

CLASS 32 CHECKLIST FOR FILE NO. PLNG-2022-7324

838 AZURE STREET – FOUR SINGLE-FAMILY HOME PROJECT

Project Title	838 Azure Street Four Single-Family Home Project
Permit Number	PLNG-2022-7324
Lead Agency Name and Address	City of Sunnyvale 456 W. Olive Avenue Sunnyvale, CA 94088-3707
Contact Person/Project Planner	Wendy Lao (408) 730-7408 WLao@sunnyvale.ca.gov
Project Location and Address	838 Azure Street. Sunnyvale, CA 94087
Project Applicant	Eason Yuan
General Plan Designation	Residential Low-Medium Density
Zoning	Residential Low-Medium Density/Planning Development (R2/PD)
Other Public Agencies whose Approval is Required	None

BRIEF PROJECT DESCRIPTION

The project consists of the following permits:

- SPECIAL DEVELOPMENT PERMIT: to allow construction of four new, two-story single-family homes resulting in approximately 2,046.5 square feet average floor area and 55.87 average floor area ratio (FAR). The project requests deviations from SMC 19.34.030 for reduced first story front setback and second story combined side yard setback.
- TENTATIVE MAP: to subdivide an existing 14,657 square foot lot into four single-family lots (3,664.5 average square feet).

DETAILED PROJECT DESCRIPTION

The subject property is a 0.34 acre site located in the central part of City of Sunnyvale. The site is at the terminus of Cirrus Ave. The site is surrounded by two-story multi-family residences to the north, a one-story single-family residence to the south, a one-story single-family residence to the east across Azure Street, and three-story multi-family residences to the west across Sunnyvale-Saratoga Road. The site was previously developed with a single-family home and accessory dwelling unit, which was demolished prior to the submittal of this application. The site is now vacant.

The proposed project includes subdividing the property and constructing four new detached two-story single-family dwellings with a shared common driveway, and associated site improvements. Two dwellings will have three bedrooms, and two dwellings will have four bedrooms. Each dwelling will be enclosed with a two-car garage, two uncovered parking spaces, and open space. The site improvements include a shared driveway, landscaping, fencing, surface parking, and private walkways. A total of 24 new trees will be planted on-site. The project also includes several street and utility easements for ingress/egress, emergency vehicle access, private storm drainage and private utility access.

CEQA EXEMPTION:

Article 19 of the California Environmental Quality Act (CEQA) Guidelines, Section 15300 to 15333, identifies classes of projects that do not have a significant effect on the environment and, therefore, are exempt from review under CEQA.

CLASS 32 (INFILL DEVELOPMENT)

Among the classes of projects that are exempt from CEQA review are those that are specifically identified as urban infill development. CEQA Guidelines Section 15332 state that the term *infill development* (or the Class 32 exemption) is applicable to projects that meet the following conditions:

- (a) The project is consistent with the applicable general plan designation and all applicable general plan policies as well as applicable zoning designations and regulations.
- (b) The proposed development occurs within the city limits, on a project site that is no more than 5 acres and surrounded by urban uses.
- (c) The project site has no value as habitat for endangered, rare, or threatened species.
- (d) Approval of the project would not result in any significant effects related to traffic, noise, air quality, or water quality.
- (e) The site can be adequately served by all required utilities and public services.

The analysis presented in the following section provides substantial evidence that the Project qualifies for an exemption under CEQA Guidelines Section 15332, as a Class 32 urban infill development, and would not have a significant impact on the environment.

EXCEPTIONS

Even if a project is ordinarily exempt under the potential categorical exemptions, CEQA Guidelines Section 15300.2 provides specific instances where exceptions to otherwise applicable exemptions apply. Exceptions to a categorical exemption apply in the following circumstances, effectively nullifying a CEQA categorical exemption:

- (a) Location. Classes 3, 4, 5, 6, and 11 are qualified by consideration of where the project is to be located. A project that is ordinarily insignificant in its impact on the environment may, in a particularly sensitive environment, be significant. Therefore, these classes are considered to apply in all instances, except that the project may affect an environmental resource of hazardous or critical concern where designated, precisely mapped, and officially adopted pursuant to law by federal, State, or local agencies.
- (b) Cumulative Impact. All exemptions for these classes are inapplicable when the cumulative impact of successive projects of the same type and in the same place over time is significant.
- (c) Significant Effect. A categorical exemption shall not be used for an activity where there is a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances.
- (d) Scenic Highways. A categorical exemption shall not be used for a project which may result in damage to scenic resources, including but not limited to, trees, historic buildings, rock outcroppings, or similar resources, within a highway officially designated as a state scenic highway. This does not apply to improvements which are required as mitigation by an adopted negative declaration or certified EIR.
- (e) Hazardous Waste Sites. A categorical exemption shall not be used for a project located on a site which is included on any list compiled pursuant to Section 65962.5 of the Government Code.

- (f) Historical Resources. A categorical exemption shall not be used for a project which may cause a substantial adverse change in the significance of a historical resource.

The following analysis presents substantial evidence that there are no exceptions that apply to the Project or its site, that the Project would not have a significant effect on the environment, and that the Class 32 exemption remains applicable.

CITY OF SUNNYVALE – STANDARD CONDITIONS OF APPROVAL

The Project site is located within the Sunnyvale General Plan area. Therefore, the Project is subject to the Standard Conditions of Approval (SCA), which apply to all projects within the General Plan area. These conditions incorporate development policies and standards from several adopted plans and policies (such as the Sunnyvale Municipal Code, City General Plan, and other requirements of jurisdictional agencies) and substantially mitigate potential environmental impacts from projects. These conditions are included in the discussion and analysis of subsequent environmental review for all development projects within the General Plan area.

In reviewing project applications, the City determines which SCAs apply, depending on the specific characteristics of the project type and/or project site. Because these SCAs are mandatory City requirements, this analysis assumes that the SCAs would be imposed and implemented by the Project and not imposed as mitigation measures under CEQA. If a project is determined to have a significant environmental impact, even with implementation of these conditions, other feasible mitigation measures shall be developed.

CEQA EXEMPTION CHECKLIST:

The following analysis provides substantial evidence to support a conclusion that the Project qualifies for an exemption under CEQA Guidelines Section 15332 as a Class 32 urban infill development and would not have a significant effect on the environment.

CRITERION SECTION 15332(a): GENERAL PLAN AND ZONING CONSISTENCY

The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations. ☒ Yes ☐ No

The Sunnyvale General Plan and Zoning designate the site as Low-Medium Density Residential which allows a density of 11.89 dwelling units to the acre, or 4 units on this 0.34 acre site. Single-family dwellings are typical within this residential designation. The Sunnyvale General Plan deems low- and medium-density neighborhoods and developments as appropriate along neighborhood streets or residential collector streets and located around parks or schools. The project proposes four single-family lots with a residential density of 11.89 dwellings to the acre which is consistent with the General Plan designation. The project generally complies with the development standards for the R-2/PD zoning district, including density, height, parking, and rear yard setbacks. The Special Development Permit allows for deviations to the zoning code, including reduced front yards and second-story combined side yard setbacks. The proposed development is considered compatible with the surrounding residential uses and neighborhood character. The proposed single-family development would not result in a project that is inconsistent with the R-2 zoning district.

CRITERION SECTION 15332(b): PROJECT LOCATION, SIZE, AND CONTEXT

The proposed development occurs within city limits on the project site of no more than 5 acres substantially surrounded by urban uses. ☒ Yes ☐ No

The project is located within City limits on a 0.34-acre site. The site is adjacent to two-story multi-family building to the north, a one-story single-family residence to the south, one-story single-family residence to the east across Azure Street, and three-story multi-family residences to the west across Sunnyvale-Saratoga Road. The site is surrounded by residential uses. The project site would be served by existing utilities.

CRITERION SECTION 15332(c): ENDANGERED, RARE, OR THREATENED SPECIES

The project site has no value as habitat for endangered, rare, or threatened species. ☒ Yes ☐ No

The site is currently vacant. The surrounding areas are an arterial road, a residential street, and residential development, and is not a suitable habitat for endangered, rare, or threatened species. The City of Sunnyvale is not located within the Santa Clara Valley Habitat Conservation (SCVHC) plan area. The project site is not adjacent to riparian corridors nor includes tall buildings that would increase risks to birds. As conditioned upon approval of the project, the applicant will incorporate standard construction best management practices. The applicant will either schedule demolition and construction activities between September 1 and January 31 to avoid the nesting bird season or will conduct preconstruction surveys by a qualified ornithologist to ensure that no nests will be disturbed during project implementation.

An Arborist Report was prepared by Monarch Consulting Arborists and Bartlett Consulting in April 2016. The report surveyed a total of 21 trees, including three off-site trees. Of the 18 on-site trees, 10 met the City's definition of "protected" based on trunk size of at least 38 inches in circumference, per SMC Chapter 19.94. All 18 trees were recommended to be removed due to their condition or conflicts with the site layout, and have since been removed. Protected sized trees are required to be replaced per the City's Tree Replacement Policy. The project proposes to plant 31 new trees, which is consistent with the City's replacement policy. Three nearby trees on the adjacent property to the north are also required to be protected during construction

CRITERION SECTION 15332(d): TRAFFIC

Approval of the project would not result in any significant effects related to traffic. ☒ Yes ☐ No

The project will not result in any significant traffic impacts. The proposed project is exempted from Vehicle Miles Traveled (VMT) analysis under City Council Transportation Policy 1.2.8, based on Exemption A (Small Infill Projects with 110 daily trips or less). In addition, the project proposes four new single-family homes, which will not generate over 100 peak hour trips and hence the project will not result in a traffic impact.

CRITERION SECTION 15332(d): NOISE

Approval of the project would not result in any significant effects related to noise. ☒ Yes ☐ No

A Noise Assessment Study was prepared by Environmental Consulting Services on May 27, 2025. The study concluded that noise from the project operation is not expected to significantly increase noise to the surrounding properties. Standard measures for the reduction of construction noise and vibration will be incorporated as conditions of approval, such as implementing standard Construction Noise and Construction Management Plans. The report found that the expected noise reduction provided by the changes to the

masonry wall and installation of a tall wood gate would result in a noise level of all four properties to be less than 60 dBA outside and 45 dBA inside when the units are constructed, meeting the City of Sunnyvale's noise requirements for residential properties.

CRITERION SECTION 15332(d): AIR QUALITY

Approval of the project would not result in any significant effects related to air quality. ☒ Yes ☐ No

An Air Quality Assessment was prepared by Illingworth & Rodkin, Inc. on April 19, 2016, and it was updated on June 19, 2025. The study concluded that portions of the project site located within 60 feet of Sunnyvale-Saratoga Road are anticipated to experience annual PM_{2.5} concentrations exceeding 0.3 µg/m³, which may pose a health risk to future residential occupants. To address this, the project incorporates a series of design features to reduce on-site exposure to airborne pollutants. These include installing a vegetative buffer of trees and shrubs along the road-facing boundary, equipping affected units with MERV 13 or higher air filtration systems, and developing an ongoing maintenance plan for the building's HVAC air filtration system. The air filtration systems will meet minimum ventilation standards and be supported by a long-term maintenance plan, with periodic reassessments as air quality improves. Property documents will include requirements for system upkeep and ensure that tenants and owners are informed about proper use and maintenance. These measures are consistent with BAAQMD recommendations for projects near high-traffic corridors and help reduce potential health risks, supporting the project's qualification for a CEQA infill exemption.

Furthermore, the project would not include any development beyond that assumed and analyzed in the LUTE EIR. The project proposes to construct four single-family homes, which is within the residential density analyzed in the LUTE EIR. Therefore, the findings of the certified LUTE EIR concerning consistency with air quality plans remain valid and no further analysis is required. As conditioned upon approval of the project, the applicant will incorporate standard best management practices including BAAQMD's construction and health risk mitigation measures to address air quality during construction and from the surroundings.

CRITERION SECTION 15332(e): UTILITIES AND PUBLIC SERVICES

The site can be adequately served by all required utilities and public services. ☒ Yes ☐ No

The Project will result in redevelopment of the site that is consistent with the Land Use and Transportation Element and evaluation in the LUTE-EIR. The impact on utilities and service systems would be less than significant as noted in the LUTE EIR. The project site is already served by water, sewer, and other municipal services. Furthermore, the project is consistent with the development assumptions analyzed in the LUTE Draft EIR.

EXCEPTIONS TO CATEGORICAL EXEMPTIONS CHECKLIST:

In addition to investigating the applicability of CEQA Guidelines Section 15332 (Class 32), this CEQA document also assesses whether any of the exemptions to qualifying for the Class 32 categorical exemption for an Infill Project are present. The following analysis compares the criteria of CEQA Guidelines Section 15300.2 (Exceptions) to the Project.

CRITERION SECTION 15300.2(a): LOCATION

Is there an exception to the Class 32 exemption for the project due to its location in a particularly sensitive environment, such that the project may impact an environmental resource of hazardous or critical concern where designated, precisely mapped, and officially adopted pursuant to law by federal, State, or local agencies? ☐ Yes ☒ No

The site is not listed or mapped as a hazardous site by any federal, state, or local agency. A Phase II Environmental Site Assessments was prepared for the project site by AEI Consultants in August 2016. A shallow soil investigation identified concentrations of dieldrin and chlordane (OCPs) exceeding residential environmental screening levels (ESLs) in select areas of the site, likely due to historical agricultural use. Arsenic was detected in samples at concentrations consistent with expected naturally-occurring conditions. To address these findings, a Risk Management Plan or Site Management Plan will be implemented as a condition of project approval. This plan will ensure proper delineation, handling, removal, and off-site disposal of impacted soils during redevelopment, and will provide clear guidance to contractors while ensuring compliance with all applicable local, state, and federal environmental regulations.

CRITERION SECTION 15300.2(b): CUMULATIVE IMPACT

Is there an exception to the Class 32 exemption for the project due to significant cumulative impacts of successive projects of the same type and in the same place, over time? ☐ Yes ☒ No

The Project would not result in cumulative impacts considering the land use and development intensity is consistent with what was analyzed in the LUTE Draft EIR.

CRITERION SECTION 15300.2(c): SIGNIFICANT EFFECT

Is there an exception to the Class 32 exemption for the project because there is a reasonable possibility that the project will have a significant effect on the environment due to unusual circumstances? ☐ Yes ☒ No

The Project would not result in significant impacts considering the land use and development intensity is consistent with what was analyzed in the LUTE Draft EIR.

CRITERION SECTION 15300.2(d): SCENIC HIGHWAY

Is there an exception to the Class 32 exemption for the project because project may result in damage to scenic resources, including but not limited to trees, historic buildings, rock outcroppings, or similar resources, within a highway officially designated as a State scenic highway? ☐ Yes ☒ No

The project is located within an existing developed residential area that does not have any scenic resources, features, or any scenic vistas. The City of Sunnyvale does not have any designated scenic highways. The project

proposes to construct four single-family homes in a vacant lot. The proposed architectural design of the two-story single-family homes consists of adding horizontal siding that would enhance and be consistent with the developed conditions (single-family and multi-family homes) in the surrounding neighborhood. The project design and landscaping would enhance the existing visual character of the street frontages, and new trees would be planted along the sidewalk.

CRITERION SECTION 15300.2(e): LOCATION

Is there an exception to the Class 32 exemption for the project because the project is located on a site which is included on any list compiled pursuant to Section 65962.5 of the Government Code? ☐ Yes ☒ No

The project site is not on Sunnyvale's Heritage Resources list. The project area contains no previously recorded archaeological resources. The State Office of Historic Preservation Historic Property Directory (OHP HPD) (which includes listings of the California Register of Historical Resources, California State Historical Landmarks, California State Points of Historical Interest, and the National Register of Historic Places) lists no recorded buildings or structures within the proposed project area.

CRITERION SECTION 15300.2(f): HISTORICAL RESOURCES

Is there an exception to the Class 32 exemption for the project because the project may cause a substantial adverse change in the significance of a historical resource? ☐ Yes ☒ No

The project site or structures are not on Sunnyvale's Heritage Resources list. The project area contains no previously recorded archaeological resources. The State Office of Historic Preservation Historic Property Directory (OHP HPD) (which includes listings of the California Register of Historical Resources, California State Historical Landmarks, California State Points of Historical Interest, and the National Register of Historic Places) lists no recorded buildings or structures within the proposed project area.

A CHRIS letter dated May 16, 2016 documents a records search and found no record of any cultural or archaeological resources in this project site. The City had sent letters via certified mail to local Native American tribes on June 22, 2016, and did not receive any requests for consultation within the State-specified timelines. As conditioned upon approval of the project, the applicant will incorporate standard conditions, including conducting evaluation by qualified professional archaeologist upon encountering archaeological resources during construction, preventing project personnel from collecting cultural resources, and recording any identified cultural resources. The conditions will become valid when the Special Development Permit is approved and prior to building permit issuance.

CONCLUSIONS

On the basis of the evidence provided above, the Project is eligible for a Class 32 categorical exemption, in accordance with Section 15332, Infill Development Projects, of the CEQA Guidelines. Based on the above analysis, no additional substantial adverse impacts beyond those discussed above are anticipated. Because the Project meets the criteria for categorically exempt infill development projects, and because it would not have a significant effect on the environment, this analysis finds that a Notice of Exemption may be prepared for the Project. No further review is needed.