

**CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)  
CLASS 32 CATEGORICAL EXEMPTION ANALYSIS**

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CEQA Guidelines Section 15332, known as the “Class 32 Infill Exemption”, exempts projects from further CEQA review if the five criteria below are met. The following is staff’s analysis:

1. 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.

The General Plan land use designation for the project site is Medium Density Residential (15 to 24 dwelling units per acre), and the zoning designation is R-3/PD – Medium Density Residential / Planned Development combining district. The General Plan contains goals and policies to allow for residential uses, and the development of townhomes, apartments, and condominiums in the Medium Density Residential land use designation. The zoning designation allows multi-family developments with a Special Development Permit approval. The properties are also listed on the Sunnyvale Heritage Resources Inventory. The zoning regulations allow for construction, demolition, relocation, or material change to Heritage Resources with a Resource Alteration Permit.

The project proposes to construct two three-story townhouse buildings and retain one single-story, single-family house at 156 Crescent Avenue. There will be a total of 19 units for a density of 22.5 dwelling units per acre meeting 94% of the General Plan maximum density designation of 24 dwelling units per acre. The project proposes to remove the two-story single-family residence at 148 Crescent Avenue from the Heritage Resources Inventory as the historical analysis has revealed that the ranch-style house was constructed in 1953 with a significant two-story addition in 1964 and is not considered historically significant. The house is proposed for demolition. The project proposes 2.7 Below Market Rate units (one very low income, one low income, and fractional in-lieu fee payment) meeting the City’s BMR ordinance requirements.

There will be a 10-unit building on the east side and an eight-unit building on the west side behind the single-family house. Each townhouse unit will have three bedrooms, 3.5 baths, and a two-vehicle garage. Minor exterior improvements are proposed for the house such as repairs to the siding and painting. There will be six uncovered parking spaces, an amenity open space area, bicycle racks, and mailboxes. The project generally conforms with the prescribed development standards in the General Plan and Municipal Code, and the requests for waivers from six development standards can be granted by the Density Bonus Law (Government Code Section 65915). The proposed development is considered compatible with the surrounding multi-family residential neighborhood character.

2. The proposed development occurs within city limits on a project site of no more than 5 acres substantially surrounded by urban uses.

The 0.85-acre project site is located within City limits and surrounded by two to three-story multi-family developments and a duplex all around. The site is located mid-block on the

south side of Crescent Avenue between Manet Drive and Sunnyvale Saratoga Road, which is a six-lane Class I Arterial Street. The project site would be served by existing utilities.

3. The project site has no value as habitat for endangered, rare, or threatened species.

The site is currently developed with two single-family houses, a detached garage with a patio cover, three accessory structures, a 5,800-square foot cold storage warehouse, surface parking, and landscaping. The surrounding areas have been heavily modified by urbanization and multi-family apartment and condominium developments, and do not provide 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 and will prepare pre-construction nesting bird survey before any demolition and construction activities that will not happen between September 1<sup>st</sup> and January 31<sup>st</sup>.

An Arborist Report was prepared by Advanced Tree Care on August 18, 2021, and a memo was issued dated September 15, 2022, subsequent to building location site modifications. There are four protected trees onsite proposed for removal. There are 16 protected trees on neighboring properties close to the property lines. Sunnyvale Municipal Code Chapter 19.94 defines a protected tree as having a trunk size of at least 38 inches in circumference, as measured 4.5 feet from the ground. Protected size trees are required to be replaced per the City's Tree Replacement Policy. Recommendations for tree protection during construction and replacement tree planting will be included as part of the standard conditions of approval.

4. Approval of the project would not result in any significant effects related to traffic, noise, air quality, or water quality.

Traffic – The proposed project is not exempted from Vehicle Miles Traveled (VMT) analysis. However, the project will not trigger a transportation-related impact per CEQA as the site is located in an area where the VMT per Capita is at least 15% less than the Countywide Baseline Average.

Noise – A Noise Assessment Study was prepared by Edward L. Pack Associates, Inc. on August 24, 2021, and a memo was issued dated September 15, 2022, subsequent to building location site modifications. The study and memo conclude that noise from the project operation (traffic) is not expected to significantly increase, would have a less than significant impact, and would continue to meet Sunnyvale noise standards. The study and memo note that the project construction can produce higher levels of noise for the neighboring properties temporarily and provide measures that will be adopted by the contractor to reduce noise impacts to the neighbors. Recommendations for mechanical equipment selection and standard measures for the reduction of construction noise and vibration will be incorporated as conditions of approval.

Air Quality – A Community Risk Assessment was prepared by Illingworth & Rodkin, Inc. on August 19, 2021, and a memo was issued dated September 15, 2022, subsequent to

building location site modifications. The project size is well below the screening levels published by the Bay Area Air Quality Management District (BAAQMD) for conducting analysis of operational air pollutant or greenhouse gas emissions for CEQA review. Therefore, emissions modeling was not conducted. The project would have air pollutant and greenhouse gas emissions that are below the significance thresholds. The project 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. The assessment recommends construction measures that reduce emissions to 2.45 per million and the annual PM<sub>2.5</sub> concentration to 0.02 ug/m<sup>3</sup> which are mitigated values below the Bay Area Air Quality Management District (BAAQMD) thresholds. As conditioned upon approval of the project, the applicant will incorporate construction equipment measures and standard best management practices to address air quality during the course of construction, such as dust control measures.

Water Quality – Stormwater management is required by the Federal Government through the National Pollutant Discharge Elimination System (NPDES) program. The City of Sunnyvale complies with the NPDES requirement through participation in the Santa Clara Valley Urban Runoff Pollution Prevention Program (SCVURPPP). Projects are subject to Sunnyvale Municipal Code (SMC) Section 12.60. Compliance with these existing stormwater regulations and the City's Standard Requirements and Conditions of Approval would ensure that the project would not result in significant effects relating to water quality, consistent with the requirement of the Class 32 exemption under CEQA Guidelines Section 153332(d). The project does not propose any uses that would create unusual or intensive water contamination; the project will comply with all local, state, and federal regulations, best management practices, and will work with the City to ensure the appropriate services and infrastructure are in place to serve the project.

5. The site can be adequately served by all required utilities and public services.

The project site is in a developed area with adequate utilities and services, such as water, sewer and solid waste. Public services are also adequately provided, such as police and fire. All required utilities and public services will continue to be provided after the completion of the proposed project.

Further, none of the exceptions to use of this exemption applies (CEQA Guidelines Section 15300.2)

- 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 to all instances, except where the project may impact on an environmental resource of hazardous or critical concern where designated, precisely mapped, and officially adopted pursuant to law by federal, state, or local agencies.
  - The project site is not located in an area of sensitive or critical concern.

- b. Cumulative Impact: All exemptions for these classes are inapplicable when the cumulative impact of successive projects of the same type in the same place, over time is significant.
- There is no evidence of a potential significant cumulative impact because successive projects of the same type in the same place have not been approved and are not currently proposed.
- 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.
- There is no evidence of unusual circumstances. The project is of the size and type contemplated by the General Plan. It is surrounded by developed uses and is developed itself. It is not located within a sensitive resource area.
- 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.
- The project site is not within a highway designated as a state scenic highway.
- 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.
- The project site is not located on a site which is included on any list compiled pursuant to Section 65962.4 of the Government Code.  
<https://calepa.ca.gov/sitecleanup/corteselist/section-65962-5c/>
- 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 project sites, 148 and 156 Crescent Avenue, are listed on the City's Heritage Resources Inventory. A Historic Resource Evaluation was prepared by TreanorHL, dated April 7, 2021, and a subsequent Peer Review Memorandum was prepared by Page & Turnbull, dated April 29, 2022. Although both properties were included on the Heritage Resources Inventory list in 1979 as "Crescent Avenue Streetscape", the historic evaluations revealed that the ranch style house at 148 Crescent Avenue was constructed in 1953 with a significant two-story addition in 1964. The house is ineligible for listing on the National Register or California Register under any evaluation criteria. The project proposes to delist the site from the Historic Resources Inventory.

- The house at 156 Crescent Avenue was constructed in 1927 as a part of the Easter Gables subdivision. The project proposes to retain the house with minor exterior modifications such as siding and window repairs and replacements and exterior paint. The development of the site with 18 condominium units was evaluated for compliance with the Secretary of the Interior Standards for Rehabilitation by TreanorHL, dated February 1, 2023 and March 27, 2023. The evaluation concludes that 156 Crescent Avenue is individually eligible for listing on the National Register and California Register under Criterion C/3 due to the year of construction and the house retains physical integrity to convey the period of significance. None of the accessory structures or warehouse are eligible. The proposed condominium buildings will provide a new backdrop to the existing house, however, the new buildings will not impact the character-defining features or integrity of the house. The proposed designs complement the house without mirroring the architectural features. Therefore, the project would not cause a substantial adverse change in the significance of an historical resource.