

CLASS 32 CHECKLIST FOR FILE NO. PLNG-2023-0138
640 LAKEHAVEN DR - SIX-SINGLE-FAMILY HOME PROJECT

Project Title	640 Lakehaven Drive Six-Single-Family Home Project
Permit Number	PLNG-2023-0138
Lead Agency Name and Address	City of Sunnyvale 456 W Olive Avenue, P.O. Box 3707 Sunnyvale, CA 94088-3707
Contact Person/Project Planner	Mary Jeyaprakash (408) 730-7449 mjeyaprakash@sunnyvale.ca.gov
Project Location and Address	640 Lakehaven Drive
Project Applicant	SDG Architects, Inc.
General Plan Designation	Low Density Residential (RLO)
Zoning	Low Density Residential (R-0)/Planned Development (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 six new, two-story single-family homes resulting in approximately 2,244 square feet average floor area and 49% average floor area ratio (FAR). The project requests deviations from SMC 19.34.030 for reduced first story average front setback and second story minimum front setback.
- **VESTING TENTATIVE MAP:** to subdivide an existing 43,560 square foot lot into six single-family lots (4,575 average square feet) and one common lot (13,528 square feet).

DETAILED PROJECT DESCRIPTION

The subject property is a 1.0-acre site located within the Lakewood neighborhood at the northeastern part of the City of Sunnyvale. The site is at the terminus of Lakehaven Drive, near the intersection of Lakehaven Drive and Lakewood Drive. The site is surrounded by single-family dwellings to the north and east, U.S. Highway 101 to the south, and a highway pedestrian bridge and walkway to the west. The site was previously developed with 12 multi-family units, until a fire left the site largely unlivable in November 2019. Currently, the site contains three buildings none of which are occupied by residents.

The proposed project includes the demolition of the existing structures, subdividing the property, and constructing six new detached two-story single-family dwellings with a private street, common open space, and associated site improvements. Each dwelling will have three bedrooms with enclosed two-car garage parking, two-car driveway, and a private yard. The site improvements include new private street, landscaping, fencing, common open space, surface parking, private walkways, and a new public sidewalk. A total of 26 private trees will be removed, 29 trees will be preserved (including three off-site trees), and 26 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 present substantial evidence that there are no exceptions that apply to the Project or its

The following analysis present 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

As stated above, the Project site is 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 designates the site as Low Density Residential which allows a density of 0-7 units to the acre. Single-family dwellings are typical within this residential designation. The Sunnyvale General Plan deems low density neighborhoods and developments as appropriate along neighborhood streets or residential collector streets and located around parks or schools. The project proposes six single-family lots with a residential density of six dwellings to the acre which is consistent with the General Plan designation. The project generally complies with the development standards for the R-0 zoning district, including density, height, parking, and rear yard setbacks. The Special Development Permit allows for reduced lot size, lot width, and front setback deviations. 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-0 zoning district. The project is also consistent with Council Policy Manual Policy 1.1.12, which helps guide the design of small lot single-family subdivisions.

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 1.0-acre site. The site is adjacent to U.S. Highway 101 to the south and a bicycle/pedestrian bridge to the west. The site is surrounded by single-family residences and townhomes. 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 with remnants of uninhabitable residential structures from a recent fire damage. The surrounding areas are urbanized with a highway, bridge, 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 HortScience and Bartlett Consulting in January 2024. The report surveyed a total of 45 trees of which three trees are off-site. Of the 42 on-site trees, 18 trees are deemed "protected" under SMC Chapter 19.94. A protected tree is defined as having a trunk size of at least 38 inches in circumference, as measured four and a half feet from the ground. Protected sized trees are required to be replaced per the City's Tree Replacement Policy. The project proposes to remove 26 trees (three protected trees) and preserve 29 (15 protected trees) trees. The project proposes to plant 26 new 24" box sized trees, which is consistent with the City's Tree Replacement Policy.

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 six 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 Salter Inc. on May 30, 2024, and it was updated with additional analysis on September 26, 2024. The study concludes that noise from the project operation (construction and traffic) is not expected to significantly increase noise to the surrounding properties. The study and memo note that the construction can produce higher levels of noise temporarily to the neighboring properties and noise reduction measures can be adopted during the construction. Standard measures for the reduction of construction noise and vibration will be incorporated as conditions of approval, such as requiring compliance with the City's approved construction times, prohibiting pile driving, and implementing standard Construction Noise and Construction Management Plans.

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 Ramboll Americas Engineering Solutions, Inc. on January 19, 2024. The study concludes that emissions from the project operation is not expected to significantly increase emission to the surrounding properties. The Bay Area Air Quality Management District (BAAQMD) developed screening criteria to provide lead agencies and project applicants with a conservative indication of whether a proposed project could result in potentially significant air quality impacts. If all the screening criteria are met by a proposed project, then the lead agency or applicant would not need to perform a detailed air quality assessment of their project's air pollutant emissions. These conservative screening levels are generally representative of new development on greenfield sites without any form of mitigation measures taken into consideration. For projects that are infill, and/or proximate to transit service and local services, emissions would be less than the greenfield type of project that these screening criteria are based on. The proposed six-unit residential development would not be a source of Toxic Air Contaminations (TACs) that could lead to measurable increases in health risks, as the project would generate a small amount of traffic and not include any other sources of TACs. The project is not expected to have a significant impact on air quality.

Furthermore, the project would not include any development beyond that assumed and analyzed in the LUTE EIR. The project proposes to construct six 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 project is not located within a mapped hazard zone. A Phase I Environmental Site Assessments (ESAs) was prepared for the project site by CREtelligent in May 2023. The Phase I ESA investigation discovered no significant Recognized Environmental Conditions at the Property, on surrounding properties, in its occupancy history, or in agency databases or files concerning past uses of the Property. The Phase 1 ESA identified no on-site contamination that could affect sensitive resources such as, groundwater, surface water near the property, soil, and air quality. The assessment also reviewed local wildlife and plant species that are protected under the Endangered Species Act (ESA) and potential for cultural or historical resources on the site, and identified no impacts. Furthermore, the project is required to comply with all local, state, and federal regulations.

CRITERION SECTION 15300.2(b): CUMULATIVE IMPACT

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

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 Yes No possibility that the project will have a significant effect on the environment due to unusual circumstances?

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 Yes No 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?

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 six single-family homes in a vacant lot. The proposed Modern style architectural design of the two-story single-family homes consists of siding, stucco, white membrane or composite shingle roofs, vinyl windows, and pipe railings 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. The sidewalks would be widened to meet City standards 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 Yes No on a site which is included on any list compiled pursuant to Section 65962.5 of the Government Code?

The project site is not included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5.

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. A records search by the California Historical Resources Information System/Northwest Information Center of Sonoma State University (CHRIS/NWIC) was conducted for the project area in September 2017. 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.

Based on an evaluation of the environmental setting and features associated with known sites, Native American resources in this part of Santa Clara County have been found along the general margin of the bay and its associated wetland areas. As conditioned upon approval of the project, the applicant will incorporate standard conditions to reduce the potential impact to less than significant level. The conditions include 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.