young have fledged.

COA BIO-2 Roosting Bat Pre-construction Survey and Avoidance. A qualified Biologist with relevant roosting bat experience shall conduct a survey within the entire Study Area for special-status bats during the appropriate time of day to maximize detectability to determine whether bat species are roosting near the work area no less than 7 days and no more than 14 days prior to beginning ground disturbance and/or construction in connection with each individual development phase. Survey methodology may include visual surveys of bats (e.g., observation of bats during foraging period), inspection of suitable habitat, bat sign (e.g., guano), or use of ultrasonic detectors (Anabat, etc.).

If the Biologist determines or presumes bats are present, the Biologist shall exclude the bats from suitable spaces by installing one-way exclusion devices. After the bats vacate the space, the Biologist shall close off the space to prevent recolonization. Construction activities in connection with the subject individual development phase shall only commence after the Biologist verifies 7 to 10 days later that the exclusion methods have successfully prevented bats from returning. To avoid impacts on non-volant (i.e., nonflying) bats, the Biologist shall only conduct bat exclusion and eviction from October 1 through April 31. Exclusion efforts may be restricted during periods of sensitive activity (e.g., during hibernation or while females in maternity colonies are nursing young). If bats are present during the pre-construction survey, then the project applicant shall coordinate with the California Department of Fish and wildlife (CDFW) to establish either an appropriate buffer or an exclusion plan.

Implementation of COA BIO-1 and COA BIO-2 would reduce impacts to sensitive-status species to less than significant, consistent with the LUTE EIR. Therefore, there are no impacts to special status species that are peculiar to the project or project site; there are no impacts that were not analyzed as significant effects in the LUTE EIR; there are no potentially significant off-site or cumulative impacts that were not already evaluated by the LUTE EIR; and there is no substantial new information resulting in more severe adverse impacts to the environment from significant effects identified in the LUTE EIR.

Threshold 5.3.4.b: Would the project have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Wildlife or US Fish and Wildlife Service?

Vegetation present within the project site consists primarily of ornamental trees and understory vegetation. According to the Biological Resources Assessment, no sensitive natural communities were recorded or observed within the project site. In addition, no water features or riparian habitat were recorded or observed on the project site. Therefore, project construction would not have substantial adverse effects on any riparian habitat or sensitive natural communities. Therefore, there are no impacts to riparian habitat or other sensitive natural community that are peculiar to the project or project site; there are no impacts that were not analyzed as significant effects in the LUTE EIR; there are no potentially significant off-site or cumulative impacts that were not already evaluated by the LUTE EIR; and there is no substantial new information resulting in more severe adverse impacts to the environment from significant effects identified in the LUTE EIR.

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

There are no waters or wetlands present on the project site. The nearest aquatic feature to the project site is

Calabazas Creek located 0.5-mile east of the site. Therefore, project construction would not have substantial adverse effects on any State or federally protected wetlands. Therefore, there are no impacts to wetlands that are peculiar to the project or project site; there are no impacts that were not analyzed as significant effects in the LUTE EIR; there are no potentially significant off-site or cumulative impacts that were not already evaluated by the LUTE EIR; and there is no substantial new information resulting in more severe adverse impacts to the environment from significant effects identified in the LUTE EIR.

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

According to the Biological Resources Assessment, the project site is not within a designated wildlife corridor. The project site is disturbed due to prior development. Further, the project site is directly bound by urban development on all sides which serves as a significant barrier to movement of terrestrial species. The project site does not provide corridor functions beyond connecting similar developed land parcels in the local surrounding areas. Therefore, the project site is not expected to function as a wildlife movement corridor.

The project site does not contain native wildlife nursery sites. No significant breeding/nesting colonies were observed during the field surveys conducted for the Biological Resources Assessment. However, individual nesting birds and roosting bats have the potential to be present on-site seasonally. Implementation of COA BIO-1 would minimize impacts to individual nesting birds and roosting bats are addressed through the implementation of COA BIO-2. As such, impacts to nursery sites would be less than significant.

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

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

Sunnyvale is not within the planning area boundary of the Santa Clara Valley Habitat Plan (SCVHP). However, as identified in the LUTE EIR, development of subsequent projects guided by the policies and actions in the LUTE could include construction activities and would generate vehicle trips, which could result in nitrogen oxide (NOx) emissions. The deposition of airborne nitrogen compounds such as NOx on certain types of soil can adversely affect the soil ecosystem (and overlying vegetation). Of particular concern in the Santa Clara Valley are soils derived from serpentinite (serpentine soils), which support certain native California plants. Appendix E of the SCVHP includes simulations of nitrogen deposition indicating that nearly one-third of the nitrogen deposition is derived from mobile sources within approximately 2 miles of the habitat areas, 16 percent comes from other sources within approximately 12 miles of the habitat areas, and 17 percent comes from the remainder of Santa Clara County. The City's planning area does not contain serpentine soils, and the planning area is approximately 8 miles from the closest mapped soils, based on mapping in the SCVHP. The project would not allow new industrial processes that would be a source of emissions. Mobile sources of emissions would not be within 2 miles of the serpentine soils. As such, implementation of the project would not conflict with the SCVHP.

San Francisco Bay Plan

LUTE Policies 10, 72, and 73, listed below, would support key objectives in the Bay Plan to preserve open space adjacent to San Francisco Bay, protect water quality of the bay, and increase public access to the bay and associated shoreline. Thus, conflicts with applicable natural resource plans would not occur.

- | | |
|-----------|--|
| Policy 10 | Participate in Federal, State and regional programs and processes in order to protect the natural and human environment in Sunnyvale and the region. |
| Policy 72 | Protect creeks and wetlands as important parts of the community's natural environment and open space and for their contribution to flood control. |
| Policy 73 | Engage in regional efforts to enhance and protect land uses near streams and to respond to sea level rise and climate change. |

Bird Safe Design Guidelines

The potential for bird collisions with buildings is a potential hazard in an urban area where tall buildings are constructed. Current zoning allows buildings as tall as 75 feet. The City adopted the Bird Safe Building Design Guidelines in 2014 to reduce the risk of bird collisions in new construction. The guidelines require developers to minimize reflective surfaces and glass walls, reduce nighttime lighting, discourage the placement of larger water features, and avoid landscape designs that emphasize tall landscaping adjacent to reflective surfaces. The proposed townhomes would have a maximum height of approximately 40 feet, 6 inches.

Tree Preservation

Sunnyvale maintains a Heritage Resources Inventory, which identifies several heritage tree locations. Additionally, the LUTE contains the following policies regarding tree preservation:

- | | |
|-----------|--|
| Policy 14 | 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 improvements, wildlife habitat, and reduction of heat islands; and enhance the health, safety, and welfare of residents. |
| Policy 15 | Maintain and regularly review and update regulations and practices for the planting, protection, removal, replacement, and long-term management of large trees on private property and City-owned golf courses and parks.

Action 1: Strictly enforce Municipal Code Chapters 13.16 City Trees and 19.94 Tree Preservation to prevent the unauthorized removal, irreversible damage, and pruning of large protected trees. |
| Policy 16 | 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. |

The Arborist Report assessed 101 trees existing on the project site and overhanging the project site's boundary. The 101 trees were comprised of seventeen species. Most of the trees were ornamental species. Sixty-four trees

were identified to be in poor condition with eighteen identified as good or fair in condition. Seventy-four trees are proposed to be removed as part of the project, 23 of which are considered protected. Where feasible, the proposed project would preserve trees protected under the Tree Preservation Guidelines, as identified in Attachment B2, and obtain permits to remove any protected trees pursuant to SMC Section 19.94, *Tree Preservation*. The City strictly enforces SMC Chapter 13.16, *City Trees*, and SMC Chapter 19.94, *Tree Preservation*, to prevent the unauthorized removal, irreversible damage, and pruning of large, protected trees (Policy LT-2.4, Action 1). The purpose of SMC Chapter 19.94 is to “regulate the protection, installation and removal and long term management of significantly sized trees on private property within the City and City owned golf courses and parks; encourage the proper protection and maintenance of significantly sized trees which are located on such property; establish a review and permit procedure to assure the correct planting, maintenance, protection and removal of significant trees on such property; and establish penalties for violation of its provisions.”

The project would not conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance, and impacts would be less than significant. Therefore, there are no impacts to any local policies or ordinances protecting biological resources that are peculiar to the project or project site; there are no impacts that were not analyzed as significant effects in the LUTE EIR; there are no potentially significant off-site or cumulative impacts that were not already evaluated by the LUTE EIR; and there is no substantial new information resulting in more severe adverse impacts to the environment from significant effects identified in the LUTE EIR.

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

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

5.3.5 Cultural Resources

LUTE EIR Findings

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

- Impact 3.10.1: Implementation of the LUTE would allow for new land uses, development, and redevelopment. This could result in direct or indirect impacts to historic resources. Impacts would be significant and unavoidable.
- Impact 3.10.2: New development and redevelopment resulting from implementation of the LUTE could result in the potential disturbance of undiscovered cultural resources (i.e., prehistoric sites, historic sites, isolated artifacts and features) and unrecorded human remains. Compliance with regulatory framework, General Plan policies, and LUTE policies and actions would reduce impacts to archaeological resources and human remains to less than significant.

LUTE EIR Mitigation Measures

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

Project Analysis

In order to evaluate the project's potential to result in impacts regarding cultural resources, a site-specific Cultural Resources Assessment was prepared. The *Phase I Cultural Resources Assessment 1123 Lawrence Expressway Residential Project City of Sunnyvale, Santa Clara County, California* (Cultural Resources Assessment), prepared by FirstCarbon Solutions (FCS), is dated April 4, 2025. The Cultural Resources Assessment is included as Attachment C of this report.

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

As part of the Cultural Resources Assessment, a records search was conducted for the proposed project on August 2, 2023, at the Northwest Information Center (NWIC). The records search included a 0.5-mile radius beyond the project site boundaries. The records search included a review of the National Register of Historic Places (NRHP), the California Register of Historical Resources (CRHR), the California Historical Landmarks (CHL) list, the California Points of Historical Interest (CPHI) list, and the California Built Environment Resource Directory (BERD) for Santa Clara County to determine the existence of previously documented local historic resources. The results of the records search indicate that one historic resource has been recorded within the 0.5-mile search radius; none are located within the project boundaries. In addition, 13 area-specific survey reports have been conducted within the 0.5-mile search radius; three of which transect the project site, indicating that the proposed project site has been previously partially surveyed for cultural resources.

A request was sent to the Native American Heritage Commission (NAHC) in an effort to determine whether any sacred sites are listed on its Sacred Lands File (SLF) for the project site. A response was received on August 7, 2023, indicating that the SLF search was negative for Native American cultural resources in the immediate project site. The NAHC included a list of seven Tribal representatives available for consultation. To ensure that all Native American knowledge and concerns over potential Tribal Cultural Resources (TCRs) that may be affected by the proposed project are addressed, a letter containing project information and requesting any additional information was sent to each Tribal representative on August 8, 2023. No responses have been received to date.

A field survey of the project site was conducted on June 26, 2024 to identify unrecorded cultural resources. The project site contains two extant commercial buildings (1123 Lawrence Expressway) which appear to have been

constructed prior to 1968 and are thus likely over 45 years in age. The commercial buildings were subsequently recorded and evaluated for historic significance on the appropriate set of California Department of Parks and Recreation (DPR) form in consideration of NRHP, CRHR and City of Sunnyvale designation criteria and integrity requirements. The evaluation determined that the commercial buildings were found not eligible under all State and local designation criteria due to a lack of significant historic association or architectural merit and integrity.

Thus, based on the results of the records search, field survey, and architectural and historical assessment for the commercial buildings onsite, the Cultural Resources Assessment determined there were no historical resources onsite. As such, the project would not cause a substantial adverse change in the significance of a historical resource pursuant to § 15064.5. Therefore, there are no impacts to historical resources that are peculiar to the project or project site; there are no impacts that were not analyzed as significant effects in the LUTE EIR; there are no potentially significant off-site or cumulative impacts that were not already evaluated by the LUTE EIR; and there is no substantial new information resulting in more severe adverse impacts to the environment from significant effects identified in the LUTE EIR.

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

As noted in Threshold 5.3.5.a above, a records search, NAHC SLF, and field survey were conducted for the proposed project; no archaeological resources were identified on the project site. Further, the project site's potential for buried resources was evaluated as part of the Cultural Resources Assessment. The results of the evaluation determined that the project site has a low potential for unanticipated buried cultural resources. COA CUL-1, below, would require that an Archaeologist who meets the Secretary of the Interior's Professional Qualification Standards for archaeology conduct a Workers Environmental Awareness Program (WEAP) training for archaeological resources to be given to all construction personnel directly involved with project-related ground disturbance. Implementation of COA CUL-1 would minimize impacts to archaeological resources. Further, and consistent with the findings of the LUTE EIR, the project would be subject to conformance with LUTE Policy 10, Action 6, which requires work stoppage during construction if archaeological resources are discovered, investigation by a qualified professional, and implementation of measures to protect the resource(s).

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

COA CUL-1 Workers Environmental Awareness Program Training.

- An Archaeologist who meets the Secretary of the Interior's Professional Qualification Standards for archaeology shall conduct a Workers Environmental Awareness Program (WEAP) training for archaeological resources to be given to all construction personnel directly involved with project-related ground disturbance.
- The training shall include visual aids, a discussion of applicable laws and statutes relating to archaeological resources, types of resources that may be found within the project site, and procedures to be followed in the event such resources are encountered.
- In the event exposed soils indicate cultural materials may be present, this may be followed by regular or periodic archaeological monitoring as determined by the Archaeologist, but full-time archaeological monitoring is not recommended.

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

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

Consistent with the findings of the LUTE EIR, although soil-disturbing activities associated with development of the project as proposed could result in the discovery of human remains, mandatory compliance with existing laws and applicable General Plan policies would ensure that significant impacts to human remains would not occur. Therefore, there are no impacts that are peculiar to the project or project site; there are no impacts to human remains that were not analyzed as significant effects in the LUTE EIR; there are no potentially significant off-site or cumulative impacts that were not already evaluated by the LUTE EIR; and there is no substantial new information resulting in more severe adverse impacts to the environment from significant effects identified in the LUTE EIR.

5.3.6 Energy

LUTE EIR Findings

The LUTE EIR did not analyze impacts to energy resources as this was not a required topic at the time it was written in 2016.

LUTE EIR Mitigation Measures

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

Project Analysis

In order to evaluate the project's potential to result in impacts related to energy, a site-specific Air Quality, Greenhouse Gas Emissions, and Energy Analysis was prepared for the site in 2025. The *City of Sunnyvale – 1123 Lawrence Expressway Residential Project Air Quality, Greenhouse Gas Emissions, and Energy Analysis Report*, dated July 10, 2024, and revised August 13, 2025, was prepared by FirstCarbon Solutions, Inc.; included as Attachment A of this document.

Attachment F of the CEQA Guidelines

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

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

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

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

A discussion of the proposed project's anticipated energy usage is presented below. Silicon Valley Clean Energy (SVCE) provides electricity service to the proposed project site. Energy consumed by the proposed project was estimated and includes electricity and fuel consumption for project construction and operation. Energy calculations are included as part of [Attachment A](#).

Construction Impacts

The proposed project's construction is assumed to begin in January 2026 and last approximately 15 months based on information provided by the project applicant. If the construction schedule moves to later years, construction energy usage would likely decrease because of improvements in technology and more stringent regulatory requirements as older, less efficient equipment is replaced by newer and cleaner equipment. The proposed project would require demolition, site preparation, grading, building construction, architectural coating, and paving, in addition to off-site improvements including new sidewalks. The construction phase would require energy for the manufacture and transportation of building materials, preparation of the site (e.g., site clearing and grading), and the actual construction of the building. Petroleum-based fuels such as diesel fuel and gasoline would be the primary sources of energy for these tasks.

The types of on-site equipment used during construction could include gasoline- and diesel-powered construction and transportation equipment, including trucks, excavators, forklifts, and pavers. Construction equipment is estimated to consume a total of 35,082 gallons of diesel fuel over the entire construction duration; refer to [Attachment A](#).

Fuel use associated with construction vehicle trips generated by the proposed project was also estimated; trips include construction worker trips, haul truck trips for material transport, on-site trucks, and vendor trips for construction material deliveries. Fuel use from these vehicles traveling to the project site was based on (1) the projected number of trips the proposed project would generate during construction, (2) average trip distances by trip type, and (3) fuel efficiencies estimated in the ARB EMFAC mobile source emission model. The specific parameters used to estimate fuel usage are included in [Attachment A](#). In total, the proposed project is estimated to generate 334,890 VMT and 23,204 gallons of combined gasoline and diesel for vehicle travel during construction.

The overall construction schedule and process are already designed to be efficient in order to avoid excess monetary costs. For example, equipment and fuel are not typically used wastefully due to the added expense associated with renting the equipment, maintaining it, and fueling it. Therefore, the opportunities for future efficiency gains during construction are limited and it is anticipated that the construction phase of the proposed project would not result in wasteful, inefficient, and unnecessary consumption of energy. Construction-related energy impacts would be less than significant.

Operational Impacts

The proposed project would consume energy as part of building operations and transportation activities. Project energy consumption is summarized in Table 5.3.6-a below.

Table 5.3.6-a
Estimated Annual Project Energy Consumption (Operation)

Energy Consumption Activity	Annual Consumption
Operation Vehicle Fuel Consumption	198,697 gallons of gasoline
	19,063 gallons of diesel
	891 gallons of compressed natural gas
	124, 934 kWh of electricity
Building Energy Consumption	795, 601 kWh of electricity
Notes: kWh = kilowatt-hour	
Refer to Attachment A, <i>Air Quality/Greenhouse Gas Emissions/Energy Analysis</i> for detailed model input/output data.	

As previously discussed, the proposed project would be considered to result in a potentially significant impact if it would result in wasteful, inefficient, or unnecessary consumption of energy resources. Considering the guidance provided by Appendix F of the CEQA Guidelines and the Appellate Court decision in *League to Save Lake Tahoe Mountain etc. v. County of Placer* (2022) 75 Cal.App.5th 63, 164-168, the proposed project would be considered to result in wasteful, inefficient, or unnecessary consumption of energy resources if it would conflict with the following energy conservation goals:

- Decreasing overall per capita energy consumption;
- Decreasing reliance on fossil fuels such as coal, natural gas, or oil; and
- Increasing reliance on renewable energy sources.

Decreasing Overall Per Capita Energy Consumption

The proposed project's buildings would be designed and constructed in accordance with CALGreen energy efficiency standards of Title 24. Title 24 standards include a broad set of energy conservation requirements that apply to the structural, mechanical, electrical, and plumbing systems in a building. For example, the Title 24 Lighting Power Density requirements define the maximum wattage of lighting that can be used in a building based on its square footage. Title 24 standards, widely regarded as the most advanced energy efficiency standards, would help to reduce the amount of energy required for lighting, water heating, and heating and air conditioning in buildings and would promote energy conservation. Moreover, the proposed project would use energy efficient models and systems whenever possible and would incorporate new technologies as they become available. Therefore, the proposed project would be consistent with this criterion. The decreasing reliance on fossil fuels and increasing use of renewable energy discussed below would also reduce per capita energy consumption for the proposed project.

Decreasing Reliance on Fossil Fuels

The proposed project would incorporate elements from the California Green Building Standards Code, which would include water efficient landscaping, heat reflecting roof membranes, and roofing structures to support the installation of solar panels. These project design features would reduce the amount of electricity used by the proposed project during operation and, consequently, the amount of fossil fuels needed to generate power to meet this demand. For example, low water demand landscaping would reduce the amount of water that would need to be conveyed to the project site. Furthermore, the proposed project would be all-electric in design and would not rely on natural gas and thus would have decreasing reliance on fossil fuel.

Increasing Reliance on Renewable Energy Sources

As previously discussed, the proposed project would include the installation of EV charging locations in the parking area as well as EV capable conduit spaces, which would accelerate the region's and proposed project's adoption of EVs and allow the future transportation energy supply necessary for residents, employees, and visitors to be substituted with renewable energy sources. As such, the proposed project would facilitate a greater dependence on renewable energy sources for building and transportation energy demands. Therefore, the proposed project would be consistent with this criterion.

Conclusion

As discussed above, the proposed project's energy consumption would not result in the wasteful, inefficient, or unnecessary consumption of energy resources, consistent with the guidance derived from Appendix F of the CEQA Guidelines and the Appellate Court decision in *League to Save Lake Tahoe Mountain etc. v. County of Placer* (2022) 75 Cal.App.5th 63, 164-168. The construction-related and operation-related impacts related to electricity, natural gas, and fuel consumption would be less than significant. Therefore, the proposed project would not introduce new significant environmental impacts or substantially increase the severity of previously analyzed significant effects under any scenario. No additional analysis is required, and impacts would remain less than significant. Therefore, there are no impacts to energy resources that are peculiar to the project or project site; there are no impacts that were not analyzed as significant effects in the LUTE EIR; there are no potentially significant off-site or cumulative impacts that were not already evaluated by the LUTE EIR; and there is no substantial new information resulting in more severe adverse impacts to the environment from significant effects identified in the LUTE EIR.

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

The proposed project would utilize electricity and natural gas from SVCE. According to SVCE, approximately 50 percent of its electricity is currently obtained from renewable energy sources. Therefore, the proposed project's electricity provider meets the State's current objective of 33 percent renewable energy. The proposed project's electricity provider would also be required to meet the State's future objective of 60 percent of in-State electricity sales being generated from renewable energy sources by 2030. The proposed buildings would also be compliant with Title 24 Standards and would adhere to energy efficiency, water efficiency, and material conservation requirements. Additionally, the proposed project would provide bicycle parking spaces and clean air vehicle parking spaces with EV charging facilities as required by Title 24. In addition, with implementation of COA GHG-1, the proposed project would exceed the EV charging facilities required by Title 24. Therefore, the proposed project would be consistent with all applicable energy policies and plans, and this impact would be less than significant. Therefore, there are no impacts to energy resources that are peculiar to the project or project site; there are no impacts that were not analyzed as significant effects in the LUTE EIR; there are no potentially significant off-site or cumulative impacts that were not already evaluated by the LUTE EIR; and there is no substantial new information resulting in more severe adverse impacts to the environment from significant effects identified in the LUTE EIR.

5.3.7 Geology and Soils

LUTE EIR Findings

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

- Impact 3.7.1: Implementation of the LUTE would result in future development that would result in the exposure of people, structures, and infrastructure to strong seismic ground shaking. Compliance with California Building Code (CBC) standards, as implemented by the SMC Chapter 16.16, would reduce impacts to less than significant.
- Impact 3.7.2: Implementation of the LUTE could involve construction and grading activities that could increase soil erosion and loss of topsoil. LUTE EIR Policy 72 requires implementation of stormwater best management practices to reduce erosion potential. Compliance with LUTE EIR Policy 72, the City's grading and CBC standards, as implemented by the SMC and State Construction General Permit requirements, would reduce impacts to less than significant.
- Impact 3.7.3: Implementation of the LUTE could permit development on a geologic unit or soil that is unstable and subsequently create risks to life and property. Compliance with SMC Chapter 18.20.100, which requires all new development in the City to prepare a geotechnical soils report, as well as compliance with the CBC, would reduce impacts associated with unstable soils to less than significant.
- Impact 3.7.4: New development and redevelopment associated with implementation of the LUTE could indirectly result in the potential disturbance of previously unknown paleontological resources (i.e., fossils and fossil formations). Compliance with LUTE Policy 10, Action 6, which requires work stoppage during construction if archaeological or paleontological resources are unearthed, and investigation by a qualified professional, would reduce impacts to less than significant.

LUTE EIR Mitigation Measure

The LUTE EIR did not identify mitigation measures related to geology and soils.

Project Analysis

In order to evaluate the project's potential to result in impacts regarding cultural resources, a site-specific Geotechnical Report was prepared. The *Preliminary Geotechnical Investigation* (Geotechnical Report), prepared by Cornerstone Earth Group, is dated January 5, 2023. The Geotechnical Report is included as Attachment D of this report.

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

- i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.*
- ii) Strong seismic ground shaking?*
- iii) Seismic-related ground failure, including liquefaction?*
- iv) Landslides?*

Development of the project could expose people or structures to potential substantial adverse effects, including

the risk of loss, injury, or death involving strong seismic ground shaking. As determined by the project's Geotechnical Report, there are five major active faults located in seismically significant proximity to the project area: Hayward (Southeast Extension), approximately 7.1 miles from the project site; Monte Vista Shannon, approximately 8.2 miles from the project site; Hayward (Total Length), approximately 9.5 miles from the site; San Andreas, approximately 10.3 miles from the project site; and the Calaveras fault, approximately 11.5 miles from the project site; refer to Attachment D. The US Geological Survey predicts there is a 72 percent chance of at least one earthquake of magnitude 6.7 or higher occurring in the greater San Francisco Bay Area by the year 2043. Thus, strong ground shaking is expected to occur within the project area.

The intensity of ground shaking and the degree of impact would depend upon the magnitude of the earthquake, distance to the epicenter, and the geology of the area between the epicenter to the project area. Additionally, the soil and geologic structure underlying the project site would influence the amount of damage that the site may experience. Impacts concerning strong seismic ground shaking would be addressed by compliance with the seismic design requirements identified in the most recent California Building Code (CBC). Pursuant to the CBC and SMC Section 16.16.020, structures built for human occupancy must be designed to meet or exceed CBC standards for earthquake resistance. The CBC includes earthquake safety standards based on a variety of factors including occupancy type, types of soils and rocks on-site, and strength of probable ground motion at the project site. To further improve the seismic safety of buildings in less stable soil areas, and consistent with the findings of the LUTE EIR, geotechnical reports are required for all developments in the City of Sunnyvale in conformance with SMC Section 18.20.100. A site-specific Geotechnical Report was prepared to assess ground shaking hazards at the project site; refer to Attachment D. As elaborated in Attachment D, the proposed project is located within a portion of the State that is prone to strong ground shaking during earthquakes and should be anticipated throughout the life of the project. To minimize impacts related to strong seismic ground shaking, the Geotechnical Report includes design-level recommendations for earthwork, foundations, concrete slabs and pedestrian pavements, and vehicular pavements; refer to Attachment D. Following compliance with the recommendations elaborated in the Geotechnical Report, in addition to compliance with the CBC, as adopted by reference in SMC Section 16.16.020, impacts concerning strong seismic ground shaking would be less than significant, consistent with the LUTE EIR.

Liquefaction and seismically-induced settlement or ground failure is generally related to strong seismic shaking events where the groundwater occurs at shallow depth (generally within 50 feet of the ground surface) or where lands are underlain by loose, cohesionless deposits. Liquefaction typically results in the loss of shear strength of a soil, which occurs due to the increase of pore water pressure caused by the rearrangement of soil particles induced by shaking or vibration. During liquefaction, soil strata behave similarly to heavy liquid. As elaborated in Attachment D, the project site is within a State-designated Liquefaction Hazard Zone as well as a Santa Clara County Liquefaction Hazard Zone. To minimize impacts related to liquefaction and seismically-induced settlement, the Geotechnical Report includes design-level recommendations for earthwork, foundations, concrete slabs and pedestrian pavement, and vehicular pavements; refer to Attachment D. Following compliance with the recommendations elaborated in the Geotechnical Report, in addition to compliance with the CBC, as adopted by reference in SMC Section 16.16.020, impacts concerning liquefaction and seismically-induced settlement would be less than significant, consistent with the LUTE EIR.

As detailed in Attachment D, the project site is relatively flat, with ground elevations ranging from 18 to 19 feet above sea level. The surrounding topography is flat as well. According to the LUTE EIR, the project site is not identified as being located within a landslide hazard zone. As a result, the project would not directly or indirectly cause adverse effects involving landslides. No impact would occur.

Based on the foregoing analysis, there are no impacts related to surface rupture, strong seismic ground shaking, liquefaction, settlement, or landslides that are peculiar to the project or project site; there are no impacts that

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

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

Soil erosion typically occurs within unconsolidated alluvium and surficial soils in sloping topographies. Construction activities associated with future development would include clearing, excavation, and grading, which would displace soils and temporarily increase the potential for soils to be subject to wind and water erosion.

Construction Impacts

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

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

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

Operational Impacts

The project site is fully developed with a commercial shopping center. Redevelopment of the project site would not involve operation impacts relative to soil erosion/loss of topsoil. Nonetheless, the project would be subject to the RRs designed to minimize potential erosion and flooding that may result during construction and operational conditions. Following compliance with NPDES, SMC, and Stormwater Quality BMP Guidance Manual requirements, the project's operational impacts related to erosion or loss of topsoil would be less than significant, as was determined in the LUTE EIR.

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

Threshold 5.3.7.c: Would the project be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse?

Refer to Threshold 5.3.7.a above for a discussion concerning liquefaction and landslides. Attachment D did not identify any concerns related to lateral spreading, subsidence, or collapse. Planned construction performed in accordance with current design standards and report recommendations for construction would not result in geologic instability within the project area or neighboring properties. Additionally, compliance with applicable CBC regulations, as adopted by reference in SMC Section 16.16.020 and SMC Chapter 18.20.100, would ensure impacts related to unstable geologic units or soils would be less than significant, as was determined in the LUTE EIR. Thus, there are no soil instability impacts that are peculiar to the project or project site; there are no impacts that were not analyzed as significant effects in the LUTE EIR; there are no potentially significant off-site or cumulative impacts that were not already evaluated by the LUTE EIR; and there is no substantial new information resulting in more severe adverse impacts to the environment from significant effects identified in the LUTE EIR.

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

As detailed in Attachment D, highly expansive soils are located on the project site. Conformance with the design-level recommendations elaborated in the Geotechnical Report relative to expansive soils would minimize impacts to less than significant, consistent with the LUTE EIR. Further, the CBC and other related construction standards apply seismic requirements and address certain grading activities. The CBC includes common engineering practices requiring special design and construction methods that reduce the potential for impacts related to expansive soils. Project compliance with applicable CBC regulations would ensure the adequate design and construction of building foundations to resist soil movement.

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

Threshold 5.3.7.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?

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

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

As discussed in the LUTE EIR, the City is considered sensitive for paleontological resources. Past projects throughout the region have encountered fossilized Rancholabrean-age remains, including mammoth. The project

may therefore have the potential to inadvertently destroy or remove such resources through grading, excavation, and/or construction activities. As detailed in Attachment D, the subsurface conditions at the site consist of one to two feet of undocumented fill, with native alluvial soils encountered at depths of four and a half to five feet. Construction could affect undiscovered paleontological resources that may be associated with the paleontologically sensitive Pleistocene-age alluvium.

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

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

5.3.8 Greenhouse Gas Emissions

LUTE EIR Findings

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

- Impact 3.13.1: The LUTE has different growth projects than what were analyzed in the Sunnyvale Climate Action Plan (CAP). Therefore, the LUTE is not in compliance with the Sunnyvale CAP and impacts would be cumulatively considerable. However, implementation of Mitigation Measure 3.13.1 would reduce impacts to less than cumulatively considerable.

LUTE EIR Mitigation Measures

MM 3.13.1 Upon adoption of the LUTE, the City will update the Climate Action Plan to include the new growth projects of the LUTE and make any necessary adjustments to the CAP to ensure year 2020 and 2035 greenhouse gas emission reduction targets are attained.

Project Analysis

In order to evaluate the project's potential to result in impacts from greenhouse gas emissions, The *City of Sunnyvale – 1123 Lawrence Expressway Residential Project Air Quality, Greenhouse Gas Emissions, and Energy Analysis Report*, dated July 10, 2024, and revised August 13, 2025, was prepared by FirstCarbon Solutions, Inc.; the report is included as Attachment A of this document.

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

Both construction and operational activities have the potential to generate GHG emissions. The proposed project would generate GHG emissions during temporary (short-term) construction activities such as removal of trees, site grading, operation of construction equipment, operation of on-site heavy-duty construction vehicles, hauling of materials to and from the project site, asphalt paving, and construction worker vehicle trips. On-site construction activities would vary depending on the level of construction activity.

Long-term, operational GHG emissions would result from project-generated vehicular traffic, operation of any landscaping equipment, off-site generation of electrical power over the life of the proposed project, the energy required to convey water to and wastewater from the project site, the emissions associated with the hauling and disposal of solid waste from the project site, any fugitive refrigerants from air conditioning or refrigerators, and the operation of any proposed stationary sources such as backup generators or fire pumps.

Global climate change is not confined to a particular project area and is generally accepted as the consequence of global industrialization over the last 200 years. A typical project, even a very large one, does not generate enough GHG emissions on its own to influence global climate change significantly; hence, the issue of global climate change is, by definition, a cumulative environmental impact. Therefore, this section measures the proposed project's incremental contribution to the cumulative environmental impact. The following is a discussion of the proposed project's contribution to GHG emissions during both the construction and operation phases. The proposed project's GHG emissions are quantified for informational purposes only.

Project Emissions

The proposed project's construction emissions by year are presented in Table 5.3.8-a, Proposed Project

Construction GHG Emissions. It should be noted that the analysis conservatively assumes that construction would begin in January 2026. As vehicle and equipment fuel efficiencies and emission control standards continue to incrementally improve with each year, project construction emissions are likely to decrease nominally from what is shown in Table 11, should the construction schedule move to later years. Therefore, the construction GHG emissions contained in [Table 5.3.8-a](#) represent a conservative assessment of project construction emissions.

**Table 5.3.8-a
Proposed Project Construction GHG Emissions**

Construction Activity Year	Total Emissions (CO ₂ e)
	Metric Tons/year ¹
2026	512
2027	53
Construction (Amortized over 30 years)	18.8
Total Construction Emissions	565
Notes: GHG = greenhouse gas MT CO ₂ e = metric tons carbon dioxide equivalent 1 Construction GHG emissions are amortized over the 30-year lifetime of the project. Source: Attachment A. Refer to Attachment A, <i>Air Quality/Greenhouse Gas Emissions/Energy Analysis</i> for detailed model input/output data.	

As shown above, the proposed project would generate approximately 565 MT CO₂e during construction. There is no proposed construction-related climate impact threshold at this time. GHG emissions from construction represent a small portion of a project's lifetime GHG emissions. The proposed thresholds for land use projects are designed to address operational GHG emissions which represent the vast majority of project GHG emissions. Furthermore, construction GHG emissions are amortized over 30 years and accounted for as part of operational GHG emissions. Operational GHG impact is discussed below. As demonstrated below, the proposed project (construction and operation) would have less than significant GHG impacts with incorporation of COA GHG-1.

Operation

Operational or long-term emissions occur over the life of the project. Project operations were modeled for the 2026 operational year, immediately following the completion of construction. Sources for operational emissions are summarized below and are described in more detail in Section 5, *Modeling Parameters and Assumptions*, of Attachment A. Sources for operational GHG emissions include:

- **Motor Vehicles:** These emissions refer to GHG emissions contained in the exhaust from the cars and trucks that would travel to and from the project site.
- **Indirect Electricity:** These emissions refer to those generated by off-site power plants to supply electricity required for the project.
- **Area Sources:** These emissions refer to those produced during activities such as landscape maintenance.
- **Water Transport:** These emissions refer to those generated by the electricity required to transport and treat the water to be used on the project site.
- **Waste:** These emissions refer to the GHG emissions produced by decomposing waste

generated by the project.

Table 5.3.8-b, *Operational Annual Greenhouse Gas Emissions*, presents the estimated annual GHG emissions from the proposed project's operational activities. As shown in Table 5.3.8-b, the proposed project would generate approximately 2,048 MT CO₂e per year after the inclusion of 18.30 MT CO₂e per year from project construction.

Table 5.3.8-b
Operational Annual Greenhouse Gas Emissions

Emissions Source	Total Emissions (CO ₂ e)
	Metric Tons/year
Area	2
Energy	74
Mobile	1,911
Waste	31
Water	11
Refrigerants	00
Construction (Amortized over 30 years)	18.8
Total Annual Project Emissions	2,048
Notes: MT CO ₂ e = metric tons carbon dioxide equivalent	
Totals were summed using unrounded numbers and may not appear to sum exactly due to rounding. Source: Appendix A.	
Refer to Attachment A, <i>Air Quality/Greenhouse Gas Emissions/Energy Analysis</i> for detailed model input/output data.	

The proposed project's consistency with applicable plans, policy, or regulation of an agency adopted to reduce the emissions of GHG emissions is discussed below.

Construction

BAAQMD does not have thresholds of significance for construction-related GHG emissions. GHG emissions from construction activities are one-time, short-term emissions and therefore would not significantly contribute to long-term cumulative GHG emissions impacts of the proposed project. Therefore, construction emissions would be less than significant.

Operation

As previously discussed, the BAAQMD's proposed 2022 GHG significance thresholds represent a method for determining whether the proposed project would be cumulatively considerable or whether the proposed project contributes to solving the cumulative problem of climate change, taking into consideration the State's long-term climate goal of carbon neutrality by 2045. The City does not have a Climate Action Plan (CAP) that meets the criteria set forth in CEQA Guidelines Section 15183.5(b) and the BAAQMD CEQA Air Quality Guidelines. Therefore, the proposed project is evaluated against the design elements in Criterion A of BAAQMD's 2022 GHG Significance thresholds:

- All-electric design: According to applicant-provided information, the proposed project would be an all-electric design and would therefore comply with this requirement.
- Energy efficiency: As noted below, electricity providers supplying electricity to the proposed project are required to comply with both the RPS and SB 350 and will meet these standards. SVCE is ahead of the SB 350 target with at least 50 percent of its base energy supply presently coming from renewable sources. Furthermore, the proposed project complies with all relevant Energy Code and CALGreen requirements that would ensure energy efficiency. Therefore, the proposed project is consistent with this design

element.

- VMT impact: According to the technical memorandum prepared by TJKM (Appendix A of Attachment A), the proposed project is expected to account for a net reduction in trips generated by the site during a typical weekday and during the morning and afternoon commuter peak hours. Further, the proposed project qualifies for a categorical exemption from a VMT analysis due to the project site's location in a low-residential VMT area. Therefore, the proposed project is consistent with this design element.
- Tier 2 EV Charging Infrastructure: The last design element relates to implementation of CALGreen Tier 2 level of EV charging infrastructure, which is beyond the mandatory CALGreen requirement of EV charging spaces. For multi-family residential, Tier 2 level of EV charging infrastructure requires 40 percent of parking spaces to be EV Ready w/Low Power Level 2 Receptables, and projects with 20+ units must offer 15 percent of total parking spaces with level 2 EVSE (note that CALGreen Tier 2 exceeds the requirements of the City's Reach Code for multi-family buildings). For commercial uses, CALGreen Tier 2 requires at least eight EV-ready spaces and 2 EV capable spaces. The proposed project includes 269 total parking spaces; of these, 227 parking spaces would be residential and 42 would be commercial spaces. The proposed project includes 15 EV ready spaces and 15 EV capable spaces for the commercial component, which meets and exceeds both CALGreen Tier 2 requirements and the City's Reach Code. However, the residential component does not comply with either standard. Therefore, COA GHG-1 will require that the proposed project meet the CALGreen Tier 2 requirements for multi-family housing, which also exceeds the requirements of the City's Reach Code. Therefore, with implementation of COA GHG-1, the proposed project is consistent with this design element.

In summary, the proposed project would satisfy all four design elements outlined in the BAAQMD GHG threshold Criterion A. Therefore, the impacts would be less than significant. There are no impacts resulting from greenhouse gas emissions, either directly or indirectly, that are peculiar to the project or project site; there are no impacts that were not analyzed as significant effects in the LUTE EIR; there are no potentially significant off-site or cumulative impacts that were not already evaluated by the LUTE EIR; and there is no substantial new information resulting in more severe adverse impacts to the environment from significant effects identified in the LUTE EIR.

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

The GHG plan consistency for the project is based on the project's consistency with respect to California Air Resources Board (ARB) 2017 and 2022 Scoping Plan, the Plan Bay Area 2050, the Climate Action Playbook⁴, as well as California Green Building Standards (CALGreen) and the City's Reach Code.

ARB 2017 Scoping Plan Update, SB 32, and Executive Order S-3-05

The 2017 Scoping Plan Update adopted by the ARB establishes the framework for achieving the 2030 Statewide GHG reduction target of 40 percent below 1990 levels. The 2017 Scoping Plan Update includes local actions that land use development projects and municipalities can implement to support the Statewide goal. The 2017 Scoping Plan Update also states that achieving the 2030 target is consistent with progress toward achieving the 2050 level included in Executive Order S-3-05 and that depending on the success in achieving the 2030 target, it may be possible to achieve the 2050 target earlier than Executive Order S-3-05. The 2017 Scoping Plan Update incorporates a range of regulations, policies, and State plans designed to reduce GHG emissions. Those that are

⁴ City of Sunnyvale, *Climate Action Playbook Update and Game Plan 2028*, June 2024.

applicable to the construction and operation of the project are listed in Table 5.3.8-c, 2017 Scoping Plan Consistency, below.

**Table 5.3.8-c
2017 Scoping Plan Consistency**

Actions and Strategies	Category/Description	Project Consistency Analysis
Energy and Water		
California Renewables Portfolio Standard (RPS) and Senate Bill (SB) 100	SB 100 requires that the proportion of electricity from renewable sources be 60 percent renewable power by 2030 and 100 percent renewable power by 2045.	Consistent. Electricity providers supplying electricity to the proposed project would be required to comply with SB 100 and the RPS.
California RPS and SB 350	SB 350 requires that the proportion of electricity from renewable sources be 50 percent renewable power by 2030 (superseded by SB 100). It also requires the State to double energy efficiency savings in existing final end uses of electricity and natural gas by retail customers through energy efficiency and conservation.	Consistent. Electricity providers supplying electricity to the proposed project are required to comply with both the RPS and SB 350 and will meet these standards. Silicon Valley Clean energy (SVCE) is ahead of the SB 350 target with 50 percent of its base energy supply presently coming from renewable sources
California Building Efficiency Standards (California Code of Regulations [CCR] Title 24, Part 6)	Energy Efficiency Standards for Residential and Nonresidential Buildings	Consistent. The proposed project would be designed to comply with the most recent version of Title 24 Building Energy Efficiency Standards at the time of individual project review.
California Green Building Standards Code (CCR Title 24, Part 11–CALGreen)	California's Green Building Standards (CALGreen) Code includes energy and water efficiency requirements, as well as waste management and other design regulations that apply to residential and nonresidential buildings.	Consistent. The proposed project would comply with mandatory CALGreen requirements. Furthermore, the City's Reach Code has more stringent EV charging requirements for townhome units that exceed CALGreen Tier 2 EV Charging criteria. COA GHG-1 would require that the proposed multi-family building include EV charging infrastructure that meets CALGreen Tier 2 EV requirements.
Senate Bill X7-7	The Water Conservation Act of 2009 sets an overall goal of reducing per capita urban water use by 20 percent by December 31, 2020. Each urban retail water supplier shall develop water use targets to meet this goal.	Consistent. The water service provider for the proposed project would be required to comply with SB X7-7 standards. In addition, CALGreen standards include requirements for water efficiency and conservation. The proposed project would be required to comply with mandatory requirements including prescriptive requirements for flow rate for plumbing fixtures and metering devices.
Mobile Sources		
Advanced Clean Cars Program (ACC) and Mobile Source Strategy (MSS)	In 2012, the ARB adopted the ACC program to reduce criteria pollutants and GHG emissions for model year vehicles 2015 through 2025. ACC requires the reduction of criteria pollutants and GHG emissions from light- and medium-duty vehicles. ACC also includes the Zero-Emission Vehicle (ZEV) regulation, which requires manufacturers to produce an increasing number of pure ZEVs (meaning	Consistent. These standards would apply to all vehicles used by future residents of the proposed project, and to construction workers traveling to and from the construction site.

Actions and Strategies	Category/Description	Project Consistency Analysis
	battery-electric and fuel cell EVs), with provisions to also produce plug-in hybrid EVs (PHEV) in the 2018 through 2025 model years. The MSS (2016) calls for 1.5 million ZEVs (including plug-in hybrid electric, battery-electric, and hydrogen fuel cell vehicles) on the road by 2025, and 4.2 million ZEVs by 2030.	
SB 375	SB 375 establishes mechanisms for the development of regional targets for reducing passenger vehicle GHG emissions. Under SB 375, the ARB is required, in consultation with the State's Metropolitan Planning Organizations (MPOs), to set regional GHG reduction targets for the passenger vehicle and light-duty truck sector for 2020 and 2035. ARB's current targets call for the Bay Area to reduce per capita vehicular GHG emissions 10 percent by 2020 and 19 percent by 2035 from a 2005 baseline.	Consistent. These standards would apply to all vehicles used by future residents of the proposed project, and to construction workers traveling to and from the construction site.
Solid Waste		
California Integrated Waste Management Act (IWMA) of 1989 and AB 341	IWMA requires all California cities to divert 50 percent of all solid waste from landfill disposal through source reduction, recycling, and composting activities. AB 341 sets a Statewide goal for 75 percent disposal reduction by the year 2020.	Consistent. Garbage and recycling services are provided to the City through a franchised agreement with Bay County Waste Services. Residential waste collection and recycling services would be provided to the proposed project. The City has adopted ordinances and policies in compliance with SB 1383. Solid waste and recycling collection, disposal, and processing in the City would be conducted in accordance with State law.
Source: California Air Resources Board, 2017 Climate Change Scoping Plan, November 2017.		

As shown above, the proposed project would implement all applicable actions identified in the 2017 Scoping Plan Update to reduce energy use, conserve water, reduce waste generation, promote EV use, and reduce vehicle travel, consistent with Statewide strategies and regulations.

AB 1279 and ARB 2022 Scoping Plan

The ARB 2022 Scoping Plan For Achieving Carbon Neutrality was approved in December 2022 and expands on prior scoping plans and recent legislation, such as AB 1279, by outlining a technologically feasible, cost-effective, and equity-focused path to achieve the State's climate target of reducing anthropogenic GHG emissions to 85 percent below 1990 levels and achieving carbon neutrality by 2045 or sooner. To achieve carbon neutrality by 2045, the 2022 Scoping Plan contains GHG emissions reductions, technology, and clean energy mandated by statutes; reduction of short-lived climate pollutants; and mechanical CO₂ capture and sequestration actions. Table 5.3.8-d, 2022 Scoping Plan Consistency, below shows the consistency of the proposed project with the applicable reduction measures and recommendations contained in ARB's 2022 Scoping Plan.

**Table 5.3.8-d
2022 Scoping Plan Consistency**

Actions and Strategies	Project Consistency Analysis
Increase in Renewable Energy and Decrease in Oil and Gas Use Actions	Consistent. According to applicant-provided information, the proposed project would be all-electric in design. Electricity supplied to the proposed project would contain a minimum of 50 percent renewables to meet SB 100 requirements.
Low Carbon Fuels Actions	Consistent. The Low Carbon Fuel Standard is designed to decrease the carbon intensity of California's transportation fuel pool and provide an increasing range of low carbon and renewable alternatives, which reduce petroleum dependency and achieve air quality benefits and is implemented at the State level.
Expansion of Electrical Infrastructure Actions	Consistent. The proposed project would comply with mandatory CALGreen requirements. Furthermore, the City's Reach Code has more stringent EV charging requirements for townhome units that exceed CALGreen Tier 2 EV Charging criteria. COA GHG-1 would require that the proposed multi-family building include EV charging infrastructure that meets CALGreen Tier 2 EV requirements.
Climate Ready and Climate-Friendly Buildings	Consistent. All development proposed as part of the project would comply with current Title 24 and CALGreen standards which promote energy efficiency, increased use of renewable energy and incorporation of sustainable design features in construction and operation
Expanded Use of Zero-Emission Mobile Source Technology Actions	Consistent. The proposed project would comply with mandatory CALGreen requirements. Furthermore, the City's Reach Code has more stringent EV charging requirements for townhome units that exceed CALGreen Tier 2 EV Charging criteria. COA GHG-1 would require that the proposed multi-family building include EV charging infrastructure that meets CALGreen Tier 2 EV requirements.
Organic Waste Diversion and Composting Actions	Consistent. Consistent with SB 1383, the City would provide mandatory organic waste diversion and composting services to all residents of the proposed project. Solid waste and recycling collection, disposal, and processing in the City would be conducted in accordance with State law.
Source: California Air Resources Board, 2022 Scoping Plan, November 16, 2022.	

Plan Bay Area 2050

Plan Bay Area 2050 is the Bay Area's regional plan that aims to improve housing, the economy, transportation, and the environment by making the Bay Area more equitable and resilient for all residents. Plan Bay Area 2050 identifies opportunities to reduce regional GHG emissions in housing, economic, and transportation sectors. The proposed project would be developed in an area with existing infrastructure on a developed project site. It would replace the older, less energy efficient buildings with state-of-the-art structures, produce renewable energy, and improve solid waste removal and recycling services for the community, consistent with the Plan Bay Area's aim of reducing regional GHG emissions. Plan Bay Area 2050 was prepared in coordination with Bay Area cities and the goals, policies, and programs within Plan Bay Area incorporate the existing land uses of those cities. Therefore, because the proposed project is consistent with the existing land use and zoning, this type of use was already assumed, and the proposed project would not conflict with the land use concept plan in Plan Bay Area 2050. However, the Plan's core strategy is "focused growth" in existing communities along the existing transportation network to achieve key regional equity, economic, and environmental goals, including reducing VMT and contributing to climate goals. As discussed above, the proposed project would meet the significance threshold of 15 percent below the regional per capita VMT set forth in the OPR Technical Advisory and would, therefore, have a less than significant VMT impact. As such, the proposed project is consistent with Plan Bay Area 2050 for VMT and GHG emissions reductions.

Sunnyvale Climate Action Playbook

The City of Sunnyvale Climate Action Playbook was adopted in August 2019 and includes six strategies, which are further broken down into individual plays for reducing emissions. The Playbook also includes an initial 26 “Next Moves” or specific actions that can be taken at the City level to reduce carbon emissions. The plan includes targets for meeting or exceeding 40 percent reduction below 1990 levels by 2030 and 80 percent below 1990 levels by 2050. The Playbook’s six strategies include the following:

- Promoting Clean Electricity
- Decarbonizing Buildings
- Decarbonizing Transportation and Sustainable Land Use
- Managing Resources Sustainability
- Empowering Our Community
- Adapting to a Changing Climate

These strategies and policies are implementable at the City level through ordinances and policies and would also be applicable to the proposed project. All development in the City, including the proposed project, would be required to comply with these strategies and hence would not conflict with the Climate Action Playbook.

CALGreen Code and City of Sunnyvale Reach Codes

The proposed project would be required to comply with the most recent update to the CALGreen Code as well as the City’s Reach Codes that aim to achieve energy savings and GHG reductions beyond the State’s minimum requirements.

Conclusion

The proposed project would be consistent with the reduction measures identified in the ARB’s 2017 and 2022 Scoping Plans with implementation of COA GHG-1. In addition, the proposed project would not conflict with the land use concept plan in Plan Bay Area and would be subject to measures in the CALGreen Code and the City’s Climate Action Playbook and Reach Code. Therefore, impacts would be less than significant. Thus, there are no impacts related to GHG that are peculiar to the project or project site; there are no impacts that were not analyzed as significant effects in the LUTE EIR; there are no potentially significant off-site or cumulative impacts that were not already evaluated by the LUTE EIR; and there is no substantial new information resulting in more severe adverse impacts to the environment from significant effects identified in the LUTE EIR.

COA GHG-1 Implementation of Most Recent CALGreen Tier 2 Standards for EV Infrastructure. Prior to issuance of any building permits, the project applicant shall demonstrate to the satisfaction of the City (e.g., show on-site plans) that the proposed parking areas for the multi-family building are designed to accommodate electric vehicle (EV) charging infrastructure equal to the Tier 2 Multi-Family Residential as required by CALGreen or the City’s Reach Code, whichever is more stringent.

5.3.9 Hazards and Hazardous Materials

LUTE EIR Findings

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

- Impact 3.3.1: New development or redevelopment allowed by implementation of the LUTE would involve the transportation, use, and disposal of hazardous materials. LUTE policies and adherence to all federal, state, and local regulations regarding the transport, storage, use, and disposal of hazardous materials, would reduce impacts to less than significant.
- Impact 3.3.2: Implementation of the LUTE would allow for land uses that would involve transportation, storage, use, and disposal of hazardous materials which could result in the release of hazardous materials into the environment and exposure of the public to hazardous materials as a result of inadvertent releases or accidents. LUTE policies and adherence to all federal, state, and local regulations regarding the transport, storage, use, and disposal of hazardous materials, would reduce impacts to less than significant.
- Impact 3.3.3: Implementation of the LUTE could result in schools located in the vicinity of uses involving the use, transport, disposal, or release of hazardous materials. Compliance with LUTE policies and State statutory and regulatory requirements addressing safety from hazards, including hazardous materials, would reduce impacts to less than significant.
- Impact 3.3.4: People residing or working in the City could be exposed to airport hazards as a result of implementation of the LUTE. However, conformance with LUTE contains policies and actions that would assist in reducing airport hazards, as well as adherence to Federal Aviation Administration regulations and Santa Clara County Airport Land Use Commission requirements would reduce airport safety hazards to a less than significant level.
- Impact 3.3.5: The City of Sunnyvale Emergency Plan specifies actions for the coordination of operations, management, and resources during emergencies. Implementation of the LUTE would not interfere with adopted emergency response and evacuation plans in the City. This impact is considered less than significant.

LUTE EIR Mitigation Measures

The LUTE EIR did not identify mitigation measures related to hazards and hazardous materials.

Project Analysis

In order to evaluate the project's potential to result in impacts regarding hazards and hazardous materials, a site-specific Phase I Environmental Site Assessment (ESA) was prepared for the site, currently an existing shopping center and paved parking lot, in 2022. The *Phase I Environmental Site Assessment 1119-1163 Lawrence Expressway, and 1037 and 1051 Lakehaven Drive, Sunnyvale, California* (Phase I ESA), dated December 20, 2022, was prepared Cornerstone Earth Group, Inc. The Phase I ESA is included as [Attachment E](#) of this report.

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

Exposure of the public or the environment to hazardous materials could occur through improper handling or use of hazardous materials or hazardous wastes particularly by untrained personnel, a transportation accident, environmentally unsound disposal methods, fire, explosion, or other emergencies. The severity of potential

effects varies with the activity conducted, the concentration and type of hazardous material or wastes present, and the proximity of sensitive receptors. Sensitive receptors include residential uses surrounding the site on all sides.

Construction of the proposed project would result in increased transport, use, storage, and disposal of hazardous materials in the project area, which could expose construction workers and the public to temporary hazards related to the transport, use, and maintenance of construction equipment and/or materials (i.e., oil, diesel fuel, and transmission fluids). These activities would be short-term in nature, and the materials used would not be in such quantities or stored in such a manner as to pose a significant safety hazard. Construction activities associated with the project would demonstrate compliance with the applicable laws and regulations at the federal, State, and local level governing the use, storage, and transportation of hazardous materials. Federal laws mandated by Environmental protection Agency (EPA), the Occupational Safety and Health Administration (OSHA), and the Department of Transportation (DOT) that are relevant to the LUTE EIR area include the Resources Conservation and Recovery Act (RCRA), the Hazardous and Solid Waste Amendments Act, and the Toxic Substances Control Act, which address hazardous materials and wastes; the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA).

Additionally, the project would comply with regulations set forth at the state and local levels via the California Environmental Protection Agency (CalEPA) and the Sunnyvale Department of Public Safety. CalEPA serves as an umbrella agency under which subordinate agencies operate to regulate hazardous waste management, including ensuring that all potentially hazardous materials are used and handled in an appropriate manner. Such agencies include the Department of Toxic Substances Control (DTSC), the California Air Resources Board (CARB), the Department of Pesticide Regulation, CalRecycle, the Office of Environmental Health Hazard Assessment, and the SWRCB. Under CalEPA, these agencies coordinate with the City of Sunnyvale Department of Public Safety to implement and ensure compliance with California Assembly Bill (AB) 2286, passed in 2013, which requires all businesses handling regulated quantities of hazardous material to electronically report hazardous materials inventories and compliance inspection data to the State. Since the project is located within the City of Sunnyvale, the project would be required to comply with the above regulations pertaining to hazardous material transport, use, and disposal.

Further, SMC Title 16.52 *Fire Code* contains hazardous material regulations adopted to protect life and property from the impacts of storage, handling, and use of hazardous substances, materials, with which the proposed project would comply.

Hazardous materials are not typically associated with commercial and residential uses. The project would remain consistent with the LUTE EIR through compliance with applicable laws and regulations governing the use, storage, and transportation of hazardous materials would ensure that all potentially hazardous materials are used and handled in an appropriate manner and would minimize the potential for safety impacts to occur. Thus, as described in the LUTE EIR, impacts concerning the routine transport, use, or disposal of hazardous materials during project operations would remain less than significant. Therefore, there are no impacts pertinent to the use, transport, and disposal of hazardous materials that are peculiar to the project or project site; there are no impacts that were not analyzed as significant effects in the LUTE EIR; there are no potentially significant off-site or cumulative impacts that were not already evaluated by the LUTE EIR; and there is no substantial new information resulting in more severe adverse impacts to the environment from significant effects identified in the LUTE EIR.

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

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

Construction

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

Construction activities could also result in accidental conditions involving existing on-site contamination. Based on [Attachment E](#), two dry cleaning businesses have occupied 1151 and 1161 Lawrence Expressway since the construction of the Lakewood Shopping Center in approximately 1959. Regulatory records indicated the use and disposal of dry-cleaning chemicals, including tetrachloroethylene (PCE). Further, a gas station located at 1037 Lakehaven Drive was constructed in approximately 1960 but is not currently operating. An existing Shell gas station operates adjacent to the southwestern boundary of the project site, located at 1101 Lawrence Expressway.

As outlined in [Attachment E](#), a limited subsurface investigation was conducted at eight locations on the project site on December 21, 2022, entailing eight exploratory borings. As part of this effort, sub-slab vapor, groundwater, and passive sewer vapor samples were collected and analyzed for chemicals of concern. The results revealed contamination from one or both former dry-cleaning businesses, and that impacted soil or groundwater could be present beneath the site.

The Phase I ESA also concluded that the former gas station use was a Controlled Recognized Environmental Condition (CREC), meaning that prior contamination has been previously regulated to acceptable RWQCB Environmental Screening Levels (ESLs), but may still be present to the point of requiring additional conditions of approval (COAs) for future development. Pursuant to existing Federal, State, and local laws and regulations, the applicant would be required to perform soil, soil vapor, and groundwater sampling of all export/import soils to confirm no hazardous materials contamination is present. Should contamination be present above regulatory thresholds, use of those materials would be conducted in accordance with existing Federal, State, and local laws and regulations (COA HAZ-1).

Last, based on the age of the existing commercial shopping center, building materials may contain asbestos-containing materials (ACMs) and/or lead based paint (LBP); refer to [Attachment E](#). Thus, demolition of ACMs or LBPs onsite could result in the accidental release of these materials. The Bay Area Air Quality Management District (BAAQMD) Regulation 11, Rule 2, Asbestos Demolition, Renovation and Manufacturing, establishes

emissions control of asbestos in the atmosphere during demolition, renovation, and manufacturing, as well as appropriate waste disposal procedures. The BAAQMD and Occupational Safety and Health Administration (Cal/OSHA) are the agencies with primary responsibility for enforcement of asbestos regulations. Per Cal/OSHA, any material containing more than 0.1 percent asbestos by weight must be handled by a qualified contractor licensed to handle asbestos materials. COA HAZ-2 requires a licensed asbestos technician to perform oversight over all abatement activities and to conduct a visual inspection to ensure the removal of asbestos prior to building demolition. With compliance with COA HAZ-2, potential demolition impacts of ACMs would be reduced to less than significant levels, consistent with the LUTE EIR. COA HAZ-3 would require a lead certified professional to conduct in-place management work of lead-based materials surfaces reported above the Cal/OSHA Limit of Detection, scheduled for demolition, and ensure proper preparation, abatement, and disposal. Thus, with compliance with COA HAZ-3, potential demolition impacts of LBPs would be reduced to less than significant levels, consistent with the LUTE EIR.

To protect construction workers, COA HAZ-4 and COA HAZ-5 are proposed to require preparation of a Site Management Plan and Health and Safety Plan.

Implementation of existing regulations at the federal, State, and local levels, and compliance with COA-HAZ-1 through COA HAZ-4 would ensure impacts pertaining to the potential for accidental releases during construction would remain less than significant.

Operations

Refer to Threshold 5.3.9.a. for a description of impacts related to project operations. Upon adherence to existing regulations related to hazards and hazardous materials safety, the proposed project site would be considered safe for the new residential uses proposed and would remain consistent with the findings of the LUTE EIR. Impacts pertaining to the potential for accidental releases during project operations would be less than significant.

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

COA HAZ-1 Soil, Soil Vapor, and Groundwater Sampling. Prior to the issuance of a grading permit, the applicant shall provide written evidence to the Community Development Department that a qualified Phase II/Site Characterization Specialist has been retained to perform soil, soil vapor, and groundwater sampling to confirm no hazardous materials contamination is present. Should contamination be present above regulatory thresholds, use of those soils shall be conducted in accordance with existing Federal, State, and local laws and regulations.

COA HAZ-2 Asbestos-Containing Materials. Grading plans, approved by the City Engineer, shall indicate that prior to and during structure demolition, a licensed asbestos technician shall perform abatement planning, monitoring, oversight, and reporting. Visual inspection clearance shall be completed by the licensed asbestos technician prior demolition to ensure asbestos materials have been removed from the structure.

COA HAZ-3 Lead Based Paints. Grading plans, approved by the City Engineer, shall indicate that prior to, and during structure demolition, a lead certified professional shall conduct in-place management work of lead-based materials surfaces reported above the Occupational Safety and Health Administration (OSHA) Limit of Detection and are scheduled for demolition, and ensure proper

preparation, abatement, and disposal.

COA HAZ-4 Site Management Plan. Prior to ground disturbance, the project applicant shall retain a qualified Hazardous Materials Specialist to prepare a Site Management Plan (SMP) for approval by the County of Santa Clara Department of Environmental Health. The impact of disturbance would be further assessed and appropriate actions (additional sampling, the preparation of a health risk assessment, mitigation measures) would be taken (if necessary). This notification would include a statement that residual contamination exists and a complete list of further mitigation actions, if necessary.

COA HAZ-5: Health and Safety Plan. The project would prepare a Health and Safety Plan (HSP) for approval by the County of Santa Clara Department of Environmental Health prior to ground disturbance. Should hazardous materials (e.g. asbestos, lead, contaminated soil) be identified or suspected during construction, the HSP would be implemented. The HSP would include the types and quantities of materials present and risk levels associated with each. A chain of command for emergency response and general personnel responsibilities would be specified. The HSP would also include procedures for spills, medical emergencies, and evacuations, as well as contact information for emergency services.

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

There are no schools located within 0.25-mile of the project site. The nearest schools to the project site are Lakewood Tech EQ Elementary School, located approximately 0.27-mile west of the project site at 750 Lakechime Drive, and Fairwood Explorer Elementary School, located at 1110 Fairwood Avenue, which is approximately 0.29-mile west of the project site. As described above, compliance with applicable laws and regulations related to the use, transportation, and disposal of hazardous materials would ensure that all potentially hazardous materials are used and handled in an appropriate manner and would minimize the potential for safety impacts to occur. As such, consistent with the LUTE EIR, there would be a less than significant impact concerning the emission or handling of hazardous materials, substances, or waste within 0.25-mile of a school. Therefore, there are no impacts that are peculiar to the project or project site; there are no hazardous impacts to schools that were not analyzed as significant effects in the LUTE EIR; there are no potentially significant off-site or cumulative impacts that were not already evaluated by the LUTE EIR; and there is no substantial new information resulting in more severe adverse impacts to the environment from significant effects identified in the LUTE EIR.

Threshold 5.3.9.d: Would the project be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?

Government Code Section 65962.5 requires the DTSC and SWRCB to compile and update a regulatory sites list (pursuant to the criteria of the Section). The California Department of Health Services is also required to compile and update, as appropriate, a list of all public drinking water wells that contain detectable levels of organic contaminants and that are subject to water analysis pursuant to Health and Safety Code Section 116395. Government Code Section 65962.5 requires the local enforcement agency, as designated pursuant to Section 18051 of Title 14 of the CCR, to compile, as appropriate, a list of all solid waste disposal facilities from which there is a known migration of hazardous waste.

Based on a review of the Cortese List Data Resources, the project site is not included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and therefore, the project would not create a significant hazard to the public or environment.⁵ It is acknowledged that the Shell Gas Station located adjacent but outside of the project limits at the southwest corner of Lawrence Expressway and Lakewood Drive is listed pursuant to Government Code Section 65962.5; however, the cleanup status of this site is identified as “Closed” by the Phase I ESA; refer to Attachment E. No impact would occur.

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

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

The closest public use airport to the project site is San José Mineta International Airport, located approximately 3.38 miles to the southeast. The project site is not located within two miles of a public airport. The project would remain consistent with the LUTE EIR and not result in a safety hazard or excessive noise for people residing or working in the project area as a result of operations at the San José Mineta International Airport, and impacts would be less than significant.

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

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

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

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

⁵ California Environmental Protection Agency, *Cortese List Data Resources*, <https://calepa.ca.gov/sitecleanup/corteselist/>, accessed June 11, 2025.

Management Organization (EMO).

During project operation, implementation of City emergency response plans would not be impaired and emergency access throughout the project site would be adequately provided. The site is accessible from the existing area transportation network; refer to Section 5.3.17, *Transportation*. Therefore, consistent with the LUTE EIR, impacts would be less than significant. There are no impacts to emergency response plans that are peculiar to the project or project site; there are no impacts that were not analyzed as significant effects in the LUTE EIR; there are no potentially significant off-site or cumulative impacts that were not already evaluated by the LUTE EIR; and there is no substantial new information resulting in more severe adverse impacts to the environment from significant effects identified in the LUTE EIR.

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

Impacts related to wildland fires were discussed in the *Impacts Not Evaluated In Detail* component of Section 3.3, *Hazards and Human Health*, of the LUTE EIR (page 3.3-15). Since the project site is located within a highly developed urban area that is not adjacent to large open spaces that may be susceptible to the risk of wildfire. According to the Santa Clara County Fire Hazard Severity Zones Map, Sunnyvale is not located within a State Responsibility Area (SRA) for wildfires because the risk of wildfires is deemed low due to the urbanized setting of the City. These findings are consistent with the California Department of Forestry and Fire Protection's Very High Fire Hazard Severity Zone Map, which does not map the project site as within a very high fire hazard severity zone under local or State responsibility.⁶ The project site consists of, and is surrounded by, urban/developed land and no areas of wildland are present in the project vicinity.

Therefore, the project would not expose people or structures to a significant risk involving wildland fires, and no impacts would occur in this regard. There are no wildland fire impacts that are peculiar to the project or project site; there are no impacts that were not analyzed as significant effects in the LUTE EIR; there are no potentially significant off-site or cumulative impacts that were not already evaluated by the LUTE EIR; and there is no substantial new information resulting in more severe adverse impacts to the environment from significant effects identified in the LUTE EIR.

⁶ California Department of Forestry and Fire Protection, *Fire Hazard Severity Zone Viewer*, <https://osfm.fire.ca.gov/what-we-do/community-wildfire-preparedness-and-mitigation/fire-hazard-severity-zones/fire-hazard-severity-zones-maps>, accessed June 11, 2025.

5.3.10 Hydrology and Water Quality

LUTE EIR Findings

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

- Impact 3.8.1: Future development or redevelopment resulting from implementation of the LUTE would include construction activities that could expose soil to erosion during storm events which could impact water quality; increase impervious features; and alter drainage patterns and increase drainage rates and runoff, which could impact water quality over existing conditions. Compliance with LUTE policies and actions, as well as existing regulatory programs would reduce impacts to less than significant.
- Impact 3.8.2: Implementation of the LUTE would result in the exposure of additional people and/or structures to potential risks from flooding hazards and sea level rise. Compliance with existing regulations, as well as LUTE policies and actions, would reduce impacts to less than significant.
- Impact 3.8.3: Implementation of the LUTE would not result in the exposure of additional people and/or structures to potential risks from inundation by seiche, tsunami, or mudflow. Compliance with existing regulations, as well as LUTE policies and actions, would reduce impacts to less than significant.

LUTE EIR Mitigation Measures

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

Project Analysis

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

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

Construction

Typical construction activities would require the use of gasoline- and diesel-powered heavy equipment, such as backhoes, water pumps, bulldozers, and air compressors. Chemicals such as gasoline, diesel fuel, lubricating oil, hydraulic oil, lubricating grease, automatic transmission fluid, paints, solvents, glues, and other substances would also likely be used during construction. An accidental release of any of these substances could degrade surface water runoff quality and contribute additional sources of pollution to the existing drainage system. Therefore, small quantities of pollutants have the potential to enter the storm drainage system during project construction and degrade water quality. In general, construction-related impacts to water quality could occur in the following periods of activity:

- During the earthwork and construction phase, when the potential for erosion, siltation, and sedimentation would be the greatest; and
- Following construction, before the establishment of ground cover, when the erosion potential may remain relatively high.

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

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

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

Operation

The project would demolish an existing shopping center and construct a mixed-use residential and commercial development. As such, project implementation would not increase hardscapes as compared to existing conditions. Compliance with the State General Construction Activity Storm Water Permit requirements, SMC Chapter 12.60, and applicable provisions of the SCVWD *Urban Runoff Pollution Prevention Program C.3 Stormwater Handbook*⁷ would reduce surface water quality impacts associated with implementation of the project to a less than significant level. Further, the LUTE includes Policy 72 to strengthen the enforcement of water quality standards and waste discharge requirements. Policy 72 contains Action 3, which is intended to minimize or divert pollutants from draining into creeks and wetlands by enforcing best management practices during construction, site development, and ongoing operations. Compliance with existing LUTE policies and actions, SMC and NPDES requirements, the SCVWD *Urban Runoff Pollution Prevention Plan*, and the City’s Urban Runoff Management Plan would ensure that operational impacts to runoff and surface and groundwater quality would be consistent with the findings of the LUTE EIR and remain less than significant.

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

⁷ Santa Clara Valley Water District, *Urban Runoff Pollution Prevention Program C.3 Stormwater Handbook*, October 2024.

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

According to the LUTE EIR, the project site overlies the Santa Clara Subbasin, which is a part of the larger Santa Clara Valley – Santa Clara Subbasin, and is currently developed/disturbed and largely covered with impervious surfaces. According to the California Department of Water Resources, the Basin is identified as a “High” priority basin⁸. SCVWD manages the Santa Clara Subbasin through its Groundwater Management Plan, which sets forth basin management goals and objectives and describes how the Subbasin is managed. The Groundwater Management Plan’s goals include: 1) manage groundwater supplies to optimize water supply reliability and minimize land subsidence; and 2) protect groundwater from contamination, including saltwater intrusion.

As described in Attachment D, *Geotechnical Report*, at depths of one to two feet, the project site is underlain by variable documented fill ranging from native clayey sand to sandy lean clay. At depths up to five feet, native alluvial soils consisting of lean clay with sand, sandy lean clay, and silty sand were encountered. Percolation rates at the project site are highly variable due to the range of soil types present. The project site, like the rest of the City, is not located within a local groundwater recharge area and no groundwater extraction would occur as part of the project. Therefore, the effect on groundwater recharge would be less than significant. Implementation of the project would not result in the need for new or additional groundwater supplies. Thus, project implementation would not result in any groundwater extraction or depletion of groundwater supplies and is not anticipated to interfere with implementation of SCVWD’s Groundwater Management Plan. Impacts would be less than significant.

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

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

- i) result in substantial erosion or siltation on- or off-site;*
- ii) substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site;*
- iii) create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or*
- iv) impede or redirect flood flows?*

Refer to Threshold 5.3.10.a. Under existing conditions, the project site is fully developed with a shopping center and does not include exposed soils. Proposed grading activities associated with the project would temporarily expose soils to water and air, which would increase erosion susceptibility while the soils are exposed. Exposed soils would be subject to erosion during rainfall events or high winds due to the removal of stabilizing vegetation

⁸ California Department of Water Resources, *SGMA Basin Prioritization Dashboard*, <https://gis.water.ca.gov/app/bp-dashboard/final/>, accessed June 12, 2025.

and exposure of these erodible materials to wind and water. Erosion by water would be greatest during the first rainy season after grading and before the project's structure foundations are established and paving and landscaping occur. Erosion by wind would be highest during period of high wind speeds when soils are exposed. Consistent with the findings of the LUTE EIR, compliance with the NPDES, SMC, LUTE EIR Policies and Actions, and Stormwater Quality BMP Guidance Manual requirements would ensure that water and wind erosion impacts during construction would be less than significant, consistent with the findings of the LUTE EIR. Following construction, wind and water erosion on the project site would be minimized, as the areas disturbed during construction would be landscaped or covered with impervious surfaces. Operational impacts would be reduced through compliance with the State General Construction Activity Storm Water Permit requirements, SMC Chapter 12.60, and the SCVWD *Urban Runoff Pollution Prevention Program* (2018). As such, impacts due to soil erosion and the loss of topsoil during long-term operation would be less than significant.

Based on a review of the Federal Emergency Management Agency (FEMA) National Flood Hazard Layer flood zone map, the project site is not mapped as a flood hazard area.⁹ The project is not anticipated to impede or redirect flood flows in this regard. The LUTE EIR includes several Policies and Actions to further reduce the exposure of people and/or structures to potential risks from flood hazards. Policies 10, 11, 17, 72, and 73 commit the City to flood protection and the consideration of sea level rise during project review and aim to provide opportunities to improve drainage and flooding conveyance through the improvement of streambeds. Further, the project would comply with the City's existing General Plan policies regarding protection of waterways (Goal EM-8) and protection of life and property from 100-year floods (Policy SN-1.2).

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

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

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

Based on a review of the FEMA National Flood Hazard Layer flood zone map, the project site is mapped as FEMA Zone 'X', indicating an area of reduced flood risk due to levee.¹⁰ There are no large bodies of water within the

⁹ Federal Emergency Management Agency, *FEMA Flood Map Service Center: Search By Address*, <https://msc.fema.gov/portal/search?AddressQuery=1123%20lawrence%20expressway%2C%20sunnyvale%2C%20ca>, accessed June 11, 2025.

¹⁰ Ibid.

project vicinity that are capable of producing a seiche; thus, the project is not subject to seiche hazards. The project site is located approximately 4.4 miles south of the San Francisco Bay, with an elevation between 16 to 20 feet above mean sea level. As detailed in Attachment D, a tsunami or seiche originating in the adjacent Pacific Ocean would lose a considerable amount of energy passing through San Francisco Bay, indicating that the project site has low potential for inundation associated with tsunamis. Accordingly, the project would not risk the release of pollutants due to project inundation as a result of floods, tsunamis, or seiches, and no impact would occur. Therefore, there are no flood, tsunami, or seiche hazard impacts that are peculiar to the project or project site; there are no impacts that were not analyzed as significant effects in the LUTE EIR; there are no potentially significant off-site or cumulative impacts that were not already evaluated by the LUTE EIR; and there is no substantial new information resulting in more severe adverse impacts to the environment from significant effects identified in the LUTE EIR.

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

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

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

5.3.11 Land Use and Planning

LUTE EIR Findings

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

- Impact 3.1.1: Implementation of the LUTE would not divide an established community. The implementation of Policies 54, 55, 56, 57, and 59 aims to ensure that new development and redevelopment support the preservation and enhancement of existing areas in Sunnyvale and its neighborhoods, achieved through land use and transportation improvements integrated with current uses and provide transitions for different land uses to ensure compatibility. Impacts would be less than significant.
- Impact 3.1.2: Implementation of the LUTE would not lead to inconsistency with other land use plans, ordinances, and regulations adopted by other agencies (inclusive of Plan Bay Area and the San Francisco Bay Plan) that address physical effects to the environment. The LUTE includes policies that encourage increased mixed-use development. Impacts would be less than significant.
- Impacts 3.1.3: The LUTE contains provisions that ensure it would not conflict with the Sunnyvale General Plan and Zoning Code. Policies 54-57 and 59 are included in the LUTE to address consistency with the land use conditions within Sunnyvale. Impacts would be less than significant.
- Impact 3.1.4: No habitat conservation plan or natural community conservation plan has been adopted for land in Sunnyvale. No impact would occur.

LUTE EIR Mitigation Measures

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

Project Analysis

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

The physical division of an established community is typically associated with the construction of a linear feature, such as a major highway or railroad tracks, or removal of a means of access, such as a local road or bridge, which would impair mobility within an existing community or between a community and an outlying area. As an existing shopping center and paved parking lot, the site does not currently contain any public or private trails or routes that traverse the site.

It is worth noting that a single parcel (APN: 110-23-104) belonging to the San Francisco Public Utilities Commission (SFPUC) bisects the project site's northernmost parcel (APN 110-23-108) and southern parcels (APNs 110-23-108 and 110-23-109). The SFPUC parcel currently provides connectivity between the John W. Christian Greenbelt Trail to the west and east of the project site. The proposed project does not include improvements within the SFPUC parcel, as the project applicant has no property rights to the parcel. However, the proposed project would result in decreased pedestrian opportunities in the established surrounding community both: 1) along the John W. Christian Greenbelt Trail and the subject properties (both the proposed residential and commercial lots); and, 2) between Lakehaven Drive and Lakedale Way (including, by extension, the existing Lawrence Expressway pedestrian overpass that connects Lakedale Way to Blazingwood Drive). This is because the existing SFPUC cross-access would be inhibited by the provision of a new fence along the extent of the southern lot line of the proposed residential portion of the development that is shared with the SFPUC lot (see Exhibit 3), limiting its connectivity between the City's eastern boundary at Calabazas Creek to Mathilda Avenue.

Nonetheless, the project site is considered private property and has never been intended to provide public access to the John W. Christian Greenbelt Trail. Further, connectivity to the pedestrian overpass between Lakedale Way and Blazingwood Drive would not be significantly affected as the pathway is located to the north of the project site, outside of the limits of proposed project activities. The City of Sunnyvale will continue to coordinate with SFPUC regarding their parcel's connectivity between the John W. Christian Greenbelt Trail to the west and east of the project site. The project would also improve bicycle and pedestrian connectivity throughout the site by providing bicycle and pedestrian access throughout the project site and along Lakedale Way and Lakehaven Drive. A Preliminary Circulation Plan has been developed to demonstrate adequate circulation throughout the project.¹¹

As such, implementation of a residential mixed-use development project would be consistent with the findings of the LUTE EIR, as it would not impede movement within the project area, within an established community, or from one established community to another. Therefore, impacts would be less than significant, consistent with the LUTE. The project would be consistent with analysis in the LUTE EIR, and there are no impacts to established communities that are peculiar to the project or project site; there are no impacts that were not analyzed as significant effects in the LUTE EIR; there are no potentially significant off-site or cumulative impacts that were not already evaluated by the LUTE EIR; and there is no substantial new information resulting in more severe adverse impacts to the environment from significant effects identified in the LUTE EIR.

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

The site's General Plan land use designation is Village Mixed Use (VMU), which falls under the General Plan's broader "Mixed-Use" land use designation category. Within the VMU designation, the General Plan permits neighborhood-serving commercial uses integrated with residential uses, typically located near arterial intersections or major collector streets providing pedestrian and bicycle connections, and promotes residential uses concentrated near street corners above commercial uses and provides buffers between higher-intensity development and adjacent lower-density neighborhoods. As a 101-unit townhome community with 23,104 square feet of commercial, the project would be consistent with the VMU land use designation. The proposed project is consistent with the scope of development analyzed in the LUTE, which contemplates a net increase of 15,100 residential units and up to 12,500,000 square feet of commercial development (over existing conditions) within the City through buildout year 2035.

As noted in Section 5.1, Zoning Conformance, as a proposed residential mixed-use development, the project is not consistent with the zoning designation of Neighborhood Business/Planned Development (C-1/PD). However, the project's inconsistency with the site's existing zoning designation does not preclude use of the CEQA Guidelines Section 15183 Exemption, which applies to projects that are consistent with the development density established by existing zoning, community plan, or general plan policies for which an EIR was certified. As discussed throughout this document, the project is consistent with the development density established by the General Plan policies in the LUTE, for which an EIR was certified.

In addition, the project applicant is requesting unlimited waivers to deviate from 18 SMC development standards as outlined in Section 3.0, Project Description and as allowed by the City's Commercial Incentive Program.

Upon approval of the waivers, the project would be consistent with the site's existing land use designation of VMU and zoning of Neighborhood Business/Planned Development (C-1/PD).

¹¹ Wood Rodgers, TTL 1123 Lawrence Expressway, Sheet TM 06, *Preliminary Circulation Plan*, August 22, 2025.

Based on a review of the project's application materials by City staff, and as otherwise demonstrated throughout the analysis provided herein, the project would not conflict with applicable goals, objectives, or policies of the Sunnyvale General Plan, LUTE, SMC requirements, or other applicable regulations (i.e., regulations promulgated by the Plan Bay Area 2040 and the San Francisco Bay Plan) adopted for the purpose of avoiding or mitigating an environmental effect. As such, the project would not cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect, and impacts would be less than significant. Therefore, there are no environmental impacts that are peculiar to the project or project site; there are no impacts that were not analyzed as significant effects in the LUTE EIR; there are no potentially significant off-site or cumulative impacts that were not already evaluated by the LUTE EIR; and there is no substantial new information resulting in more severe adverse impacts to the environment from significant effects identified in the LUTE EIR.

5.3.12 Mineral Resources

LUTE EIR Findings

There are no active mines and no known areas with mineral resource deposits in the City. No minerals or aggregate resources of statewide importance are located in Sunnyvale. Therefore, no impact to the availability of a known mineral resource would occur.

LUTE EIR Mitigation Measures

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

Project Analysis

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

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

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

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

5.3.13 Noise**LUTE EIR Findings**

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

- Impact 3.6.1: New development under the LUTE would include noise-sensitive land uses that would be located in varying noise environments. New development would be required to comply with City noise standards set forth in the General Plan and the Municipal Code and would not change those standards. The proposed project would not expose new residents to traffic noise or stationary sources of noise in excess of established standards. This impact is considered less than significant
- Impact 3.6.2 New development under the LUTE would generate increased local traffic volumes that could cause a substantial permanent increase in ambient noise levels for existing noise-sensitive receptors. This impact would be significant and unavoidable.
- Impact 3.6.3 The LUTE would provide for development of sensitive land uses in areas of the city adjacent to the existing Caltrain and light rail corridors. Groundborne vibration from construction activities could be substantial. Implementation of the LUTE would not result in excessive operational vibration but does not address construction vibration. Implementation of MM 3.6.3 would reduce impacts to less than significant.
- Impact 3.6.4 New development contemplated by the LUTE could result in the exposure of persons to or generation of noise levels in excess of City noise standards. Implementation of MM 3.6.3, which would require the development of a Noise Control Plan for construction activities, would ensure that construction noise attenuation is being provided to minimize this temporary noise impact in combination with the time restrictions for construction activities. Impacts would be less than significant.

LUTE EIR Mitigation Measures

MM 3.6.3 The following will be included as a policy or implementation measure to the Safety and Noise Chapter of the General Plan:

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

- Equipment and trucks used for construction shall use the best available noise control techniques (e.g., improved mufflers, equipment redesign, use of intake silencers, ducts, engine enclosures, and acoustically attenuating shields or shrouds;
- Impact tools (e.g., jackhammers, pavement breakers, and rock drills) used for construction shall be hydraulically or electrically powered wherever possible to avoid noise associated with compressed air exhaust from pneumatically powered tools; and
- Stationary noise sources shall be located as far from adjacent receptors as possible, and they shall be muffled and enclosed within temporary sheds, incorporate insulation barriers, or include other measures.
- Noise and vibration reducing pile-driving techniques shall be employed during construction and will be monitored to ensure no damage to nearby structures occurs (i.e., vibrations

above peak particle velocity (PPVs) of 0.25 inches per second at nearby structures). These techniques shall include:

- Installing intake and exhaust mufflers on pile-driving equipment;
- Vibrating piles into place when feasible, and installing shrouds around the pile-driving hammer where feasible;
- Implementing “quiet” pile-driving technology (such as pre-drilling of piles and the use of more than one pile driver to shorten the total pile driving duration), where feasible, in consideration of geotechnical and structural requirements and conditions;
- Use cushion blocks to dampen impact noise, if feasible based on soil conditions. Cushion blocks are blocks of material that are used with impact hammer pile drivers. They consist of blocks of material placed atop a piling during installation to minimize noise generated when driving the pile. Materials typically used for cushion blocks include wood, nylon and micarta (a composite material); and
- At least 48 hours prior to pile-driving activities, notifying building owners and occupants within 600 feet of the project area of the dates, hours, and expected duration of such activities.

Project Analysis:

The project would be required to comply with Mitigation Measure 3.6.3 above. Additionally, a site-specific Noise Impact Analysis was prepared in 2025 to evaluate the project’s potential to result in impacts regarding noise. The *Noise Impact Analysis Report 1123 Lawrence Expressway Residential Project City of Sunnyvale, Santa Clara County, California*, dated May 28, 2025, prepared by FirstCarbon Solutions, is included as Attachment F of this report, and includes project-specific COAs.

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

A significant impact would occur if construction activities would result in a substantial temporary increase in ambient noise levels in excess of the City’s applicable noise standards, and/or if construction activities do not comply with SMC Section 16.08.030, limiting general construction activities to the hours of 7:00 a.m. and 6:00 p.m. Monday through Friday. Saturday hours of operation shall be between 8:00 a.m. and 5:00 p.m. Construction activity is not permitted on Sunday or on federal holidays when City offices are closed.

Because the City has not defined what would determine a substantial increase in noise levels due to construction, the Noise Impact Analysis utilized the noise limits established by the Federal Transit Administration (FTA) to identify the potential for impacts due to substantial temporary construction noise. During daytime hours, an exterior threshold of 80 A-weighted decibel (dBA) equivalent sound level (L_{eq}) (8-hour) shall be enforced at residential land uses, 85 dBA L_{eq} (8-hour) at commercial land uses, and 90 dBA L_{eq} (8-hour) at industrial land uses.

Construction noise typically occurs intermittently and varies depending on the nature or phase of construction (e.g., grading, building construction, paving, and architectural coatings). Noise generated by construction equipment, including graders and excavators, can reach high levels. During construction, exterior noise levels could affect residential uses and commercial uses in the vicinity of the project site. The nearest off-site sensitive receptor to the project site is a single-family residential home located west of the project site. The façade of this

building would be located approximately 30 feet from the nearest acoustic center of construction activity where the heaviest construction equipment would operate. At this distance, it is anticipated that construction noise levels would not exceed the FTA's daytime exterior threshold of 80 dBA L_{eq} (8-hour) as measured at the nearest residential land use. Further, construction would occur during daytime hours pursuant to SMC Section 16.08.030. Implementation of MM 3.6.3, which contains site-specific noise attenuation measures during construction to reduce the generation of construction noise and vibration, from the LUTE EIR would also be required. Additionally, Condition of Approval (COA) NOI-1, which includes best management practices for the operation of construction equipment, would further reduce construction noise impacts.

The increase in traffic flow on local streets, associated with the transport of workers, equipment, and materials to and from the project site could also result in short-term noise impacts. However, workers and construction equipment would use existing routes and noise levels from passing trucks would be similar to existing vehicle-generated noise on these local roadways. According to the Noise Impact Analysis (refer to [Attachment F](#)) prepared for the proposed project, the existing Lakewood Commercial Center generates 5,653 average daily trips. Based on the Air Quality Analysis prepared for the project, the demolition phase would generate the highest daily trips with an approximate total of 115 average daily trips, with 100 of those trips being haul truck trips. Therefore, these average daily trips would not double existing traffic volumes along roadway segments accessing the project site. For this reason, short-term intermittent noise from construction trips would not be expected to result in a perceptible increase in hourly or daily average traffic noise levels in the project vicinity. Therefore, short-term construction-related noise impacts relative to the transportation of workers and equipment to the project site would be less than significant.

Operational Noise Impacts

A significant impact would occur if operational noise levels generated by stationary noise sources at the project site would result in a substantial permanent increase in ambient noise levels in excess of any of the noise performance thresholds established in the City's Noise Ordinance.

According to SMC Section 19.42.030, *Noise or sound level.*, 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; operational noise shall not exceed 55 dBA during nighttime or 65 dBA during daytime hours on the primary usable open space of multi-family uses; and operational noise shall not exceed 60 dBA during nighttime or 70 dBA during daytime hours on the primary usable open space of residential uses located along major transportation corridors (freeways, expressways, arterials, and rail lines) or mixed-use residential properties.

The proposed project would include new stationary noise sources, including mechanical ventilation equipment and parking lot activity associated with the commercial component of the proposed project. Noise levels for residential-grade mechanical ventilation equipment systems range up to approximately 70 dBA L_{eq} at a distance of 3 feet. The proposed project would have residential-grade mechanical ventilation equipment for each unit. The nearest residential receptor, a single-family home located west of the project site, is approximately 50 feet from the nearest location where new mechanical ventilation equipment would be located. The combined reasonable worst-case operational noise level of multiple mechanical ventilation systems operating simultaneously would be 25 dBA L_{eq} , as measured at the nearest off-site residential receptor (assuming minimal shield reduction for the existing 8-foot cement brick wall). These reasonable worst-case mechanical ventilation equipment operational noise levels would not exceed the City's daytime or nighttime noise performance thresholds at the nearest receiving residential land uses. Therefore, the mechanical ventilation equipment operation noise levels would not result in a substantial permanent increase in ambient noise levels in excess of any of the City's noise performance thresholds. Impacts would be less than significant.

The proposed project would provide 42 on-site surface public parking spaces for the proposed commercial building. The nearest noise-sensitive receptor to the proposed parking areas would be the single-family residential building located west of the project site, approximately 55 feet from the nearest proposed parking area. Assuming a minimum of one parking movement per stall per hour, reasonable worst-case hourly average noise levels associated with daily parking lot activities would be approximately 42 dBA L_{eq} at the exterior of the nearest residential receptor. These reasonable worst-case parking lot activity noise levels would not exceed the City's daytime or nighttime noise performance thresholds at the nearest receiving residential land uses. Accordingly, operational noise impacts would be less than significant relative to parking lot noise.

Conclusion

As discussed above, implementation of the project could result in the generation of a temporary or permanent increase in ambient noise levels in the vicinity of the project. However, noise levels fall within the allowable range of standards established in the City's noise ordinance, and the project would be subject to LUTE EIR Mitigation Measure 3.6.3, which requires site-specific noise attenuation measures during construction to reduce the generation of construction noise and vibration, as well as COA NOI-1, which contains construction noise best management practices. As a result, impacts would be less than significant. Therefore, there are no noise impacts that are peculiar to the project or project site; there are no impacts that were not analyzed as significant effects in the LUTE EIR; there are no potentially significant off-site or cumulative impacts that were not already evaluated by the LUTE EIR; and there is no substantial new information resulting in more severe adverse impacts to the environment from significant effects identified in the LUTE EIR.

COA NOI-1 Construction Noise Attenuation. Prior to issuance of construction permits, the following language shall be included, verbatim, in the general notes section of all the civil plan construction documents.

- The construction contractor shall ensure that all equipment driven by internal combustion engines shall be equipped with mufflers, which are in good condition and appropriate for the equipment.
- The construction contractor shall ensure that unnecessary idling of internal combustion engines (i.e., idling in excess of 5 minutes) is prohibited.
- The construction contractor shall utilize "quiet" models of air compressors and other stationary noise sources where technology exists.
- At all times during project grading and construction, the construction contractor shall ensure that stationary noise-generating equipment shall be located as far as practicable from sensitive receptors and placed so that emitted noise is directed away from adjacent residences.
- The construction contractor shall ensure that the construction staging areas shall be located to create the greatest feasible distance between the staging area and noise-sensitive receptors nearest the project site.
- The construction contractor shall ensure that all on-site construction activities, including the operation of any tools or equipment used in construction, drilling, repair, alteration, grading, or demolition work, are limited to between the hours of 7:00 a.m. and 6:00 p.m., Saturday hours of construction shall be between 8:00 a.m. and 5:00 p.m. There shall be no construction activity on Sunday or federal holidays when City offices are closed.

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

The nearest sensitive receptor to the project site is a single-family residence located to the west of the project site, located 19 feet from the nearest construction footprint. The City requires a vibration impact assessment to be conducted for proposed projects when heavy-duty construction equipment would be used within 600 feet of an existing structure. If applicable, the City shall require all feasible mitigation measures to be implemented to ensure that no damage or disturbance to structures would occur. However, the City's policies and ordinances do not establish a numeric threshold for construction vibration impacts. Therefore, FTA's vibration impact criteria were utilized for the vibration analysis.

Of the variety of equipment used during construction, the vibratory rollers that are anticipated to be used in the site preparation phase of construction would produce the greatest groundborne vibration levels. Based on applicant-provided information, the proposed project would utilize Dynapac CC122 or Ingersoll Rand DD16 roller compactors (or similar 31.5 horsepower or smaller size compaction equipment) for the paving of the internal driveway. Documented vibration levels for these types of equipment range up to 0.18 inch per second (in/sec) PPV at 25 feet from equipment operating in vibratory compaction mode. Documentation of the horsepower specifications and vibration levels for these types of equipment are provided in Appendix A of the Noise Impact Analysis; refer to Attachment F. The nearest off-site receptor to the project site is an accessory dwelling unit on the property of a single-family residential home located west of the project site at 1138 Stonelake Court. The façade of this building would be located approximately 19 feet from the nearest construction footprint where a small vibratory roller would potentially operate during paving of the internal driveway. At this distance, assuming normal soil attenuation conditions, groundborne vibration levels would range up to 0.24 in/sec PPV from operation of the types of vibratory roller compactor equipment that would be used on the project site.

It is noted that there is an existing 8-foot-high concrete sound wall with reinforced concrete pillars located on the property line of the project site between the nearest off-site structures and the proposed project. The minimum foundation depth for this type of concrete wall would be an 18-inch reinforced concrete foundation. This type of foundation would provide interference and reflection of groundborne vibration from operation of construction equipment on the project site, which would reduce these reasonable worst-case construction vibration levels as measured at the foundation of this nearest structure. However, any estimates of the exact reduction would be speculative. Therefore, this analysis assumes a conservative estimate that reasonable worst-case construction vibration levels from operation of the proposed type of vibratory roller compactor at the closest edge of proposed pavement for the internal driveway could range up to 0.24 in/sec PPV at the foundation of the nearest off-site structure. These reasonable worst-case construction vibration levels are well below Caltrans construction vibration damage potential threshold criteria of 0.5 in/sec PPV for older residential structures.

Further, in accordance with ground vibration regulations found in SMC Section 19.42.060, a significant impact would occur if project operation would result in groundborne vibration that would be perceptible at any point on the property line of the premises without the use of a special measuring instrument. Implementation of the proposed project would not include any permanent sources that would expose persons in the project vicinity to groundborne vibration levels that could be perceptible without instruments at any receiving property line. In addition, there are no existing significant permanent sources of groundborne vibration in the project vicinity to which the proposed project would be exposed. Therefore, project operational groundborne vibration level impacts would be less than significant. Impacts due to groundborne vibrations or groundborne noise levels would be less than significant. Therefore, there are no vibrational impacts that are peculiar to the project site; there are no direct or cumulatively considerable impacts of the proposed project that were not already evaluated by the

LUTE EIR; and there are no new or more severe impacts to the environment beyond what was previously evaluated and disclosed by the LUTE EIR.

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

The nearest airport is San José Mineta International Airport, located approximately 3.38 miles southeast of the project site. The project site lies outside of the 60 dBA CNEL noise contours of the airport. Because the project site is not within the vicinity of a private airstrip, an airport land use plan, or two miles of a public airport, no impact related to airport land use compatibility would occur. Therefore, there are no noise impacts to airports that are peculiar to the project or project site; there are no impacts that were not analyzed as significant effects in the LUTE EIR; there are no potentially significant off-site or cumulative impacts that were not already evaluated by the LUTE EIR; and there is no substantial new information resulting in more severe adverse impacts to the environment from significant effects identified in the LUTE EIR.

5.3.14 Population and Housing

LUTE EIR Findings

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

- Impact 3.2.1: New development associated with the LUTE would occur in areas identified for potential new growth and therefore would not indirectly induce unanticipated population growth. Accordingly, implementation of the LUTE would not substantially and indirectly induce population growth that is not beyond Association of Bay Area Governments regional growth protections. Impacts would be less than significant.
- Impact 3.2.2: New land uses as a result of the LUTE implementation would support both residential and commercial growth and would not result in the displacement of substantial numbers of people or housing. Impacts would be less than significant.

LUTE EIR Mitigation Measures

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

Project Analysis

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

A project could induce population growth in an area either directly, through the development of new residences or businesses, or indirectly, through the extension of roads or other infrastructure. The LUTE EIR estimated that total buildout of the City through the year 2035 would accommodate approximately 72,100 residential units and 47,300,000 square feet of commercial floor area, which would serve as net increases of approximately 15,100 residential units and 12,500,000 square feet of industrial/office/commercial floor area above existing conditions. As discussed, the proposed project would demolish the existing commercial retail center to develop a mixed-use development comprised of 101 townhomes and approximately 23,104-square feet of commercial space.

The proposed project is not anticipated to induce substantial unplanned population growth in the area, either directly or indirectly. The proposed project would consist of a total of 101 residential dwelling units. According to the Department of Finance, the City of Sunnyvale has approximately 2.59 persons per household.¹² As such, the proposed project would result in a total population increase of approximately 262 individuals (101 units multiplied by 2.59). Potential population growth associated with the project would represent a less than one percent increase over the City's estimated 2025 population of 159,673 persons. Accordingly, the project would not induce substantial unplanned population growth either directly or indirectly, resulting in a less than significant impact.

The proposed 23,104 square feet commercial space would generate the need for employees. However, it is anticipated that most of these jobs will be filled by those already living in or around the City; not people moving into the City to work on the project. Thus, the commercial space is not anticipated to result in substantial indirect population growth from potential employees relocating to the City.

¹² State of California, Department of Finance, E-5 *Population and Housing Estimates for Cities, Counties and the State — January 1, 2021-2025. Sacramento, California, May 2025.*

The project is consistent with the land uses envisioned by the LUTE. The population growth induced by the project comprises less than one percent of what was forecasted in the LUTE EIR. Accordingly, the project would not induce substantial unplanned population growth either directly or indirectly, resulting in a less than significant impact. Therefore, there are no impacts to population growth that are peculiar to the project site; there are no direct or cumulatively considerable impacts of the proposed project that were not already evaluated by the LUTE EIR; and there are no new or more severe impacts to the environment beyond what was previously evaluated and disclosed by the LUTE EIR.

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

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

5.3.15 Public Services

LUTE EIR Findings

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

- Impact 4.1.1: Implementation of the LUTE would increase the demand for fire protection and emergency medical services. Any new or expanded fire or emergency medical facilities associated with increased demand have been programmatically considered in the technical analyses of the LUTE EIR as part of overall development of the City. This impact would be less than significant.
- Impact 4.2.1: Implementation of the LUTE would increase the demand for law enforcement services. Any new or expanded law enforcement facilities associated with increased demand have been programmatically considered in the technical analyses of the LUTE EIR as part of overall development of the City. Impacts would be less than significant.
- Impact 4.3.1: Implementation of the LUTE would increase population in the local school districts' service areas, which would subsequently increase student enrollment in local schools. Subsequent development under the LUTE would be subject to school facility fees to pay for additional school facility needs. With payment of school facility fees, this impact would be less than significant.

LUTE EIR Mitigation Measures

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

Project Analysis

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

Fire protection?

Police protection?

Schools?

Parks?

Other public facilities?

The project entails redevelopment of a commercial retail center with a 101-unit townhome community with 23,104 square feet of commercial. As described in [Section 5.3.11](#), the project would be consistent with the Village Mixed Use (VMU) land use designation. The proposed project is consistent with the scope of development analyzed in the LUTE, which contemplates a net increase of 15,100 residential units and up to 12,500,000 square feet of commercial development (over existing conditions) within the City through buildout year 2035. As a result, the project's demand for fire protection, police protection, schools, parks, and other public facilities were evaluated in the analysis of impacts to public services presented in the LUTE EIR. The project's impacts related to public facilities are discussed below.

Fire Protection

Construction

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

Operation

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

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

Police Protection

Construction

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

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

Operation

Project operations would increase demands for police protection services above existing conditions. However, this increase would not require the construction of any new or physically altered City of Sunnyvale Department of Public Safety Bureau of Police Services facilities. It is the City's policy to ensure that new development provides appropriate improvements or resources to meet the future infrastructure and facility needs of the City; refer to General Plan Policy LT-14.8. Additionally, General Plan Policy SN-3.1 requires rapid and timely response to all emergencies. Project implementation would be subject to compliance with applicable local regulations to reduce impacts to police protection services, such as SMC Chapter 16.16, *Building Code*. Specifically, SMC Chapter 16.16 adopts by reference the CBC, which includes emergency access requirements which would minimize site safety hazards and potential operational impacts to police services.

Further, the LUTE includes Policy 104, ensuring that development projects provide appropriate improvements or resources to meet the future infrastructure and facility needs of the City, and provide community benefits to enhance the quality of life for residents and workers. The proposed project would remain consistent with the General Plan and LUTE through the implementation of the above policies. Compliance and consistency would ensure that equipment and facilities are provided and maintained to meet reasonable standards of safety, dependability, and compatibility with law enforcement operations and that rapid emergency response times are met. The impacts to police protection services would be less than significant.

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

Schools

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

As indicated in Section 5.3.14, the proposed project would demolish the existing Lakewood Shopping Center and paved parking lot to develop a mixed-use residential and commercial development, which has the potential to generate an increase of students attending these schools and therefore increase demand for school services. The project would be required to comply with SB 50 requirements, which allow school districts to collect impact fees from developers of new residential and commercial projects. According to Section 65996 of the California Government Code, payment of statutory fees is considered full mitigation for new development projects. Thus, upon payment of the required fees by the project applicant consistent with existing State requirements, impacts in this regard would be less than significant. Therefore, no physical impacts associated with the provision of school services would occur. There are no impacts to police services that are peculiar to the project site; there are no direct or cumulatively considerable impacts of the proposed project that were not already evaluated by the LUTE EIR; and there are no new or more severe impacts to the environment beyond what was previously evaluated and disclosed by the LUTE EIR.

Parks

The project would result in a future increase in the area's population of approximately 262 residents, which was anticipated in the LUTE EIR based upon project consistency with the applicable land use and zoning designations. As detailed in Section 5.3.14, This is a nominal increase in demand of parks and recreational facilities generated by the proposed project, such that existing facilities would not substantially deteriorate. The project would not require the construction of new or alteration of existing park or recreational facilities to maintain an adequate level of service to the project area. Therefore, consistent with the LUTE EIR, no physical impacts associated with the provision of parks would occur.

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

5.3.16 Recreation

LUTE EIR Findings

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

- Impact 4.4.1: Implementation of the LUTE would result in an increase in the city's population, which could subsequently increase the use of existing parks and recreational facilities that could result in impacts to the physical environment. However, compliance with LUTE policies and actions and Quimby Act land dedication or in-lieu fees would ensure that the City would secure adequate funding for park and recreation needs for residents, support the expansion of park and open space resources, and maintain existing facilities. Impacts would be less than significant.

LUTE EIR Mitigation Measures

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

Project Analysis

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

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

The proposed 101-unit townhome development includes a total of 32,877 square feet of open space onsite inclusive of private and common open space. As discussed in Response 5.3.14.a, the proposed project is anticipated to increase the City's population by approximately 262 residents. The new residents would result in a negligible increase in park users at the City's 26 existing park facilities. In addition, pursuant to the SMC, new development, including the project, must dedicate land, pay a fee in lieu thereof, or both, for park or recreational purposes at a ratio of 5 acres per 1,000 residents. The development fees would be applied toward the acquisition and development of local and community park facilities throughout the City to support future population growth. As such, no physical impacts associated with the provision of parks would occur.

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

5.3.17 Transportation

LUTE EIR Findings

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

- Impact 3.4.1: Subsequent land use activities associated with the implementation of the LUTE would be accommodated by planned increases in transit services. Impacts would be less than significant.
- Impact 3.4.2: Implementation of the LUTE would allow for subsequent land use activities that would result in traffic operations in the City that would adversely impact transit travel times. The implementation of a Traffic Demand Management program consistent with LUTE policies would eliminate intersection for specific intersections. However, intersection and roadway improvements are not feasible for all impacted areas, and thus impacts would remain significant and unavoidable.
- Impact 3.4.3: Subsequent land use activities associated with implementation of the LUTE would increase the demand for bicycle facilities. However, implementation of LUTE policies would improve and expand bicycle facilities and support bicycle use. Impacts would be less than significant.
- Impact 3.4.4: Implementation of the LUTE would result in subsequent land use activities that would increase the demand for pedestrian facilities as well as provide improved pedestrian facilities and opportunities. Impacts would be less than significant.
- Impact 3.4.5: Policies within the LUTE would improve safety for vehicles and alternative transportation beyond existing conditions through traffic calming features, design, and improved connections between land uses. Impacts associated with design hazards would be less than significant.
- Impact 3.4.6: LUTE policies implement a complete streets approach for circulation planning that accommodates all travel modes and improves safety and access. As such, impacts to emergency access would be less than significant.
- Impact 3.4.7: Subsequent land use activities associated with implementation of the LUTE would contribute to significant traffic operational impacts to intersections and freeway segments as compared to existing conditions. Impacts would be significant and unavoidable with mitigation.

LUTE EIR Mitigation Measures

MM 3.4.7a The following roadway improvements at the intersection of Duane Avenue and Stewart Drive¹³ shall be included in the City's fee program:

- Restripe the westbound leg to one left turn lane, one shared through-right lane, and one right turn lane.

Or

- Convert the intersection to a two-lane roundabout.

MM 3.4.7b The following roadway improvements at the intersection of Wolfe Road and Fremont Avenue¹⁴ shall be included in the City's fee program:

¹³ The roadway improvements detailed in MM 3.4.7a refer to the Intersection of Duane Avenue and Stewart Drive, with restriping focused on the westbound leg of Duane Avenue.

¹⁴ The roadway improvements detailed in MM 3.4.7b refer to the Intersection of Wolfe Road and Fremont Avenue.

Construction of an exclusive southbound right turn lane for the length of the segment. The northbound leg will also require a second left turn lane. The eastbound inner left turn lane will require restricting the U-turn movement to allow for a southbound overlap right turn phase. Depending on the extent of the median on the north leg that could be removed, the north leg will be widened between 3 and 11 feet. The north leg will be realigned to accommodate the southbound right turn. There is existing right-of-way on the northeast quadrant of the intersection. The second northbound left turn lane will need to be the same length as the existing left turn lane. Right-of-way acquisition would be required from the southwest quadrant. The south leg will need to be realigned. The south leg will be widened by 10 feet.

As stated in the LUTE EIR, mitigation measure MM 3.4.7a refers to the intersection of Duane Avenue and Stewart Drive, and mitigation measure MM 3.4.7b refers to the intersection of Wolfe Road and Fremont Avenue. These mitigation measures were developed to mitigate cumulative impacts relative to transportation as a result of LUTE implementation. These mitigation measures do not apply to the proposed project.

Project Analysis

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

Transit

Existing transit services in Sunnyvale are offered by Caltrain and the Santa Clara Valley Transportation Authority (VTA). Several bus stops are located adjacent to or near the project site, including, but not limited to stops at Lawrence/Sandia, Lakehaven/Twinlake, Lakehaven/Lawrence, and Lakehaven/Silverlake.

Bicycle and Pedestrian Facilities

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

- **Class I Bike Path** is a bicycle trail or path that is essentially off-street and separated from automobiles. Class I Bike Paths are a minimum of eight feet in width for two-way travel and include bike lane signage and designated street crossings where needed.
- **Class II Bike Lane** can be either located next to a curb or parking lane. If located next to a curb, a minimum width of five feet is recommended. However, a Class II Bike Lane adjacent to a parking lane can be four feet in width. Bike Lanes are exclusively for the use of bicycles and include bike lane signage, special lane lines, and pavement markings that delineate the right-of-way assigned to bicyclists along roadways.
- **Class III Bike Street** is a street providing for shared use by motor vehicles and bicyclists. While bicyclists have no exclusive use or priority, signage—both by the side of the street and stenciled on the roadway surface—alerts motorists to bicyclists sharing the roadway. Class III Bike Streets are enhancements of the standard Class III Bike Route, which is only indicated by small wayside signs.
- **Class IV Separated Bikeway or Cycle Track** provides delineated right-of-way assigned to bicyclists with a physical separation between them and a vehicle. This separation can include parked vehicles, bollards, curbs, or any other physical device that provides this separation.

According to Figure 3.4-7, *Existing Bicycle Facilities*, of the LUTE EIR, Lakedale Way is identified as a Class II Bike Lane and Lakehaven Drive along the project's frontage is identified as a Class I Bike Path.

Pedestrian circulation in the City is primarily provided via sidewalks. There are continuous sidewalks adjacent to the project on Lakedale Way and Lakehaven Drive. The SFPUC parcel currently provides connectivity between the John W. Christian Greenbelt Trail to the west and east of the project site. The proposed project does not include improvements within the SFPUC parcel, as the project applicant has no property rights to the parcel. However, the proposed project would result in decreased pedestrian opportunities in the established surrounding community both: 1) along the John W. Christian Greenbelt Trail and the subject properties (both the proposed residential and commercial lots); and, 2) between Lakehaven Drive and Lakedale Way (including, by extension, the existing Lawrence Expressway pedestrian overpass that connects Lakedale Way to Blazingwood Drive). This is because the existing SFPUC cross-access would be inhibited by the provision of a new fence along the extent of the southern lot line of the proposed residential portion of the development that is shared with the SFPUC lot (see [Exhibit 3](#)), limiting its connectivity between the City's eastern boundary at Calabazas Creek to Mathilda Avenue.

Nonetheless, the project site is considered private property and has never been intended to provide public access to the John W. Christian Greenbelt Trail. Further, connectivity to the pedestrian overpass between Lakedale Way and Blazingwood Drive would not be significantly affected as the pathway is located to the north of the project site, outside of the limits of proposed project activities. The City of Sunnyvale will continue to coordinate with SFPUC regarding their parcel's connectivity between the John W. Christian Greenbelt Trail to the west and east of the project site. The project would also improve bicycle and pedestrian connectivity throughout the site by providing bicycle and pedestrian access throughout the project site and along Lakedale Way and Lakehaven Drive. A Preliminary Circulation Plan has been developed to demonstrate adequate circulation throughout the project.¹⁵

Plan Bay Area 2050

Chapter 4 of Plan Bay Area 2050 describes the long-range vision for transportation in the Bay Area and focuses on three strategies: 1) maintain and optimize the existing transportation system, 2) create healthy and safe streets, and 3) build a next-generation transit network. The project is consistent with the transportation strategies in Plan Bay Area 2050 by providing both long- and short-term bicycle parking and through avoiding impacts to surrounding transportation options (i.e., VTA Bus Stops, John W. Christian Greenbelt Trail, etc.).

Sunnyvale General Plan

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

- **LT-3.1** Use land use planning, including mixed and higher-intensity uses, to support alternatives to the single-occupant automobile such as walking and bicycling and to attract and support high investment transit such as light rail, buses, and commuter rail.
- **LT-3.7** Provide parking and lane priority to environmentally friendly motorized vehicles (e.g., carpools, low emission, zero emission).
- **LT-3.22** Provide safe access to City streets for all modes of transportation. Safety considerations of

¹⁵ Wood Rodgers, TTLC 1123 Lawrence Expressway, Sheet TM 06, *Preliminary Circulation Plan*, August 22, 2025.

all modes of transport shall take priority over capacity considerations of any one transport mode.

- **LT-3.23** Ensure that the movement of cars, trucks and transit vehicles, bicycles, and pedestrians of all ages and abilities does not divide the community. City streets are public spaces and an integral part of the community fabric.
- **E-6.3** Continue a high quality of maintenance for public streets, rights-of-way, and recreational areas, and provide safe pedestrian, bike, and transit linkages (accessibility) between jobs, residences, transportation hubs, and goods and services.
- **SN-3.5** Facilitate the safe movement of pedestrians, bicyclists, and vehicles.

As proposed, the project's on-site circulation meets all City standards. The project also provides 278 parking stalls. Of these, a number of stalls would be accessible, fitted with electric vehicle (EV) charging stations, or considered EV ready. In addition, the project provides long- and short-term bike parking spaces. Therefore, the project would not conflict with the City's General Plan policies addressing the City's circulation system.

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

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

The LUTE EIR was circulated for public review prior to adoption of vehicle miles travelled (VMT) as the primary metric for analyzing transportation impacts. In accordance with CEQA Guidelines § 15007(c), "If a document meets the content requirements in effect when the document is sent out for public review, the document shall not need to be revised to conform to any new content requirements in Guideline amendments taking effect before the document is finally approved." Since circulation of a CEQA Guidelines Section 15183 Exemption is not required in accordance with CEQA Guidelines Section 15183, and LOS was the primary method for analyzing transportation impacts when the previously certified EIR was circulated for public review, an analysis of VMT is not required under CEQA.

As a matter of information, and as stated in the Noise Impact Analysis ([Attachment F](#)), redevelopment of the site would result in fewer trips than the existing Lakewood Shopping Center. The proposed development would generate approximately 4,285 fewer trips during a typical weekday, 111 fewer trips during the AM commuter peak-hour, and 399 fewer trips during the commuter PM peak-hour as compared to the existing use. For this reason, impacts concerning traffic would be less than significant.

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

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

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

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

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

5.3.18 Tribal Cultural Resources

LUTE EIR Findings

Assembly Bill (AB) 52 amended CEQA by requiring that lead agencies consult with Native American groups or individuals regarding the identification, evaluation, and treatment of an additional category of cultural resources, tribal resources, prior to the release of an environmental document. This requirement took effect on July 1, 2015. The revised Notice of Preparation for the LUTE EIR was published on June 17, 2015, prior to the effective date of this requirement. Therefore, the LUTE EIR was not subject to this consultation process, and tribal resources were not evaluated in this EIR.

LUTE EIR Mitigation Measures

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

Project Analysis

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

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

As discussed in Threshold 5.3.5.b above, there are no resources located on the project site that are listed or eligible for listing in the California Register of Historical Resources (CRHR), or in a local register of historical resources as defined in Public Resources Code Section 5020.1(k). Further, as indicated in [Section 5.3.5, *Cultural Resources*](#), the Native American Heritage Commission (NAHC) Sacred Lands File (SLF) search for the project site was negative. COA CUL-1, included in [Section 5.3.5](#), would require that an Archaeologist who meets the Secretary of the Interior's Professional Qualification Standards for archaeology conduct a Workers Environmental Awareness Program (WEAP) training for archaeological resources to be given to all construction personnel directly involved with project-related ground disturbance. Notwithstanding, in the event that unknown cultural resources are found and identified as Native American in origin, the City's policy is to preserve archaeological resources wherever possible (Policy CC-5.5) and condition projects to halt all ground-disturbing activities until a qualified archaeologist determines the significance of the discovery in the event that previously unidentified archaeological resources are discovered (Action LT-1.10f). Pursuant to Action LT-1.10f, the City would require significant discoveries to be mitigated consistent with Public Resources Code Section 21083.2 to ensure protection of the resource.

In the event that Native American human remains are discovered, the requirements and procedures set forth in Section 5097.98 of the California Public Resources Code would be implemented, including notification of the

County Coroner, notification of the NAHC, and consultation with the individual identified by the NAHC to be the “most likely descendant (MLD).” Thus, compliance with existing City policies and actions and State regulations would reduce impacts related to tribal cultural resources to less than significant. Therefore, there are no impacts that are peculiar to the project or project site; there are no impacts to tribal cultural resources that were not analyzed as significant effects in the LUTE EIR; there are no potentially significant off-site or cumulative impacts that were not already evaluated by the LUTE EIR; and there is no substantial new information resulting in more severe adverse impacts to the environment from significant effects identified in the LUTE EIR.

5.3.19 Utilities and Service Systems

LUTE EIR Findings

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

- Impact 3.11.1.1: Subsequent development under the LUTE would increase the demand for water. However, water supplies are expected to meet or exceed demand under normal and multiple dry year conditions. Accordingly, the implementation of the LUTE would not require new or expanded water supply entitlements. Impacts would be less than significant.
- Impact 3.11.1.2: Subsequent development under the LUTE would increase demand for water supply and thus require additional water supply infrastructure to meet the projected demands. Implementation of LUTE policies and continued implementation of City standards would ensure adequate water supply infrastructure is provided. Impacts to water supply infrastructure would be less than significant.
- Impact 3.11.2.1: Subsequent development under the LUTE would increase wastewater generation in the City. However, projected wastewater flows would remain within the capacity of Sunnyvale's wastewater collection and treatment system and would not exceed the wastewater treatment requirements of the RWQCB. Impacts would be less than significant.
- Impact 3.11.2.2: Subsequent development under the LUTE would increase wastewater flows and require the use of infrastructure and treatment facilities to accommodate anticipated demands. Specific improvements would require a project-specific analysis. As such, impacts would be less than significant.
- Impact 3.11.3.1: Subsequent development under the LUTE would generate increased amounts of solid waste that would need to be disposed of in landfills or recycled. Existing landfills would be capable of accommodating solid waste generated by implementation of the LUTE. Additionally, solid waste reduction strategies would further divert waste. This would ensure that construction of new solid waste disposal facilities or substantial expansion of existing facilities would not be required. Impacts would be less than significant.
- Impact 3.11.3.2: Implementation of the LUTE would be in conformance with applicable federal, state, and local solid waste regulations. Thus, impacts would be less than significant.

LUTE EIR Mitigation Measures

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

Project Analysis

In order to evaluate the project's potential to result in impacts relative to utilities, a site-specific Sanitary Sewer Analysis was prepared for the site in 2023. The *1123 Lawrence Expressway - Preliminary Sanitary Sewer Analysis*, dated April 4, 2023, was prepared by Wood Rodgers, Inc.; the report is included as [Attachment G](#) of this document.

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

Water

Water services would be provided to the site by the City of Sunnyvale. According to the LUTE EIR, the City relies

on four sources for its long-term water supply: 1) City owned groundwater wells; 2) imported water from San Francisco Public Utilities Commission's (SFPUC) Regional Water System; 3) imported water from Santa Clara Valley Water District (SCVWD); and 4) recycled water from a wastewater reclamation program that supplies non-potable water for uses such as parks and golf courses. The City projects that it can meet future water demands during drought years by utilizing a combination of groundwater, conservation, recycled water, and the available SFPUC and SCVWD contractual water supply limits.

The project site currently consists of an existing commercial shopping center and as such, the site is already connected to existing water mains. According to the project's Utility Plan, the site would connect to existing water mains on Lakedale Drive and Lakehaven Way. It should be noted that a single parcel belonging to the SFPUC, providing connectivity between the John W. Christian Greenbelt Trail, bisects the project site's northernmost parcel and southern parcels. While the proposed development would modify the City's access to the water connection facilities associated with the SFPUC parcel along the Lawrence Expressway frontage, the proposed project does not include improvements within this parcel, as the project applicant has no property rights to the parcel, and would not require the relocation of the existing water facilities. The proposed project is consistent with land uses anticipated for the area by the LUTE and would not induce substantial unplanned population growth; refer to [Section 5.3.11, *Land Use and Planning*](#), and [Section 5.3.14, *Population and Housing*](#). Thus, it is not anticipated that project implementation would require construction of new or expanded water facilities. As such, no significant environmental effects would occur as a result of the implementation of the project's proposed water connections. A less than significant impact would occur.

Wastewater Treatment

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

The project site currently consists of an existing commercial shopping center and as such, the site is already connected to existing wastewater mains. According to the project's Utility Plan, the site would connect to existing wastewater mains on Lakedale Way and Lakehaven Drive. The proposed project is consistent with land uses anticipated for the area by the LUTE and would not induce substantial unplanned population growth; refer to [Section 5.3.11](#) and [Section 5.3.14](#). Thus, it is not anticipated that project implementation would require construction of new or expanded wastewater facilities.

Wastewater produced by the project would continue to meet wastewater disposal regulations through treatment at the WPCP and would be treated to disinfected tertiary recycled water standards that meet or exceed California Department of Public Health Title 22 Standards under Division 4, Article 1 Section 60301.230. Therefore, no significant environmental effects would occur as a result of implementation of the project's proposed wastewater connections. A less than significant impact would occur.

Stormwater

Local storm drainage facilities in Sunnyvale are owned by the City of Sunnyvale and maintained by the City's Environmental Services Department. As stated in the LUTE EIR, the system consists of approximately 3,200 storm drain inlets, five pump stations, and approximately 295 miles of storm drains. The local system discharges into a regional system under the jurisdiction of the SCVWD.

The project site currently consists of an existing commercial shopping center, and as such, the site already contains existing impervious surfaces and has stormwater capture infrastructure on-site. Specifically, the site would connect to existing storm drains on North Lawrence Expressway. Nonetheless, as discussed in [Section 5.3.10, *Hydrology and Water Quality*](#), the project would be required to develop a Stormwater Pollution Prevention Program, which would contain BMPs used to minimize stormwater runoff during project construction. Further, compliance with existing LUTE policies and actions, SMC and NPDES requirements, the SCVWD *Urban Runoff Pollution Prevention Plan*, and the City's Urban Runoff Management Plan would ensure that operational impacts to runoff and surface and groundwater quality would be consistent with the findings of the LUTE EIR.

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

Dry Utilities

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

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

The project could result in significant impacts if the project required additional water supplies over what are currently entitled. The project includes the development of a 101-unit townhome community with 23,104 square feet of commercial uses that would require water for irrigation and day-to-day activities within the development.

As detailed in the LUTE EIR, water supplies are forecast to meet or exceed demand under normal and multiple dry year conditions by utilizing a combination of groundwater, conservation, recycled water, and the available SFPUC and SCVWD contractual water supply limits. Analysis of water demand and supply projections for the City finds that the existing water supply contracts, groundwater, conservation, and recycled water programs would sufficiently meet the increased water demand through the year 2035.

The proposed project is consistent with the land uses assumed for the site in the LUTE EIR and would not induce substantial population growth; refer to [Section 5.3.11](#) and [Section 5.3.14](#). As such, the project would have sufficient water supplies available to serve the project from existing entitlements and resources. Therefore, this impact would be less than significant. Therefore, there are no impacts to water supplies that are peculiar

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

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

As discussed in the LUTE EIR, wastewater from homes and businesses (toilets, showers, sinks) in the City is carried by sanitary sewer lines to the Sunnyvale Water Pollution Control Plant (WPCP) where it is treated before being discharged to local waterways that flow into the San Francisco Bay. The amount and quality of this effluent is regulated by the San Francisco Bay RWQCB. The Board's purpose is to protect beneficial uses of the San Francisco Bay in compliance with the California Water Code and the Federal Clean Water Act. The WPCP has an existing treatment capacity of 29.5 million gallons per day (mgd). The amount of influent wastewater handled by the plant varies with the time of day and with seasonal changes in demand. Current flows average approximately 15 mgd.¹⁶ Thus, the WPCP has approximately 14.5 mgd of unused capacity. Projected wastewater flows generated by the proposed project would represent a small percentage of this unused capacity.

Further, as detailed in Attachment G, Sanitary Sewer Analysis, the project proposes to connect to the existing 8-inch vitrified clay pipe main within Lakedale Way with a slope of 0.40 percent and approximately 0.4939 mgd capacity. This connection would serve the residential portion of the project. The commercial portion proposed to connect to the 10-inch vitrified clay pipe main within Lakehaven Drive with a slope of 0.30 percent and approximately 0.7755 mgd capacity. The proposed redevelopment would result in an overall decrease of 0.004 mgd (0.8 percent) into the existing 8-inch main within Lakedale Way and an overall increase of 0.008 mgd (1.0 percent) into the existing 10-inch main within Lakehaven Drive. Thus, the project would not result in a determination by the wastewater treatment provider, which serves or may serve the project, that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments.

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

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

According to the LUTE EIR, garbage and cardboard recycling collection service is provided to Sunnyvale residents and businesses by the City's franchised hauler, Specialty Solid Waste & Recycling. The majority of solid waste generated in Sunnyvale is hauled to the Kirby Canyon Landfill located approximately 27 miles away in south San

¹⁶ City of Sunnyvale, 2020 Urban Water Management Plan, June 29, 2021.

Jose. In addition, some solid waste from Sunnyvale is disposed of at the Zanker Road Landfill and other disposal sites around the State. The Kirby Canyon Landfill has a remaining capacity of 16,191,600 cubic yards, with an estimated closure date of 2059.¹⁷

Construction Impacts

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

Operational Impacts

The proposed project is consistent with the land use assumptions assumed for the site in the LUTE EIR. As such, the project is not anticipated to generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals. Impacts would be less than significant. Consistent with the conclusion reached by the LUTE EIR, the existing solid waste facilities have ample capacity to accommodate increased volumes of waste from the City through 2035, and impacts would be less than significant. There are no impacts regarding solid waste that are peculiar to the project or project site; there are no impacts that were not analyzed as significant effects in the LUTE EIR; there are no potentially significant off-site or cumulative impacts that were not already evaluated by the LUTE EIR; and there is no substantial new information resulting in more severe adverse impacts to the environment from significant effects identified in the LUTE EIR.

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

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

¹⁷ CalRecycle, *SWIS Facility/Site Search*, <https://www2.calrecycle.ca.gov/SolidWaste/Site/Search>, accessed January 28, 2025.

businesses that generate a specified amount of organic waste per week to arrange for recycling services for that waste).

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

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

5.3.20 Wildfire

LUTE EIR Findings

There are No Fire Hazard Severity Zones or state responsibility areas or Very High Fire Hazard Severity Zones or local responsibility areas are located in or adjacent to Sunnyvale. The City is urbanized and not adjacent to large areas of open space or agricultural lands that are subject to wildland fire hazards, no impacts associated with exposure to wildland fire would occur.

LUTE EIR Mitigation Measures

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

Project Analysis

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

- a) *Substantially impair an adopted emergency response plan or emergency evacuation plan?*
- b) *Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?*
- c) *Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?*
- d) *Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope stability, or drainage changes?*

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

Consistent with the LUTE EIR, the project site is located within a highly developed urban area that is not adjacent to large open spaces susceptible to the risk of wildfire. According to the Santa Clara County Fire Hazard Severity Zones Map, Sunnyvale is not located within an SRA for wildfire. Therefore, the risk of wildfire is considered to be low due to the urbanized setting of the City. The project site lies approximately 6.3 miles northeast from the nearest Fire Hazard Severity Zone, which is located in the foothills to the west of I-280.¹⁸

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

¹⁸ California Department of Forestry and Fire Protection, *Fire Hazard Severity Zone Viewer*, <https://osfm.fire.ca.gov/what-we-do/community-wildfire-preparedness-and-mitigation/fire-hazard-severity-zones/fire-hazard-severity-zones-maps>, accessed June 11, 2025.

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

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

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

5.3.21 Mandatory Findings of Significance

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

As indicated throughout the analysis in this CEQA Guidelines Section 15183 Environmental Checklist, assuming incorporation of the applicable COAs, mitigation measures, laws, ordinances, and regulatory requirements specified in the LUTE EIR, implementation of the project would not: substantially degrade the quality of the environment; substantially reduce the habit of fish or wildlife species; cause a fish or wildlife population to drop below self-sustaining levels; threaten to eliminate a plant or animal community; reduce the number or restrict the range of a rare or endangered plant or animal; or eliminate important examples of the major periods of California history or prehistory. Therefore, there are no environmental impacts that are peculiar to the proposed project site; there are no direct or cumulatively considerable impacts of the proposed project that were not already evaluated by the LUTE EIR; and there are no new or more severe impacts to the environment beyond what was previously evaluated and disclosed by the LUTE EIR.

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

A significant cumulative impact may occur if a proposed project, in conjunction with related projects, would result in impacts that are less than significant when viewed separately, but would be significant when viewed together. As indicated in Section 5.3.11, Land Use and Planning, the project is consistent with the buildout assumptions in the LUTE EIR, and although the project is not consistent with the site’s zoning, this deviation is allowed under the City’s commercial incentive program. Further, the conclusions within this environmental assessment demonstrate that the project would not cause any new or more severe impacts to the environment beyond what was previously evaluated and disclosed as part of the LUTE EIR with application of applicable mitigation measures, laws, ordinances, and regulatory requirements specified in the LUTE EIR and project-specific Conditions of Approval.

As concluded in Section 5.3.1 through Section 5.3.20, the project would not result in any significant impacts in any environmental categories with implementation of project COAs, as well as the regulatory requirements and mitigation measures specified by the LUTE EIR. Additionally, the analysis herein demonstrates that physical impacts associated with the project (e.g., biological resources, cultural resources, geology/soils, etc.) would not substantially change or increase compared to the analysis presented in the LUTE EIR. Accordingly, because the project would have similar or reduced cumulative impacts to the environment as compared to what was evaluated and disclosed by the LUTE EIR, the project would not result in any new or increased impacts to the environment beyond what was evaluated, disclosed, and mitigated for by the LUTE EIR. Therefore, there are no cumulative impacts that are peculiar to the project site; there are no direct or cumulatively considerable impacts of the proposed project that were not already evaluated by the LUTE EIR; and there are no new or more severe impacts to the environment beyond what was previously evaluated and disclosed by the LUTE EIR.

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

Given the scope and nature of the project, the project would not result in environmental effects which would cause substantial adverse effects on human beings, either directly or indirectly. Compliance with applicable existing laws and regulations and implementation of standard COAs and mitigation measures from the LUTE EIR will be required, as supplemented by project design features enumerated in this CEQA Guidelines Section 15183 Environmental Checklist, to reduce these adverse effects to a level below significance. There are no components of the project that could result in substantial adverse effects on human beings that are not already evaluated and disclosed throughout this CEQA Guidelines Section 15183 Environmental Checklist and the LUTE EIR. Therefore, there are no environmental impacts affecting human beings that are peculiar to the project or project site; there are no impacts that were not analyzed as significant effects in the LUTE EIR; there are no potentially significant off-site or cumulative impacts that were not already evaluated by the LUTE EIR; and there is no substantial new information resulting in more severe adverse impacts to the environment from significant effects identified in the LUTE EIR.

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