Initial Study for the

1250 Lakeside Drive
Hotel and Residential Project

July 2016

Prepared by

In Consultation with

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LIST OF ACRONYMS AND ABBREVIATIONS

µg/m^3	micrograms per cubic meter
AB 32	Assembly Bill 32
ALUC	Airport Land Use Commission
AMD	Advanced Microdevices
BAAQMD	Bay Area Air Quality Management District
BMPs	Best Management Practices
CalEEMod	California Emissions Estimator Model
CalTrans	California Department of Transportation
CAP	Clean Air Plan
CBIA	California Building Industry Association
CEQA	California Environmental Quality Act
DEH	Santa Clara County Department of Environmental Health
DPM	Diesel Particulate Matter
DPS	Department of Public Safety
DTSC	Department of Toxic Substances Control
EIR	Environmental Impact Report
HSP	Health and Safety Plan
HVAC	Heating, Ventilation, and Cooling
in/sec	inches/seconds
LID	Low Impact Development
LSP	Lakeside Specific Plan
LUTE	Land Use and Transportation Element
MEI	Maximally-Exposed Individual
MERV	Minimum Efficiency Reporting Value
mgd	million gallons per day
MM	Mitigation Measure
NOI	Notice of Intent
NOx	nitrogen oxides
NSC	National Semiconductor Corporation
OCPs	Organochlorine Pesticides
OEHHA	Office of Environmental Health Hazard Assessment

PM_{10}	course particulate matter or particulates with an aerodynamic diameter of 10 micrometers (µm) or less
$PM_{2.5}$	fine particulate matter or particulates with an aerodynamic diameter of 2.5µm or less
PPV	peak particle velocity
ROG	reactive organic gases
RWQCB	Regional Water Quality Control Board
SB 375	Senate Bill 375
SCH	State Clearinghouse
SDP	Special Development Permit
SMaRT	Sunnyvale Materials Recovery and Transfer
SMC	Sunnyvale Municipal Code
SMP	Site Management Plan
STC	Sound Transmission Class
SWPPP	Storm Water Pollution Prevention Plan
TAC	Toxic Air Contaminant
TIA	Transportation Impact Analysis
TOG	Total Organic Gases
US 101	US Highway 101
VOCs	Volatile Organic Chemicals
VOCs	Volatile Organic Chemicals
WM	Waste Management of California
WPCP	Donald M. Somers Water Pollution Control Plant
WSA	Water Supply Assessment

SECTION 1.0 INTRODUCTION AND SUMMARY

1.1 PURPOSE OF AN INITIAL STUDY

This Initial Study was prepared to conform to the requirements of the California Environmental Quality Act (CEQA), the CEQA Guidelines, and the regulations and policies of the City of Sunnyvale. This Initial Study was completed to determine what issues are adequately addressed by the original 2005 Final EIR and which issues need additional review due to the changes in the project and/or existing conditions.

1.2 PROJECT SUMMARY AND BACKGROUND

The project proposes modifications to the existing Lakeside Specific Plan (LSP) and the associated specific development project previously approved by the City in 2005. The 2005 LSP and associated specific development project was analyzed in the certified The Crescent – Lakeside Specific Plan Final EIR (SCH# 2005022089). The specific development project expired due to inactivity.

The LSP allows for the development of a hotel with 234-263 rooms and 2,000-3,000 square feet of commercial use, as well as 188-251 residential units on an approximately 8.8-acre site at 1250 Lakeside Drive, located south of US Highway 101 (US 101) and east of Lawrence Expressway. The specific development project approved in 2005 would have implement the LSP and included the development of a hotel with 253 rooms and 3,000 square feet of ground floor retail on the eastern portion of the site and 241 condominium units on the western portion of the site. The Special Development Permit (SDP) and entitlements for the specific development project approved in 2005 have expired and, as a result, the vehicle trips from the 2005 specific development project have been removed from the City's near-term approved trip inventory.

The current project proposes the same land uses (hotel and residential) on-site as assumed in the adopted LSP, with a modified site plan. The current project proposes to develop a 263-room hotel with a 3,000 square foot restaurant and 250 apartment units. The proposed amount of development falls within the assumptions of the LSP. The locations of the residential and hotel uses would be switched from what was originally approved and the proposed hotel building would be seven feet taller than the maximum building height allowed by the LSP and five feet taller than the maximum height analyzed in the certified 2005 The Crescent – Lakeside Specific Plan Final EIR (2005 Final EIR). The proposed residential building would be two feet taller than the maximum building height allowed by the LSP, but the same as analyzed in the 2005 Final EIR. The LSP would need to be amended to reflect the currently proposed site plan, changes in City policies since 2005, and maximum building height. Other minor modifications to the LSP are also required to reflect current City policies and/or code.

1.3 TIERING OF THE ENVIRONMENTAL REVIEW

CEQA recognizes that between the date an environmental document is completed and the date the project is fully implemented, one or more of the following changes may occur: 1) the project may change; 2) the environmental setting in which the project is located may change; 3) laws, regulations, or policies may change in ways that impact the environment; and/or 4) previously unknown information can arise. Before proceeding with a project, CEQA requires the Lead Agency to evaluate these changes to determine whether or not they affect the conclusion in the environmental document.

The purpose of this Initial Study is to analyze the impacts of the proposed modifications to the LSP and development project compared to what was analyzed in the certified 2005 Final EIR. CEQA Guidelines Section 15162 state that when an EIR has been certified, no subsequent EIR shall be prepared for that project unless the lead agency determines, on the basis of substantial evidence in light of the whole record, one or more of the following:

1. Substantial changes are proposed in the project which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;
2. Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or
3. New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete shows any of the following:
    a. The project will have one or more significant effects not discussed in the previous EIR;
    b. Significant effects previously examined will be substantially more severe than shown in the previous EIR;
    c. Mitigation measures or alternatives previously found not to be feasible would in fact be feasible, and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or
    d. Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects in the environment, but the project proponents decline to adopt the mitigation measure or alternative.

1.4 SUMMARY OF ANALYSIS

Based on the proposed project modifications, knowledge of the project site, any changes in existing conditions, and the attached analysis, the City has concluded that the proposed project modifications would result in similar impacts as disclosed in the 2005 Final EIR in regards to the following environmental issues:

- Aesthetics
- Agricultural resources
- Air Quality
- Biological resources
- Cultural resources
- Geology and soils
- Greenhouse gas
- Hazards and hazardous materials
- Hydrology and water quality
- Land use
- Mineral resources
- Noise
- Population and housing
- Public services
- Recreation
- Utilities and service systems

That is, the project would not result in new or more significant impacts to those resources listed above than disclosed in the certified 2005 Final EIR. The project modifications and the fact that the previous Special Development Permit and entitlements have expired, however, result in new significant impacts in regards to transportation given changes in existing conditions. For this reason, a Supplemental EIR has been prepared to address the current project's traffic impacts.

SECTION 2.0 PROJECT INFORMATION

2.1 PROJECT TITLE

The Millennium Hotel and Residential Project (File No. 2015-7576)

2.2 PROJECT LOCATION

The 8.83-acre project site is located at 1250 Lakeside Drive in the City of Sunnyvale. The project site is located south of US Highway 101 (US 101) and east of Lawrence Expressway. Regional and vicinity maps are shown on Figures 1 and 2, respectively. Surrounding land uses include an extended stay hotel (Residence Inn) to the east, a man-made lake, restaurant (Faultline Brewery) and office buildings to the south, apartments (Avalon Apartments) to the west, and US 101 and a frontage road (Lakeside Drive) to the north. An aerial photograph of the project site and surrounding land uses are shown on Figure 3.

2.3 LEAD AGENCY CONTACT

George Schroeder
City of Sunnyvale
Community Development Department
456 W. Olive Avenue
Sunnyvale, CA 94086
(408) 730-7443
gschroeder@sunnyvale.ca.gov

2.4 PROPERTY OWNER/PROJECT APPLICANT

Steve Curtin
Sunnyvale Partners, Ltd.
7600 East Orchard Road
Suite 230 South
Greenville Village, CO 80111
(814) 574-3642
scurtin@wittekdevelopment.com

2.5 ASSESSOR'S PARCEL NUMBERS

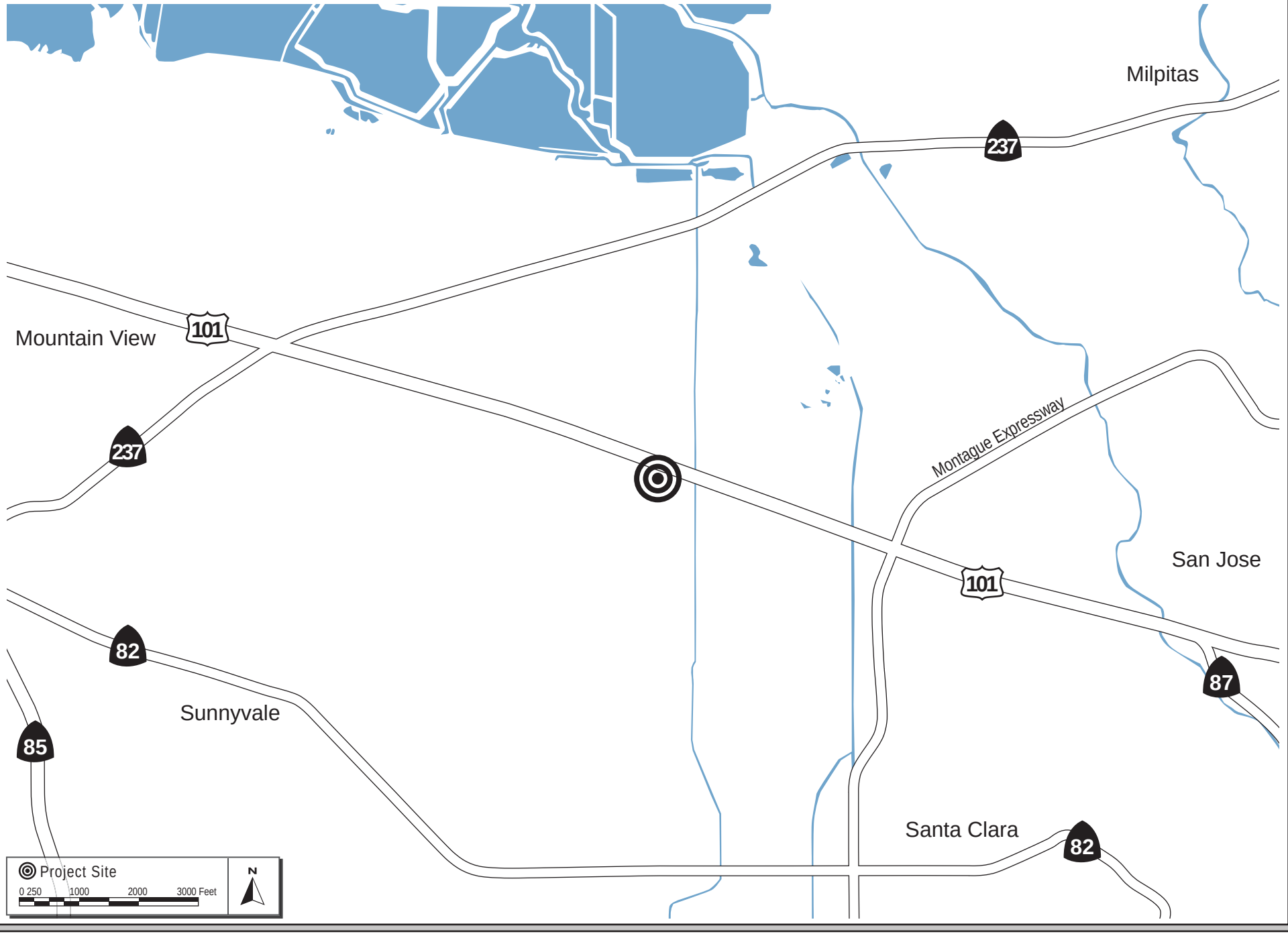
216-43-035 and -036

2.6 ZONING DISTRICT AND GENERAL PLAN DESIGNATIONS

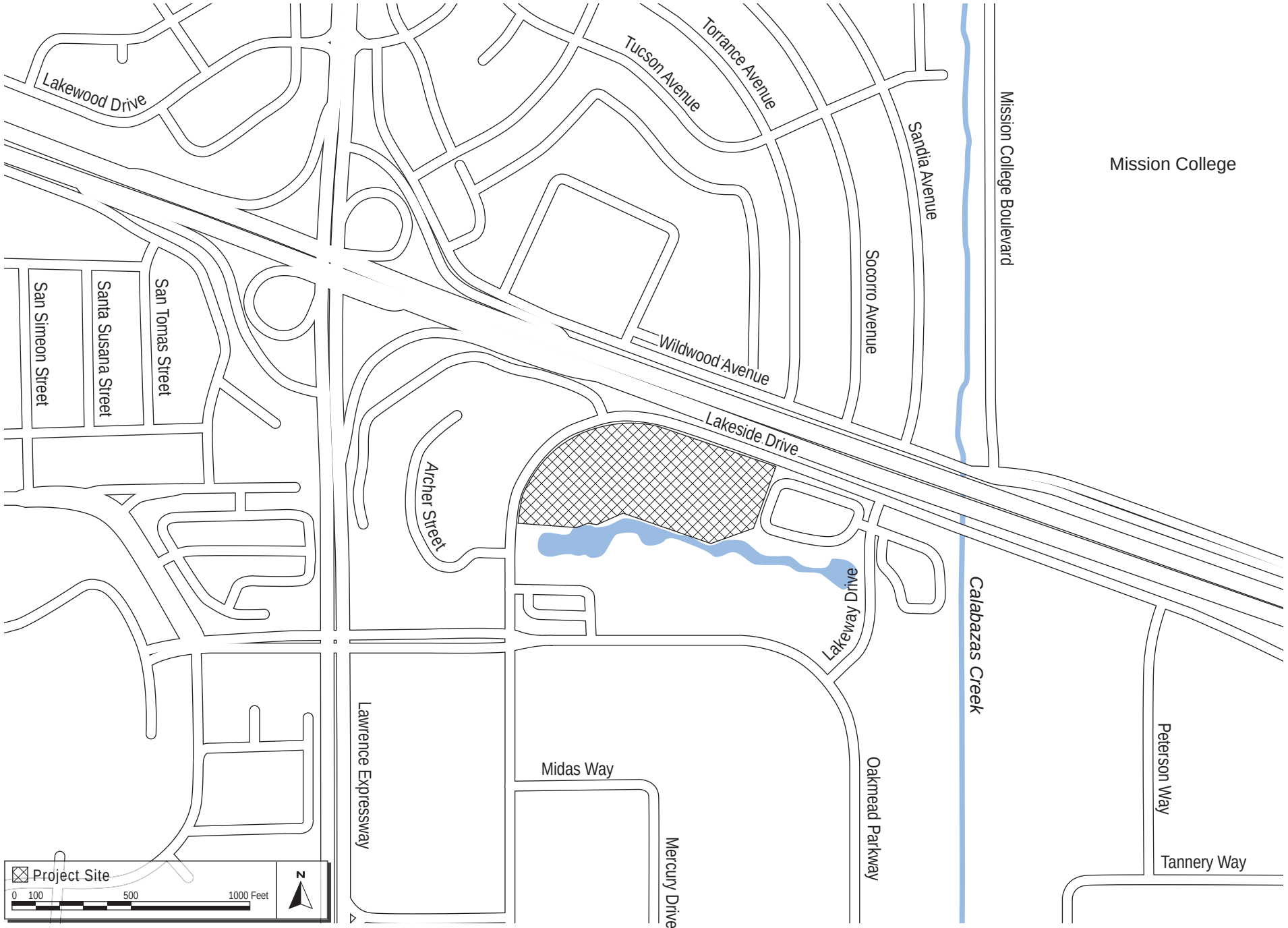
Zoning District – *Lakeside Specific Plan*
General Plan Designation – *Lakeside Specific Plan*

2.7 PROJECT-RELATED APPROVALS, AGREEMENTS, AND PERMITS

- Amendments to the Lakeside Specific Plan
- Special Development Permit
- Storm Water Pollution Prevention Plan (required as part of construction)
- Stormwater Management Plan (required for post-construction stormwater treatment)
- Parcel Map

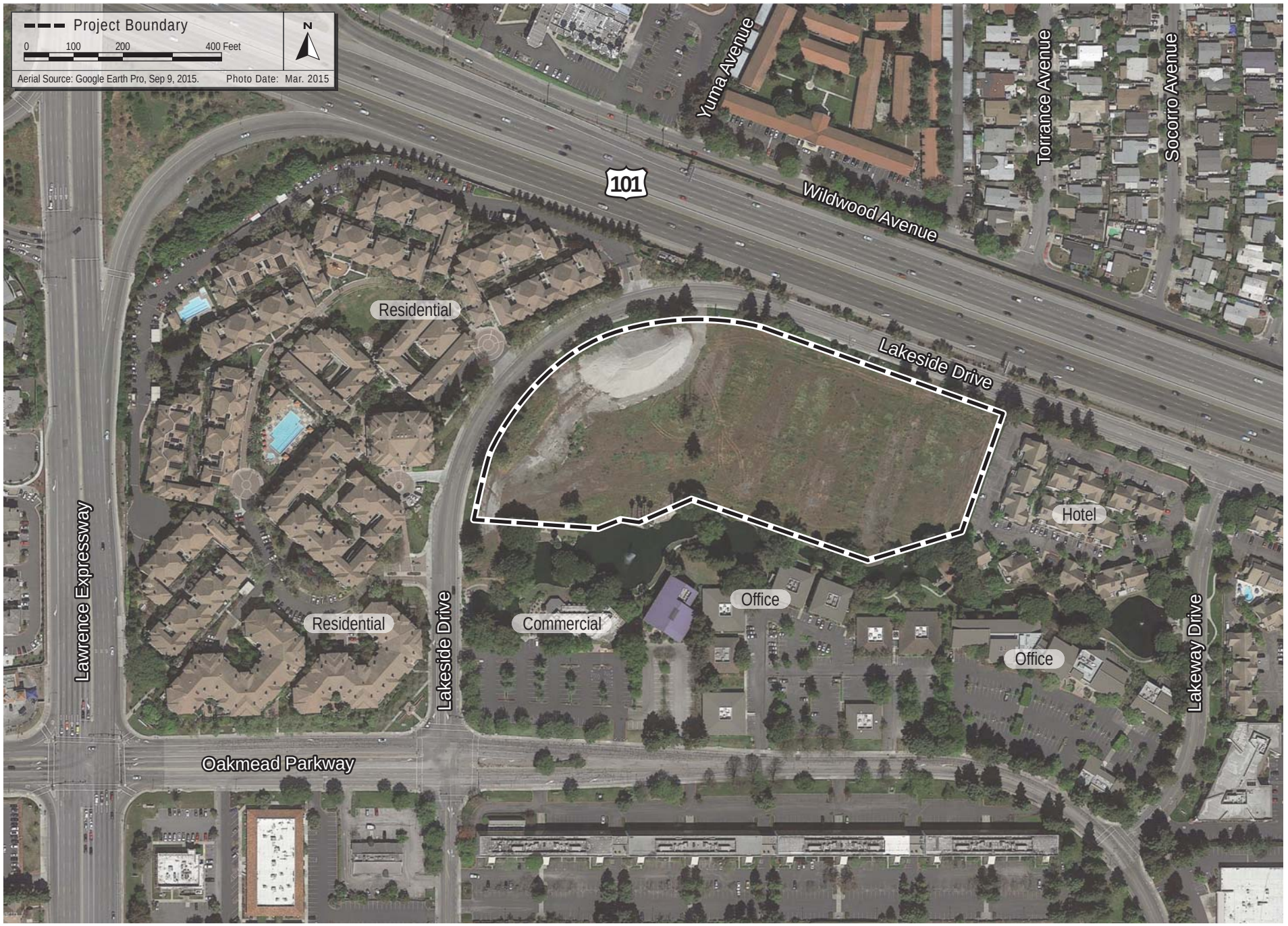


REGIONAL MAP FIGURE 1



VICINITY MAP

FIGURE 2



AERIAL PHOTOGRAPH AND SURROUNDING LAND USES FIGURE 3

SECTION 3.0 PROJECT DESCRIPTION

3.1 BACKGROUND INFORMATION

In 2005, the City of Sunnyvale certified The Crescent – Lakeside Specific Plan Final EIR (2005 Final EIR, SCH# 2005022089), adopted the Lakeside Specific Plan (LSP), and approved a Special Development Permit (SDP) for a specific hotel and residential development project. A summary of the primary development assumptions in the 2005 Final EIR for the LSP and previously approved project are outlined in Table 1 below. The 2005 Final EIR analyzed the hotel use on the western portion of the site and the residential use on the eastern portion of the site.

Table 1: 2005 Final EIR Development Assumptions

	Lakeside Specific Plan	**2005 Development Project**
Land Uses	Hotel and Residential	Hotel and Residential
Number of Hotel Rooms	237-263	253
Commercial Square Footage	2,000-3,000	3,000
Number of Residential Units	188-251	241
Maximum Building Height (feet)	80	78

The LSP adopted by the City Council in 2005 identified a maximum building height of 78 feet (rather than the 80 feet analyzed in the 2005 Final EIR) and a range of residential units of 186-250 (rather than 188-251 analyzed in the 2005 Final EIR).

After certification of the 2005 Final EIR, the existing hotel on the site was demolished and many of the interior trees on the site were removed. Currently, the site is vacant and undeveloped. The Special Development Permit (SDP) and entitlements for the specific development project approved in 2005 have expired.

The project applicant has applied for a new SDP, Parcel Map, and amendments to the LSP in conjunction with a new project proposal. The analysis in this Initial Study focuses on the impacts of the proposed LSP amendments and new project, and tiers off the certified 2005 Final EIR for impacts that would remain the same as previously analyzed in the 2005 Final EIR. Note that the 2005 Final EIR analyzed the maximum development envelope of 263 hotel rooms, 3,000 square feet of commercial uses, 251 residential units, and buildings of up to 80 feet tall and the 2005 development project site plan.

3.2 SUMMARY OF PROPOSED CHANGES

The current project proposes development substantially within the parameters of the LSP and the development project analyzed in the 2005 Final EIR. Specifically, the project proposes the same land uses on-site (hotel and residential) within the density evaluated in the 2005 Final EIR. The project does not, however, include ancillary commercial uses as evaluated in the 2005 Final EIR.

The primary differences between the proposed project and what was evaluated in the 2005 Final EIR are the location of the land uses on-site and the site architecture and design. In addition, the project is proposing to increase the maximum building height from 80 to 85 feet (with a parapet that extends to 100 feet).

3.3 PROPOSED AMENDMENTS TO THE LAKESIDE SPECIFIC PLAN

The proposed project would require the following amendments to the LSP to reflect the proposed site plan and reflect current City policies and/or code:

- Switch the locations of the land uses to have the residential uses on the western portion of the site and the hotel use on the eastern portion of the site;
- Miscellaneous text revisions to reflect the current project site design (e.g. lot sizes for the hotel and residential uses, hotel function area, green building designation);
- Potential revisions to the allowed and prohibited uses table to reflect the changes in the current Municipal Code since 2005;
- Revision to clarify the maximum lot coverage allowed;
- Revision to allow the hotel to have a maximum building height of 85 feet (with a parapet not to exceed 100 feet) and residential building to have a maximum building height of 80 feet (with a parapet not to exceed 95 feet); and
- Revision to parking standards to reflect the current Municipal Code.

3.4 PROPOSED DEVELOPMENT

The proposed hotel and residential development are described below. As a part of the project, the site would be subdivided into at least two parcels: one parcel for the hotel and the other parcel for the residential development. Other components of the project, including landscaping, green building measures, transportation demand management, site access, utility improvements, and construction details, are also described below.

A conceptual site plan of the project is shown in Figure 4 and conceptual cross-sections are shown on Figures 5 and 6.

3.4.1 Hotel Development

The proposed hotel would be located on the eastern portion of the site. The 263-room hotel would be a six-story central courtyard hotel totaling approximately 166,000 square feet. The hotel building would be up to 85 feet tall, with rooftop features (e.g., mechanical equipment) up to 100 feet tall. The hotel would include indoor meeting and banquet space, bar and lounges, outdoor function space including a pool area, and a restaurant that would be open to the public. The hotel ground floor, meeting rooms, and banquet facilities would connect directly to outdoor areas and the central courtyard. The hotel would include a series of common and private terraces oriented towards the existing man-made lake to the south of the site. The hotel would include a 350 kilowatt emergency back-up generator to power the project in the event of an electricity outage.

Parking for the hotel would be provided in an attached two-story parking garage (approximately 30 feet tall) with parking on the top deck. A limited number of parking spaces would be provided in a small surface parking lot north of the hotel building. A minimum of 255 parking spaces would be provided for the hotel development.

3.4.2 Residential Development

The proposed residential development would be located on the western portion of the site. The 250 residential units would be constructed in one five-story building located on top of a two-story, above-grade landscaped podium parking garage. The residential building would be approximately 446,418 square feet in size (260,730 square feet of apartment area and 185,688 square feet of above-grade podium parking garage) and up to 80 feet tall, with rooftop features up to 86 feet tall.

The apartment units would include studios, one-bedroom units, and two-bedroom units ranging from approximately 440 to 1,420 square feet in size. It is anticipated that the residential units would be market-rate apartments. The units would be situated around common courtyards at the podium level. The courtyards would include amenities such as a pool, dog park, seating areas, and landscaping. The residential building would have additional amenities including a fitness center, yoga studio, club room, and lounges.

The top of the landscaped podium would be approximately 20 feet above grade and have two levels of parking underneath, at- and above-grade. A minimum of 444 parking spaces would be provided for the residential development. Bicycle parking for the residential development, in accordance with City standards, is proposed under the podium structure.

3.4.3 Landscaping

Many of the existing trees on-site would be removed as a result of the project. The project, however, proposes to plant 249 new trees, as well as new shrubs and groundcover. Landscaped berms and screening, between 15 and 30 feet wide, would be planted along the project's frontage on Lakeside Drive.

3.4.4 Green Building Measures

The project shall comply with the California Green Building Standards Code (CalGreen). The project proposes to meet or exceed the requirements for LEED Gold certification for the proposed hotel and a minimum of 80 points on the Build it Green GreenPoint Checklist or LEED Silver certification for the proposed residential development. The project would achieve the green building standards by incorporating energy and water efficient measures and complying with the City's Climate Action Plan.

3.4.5 Transportation Resources

The project proposes to provide resident and guest access to transportation resources including airport shuttle vans, regional shuttle vans, carpool coordination, and facilities for car rental and car sharing services.

A transportation information display is proposed on-site that would include maps, routes and schedules, ridesharing promotional materials, bicycle routes and facilities information, and a list of facilities available for carpoolers, vanpoolers, bicyclists, transit riders, and pedestrians.

3.4.6 Site Access

The proposed circulation plan for the site is shown on Figure 7. Vehicular access to the site would be from four locations on Lakeside Drive. The easternmost and westernmost driveways would be for emergency and service vehicles only (e.g., fire trucks, solid waste and recycling haul trucks, and moving vans). Driveway location 2 would provide direct access to a drop-off roundabout and the podium parking for the residential development. Driveway location 3 would provide direct access to a drop-off roundabout, a small surface parking lot, and parking garage for the hotel development.

Pedestrians would access the project site from the sidewalks on Lakeside Drive and located internally within the project site. The frontage sidewalk on Lakeside Drive would be reconstructed to meander in order to preserve existing trees and enhance the pedestrian experience. The project proposes a new public pedestrian and bicycle path along the southern boundary of the site along the man-made lake that would be accessed from Lakeside Drive as the southwest corner of the site. Another pathway from the sidewalk on Lakeside Drive would connect the public pedestrian and bicycle path along the hotel driveway. The proposed pedestrian and bicycle path would connect to the existing bridges crossing the lake, which connect to an existing pedestrian path on the south side of the lake.

3.4.7 Utility Improvements

The project would require connections to existing water, sanitary sewer, and storm drain lines in the project area. No other utility improvements are anticipated or required.

3.4.8 Construction

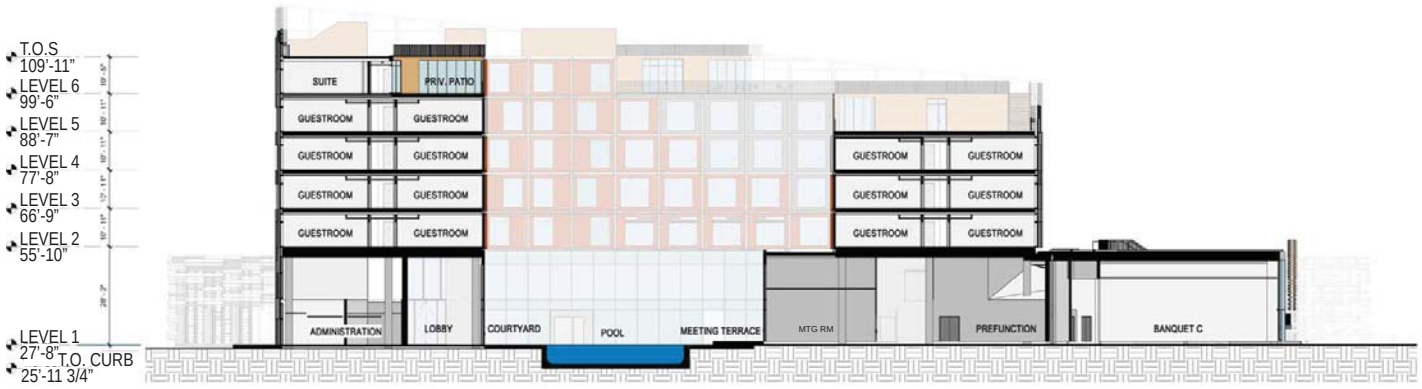
Construction of the proposed project would take approximately 20 months. The hotel and residential developments would be constructed simultaneously. The project would be built on grade with minimal excavation. The footings and foundations of the hotel may be lowered by one foot to obtain balanced earthwork. Staging of construction equipment would occur on-site.

The hotel and residential components of the project would both be built using modular construction methods. Buildings are produced in "modules" off-site that are then transported and assembled on site. Each hotel guestroom and housing module would be factory built and then transported to the site. The modules would be connected together on-site and heating, ventilation, and cooling (HVAC), electricity, and plumbing systems would be installed.

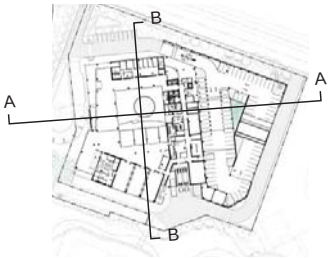
Source: nbbj and swa, 6/10/16.

CONCEPTUAL SITE PLAN FIGURE 4

SECTION A - A



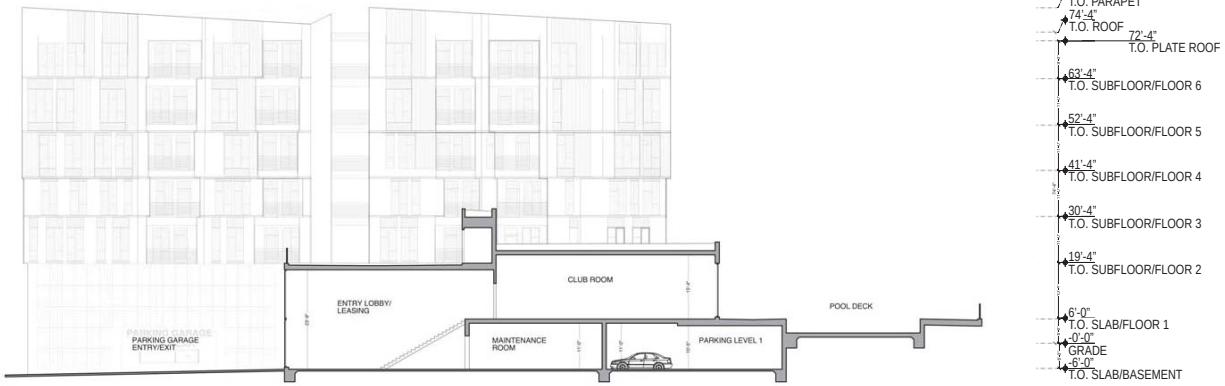
SECTION B - B



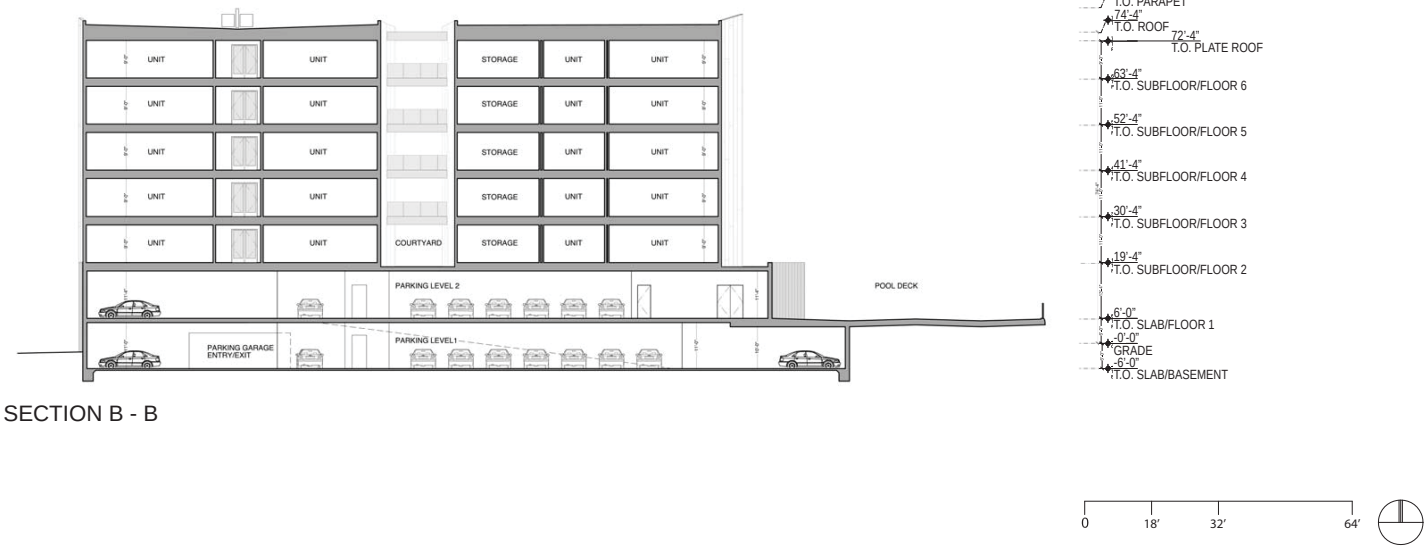
Source: nbbj, 6/10/16.

CONCEPTUAL CROSS-SECTION OF PROPOSED HOTEL

FIGURE 5



SECTION A - A



SECTION B - B

Source: nbbj, 6/10/16.

CONCEPTUAL CROSS-SECTION OF PROPOSED RESIDENTIAL DEVELOPMENT FIGURE 6

Source: nbbj, 6/10/16.

PROPOSED SITE CIRCULATION PLAN

FIGURE 7

SECTION 4.0 ENVIRONMENTAL SETTING, CHECKLIST AND DISCUSSION OF IMPACTS

This section describes the existing environmental conditions on and near the project site, as well as environmental impacts associated with the proposed project. The environmental checklist, as recommended in the California Environmental Quality Act (CEQA) Guidelines, identifies environmental impacts that could occur if the proposed project is implemented.

The right-hand column in the checklist lists the source(s) for the answer to each question. The sources cited are identified at the end of this section. Mitigation measures are identified for all significant project impacts. "Mitigation Measures" are measures that will minimize, avoid, or eliminate a significant impact (CEQA Guidelines §15370).

Each impact is numbered using an alpha-numerical system that identifies the environmental issue. For example, **Impact HAZ-1**, denotes the first impact discussed in the hazards and hazardous materials section. Mitigation measures (MM) are also numbered to correspond to the impact they address. For example, **MM NOI-2.3** refers to the third mitigation measure for the second impact in the noise section. The letter codes used to identify environmental issues are listed below.

Letter Code	**Environmental Issue**
AES	Aesthetics
AG	Agricultural and Forestry Resources
AIR	Air Quality
BIO	Biological Resources
CUL	Cultural Resources
GEO	Geology and Soils
GHG	Greenhouse Gas Emissions
HAZ	Hazards and Hazardous Materials
HYDRO	Hydrology and Water Quality
LU	Land Use
MIN	Mineral Resources
NOI	Noise
PS	Public Services
REC	Recreation
TRAN	Transportation
UTIL	Utilities and Service Systems

Important Note to the Reader: The California Supreme Court in a December 2015 opinion [*California Building Industry Association v. Bay Area Air Quality Management District*, 62 Cal. 4th 369 (No. S 213478)] confirmed that CEQA, with several specific exceptions, is concerned with the impacts of a project on the environment, not the effects the existing environment may have on a project. Therefore, the evaluation of the significance of project impacts under CEQA in the following sections focuses on impacts of the project on the environment, including whether a project may exacerbate existing environmental hazards.

The City of Sunnyvale currently has policies that address existing conditions (e.g., air quality, noise, and hazards) affecting a proposed project, which are also addressed in this section. This is consistent with one of the primary objectives of CEQA and this document, which is to provide objective information to decision-makers and the public regarding a project as a whole. The CEQA Guidelines and the courts are clear that a CEQA document (e.g., EIR or Initial Study) can include information of interest even if such information is not an "environmental impact" as defined by CEQA.

Therefore, where applicable, in addition to describing the impacts of the project on the environment, this chapter will discuss "planning considerations" that relate to City policies pertaining to existing conditions. Such examples include, but are not limited to, locating a project near sources of air emissions that can pose a health risk, in a floodplain, in a geologic hazard zone, in a high noise environment, or on/adjacent to sites involving hazardous substances.

4.1 AESTHETICS

4.1.1 Environmental Setting

The existing, surrounding visual character of the project area has not substantially changed since the certification of the 2005 Final EIR. The project site fronts Lakeside Drive, which is a two-lane, undivided frontage road and US 101. In the vicinity of the site, US 101 is an eight-lane freeway. There is a two-story hotel (Residence Inn) to the east of the site; a man-made lake, restaurant (Faultline Brewery), and two-story offices south of the site; and a three to four story multi-family residential development over podium parking (Avalon Apartments) to the west of the site. Due to the flat nature of the site and surrounding area, the site is primarily visible from the immediate area.

The visual character of the project site itself has changed since 2005. Since the certification of the 2005 Final EIR, the existing hotel and improvements on the site have been demolished and removed. Currently, the site is undeveloped with a mound of aggregate located on the western portion of the site. Mature landscape trees and a grass berm still exist along the perimeter of the site. There is an approximately eight-foot tall chain link fence that surrounds most of the site, excluding the perimeter trees and berm.

4.1.2 Checklist and Discussion of Impacts

	New Potentially Significant Impact	New Less Than Significant With Mitigation Incorporated	New Less Than Significant Impact	Same Impact as "Approved Project"	Less Impact than "Approved Project"	Checklist Source(s)
Would the project:						
1. Have a substantial adverse effect on a scenic vista?	☐	☐	☐	☒	☐	1
2. Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	☐	☐	☐	☒	☐	1,2
3. Substantially degrade the existing visual character or quality of the site and its surroundings?	☐	☐	☐	☒	☐	1,3
4. Create a new source of substantial light or glare which will adversely affect day or nighttime views in the area?	☐	☐	☐	☒	☐	1,3

4.1.2.1 *Impacts to Scenic Vistas and Resources*

As discussed in the certified 2005 Final EIR, due to the flat nature of the area and the presence of mature trees along the site frontages, views of the site are limited to the immediate surrounding land uses and roadways. Other than the mature trees along the site frontage, the project site does not contain significant visual or aesthetic resources, and the site itself is not part of a scenic view corridor. As discussed in *Section 4.4 Biological Resources*, the project shall mitigate its impacts to trees by planting replacement trees. The project, therefore, would not result in new or more significant impacts to scenic vistas or resources than disclosed in the certified 2005 Final EIR. **(No New Impact)**

4.1.2.2 *Change in Visual Character*

The site is currently undeveloped. The project would construct a six-story hotel on the eastern portion of the site that would be up to 85 feet tall, with rooftop features up to 100 feet tall. A two-story (approximately 30 foot tall) parking garage would be attached on the east side of the hotel. Renderings of the proposed hotel are provided in Figures 8 and 9. As shown in the figures, the exterior of the hotel would consist of an aluminum colored curtain wall and aluminum colored vertical fins and the parking structure would include exterior screening. The hotel structure would slope down towards the man-made lake located south of the site and include common open space/terrace areas at multiple levels that are oriented towards the man-made lake.

The proposed residential development would be located on the western portion of the site in one, five story building on top of a two-story landscaped parking podium. The residential building would be up to 80 feet tall, with rooftop features up to 86 feet tall. As shown in Figures 10 and 11, the parking podium would include landscaped screening and the exterior of the residential building would include vertical panels of glass that has been reinforced by concrete. Views of the residential development from south of the site show that the units are situated around common open space courtyards with a central open space area containing a pool. The residential development includes landscaping and steps down to the existing man-made lake.

Views of the project site from the immediate area and surrounding roadways would be generally obstructed by existing trees and proposed landscaping. Views of the project site from the residential uses north of US 101 would be partially blocked by the existing 10-12 foot sound wall on the north side of US 101 and the existing trees and proposed landscaping along the project frontage.

Because the site is currently undeveloped, the development of the proposed project would be a substantial change in the visual character of the site compared to current conditions. Compared to what was evaluated in the 2005 Final EIR, the hotel building is proposed to be five feet taller (85 feet vs. 80 feet). The proposed mass and height of the buildings, however, is generally consistent with the mass and height allowed on-site under the LSP and evaluated in the certified 2005 Final EIR. In addition, the project site is within a developed urban area and the project would be similar in stature to the existing residential apartments west of the project site. The project shall also be designed to conform to the LSP design criteria, principles, and guidelines, as well as the City-wide Design Guidelines and policies. Consistent with the analysis in the certified 2005 Final EIR, based on the

above reasons, the project would not result in a significant change in the visual character of the site. **(No New Impact)**

4.1.2.3 *Light and Glare Impacts*

The proposed project would have outdoor security lighting on the site, along walkways, throughout the parking areas, and entrance areas. This outside lighting would incrementally increase the level of illumination in the area. The City, however, would require that the outside lighting on the site be directed in a way not to cause significant glare or light spillover onto adjacent properties. The addition of the project lighting, therefore, would not result in significant light and glare impacts.

Glare can also be caused by sunlight or artificial light reflecting from finished surfaces such as window glass or other reflective materials. The project would not be constructed with highly reflective materials, such as mirrored glass. In addition, the project does not propose any large, uninterrupted expanses of glass or other highly reflective materials. Building materials for the project include fritted glass, metal, and concrete. For these reasons, it is not anticipated that the project would result in significant glare impacts. **(No New Impact)**

4.1.2.4 *Consistency with Plans and Policies*

The proposed project would be subject to compliance with applicable LSP design criteria, principles, and guidelines. In general, the project is consistent with the LSP design criteria, principles, and guidelines to design buildings to minimize roadway noise, maximize landscaping and open spaces, maximize views of the man-made lake. The project is also designed to minimize the visual presence of parking by providing landscape screening around the podium parking structure, incorporate green building measures (refer to *Section 3.4.4*), and reduce energy consumption by providing residents and guests access to transportation resources and providing on-site recycling. The project would be subject to compliance with other LSP design criteria, principles, and guidelines including those regarding signage and public art. **(No New Impact)**

4.1.3 Conclusion

The proposed project would not result in new or more significant aesthetic impacts than previously disclosed in the certified 2005 Final EIR. **(No New Impact)**

Source: nbbj, 6/10/16.

CONCEPTUAL RENDERING OF THE PROPOSED HOTEL FROM LAKESIDE DRIVE FIGURE 8

Source: nbbj, 6/10/16.

CONCEPTUAL RENDERING OF THE PROPOSED HOTEL FROM THE SOUTH FIGURE 9

Source: nbbj, 6/10/16.

CONCEPTUAL RENDERING OF THE PROJECT LOOKING SOUTHEAST FIGURE 10

Source: nbbj, 6/10/16.

CONCEPTUAL RENDERING OF THE PROPOSED PROJECT LOOKING NORTH FIGURE 11

4.2 AGRICULTURAL AND FORESTRY RESOURCES

4.2.1 Environmental Setting

The existing agricultural and forestry resources conditions have not substantially changed since the certification of the 2005 Final EIR. The project site is located in an urban, developed area surrounded by development (see Figure 3).

The project site is not designated as farmland. According to the Santa Clara Important Farmland 2012 map, the project site is designated as *Urban and Built-Up Land*, meaning that the land contains a building density of at least six units per 10-acre parcel or is used for industrial or commercial purposes, golf courses, landfills, airports, or other utilities.[1] The project site has a General Plan and zoning designation of *Lakeside Specific Plan*.

The project site was previously developed with a hotel at the time the 2005 Final EIR was certified. The hotel and surface parking existing on-site in 2005 have since been demolished. Most of the trees existing on-site in 2005 have also been removed. Currently, the site is vacant and undeveloped. The project site is not part of a Williamson Act contract.[2,3]

The surrounding properties are developed, zoned, and designated for urban uses.

4.2.2 Checklist and Discussion of Impacts

	New Potentially Significant Impact	New Less Than Significant With Mitigation Incorporated	New Less Than Significant Impact	Same Impact as "Approved Project"	Less Impact than "Approved Project"	Checklist Source(s)
Would the project:						
1. 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?	☐	☐	☐	☒	☐	1,4
2. Conflict with existing zoning for agricultural use, or a Williamson Act contract?	☐	☐	☐	☒	☐	1,5

[1] California Department of Conservation. *Santa Clara County Important Farmland 2012.* August 2014.
[2] Agricultural lands in California can be protected from development and reserved for agricultural purposes or open-space conservation under the California Land Conservation Act, commonly known as the Williamson Act. Local governments may enter into contracts with land owners to protect certain lands in exchange for a lowered property tax assessment.
[3] Santa Clara County. "Williamson Act and Open Space Easements." Accessed: August 17, 2015. Available at: <https://www.sccgov.org/sites/dpd/Programs/WA/Pages/WA.aspx>

	New Potentially Significant Impact	New Less Than Significant With Mitigation Incorporated	New Less Than Significant Impact	Same Impact as "Approved Project"	Less Impact than "Approved Project"	Checklist Source(s)
Would the project:						
3. 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))?	☐	☐	☐	☒	☐	1,6
4. Result in a loss of forest land or conversion of forest land to non-forest use?	☐	☐	☐	☒	☐	1
5. 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?	☐	☐	☐	☒	☐	1,4

As discussed above, the project site is not used, zoned, or designated for agricultural, forest, or timberland purposes. Nor is the project site is part of a Williamson Act contract. The project site is surrounded by urban development and, therefore, its development would not result in the conversion of agricultural land to non-agricultural uses or forest land to non-forest uses. The project would not result in significant impacts to agricultural or forestry resources. **(No New Impact)**

4.2.3 Conclusion

The proposed project would have no impacts on agricultural or forestry resources. The project would not result in new or more significant impacts to agricultural or forestry resources than disclosed in the certified 2005 Final EIR. **(No New Impact)**

4.3 AIR QUALITY

The following analysis is based in part on an air quality assessment completed for the project by *Illingworth & Rodkin, Inc.* in February 2016. A copy of this assessment is included in Appendix A of this Initial Study.

4.3.1 Environmental Setting

The existing air quality conditions in the project area have not substantially changed since the certification of the 2005 Final EIR. The City of Sunnyvale is located in northern Santa Clara County, which is in the San Francisco Bay Area Air Basin. The Bay Area meets all federal and state ambient air quality standards (i.e., the Bay Area is in attainment for carbon monoxide, nitrogen dioxide, and sulfur dioxide) with the exception of ground-level ozone, respirable particulate matter (PM_{10}), and fine particulate matter ($PM_{2.5}$). Since the certification of the 2005 Final EIR, the improvements on the site at the time have been demolished and removed. The project site is currently undeveloped and is not a source of criteria pollutant emissions. The stockpiled aggregate on the project site may be a source of fugitive dust during windy days.

The project site is located in the vicinity of several sources of toxic air contaminant (TAC) emissions, including multiple back-up diesel generators, a gas station, and US 101. There are sensitive receptors (i.e., land uses supporting vulnerable populations, such as children or the elderly) located on the west side of the project site and across US 101 to the north (refer to Figure 3 to see surrounding land uses).

Additional information about the existing air quality conditions is provided in Appendix A of this Initial Study.

4.3.2 Checklist and Discussion of Impacts

	New Potentially Significant Impact	New Less Than Significant With Mitigation Incorporated	New Less Than Significant Impact	Same Impact as "Approved Project"	Less Impact than "Approved Project"	Checklist Source(s)
Would the project:						
1. Conflict with or obstruct implementation of the applicable air quality plan?	☐	☐	☐	☒	☐	1,7
2. Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	☐	☐	☐	☒	☐	1,7

	New Potentially Significant Impact	New Less Than Significant With Mitigation Incorporated	New Less Than Significant Impact	Same Impact as "Approved Project"	Less Impact than "Approved Project"	Checklist Source(s)
Would the project:						
3. Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is classified as non-attainment under an applicable federal or state ambient air quality standard including releasing emissions which exceed quantitative thresholds for ozone precursors?	☐	☐	☐	☒	☐	1,7
4. Expose sensitive receptors to substantial pollutant concentrations?	☐	☐	☐	☒	☐	1,7
5. Create objectionable odors affecting a substantial number of people?	☐	☐	☐	☒	☐	1,3

Since the certification of the 2005 Final EIR, BAAQMD updated its CEQA Air Quality Guidelines. The analysis in this EIR is based upon the general methodologies in the most recent BAAQMD CEQA Air Quality Guidelines (dated May 2012) and numeric thresholds identified for the San Francisco Bay Area Air Basin in the May 2011 BAAQMD CEQA Air Quality Guidelines, as shown in Table 2 below.

While the guidelines and methodology for analyzing air quality impacts have been updated since the certification of the 2005 Final EIR, the existing conditions, development project, and project emissions have not changed substantially.

As previously discussed in *Section 4.0*, in December 2015, the California Supreme Court issued an opinion in "CBIA vs. BAAQMD" holding that CEQA is primarily concerned with the impacts of a project on the environment and generally does not require agencies to analyze the impact of existing conditions on a project's future users or residents unless the project risks exacerbating those environmental hazards or risks that already exist. Nevertheless, the City has policies and regulations (including Policy EM-11.3 which requires all new development to utilize site planning to protect citizens from unnecessary exposure to air pollutant) that address existing conditions affecting a proposed project, which are discussed below as planning considerations. Note that existing health risk conditions discussed below in *Section 4.3.2.3* would not be exacerbated by the project such that it would impact (or worsen) off-site health risk conditions.

Table 2: BAAQMD Air Quality Significance Thresholds

Pollutant	Construction Thresholds	Operational Thresholds	
	Average Daily Emissions (pounds/day)	**Average Daily Emissions** (pounds/day)	**Annual Average Emissions** (tons/year)
Criteria Air Pollutants			
ROG	54	54	10
NO_x	54	54	10
PM_{10}	82	82	15
$PM_{2.5}$	54	54	10
CO	Not Applicable	9.0 ppm (8-hour average) or 20.0 ppm (1-hour average)	
Fugitive Dust	Construction Dust Ordinance or other Best Management Practices	Not Applicable	
Community Risks and Hazards for New Sources			
Excess Cancer Risk	Greater than 10.0 per one million or greater		
Chronic or Acute Hazard Index	Greater than 1.0 or greater		
Incremental annual average $PM_{2.5}$	Greater than 0.3 $\mu g/m^3$ or greater		
Community Risks and Hazards for Sensitive Receptors (Cumulative from all sources within 1,000 foot zone of influence) and Cumulative Thresholds for New Sources			
Excess Cancer Risk	Greater than 100 per one million or greater		
Chronic Hazard Index	Greater than 10.0 or greater		
Annual Average $PM_{2.5}$	Greater than 0.8 $\mu g/m^3$ or greater		

Note: ROG = reactive organic gases, NOx = nitrogen oxides, PM_{10} = course particulate matter or particulates with an aerodynamic diameter of 10 micrometers (µm) or less, $PM_{2.5}$ = fine particulate matter or particulates with an aerodynamic diameter of 2.5µm or less; $\mu g/m^3$ = micrograms per cubic meter.

4.3.2.1 *Consistency with Bay Area 2010 Clean Air Plan*

Since the certification of the 2005 Final EIR, Bay Area 2010 Clean Air Plan (2010 CAP) was adopted by BAAQMD in September 2010. Determining consistency with the 2010 CAP involves assessing whether applicable control measures in the 2010 CAP are implemented. Implementation of control measures improve air quality and protect health. Applicable control measures and the project's consistency with them are summarized in Table 3 below. As discussed in Table 3 below, the project is consistent with applicable control measures by including a transportation information display, bicycle parking, a bicycle/pedestrian path, a mix of land uses, green building measures, and new trees on-site.

In addition, the proposed project would not conflict with the 2010 CAP planning efforts because it is consistent with the zoning and development intensity envisioned for the site in the City's adopted General Plan and the criteria pollutant emissions resulting from the proposed project would not exceed the BAAQMD thresholds of significance (as discussed in *Section 4.3.2.3*).

Table 3: Bay Area 2010 Clean Air Plan Applicable Control Measures

Control Measures	Description	Project Consistency
Transportation Control Measures		
Improve Bicycle Access and Facilities	Expand bicycle facilities serving transit hubs, employment sites, educational and cultural facilities, residential areas, shopping districts, and other activity centers.	A transportation information display is proposed, which would include maps, routes and schedules, bicycle routes and facilities information, and other resources. The project includes bicycle parking in accordance with City standards. The project, therefore, is consistent with this measure.
Improve Pedestrian Access and Facilities	Improve pedestrian access to transit, employment, and major activity centers.	The proposed project is designed to be pedestrian-oriented and to enhance the pedestrian entrance to the project site. The project includes a new bicycle/pedestrian path along the lake adjacent to the south side of the project site. The project, therefore, is consistent with this measure.
Support Local Land Use Strategies	Promote land use patterns, policies, and infrastructure investments that support mixed-use, transit-oriented development that reduce motor vehicle dependence and facilitate walking, bicycling, and transit use.	The project proposes mixed-use development on an infill site. The project includes measures intended to reduce motor vehicle dependence including airport and regional shuttle vans, as well as ridesharing, transit, and bicycle route information. The project, therefore, is consistent with this measure.
Energy and Climate Measures		
Energy Efficiency	Increase efficiency and conservation to decrease fossil fuel use in the Bay Area.	The future development will comply with the latest California Building Code and the proposed hotel would meet the requirements for a LEED Gold certification. The proposed residential development would earn a minimum of 80 points on the Build it Green GreenPoint checklist or a LEED Silver certification. These ratings are indicative of the efficiency and sustainability that the proposed buildings would achieve. The project, therefore, is consistent with this measure.

Table 3: Bay Area 2010 Clean Air Plan Applicable Control Measures

Control Measures	Description	Project Consistency
Urban Heat Island Mitigation	Mitigate the "urban heat island" effect by promoting the implementation of cool roofing, cool paving, and other strategies.	The project proposes to plant new landscaping, including 249 trees which would reduce the urban heat island effect. The project, therefore, is consistent with this measure.
Tree-Planting	Promote planting of low-VOC-emitting shade trees to reduce urban heat island effects, save energy, and absorb CO_2 and other air pollutants.	The project proposes to plant 249 new trees. The project, therefore, is consistent with this measure.

4.3.2.2 *Criteria Pollutant Emissions*

Emissions of criteria air pollutants by the project that could affect regional air quality (e.g. nitrogen oxides – NO_x, reactive organic gases – ROG, and particulate matter – PM_{10} and $PM_{2.5}$) were evaluated by modeling emissions using the California Emissions Estimator Model (CalEEMod, version 2013.2.2) and comparing them to the significance thresholds identified in Table 2 above. Project construction and operational period emissions were modeled. Extensive detail regarding the project-specific parameters, assumptions, and modeling process can be found in Appendix A. Relevant background information is included in the discussions below, as applicable.

Construction-Related Emissions

Construction emissions would occur as exhaust emissions from construction equipment, truck travel and worker travel, and from fugitive dust emissions associated with ground disturbance. These two types of emissions (exhaust and fugitive dust emissions) are discussed below. Note that the construction emissions from the proposed project would be less than the emissions from the project evaluated in the 2005 because the current project proposes modular construction.

Construction Exhaust Emissions

CalEEMod provides emissions estimates for both on-site and off-site construction activities. On-site activities are primarily made up of construction equipment emissions, while off-site activity includes worker, hauling, and vendor traffic. A construction build-out scenario, including equipment list and phasing schedule, was developed based on information provided by the project applicant (refer to Appendix A). An overall construction period of 20 months was estimated for the project. The estimated construction emissions are shown in Table 4 below. As shown in Table 4, the project's construction-related criteria pollutant emissions would not exceed the BAAQMD thresholds of significance. **(No New Impact)**

Table 4: Average Daily Project Construction Criteria Pollutant Emissions

	ROG	NO_x	PM_{10} Exhaust	$PM_{2.5}$ Exhaust
Average daily emissions (pounds per day)	32.0	43.6	2.0	1.9
BAAQMD Thresholds (pounds per day)	54	54	82	54
Exceed Threshold?	*No*	*No*	*No*	*No*

Construction Fugitive Dust Emissions

Construction activities, particularly during site preparation and grading, would temporarily generate fugitive dust in the form of PM_{10} and $PM_{2.5}$. Sources of fugitive dust would include disturbed soils at the construction site and trucks carrying uncovered loads of soils. Unless properly controlled, vehicles leaving the site would deposit mud on local streets, which could be an additional source of airborne dust after it dries. The BAAQMD CEQA Air Quality Guidelines considers this impact to be less than significant if best management practices (BMPs) are implemented to reduce these emissions. Consistent with the 2005 Final EIR, the project proposes to implement mitigation measure AIR-1 as revised below to reflect current BMPs to reduce the project's fugitive dust emissions to a less than significant level. **(No New Impact)**

MM AIR-1: The project shall implement the following best management practices identified by BAAQMD to reduce fugitive dust emissions that contribute to localized elevated concentrations of PM_{10} and $PM_{2.5}$ to a less than significant level:

- All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day or covered.
- All haul trucks transporting soil, sand, or other loose material off-site shall be covered.
- All visible mud or dirt track-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 mph.
- All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.
- Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to five minutes. Clear signage explaining this rule shall be provided for construction workers at all access points.
- All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation.
- Post a publicly visible sign with the telephone number and name of an individual working for the construction contractor who can be contacted regarding dust

complaints. This person shall respond and take corrective action within 48 hours. BAAQMD's phone number shall also be visible to ensure compliance with applicable regulations.

Operation-Related Emissions

Operational air pollution emissions from the project would be generated primarily from vehicles traveling to and from the project site. Evaporative emissions from architectural coatings and maintenance products would also occur, as well as emissions from the emergency back-up generator proposed on-site. The CalEEMod model was used to predict operational emissions from the project assuming full occupancy and buildout. Model inputs and assumptions, including year of analysis, land use descriptions and assumptions, trip generation rates, travel distances, and area sources, are described in Appendix A.

The project's estimated annual and average daily operational emissions are summarized in Table 5 below. As shown in Table 5, the project's annual and average daily operational emissions would not exceed the BAAQMD significance thresholds. The proposed project, therefore, would not contribute substantially to existing or projected violations of ROG, NOx, or particulate matter. **(No New Impact)**

Table 5: Annual and Average Daily Project Operational Criteria Pollutant Emissions

Scenario	ROG	NO_x	PM_{10}	$PM_{2.5}$
Annual Project Emissions				
Project Operation (tons per year)	6.57	4.73	0.49	0.31
BAAQMD Thresholds (tons per year)	10	10	15	10
Exceed Threshold?	*No*	*No*	*No*	*No*
Average Daily Project Emissions				
Project Operation (pounds per day)	11.6	23.9	2.7	1.7
BAAQMD Thresholds (pounds per day)	54	54	82	54
Exceed Threshold?	*No*	*No*	*No*	*No*

Carbon Monoxide Emissions

Carbon monoxide emissions from project-generated traffic would be the pollutant of greatest concern at the local level. Congested intersections with a large volume of traffic have the greatest potential to cause high-localized concentrations of carbon monoxide. Air pollutant monitoring data indicate that carbon monoxide levels have been at healthy levels (i.e., below state and federal standards) in the Bay Area since the early 1990s. As a result, the region has been designated as attainment for the standard. The highest measured level over any eight-hour averaging period during the last three years in the Bay Area is less than 3.0 parts per million (ppm), compared to the ambient air quality standard of 9.0 ppm. Intersections affected by the project would have traffic volumes less than the

BAAQMD screening criteria and, thus, would not cause a violation of an ambient air quality standard or have a considerable contribution to cumulative violations of these standards.[4] **(No New Impact)**

4.3.2.3 *Toxic Air Contaminant and Fine Particulate Matter Health Risks*

Exposure to air pollutant emissions, specifically emissions of $PM_{2.5,}$ diesel particulate matter (DPM), and total organic gases (TOG), can cause health risks. Increased health risk can occur either by introducing a new sensitive receptor, such as the proposed residential use, in proximity to an existing source of TACs or by introducing a new source of TACs with the potential to adversely affect existing sensitive receptors in the project vicinity. A health risk assessment was prepared consistent with the current BAAQMD guidelines and the State of California Office of Environmental Health Hazard Assessment (OEHHA) guidelines. The community risk assessment models concentrations of $PM_{2.5,}$ DPM, and TOG, which are then used to evaluate potential cancer risk, non-cancer health hazards, and annual concentrations of $PM_{2.5}$. Extensive detail regarding the community risk assessment methodology, model assumptions, and inputs is included in Appendix A. The health risks from and to the project are discussed below.

Health Risk from the Project

Community Risk from Project Construction

A community risk assessment of project construction activities was completed to evaluate the potential health effects on existing, nearby sensitive receptors from project construction-related emissions.

Construction activity is anticipated to include grading and site preparation, trenching, building construction, and paving. Construction period emissions were modeled in CalEEMod, and the USEPA AERMOD dispersion model was used to predict TAC concentrations at sensitive receptors in the vicinity of the project construction area. Exposure parameters and model assumptions are detailed in Appendix A. Health risks are reported for the maximally-exposed individual (MEI), which is the location where diesel particulate and $PM_{2.5}$ concentrations are highest. The residential area northwest of the project site across Lakeside Drive is considered the MEI.

As summarized in Table 6 below, the results of the health risk assessment assessing project construction emissions indicate that the maximum increased residential cancer risks would be 34.8 excess cases in one million, which exceeds the BAAQMD significance threshold of 10 excess cases in one million. The maximum-modeled annual $PM_{2.5}$ concentration would be 0.3 $\mu g/m^3$, which does not exceed the BAAQMD significance threshold of 0.3 $\mu g/m^3$. Other non-cancer hazards are measured in a computed hazard index, which for the proposed project construction would be 0.03 and below the BAAQMD significance criterion of 1.0.

[4] For a land-use project type, the BAAQMD CEQA Air Quality Guidelines state that a project would result in a less than significant impact to localized carbon monoxide concentrations if the project would not increase traffic at affected intersections with more than 44,000 vehicles per hour.

Community Risk from Proposed Back-Up Diesel Generator

The proposed hotel would include a 350-kilowatt emergency back-up generator, which would be used for backup power in emergency conditions. Regular operation of the generator would be for testing and maintenance purposes, with a maximum of 50 hours per year of non-emergency operation under normal conditions. This diesel engine would be subject to the California Air Resources Board's Stationary Diesel Airborne Toxics Control Measure and would require permits from BAAQMD. As part of the permit process, the engine would be required to meet Best Available Control Technology for Toxics and pass toxic risk screening level requirements. Emissions from testing and maintenance of the proposed generator are estimated to equal an average of 0.0011 pounds of diesel particulates per day. The generator would result in an excess cancer risk of 1.6 cases in one million, $PM_{2.5}$ concentrations of less than 0.01 $\mu g/m^3$, and a hazard index less than 0.01 at the nearest sensitive receptors (including future on-site residents). These health risks are below the BAAQMD thresholds of significance (see Table 6); therefore, the project would have a less than significant impact to human health from operation of the proposed back-up generator.

Cumulative Community Health Risk

Health risks from project construction emissions are also evaluated in combination with other existing sources of air pollution in the project area, as well as the emergency back-up generator proposed on-site. As shown in Table 6 below, cumulative $PM_{2.5}$ concentrations would exceed the BAAQMD threshold of significance for cumulative health risk impacts.

Table 6: Community Health Risk to Off-Site Receptors

Source	**Maximum Cancer Risk** (per million)	**Maximum Annual $PM_{2.5}$ Concentration** ($\mu g/m^3$)	**Maximum Hazard Index**
Impacts to Off-Site Receptors (at MEI)			
Unmitigated Project Construction	34.8	0.3	0.03
BAAQMD Threshold – Single Source	>10.0	>0.3	>1.0
Exceed Threshold?	***Yes***	***No***	***No***
Lawrence Expressway	3.5	0.1	<0.1
City of Santa Clara generator at 3298 Lakeside Drive	<9.4	0.0	0.01
Coherent, Inc. generator at 1220 Midas Way	--	--	--
The Car Spa, gasoline dispensing station at 1097 E Dunne Avenue	--	--	--
US 101	16.0	0.8	<0.1
Proposed Emergency Generator on-site	<1.6	0.0	0.0
Cumulative Total	<65.3	1.2	<0.10
BAAQMD Threshold – Cumulative Sources	>100	>0.8	>10.0
Exceed Threshold?	***No***	***Yes***	***No***

Impact AIR-1: Construction toxic air contaminant emissions would result in significant health risks at nearby sensitive receptors. **(Significant Impact)**

Mitigation Measures: The project proposes to implement MM AIR-1 (as revised) and the following mitigation measures to reduce TAC and health risks to nearby sensitive receptors from project construction to a less than significant level:

MM AIR-2: All mobile diesel-powered construction equipment larger than 50 horsepower and operating on site for more than two days continuously shall meet USEPA particulate matter emissions standards for Tier 2 engines or equivalent. Equipment retrofitted with CARB Level 3 Verified Diesel Emissions Control Strategy would exceed this standard.

MM AIR-3: All stationary or portable diesel-powered construction equipment larger than 50 horsepower and operating on site for more than two days continuously (including building cranes) shall meet USEPA particulate matter emissions standards for Tier 4 engines or equivalent. Equipment retrofitted with CARB Level 3 Verified Diesel Emissions Control Strategy would meet this standard.

Note that other measures may be used to minimize construction diesel emissions, such as use of alternative-powered equipment, alternative fuels, added exhaust devices, or a combination of measures. Any measures substituted for those defined in MM AIR-2 and MM AIR-3 shall be reviewed and verified by a qualified air quality consultant.

Implementation of MM AIR-1 (as revised) is considered to reduce the $PM_{2.5}$ fraction of fugitive dust by 48 percent and exhaust emissions by five percent. Implementation of MM AIR-2 and -3 would further reduce on-site diesel exhaust emissions by over 85 percent. The maximum increase in cancer risk would be reduced to 4.1 chances per million, below the BAAQMD threshold of significance. Annual $PM_{2.5}$ emissions would be reduced such that the maximum concentration would be 0.07 $\mu g/m^3$, which is below the single-source significance threshold of greater than 0.3 $\mu g/m^3$. Therefore, implementation of these mitigation measures would reduce the health risks caused by temporary emissions of hazardous air pollution during construction to less than significant level. **(No New Impact)**

The cumulative contribution of the project's construction emissions with the implementation of MM AIR-1 through MM AIR-3 is considered less than significant for three reasons: (1) the concentrations, at less than 0.1 $\mu g/m^3$, would be considered unsubstantial, (2) the activities causing the emissions are temporary, and (3) the mitigation measures employs reasonable best control practices to control emissions from construction activities. For these reasons, the project does not have a cumulatively considerable contribution to the cumulative annual $PM_{2.5}$ emissions. **(No New Cumulative Impact)**

Planning Consideration – Health Risk to the Project

The health risk to a project is not considered an environmental impact under CEQA; the discussion below is provided as a planning consideration.

The proposed project would introduce new sensitive receptors (residences) to the project site. Hotel users, while considered sensitive receptors for noise, would not be exposed for extended periods of time that could result in health risk impacts from air quality. Future residents of the site could be adversely affected by TACs emitted in the site vicinity. The main source of air pollution in the vicinity is vehicle traffic on US 101. There are other stationary sources of air pollution in the vicinity of the site which may affect future residents. Table 6 below lists the sources of air pollution in proximity to the site, as well as the calculated maximum health risks resulting from them. As shown in Table 7, future residents of the project site would be exposed to cancer risks and concentrations of $PM_{2.5}$ exceeding BAAQMD's thresholds of significance for single sources. In addition, the cumulative concentration of $PM_{2.5}$ exceeds BAAQMD's threshold of significance for cumulative risk. Cumulative risk is evaluated by adding the risks from each source and comparing it to BAAQMD's cumulative source thresholds.

Table 7: Community Health Risks to the Project

Source	**Maximum Cancer Risk** (per million)	**Maximum Annual $PM_{2.5}$ Concentration** ($\mu g/m^3$)	**Maximum Hazard Index**
Impacts to On-Site Receptors (at maximally exposed individual)			
Lawrence Expressway	4.1	0.1	<0.1
City of Santa Clara generator at 3298 Lakeside Drive	9.4	0.0	0.01
Coherent, Inc. generator at 1220 Midas Way	0.3	0.0	0.00
The Car Spa, gasoline dispensing station at 1097 East Dunne Avenue	0.5	0.0	0.0
US 101	**16.0**	**0.8**	<0.1
Proposed Emergency Generator on-site	1.6	0.0	0.0
Cumulative Total	31.9	0.9	<0.10
BAAQMD Threshold – Single Source (bold values indicate significant)	**>10.0**	**>0.3**	>1.0
Exceed Threshold?	***Yes***	***Yes***	***No***
BAAQMD Threshold – Cumulative Sources	>100	**>0.8**	>10.0
Exceed Threshold?	***No***	***Yes***	***No***

As a planning consideration, it is recommended that the project implement the following measures to reduce health risks to future residents of the site:

- Air filtration systems should be installed in residential or other buildings that would include sensitive receptors that have predicted $PM_{2.5}$ concentrations above 0.3 micrograms per cubic meter ($\mu g/m^3$) or excess lifetime cancer risk of 10.0 per million or greater. Air filtration devices should be rated with a minimum efficiency reporting value (MERV) 13 or higher. To ensure adequate health protection to sensitive receptors, the project ventilation system should meet the following minimum design standards:
  - A MERV-13, or higher, rating that represents a minimum of 80 percent efficiency to capture small particulates;
  - At least one air exchange(s) per hour of fresh outside filtered air; and
  - At least four air exchange(s) / hour recirculation.

  As part of implementing this measure, an ongoing maintenance plan for the buildings' HVAC air filtration system should be implemented by the property owner and/or manager. Recognizing that emissions from air pollution sources are decreasing, the maintenance period shall last as long as significant excess cancer risk or annual $PM_{2.5}$ exposures are predicted.

- The lease agreement and other property documents should: (1) require cleaning, maintenance, and monitoring of the affected buildings for air flow leaks; (2) include assurance that new owners and tenants are provided information on the ventilation system; and (3) include provisions that fees associated with owning or leasing a unit(s) in the building include funds for cleaning, maintenance, monitoring, and replacements of the filters, as needed.

- An authorized air quality consultant should review and verify the adequacy of any proposed modifications to the above measures.

The overall effectiveness of the filtration systems is estimated to reduce air pollutant concentrations by 52.5 percent. The ventilation system with MERV 13 filters would reduce maximum single-source annual $PM_{2.5}$ concentrations to 0.3 $\mu g/m^3$ and maximum cancer risk 8.8 chances per million. These concentrations are at or below the BAAQMD thresholds of significance.

The City Council has the discretion to require the above recommendations when considering the project.

4.3.2.4 *Odor Impacts*

Common sources of odors and odor complaints include wastewater treatment plants, transfer stations, coffee roasters, painting/coating operations, and landfills. The project site is not located near any sources of odor and the proposed project would not introduce any new sources of odor to the surrounding area. **(No New Impact)**

4.3.3 Conclusion

The proposed project, with the implementation of the identified mitigation measures, would not result in new or more significant air quality impacts than identified in the certified 2005 Final EIR. **(No New Impact)**

4.4 BIOLOGICAL RESOURCES

4.4.1 Environmental Setting

The existing biological resources conditions on-site have not changed substantially since the certification of the 2005 Final EIR. As discussed in the certified 2005 Final EIR, there are no wetlands or other sensitive habitat on-site and the presence of special-status species on-site is unlikely. The primary biological resource on-site is trees. In 2005, 238 trees were located on-site. Since 2005, 162 trees have since been removed, leaving 76 trees on-site. Most of the remaining trees are located on the perimeter of the site.

The regulatory framework has not changed substantially since the certification of the 2005 Final EIR, however, in January 2014, the City adopted Bird Safe Building Design Guidelines in January 2014.

4.4.2 Checklist and Discussion of Impacts

	New Potentially Significant Impact	New Less Than Significant With Mitigation Incorporated	New Less Than Significant Impact	Same Impact as "Approved Project"	Less Impact than "Approved Project"	Checklist Source(s)
Would the project:						
1. 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 US Fish and Wildlife Service?	☐	☐	☐	☒	☐	1,3,8
2. 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?	☐	☐	☐	☒	☐	1

	New Potentially Significant Impact	New Less Than Significant With Mitigation Incorporated	New Less Than Significant Impact	Same Impact as "Approved Project"	Less Impact than "Approved Project"	Checklist Source(s)
Would the project:						
3. Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	☐	☐	☐	☒	☐	1
4. Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, impede the use of native wildlife nursery sites?	☐	☐	☐	☒	☐	1
5. Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	☐	☐	☒	☐	☐	1,3,9
6. Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	☐	☐	☐	☒	☐	3

As discussed in detail in the certified 2005 Final EIR and summarized above, the project site does not contain sensitive habitat such as riparian habitat or wetlands. Due to the lack of sensitive habitat, special-status species on-site are unlikely. Given the urban, infill location, the project site does not act as a wildlife corridor. In addition, the project site is not subject to an adopted Habitat Conservation Plan or Natural Community Conservation Plan. For these reasons, checklist questions 2-4 and 6 are not discussed further.

4.4.2.1 *Bird Impacts*

Nesting Birds

Trees on and adjacent to the project site could provide nesting habitat for birds, including migratory birds and raptors. Nesting birds are protected under provisions of the Migratory Bird Treaty Act (MBTA) and Fish and Game Code Sections 3503, 3503.5, and 2800.

Construction disturbance during the breeding season could result in the incidental loss of fertile eggs or nestlings, or otherwise lead to nest abandonment. Disturbance that causes abandonment and/or loss of reproductive effort is considered a taking by the CDFW. Any loss of fertile eggs, nesting raptors, or any activities resulting in nest abandonment would constitute a significant impact. Construction activities such as tree removal and site grading that disturb a nesting bird or raptor on-site or immediately adjacent to the construction zone would constitute a significant impact.

Consistent with the certified 2005 Final EIR, the project proposes to comply with federal and state regulations and protocol and implement mitigation measure MM BIO-1, as updated below to reflect current standards and practices:

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

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

During this survey, the ornithologist shall inspect all trees and other possible nesting habitats within and immediately adjacent to the construction area for nests. If an active nest is found sufficiently close to work areas to be disturbed by construction, the ornithologist, in consultation with CDFW, shall determine the extent of a construction-free buffer zone to be established around the nest, typically 250 feet, to ensure that nests of bird species protected by the MBTA or State Code shall not be disturbed during project construction.

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

The project, with the implementation of mitigation measures BIO-1 (as updated above), would not result in new or more significant impacts to nesting birds than disclosed in the certified 2005 Final EIR. **(No New Impact)**

Bird Safe Building Design Guidelines Consistency

Given the size and nature of the man-made lake and open space area located just south of the project site, the proposed development is subject to the City's Bird Safe Building Design Guidelines. A memo prepared by the project applicant outlining how the project is consistent with the City's Bird Safe Building Design Guidelines is included in Appendix B. In general, the project is consistent with the Guidelines in that it proposes to:

- Incorporate louvers to reduce the massing of glass surfaces,
- Utilize fritted, glazed, and/or low reflective glass,
- Plant landscaping to prevent the reflection of water on glass building facades,
- Avoid funneling of open spaces towards a building face,
- Shield light fixtures,
- Install signage with contact information of an authorized bird conservation organization or museum, and
- Implement a bird-safe program on-site to ensure necessary steps are taken to reduce bird strikes.

As discussed above, the project would not conflict with the City's Bird Safe Building Design Guidelines. **(New Less Than Significant Impact)**

4.4.2.2 *Tree Impacts*

The certified 2005 Final EIR evaluated the removal of 189 trees, including 77 significant size trees. Since the certification of the 2005 Final EIR, 162 trees have been removed. The proposed project would remove an additional 44 trees on-site. Compared to what was evaluated in the 2005 Final EIR, the proposed project would result in the removal of 17 more trees than previously evaluated. The project, however, proposes to plant 249 new trees, as well as new shrubs and groundcover.

Consistent with the certified 2005 Final EIR, the project proposes to implement mitigation measures BIO-2 and -3 identified the 2005 Final EIR to reduce the project's impact to trees to a less than significant level:

MM BIO-2: The project shall conform to the City's Tree Preservation Ordinance (Municipal Code, Chapter 19.94). At the discretion of the Director of Community Development, significant trees that are to be removed shall be replaced, replanted, or relocated (Municipal Code, Sections 19.94.080, 19.94.090, and 19.94.100).

MM BIO-3: A tree protection plan shall be completed. The plan shall demonstrate how tree protection shall be provided during and after construction and shall include any of the protective measures set forth in Section 19.94.120 of the Municipal Code.

The project, therefore, would not result in new or more significant impacts to trees than disclosed in the certified 2005 Final EIR. **(No New Impact)**

4.4.3 Conclusion

The proposed project would not result in new or more significant impacts to biological resources than disclosed in the certified 2005 Final EIR. **(No New Impact)**

4.5 CULTURAL RESOURCES

4.5.1 Environmental Setting

The existing cultural resources setting has not substantially changed since the certification of the 2005 Final EIR. There are no recorded archaeological sites or reported cultural resources located in or near the project site. According to the City's Cultural Resources Inventory, there are no architectural or historically significant structures, significant trees, or local landmarks located on the site.[5,6] No state and/or federal historically or architecturally significant structures, landmarks, or points of interest are located on or adjacent to the project site.[7,8]

The hotel on-site at the time the 2005 Final EIR was certified has since been demolished. The site is currently undeveloped and vacant.

4.5.2 Environmental Checklist and Discussion of Impacts

	New Potentially Significant Impact	New Less Than Significant With Mitigation Incorporated	New Less Than Significant Impact	Same Impact as "Approved Project"	Less Impact than "Approved Project"	Checklist Source(s)
Would the project:						
1. Cause a substantial adverse change in the significance of an historical resource as defined in §15064.5?	☐	☐	☐	☒	☐	1,10-13
2. Cause a substantial adverse change in the significance of an archaeological resource as defined in §15064.5?	☐	☐	☐	☒	☐	1
3. Directly or indirectly destroy a unique paleontological resource or site, or unique geologic feature?	☐	☐	☐	☒	☐	1
4. Disturb any human remains, including those interred outside of formal cemeteries?	☐	☐	☐	☒	☐	1

[5] City of Sunnyvale. *Heritage Resource Inventory*. 2005.
[6] City of Sunnyvale. *Local Landmarks*. July 2007.
[7] State of California. "Office of Historic Preservation." Accessed: August 20, 2015. Available at: <http://ohp.parks.ca.gov/default.asp?page_id=21522>
[8] National Park Service. "National Register of Historic Places." Accessed: August 20, 2015. Available at: < http://www.nps.gov/nr/research/>

There are no recorded archaeological sites or listed historic resources on or adjacent to the project site. For this reason, construction of the proposed project is not anticipated to result in the disturbance of any known buried archaeological resources. As discussed in the certified 2005 Final EIR, there is the potential that unknown resources could be discovered during project construction activities. Disturbance to such resources, should any be found, would be a significant impact.

Consistent with the certified 2005 Final EIR, the project proposes to implement mitigation measure CULT-1 identified in the 2005 Final EIR, as well as mitigation measure CULT-2 below:

MM CULT-1: In the event of the discovery of unanticipated prehistoric or historic era cultural materials, operations shall stop within 25 feet of the find and the Community Development Director will be notified. The find shall be evaluated by a qualified archaeologist, and if the find is significant, treatment recommendations shall be developed.

MM CULT-2: Pursuant to Section 7050.5 of the Health and Safety Code and Section 5097.94 of the Public Resources Code of the State of California, in the event of the discovery of human remains during construction, there shall be no further excavation or disturbance of the site within a 50-foot radius of the remains or any nearby area reasonably suspected to overlie adjacent remains. The Santa Clara County Coroner shall be notified and shall make a determination as to whether the remains are Native American. If the Coroner determines that the remains are not subject to his authority, he shall notify the Native American Heritage Commission who shall attempt to identify descendants of the deceased Native American. If no satisfactory agreement can be reached as to the disposition of the remains pursuant to this State law, then the land owner shall re-inter the human remains and items associated with Native American burials on the property in a location not subject to further subsurface disturbance.

The project, with the implementation of mitigation measures MM CULT-1 and -2, would not result in new or more significant impacts to archaeological resources than disclosed in the certified 2005 Final EIR.

As discussed previously, there are no structures on or adjacent to the site. The project, therefore, would not impact any historic resources.

4.5.3 Conclusion

The proposed project would not result in new or more significant impacts than disclosed in the certified 2005 Final EIR. **(No New Impact)**

4.6 GEOLOGY AND SOILS

4.6.1 Environmental Setting

The existing geology and soils conditions on-site have not substantially changed since the certification of the 2005 Final EIR. The project site is located within the Santa Clara County, which is part of the seismically active San Francisco Bay Area. An earthquake of moderate to high magnitude generated within the San Francisco Bay region could cause considerable ground shaking at the project site. The site has the potential for seismically induced liquefaction hazards and on-site soils have a high expansion potential. Ground failure and lateral spreading potential on-site is considered low. Refer to the certified 2005 Final EIR for additional detail about existing geology and soils conditions on-site.

4.6.2 Checklist and Discussion of Impacts

	New Potentially Significant Impact	New Less Than Significant With Mitigation Incorporated	New Less Than Significant Impact	Same Impact as "Approved Project"	Less Impact than "Approved Project"	Checklist Source(s)
Would the project:						
1. Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:						
a. Rupture of a known earthquake fault, as described 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.)	☐	☐	☐	☒	☐	1
b. Strong seismic ground shaking?	☐	☐	☐	☒	☐	1
c. Seismic-related ground failure, including liquefaction?	☐	☐	☐	☒	☐	1
d. Landslides?	☐	☐	☐	☒	☐	1
2. Result in substantial soil erosion or the loss of topsoil?	☐	☐	☐	☒	☐	1

	New Potentially Significant Impact	New Less Than Significant With Mitigation Incorporated	New Less Than Significant Impact	Same Impact as "Approved Project"	Less Impact than "Approved Project"	Checklist Source(s)
Would the project:						
3. Be located on a geologic unit or soil that is unstable, or that will become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	☐	☐	☐	☒	☐	1
4. Be located on expansive soil, as defined in Section 1802.3.2 of the California Building Code (2007), creating substantial risks to life or property?	☐	☐	☐	☒	☐	1
5. 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?	☐	☐	☐	☒	☐	3

The project does not propose septic tanks or alternative wastewater disposal systems, therefore, the last threshold is not discussed further.

As previously discussed in *Section 4.0*, in December 2015, the California Supreme Court issued an opinion in "CBIA vs. BAAQMD" holding that CEQA is primarily concerned with the impacts of a project on the environment and generally does not require agencies to analyze the impact of existing conditions on a project's future users or residents unless the project risks exacerbating those environmental hazards or risks that already exist. Nevertheless, the City has policies and regulations (including Policy SN-1.1 that states the City make land use decisions based on an awareness of hazards) that address existing conditions affecting a proposed project, which are discussed below as planning considerations. Note that the existing geology and soils conditions discussed below would not be exacerbated by the project such that it would impact (or worsen) off-site geology and soils conditions.

4.6.2.1 *Planning Considerations Regarding On-Site Soils*

The effect of on-site soils to the proposed project is not considered an environmental impact under CEQA; the discussion below is provided as a planning consideration.

As discussed in the certified 2005 Final EIR, future development on the site is not expected to be exposed to slope instability, erosion, or landslide-related hazards, due to the flat topography of the

site. The project site includes highly expansive soils, which may expand and contract as a result of seasonal or man-made soil moisture conditions. Expansive soil conditions could potentially damage the future buildings and improvements on the site without the incorporation of appropriate engineering into grading and foundation design.

As a planning consideration, and consistent with the certified 2005 Final EIR, it is recommended that the project be constructed in accordance with the standard engineering practices in the current Building Code, which would ensure that future buildings on the site are designed properly to account for the expansive soils on the site.

4.6.2.2 *Planning Considerations Regarding Seismicity and Seismic Hazards*

The effects of seismicity and seismic hazards on the proposed project are not considered environmental impacts under CEQA; the discussion below is provided as a planning consideration.

The project site, along with the rest of the Bay Area, is located in a seismically active region. Therefore, strong ground shaking would be expected during the lifetime of the proposed project. While no active faults are known to cross the project site, ground shaking on the site could damage future buildings and other structures, and threaten the welfare of future patrons and residents.

As a planning consideration, and consistent with the certified 2005 Final EIR, it is recommended that the project be designed and constructed in conformance with the current Building Code guidelines to avoid or minimize potential damage from seismic shaking and seismic-related hazards, including liquefaction, on the site.

The project site is susceptible to liquefaction and differential compaction. Consistent with the certified 2005 Final EIR, it is recommended that the project implement the below measure to reduce seismic-related hazards (including liquefaction and differential compaction):

- A detailed design-level geotechnical investigation should be completed and the project design and construction should follow the recommendations of the investigation. The design-level investigation should include subsurface exploration at the site (to address the liquefaction potential at the site) and evaluation of appropriate foundation systems for proposed structures, as well as site preparation and pavement design.

  If deep foundation systems are proposed, the foundations should incorporate measures to help reduce the potential for the downward migration of contaminated groundwater. The investigation should also address any need for dewatering during construction. If dewatering is required, the report should identify the amount and depth of dewatering and the specifics regarding disposal of the water.

The City Council has the discretion to require the above recommendation when considering the project.

4.6.3 Conclusion

The proposed project would not result in new or more significant geology and soils impacts than disclosed in the certified 2005 Final EIR. **(No New Impact)**

4.7 GREENHOUSE GAS EMISSIONS

4.7.1 Environmental Setting

Since the certification of the 2005 Final EIR, regulations, plans, and guidelines have been passed and/or adopted including the following:

- Assembly Bill 32 (AB 32), also known as the Global Warming Solutions Act, which was passed in 2006 and established a goal of reducing GHG emissions to 1990 levels by 2020;
- Senate Bill 375 (SB 375), also known as the Sustainable Communities Strategy and Climate Protection Act, which was signed in 2008 that requires the California Air Resources Board to develop regional greenhouse gas reduction targets to be achieved from the automobile and light truck sectors for 2020 and 2035 in comparison to 2005 emissions;
- Bay Area 2010 Clean Air Plan (2010 CAP), which is a multi-pollutant plan that addresses greenhouse gas emissions along with other air emissions in the San Francisco Bay Area Air Basin. The 2010 CAP includes emission control measures and performance objectives, consistent with the state's climate protection goals under AB 32 and Executive Order B-30-15 and is designed to reduce greenhouse gas emissions to 1990 levels by 2020 and 40 percent below 1990 levels by 2030.
- The CEQA Guidelines have identified thresholds of significance for greenhouse gas emissions (see *Section 4.7.2* below);
- BAAMQD updated its CEQA Air Quality Guidelines to identify a methodology for evaluating greenhouse gas emissions and numeric thresholds of significance for greenhouse gas emissions; and
- A Climate Action Plan was adopted by the City in May 2014. The intent of the CAP is to reduce the City's overall GHG emissions by more than 15 percent by the year 2020 through identified goals and measures for City facilities and the community as a whole.

At the time the 2005 Final EIR was certified, the site was developed and occupied by a hotel. The hotel use generated greenhouse gas emissions from vehicle trips to and from the site and energy used to operate the hotel. Since the certification of the 2005 Final EIR, the hotel has been demolished. The site is currently vacant and undeveloped; therefore, little (if any) greenhouse gas emissions are generated on-site.

4.7.2 Checklist and Discussion of Impacts

	New Potentially Significant Impact	New Less Than Significant With Mitigation Incorporated	New Less Than Significant Impact	Same Impact as "Approved Project"	Less Impact than "Approved Project"	Checklist Source(s)
Would the project:						
1. Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	☐	☐	☐	☒	☐	1,3
2. Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	☐	☐	☐	☒	☐	1,3

Because the project proposes the same amount of development with a similar mass and scale as the project evaluated in the certified 2005 Final EIR, the project would generate a similar amount of greenhouse gas emissions as the project analyzed in the 2005 Final EIR.

Pursuant to court rulings in *Citizens Against Airport Pollution v. City of San José* (2014) and *Citizens for Responsible Equitable Environmental Development v. City of San Diego* (2011), no additional greenhouse gas analysis is required because no issues were raised on the certified 2005 Final EIR regarding greenhouse gas emissions.[9] **(No New Impact)**

Further, the proposed project demonstrates consistency with the City's Climate Action Plan, as shown in Table 8 below. **(No New Impact)**

[9] Sources: 1) City of Sunnyvale. *Final Environmental Impact Report for The Crescent – Lakeside Specific Plan.* August 2005. and 2) *Citizens Against Airport Pollution v. City of San José* (2014) Cal.App.4th and *Citizens for Responsible Equitable Environmental Development v. City of San Diego* (2011) 196 Cal.App.4th 515.

Table 8: Project's Consistency with Applicable Climate Action Plan Measures

Measure	Action Item/Project Standard	Consistency
OS-2	Provide availability and access to outdoor space for recreation or social purposes, including access to public open spaces on privately owned property such as retail shopping centers	The project proposes common open space areas on-site within the residential and hotel developments, as described in *Section 3.4*. For this reason, the project is consistent with this measure.
OS-3.1	Continue to implement the City's Tree Preservation requirements.	As discussed in the Initial Study in Appendix A, the project shall conform to the City's Tree Preservation Ordinance.
EC-2.2	Continue to require energy-efficient siting of buildings. Buildings should be oriented and landscape material should be selected to provide maximum energy efficiency for the buildings.	The project shall comply with CalGreen and meet or exceed the requirements for LEED Gold certification for the proposed hotel and a minimum of 80 points on the Build it Green GreenPoint Checklist or LEED Silver certification for the proposed residential development. The project would be consistent with the intent of this measure.
WC-2.3	Require new open space and street trees to be drought-tolerant.	The project has been designed to comply with the City's Water-Efficient Landscaping requirements.
LW-2.1	Require multi-family homes to participate in the City's Multi-family Recycling Program.	The project shall participate in the City's Multi-family Recycling Program.
CTO-1.4	Improve pedestrian safety and comfort through design elements such as landscaped medians, pedestrian-level amenities, sidewalk improvements and compliance with ADA design standards, particularly for areas serving high volumes of traffic.	The existing sidewalk, street trees, and street lights shall be upgraded to comply with current City standards. Pedestrian walkways are incorporated through the site.
CTO-1.6	Require sidewalks to be a minimum of six feet wide in order to allow side-by-side walking at identified locations that currently serve high pedestrian traffic volumes or locations planned to serve high volumes of pedestrian traffic.	The existing sidewalk shall be upgraded to comply with current City standards.
CTO-2.1	Require public areas and new development to provide bicycle parking consistent with the VTA Bicycle Technical Guidelines, as amended.	The project proposes to provide bicycle parking, consistent with the VTA Bicycle Technical Guidelines.
EP-2.3	Prevent buildings and additions from shading more than 10 percent of roofs of other structures.	A solar study was completed, demonstrating that existing adjacent roofs will not be shaded by the project.
OR-1.3	In project review, encourage the replacement of high-maintenance landscapes (like grass turf) with native vegetation to reduce the need for gas-powered lawn and garden equipment.	The project has been designed to comply with the City's Water-Efficient Landscaping requirements.
OR-2.1	Idling times will be minimized either by shutting equipment off when not in use or reducing the maximum idling time to five minutes (as required by the California toxics control measure Title 13, Section 2485 of	This is a standard condition of approval that shall be implemented during construction (see mitigation measure MM AIR-1 in *Section 4.3 Air Quality*).

Table 8: Project's Consistency with Applicable Climate Action Plan Measures

Measure	Action Item/Project Standard	Consistency
	California Code of Regulations [CCR]) or less. Clear signage will be provided at all access points to remind construction workers of idling restrictions.	
OR-2.2	Construction equipment must be maintained per manufacturer's specifications	This is a standard condition of approval that shall be implemented during construction (see mitigation measure MM AIR-1 in *Section 4.3 Air Quality*).
OR-2.3	Planning and Building staff will work with project applicants from construction equipment by selecting one of the following measures, at a minimum, as appropriate to the construction project: a. Substitute electrified or hybrid equipment for diesel and gasoline powered equipment where practical b. Use alternatively fueled construction equipment on-site, where feasible, such as compressed natural gas (CNG), liquefied natural gas (LNG), propane or biodiesel. c. Avoid the use of on-site generators by connecting to grid electricity or utilizing solar-powered equipment. d. Limit heavy-duty equipment idling time to a period of three minutes or less, exceeding CARB regulation minimum requirements of five minutes.	This is a standard condition of approval that shall be implemented during construction.

4.7.3 Conclusion

The proposed project would not result in new or more significant greenhouse gas emissions than the project analyzed in the certified 2005 Final EIR. **(No New Impact)**

4.8 HAZARDS AND HAZARDOUS MATERIALS

4.8.1 Environmental Setting

An updated Phase I Environmental Site Assessment was completed by *Cornerstone Earth Group* for the project site in September 2015 to determine if existing conditions have changed since the certification of the 2005 Final EIR. Recent soil and soil vapor sampling was also completed using current methodologies and practices to confirm the previously identified organochlorine pesticides (OCPs) contamination on-site and the risk of Volatile Organic Chemicals (VOCs) from past chemical releases from National Semiconductor Corporation (NSC) and Advanced Microdevices (AMD). The impacted area from chemical releases from NSC and AMD is referenced as the OU1 Study Area. The project site is within the northern boundary of the OU1 Study Area. The recent Phase I and soil and soil vapor quality evaluation reports are included in Appendix C.

The Phase I confirmed that the existing hazards and hazardous materials conditions in the project area have not substantially changed since 2005. The recent soil sampling confirmed that elevated concentrations of chlordane above health screening levels are present on-site, as identified in the certified 2005 Final EIR. In addition, one of 16 samples collected and analyzed detected heptachlor above its residential screening level. No other OCPs were detected above residential and/or commercial health screening levels. The recent soil vapor sampling confirmed that vapor intrusion caused by regional groundwater contamination from historic releases from NSC and AMD is not a significant risk for future occupants at the project site, as discussed in the certified 2005 Final EIR.

Since the certification of the 2005, the existing buildings on-site have been demolished. Therefore, the previously identified conditions regarding asbestos-containing building materials and lead-based paint are no longer applicable.

4.8.2 Checklist and Discussion of Impacts

	New Potentially Significant Impact	New Less Than Significant With Mitigation Incorporated	New Less Than Significant Impact	Same Impact as "Approved Project"	Less Impact than "Approved Project"	Checklist Source(s)
Would the project:						
1. Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	☐	☐	☐	☒	☐	1,14-16
2. 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?	☐	☐	☐	☒	☐	1,14-16

	New Potentially Significant Impact	New Less Than Significant With Mitigation Incorporated	New Less Than Significant Impact	Same Impact as "Approved Project"	Less Impact than "Approved Project"	Checklist Source(s)
Would the project:						
3. Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	☐	☐	☐	☒	☐	1
4. Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, will it create a significant hazard to the public or the environment?	☐	☐	☐	☒	☐	1,14
5. 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, will the project result in a safety hazard for people residing or working in the project area?	☐	☐	☐	☒	☐	1
6. For a project within the vicinity of a private airstrip, will the project result in a safety hazard for people residing or working in the project area?	☐	☐	☐	☒	☐	1
7. Impair implementation of, or physically interfere with, an adopted emergency response plan or emergency evacuation plan?	☐	☐	☐	☒	☐	1
8. Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?	☐	☐	☐	☒	☐	1

As previously discussed in *Section 4.0*, in December 2015, the California Supreme Court issued an opinion in "CBIA vs. BAAQMD" holding that CEQA is primarily concerned with the impacts of a project on the environment and generally does not require agencies to analyze the impact of existing conditions on a project's future users or residents unless the project risks exacerbating those environmental hazards or risks that already exist. Nevertheless, the City has policies and regulations (including Policy SN-1.1 that states to make land use decisions based on an awareness of hazards and potential hazards for the specific parcel of land and Policy SN-1.5 that states to promote a living and working environment safe from exposure to hazardous materials) that address existing conditions affecting a proposed project, which are discussed below as planning considerations. Note that existing hazardous materials conditions would not be exacerbated by the project (e.g., project construction or remediation) such that the existing conditions would impact (or worsen) hazardous materials conditions off-site.

4.8.2.1 *Planning Considerations Regarding Groundwater and Soil Contamination*

The effects of groundwater and soil contamination on the proposed project are not considered environmental impacts under CEQA; the discussion below is provided as a planning consideration.

As discussed above, the project site is within the northern boundary of the OU1. There are three groundwater monitoring wells associated with the operation and monitoring of the OU1 Study Area and a water production well located on-site. Groundwater on-site may be impacted by VOCs due to nearby historic releases from NSC and AMD. VOCs, however, were not detected in soil gas samples on-site above residential screening levels. Significant adverse health risks to future residents at the site, therefore, are not anticipated.

As discussed in the certified 2005 Final EIR, concentrations of chlordane are present on-site above residential screening levels. One of 16 samples collected and analyzed detected heptachlor above its residential screening level. Consistent with the certified 2005 Final EIR, it is recommended that the project implement the below measures (as revised from the 2005 Final EIR to reflect current standards and practices) to reduce effects from chlordane and heptachlor impacted soils and to ensure on-site wells are destroyed properly or protected during construction.

- Prior to redevelopment of the project site, the Santa Clara County Department (DEH) of Environmental Health or the Department of Toxic Substances Control (DTSC) should be contacted to evaluate potentially required soil mitigation measures. All required mitigation measure should be completed under the oversight of an appropriate regulatory agency. Additional soil sampling may be required to better characterize the lateral and vertical distribution of chlordane and heptachlor at the site.

  Common and potentially applicable remedial measures may include: 1) excavation and off-site disposal of the impacted soil at a permitted facility; 2) the use of engineering and administrative controls such as consolidation and capping of the soil on-site and land use covenants restricting certain activities/uses; and 3) a combination of the above.

  If excess soil is generated during site development activities, the impacted soil should be segregated for on-site capsulation or off-site disposal at a permitted facility. Soil capped on-

site would likely require agency concurrence; may require disclosure to future site owners/occupants; and may require a Land Use Covenant/Soil Management Plan or similar document for the long-term management of the capped soil. Soil that would be disposed of off-site should require additional sampling to facilitate selection of the appropriate facility.

- Prior to redevelopment of the site, on-site wells that are no longer in use should be properly destroyed in accordance with Santa Clara Valley Water District Ordinance 90-1. Wells that are still in use should be protected to avoid damage during construction activities; this work should be coordinated with Texas Instruments Incorporated. Texas Instruments Incorporated reportedly has assumed responsibility for operation and monitoring of the OU1 Study Area as part of a 2011 merger with NSC.

In addition, it is recommended that the project implement the following measures to protect construction workers by establish management practices for handling contaminated soil, soil vapor, groundwater, or other materials.

- Prior to issuance of grading and/or building permits, a Health and Safety Plan (HSP) should be developed to establish appropriate protocols for working in contaminated materials. The HSP should include protocols for air monitoring during all site work. Each contractor should be responsible for the health and safety of their employees as well as for compliance with all applicable federal, state, and local laws and guidelines.

- Prior to issuance of grading and/or building permits, a Site Management Plan (SMP) should be developed to establish management practices for handling contaminated soil, soil vapor, ground water, or other materials. Prior to the start of any construction activity that involves below ground work (e.g., mass grading, foundation construction, excavating or utility trenching), information regarding site risk management procedures, including copies of the HSP and SMP, should be provided to the contractors for their review, and each contractor should provide such information to its subcontractors. The SMP measures should be incorporated into the project design documents. The SMP should include a discussion of the following:

  - Site control procedures to control the flow of personnel, vehicles and materials in and out of the site.
  - Measures to minimize dust generation, storm water runoff and tracking of soil off-site.
  - Dewatering protocols, if dewatering is anticipated, including methods to evaluate water quality and discharge/disposal alternatives; the pumped water should not be used for on-site dust control or any other on-site use. If long-term dewatering is required, the means and methods to extract, treat and dispose ground water also should be presented and should include treating/discharging ground water to the sanitary sewer under a Publicly Owned Treatment Works permit or treating/discharging ground water to the storm drain system pursuant to a California Regional Water Quality Control Board – San Francisco Bay Region NPDES permit.

- Protocols for conducting earthwork activities in areas where impacted soil, soil vapor and/or ground water are present or suspected. Worker training requirements, health and safety measures and soil handing procedures should be described.
- Perimeter air monitoring for dust during any activity that significantly disturbs site soil (e.g., mass grading, foundation construction, excavating or utility trenching) to document the effectiveness of dust control measures.
- Protocols to be implemented if buried structures, wells, debris, or unidentified areas of impacted soil are encountered during site development activities.
- Protocols to characterize/profile soil suspected of being contaminated so that appropriate mitigation, disposal or reuse alternatives, if necessary, can be implemented. Soil in contact with ground water should be assumed contaminated. All soil excavated and transported from the site should be appropriately disposed at a permitted facility.
- Stockpiling protocols for "clean" and "impacted" soil; the contractor may require temporary stockpiling adjacent to excavation areas.
- Decontamination procedures to reduce the potential for construction equipment and vehicles to release contaminated soil onto public roadways or other off-site transfer.
- Procedures to evaluate and document the quality of any soil imported to the site. Soil containing chemicals exceeding residential (unrestricted use) screening levels or typical background concentrations of metals should not be accepted.
- Methods to monitor excavations and trenches for the potential presence of VOC impacted vapors. Protocols should be developed and implemented in the event elevated VOC vapors are released during excavation activities.
- Measures to reduce soil vapor and ground water migration through trench backfill and utility conduits. Such measures should include placement of low-permeability backfill "plugs" at specified intervals on-site and at all locations where the utility trenches extend off-site. In addition, utility conduits that are placed below ground water should be installed with water-tight fittings to reduce the potential for ground water to migrate into the conduits.
- Because the site is known to have pollutants with the potential for mobilization, the civil engineer should design the bottom and sides of the vegetated swales and water features (if incorporated into building designs) to be lined with a minimum 10-mil heavy duty plastic to help prevent site infiltration.
- Measures to help reduce the potential for downward migration of contaminated groundwater.

The City Council has the discretion to require the above recommendations when considering the project.

4.8.2.2 *Other Hazards*

As discussed in the certified 2005 Final EIR, the project site is not located within the Santa Clara County Airport Land Use Commission (ALUC) jurisdiction, nor is it on one of the City's designated evacuation routes. The site is not subject to wildfires. The project does not propose any on-site use of hazardous materials other than small amounts of herbicides and pesticides. The storage and use of these materials would not result in a significant hazardous materials impact. **(No New Impact)**

4.8.3 Conclusion

The proposed project would not result in new or more significant hazards or hazardous materials impacts than identified in the certified 2005 Final EIR. **(No New Impact)**

4.9 HYDROLOGY AND WATER QUALITY

4.9.1 Environmental Setting

The existing hydrology and water quality conditions have not substantially changed since the certification of the 2005 Final EIR. The hotel on the site in 2005, however, has been demolished and removed. Currently, the entire site is pervious.

Previously, in certified 2005 Final EIR, the northeastern portion of the project site was located within flood zone AO (which is defined as a zone where the 100-year flood is expected to cause sheet flooding at depths of approximately 1.5 feet). The Federal Emergency Management Agency (FEMA) has since determined that the project site is no longer within zone AO and the project site is not within the 100-year flood plain.[10] The project site is located in flood zone X, which is defined as areas of 0.2 percent annual chance flood (500-year flood).

In addition, since the certification of the 2005 Final EIR, the San Francisco Regional Water Quality Control Board (RWQCB) issued a Municipal Regional Stormwater NPDES permit (Permit Number CAS612008) (MRP). In an effort to standardize stormwater management requirements throughout the region, this permit replaces the formerly separate countywide municipal stormwater permits with a regional permit for 77 Bay Area municipalities, including the City of Sunnyvale. Under provisions of the NPDES MRP, redevelopment projects that add and/or replace more than 10,000 square feet of impervious surface, or 5,000 square feet of uncovered parking area, are required to design and construct stormwater treatment controls to treat post-construction stormwater runoff. The MRP requires all of the post-construction runoff to be treated by using Low Impact Development (LID) treatment controls, such as biotreatment facilities, unless the project qualifies for Special Project credit reduction, which would allow the project to implement non-LID measures for all or a portion of the site depending on the project characteristics.

The residential development portion of the project qualifies as a Special Project (Category C – Transit Oriented Development). The hotel portion of the project does not qualify as a Special project. If it is not feasible for the project to implement 100 percent LID measures, the project shall submit an explanation to the City for confirmation, in accordance with the MRP.

4.9.2 Checklist and Discussion of Impacts

	New Potentially Significant Impact	New Less Than Significant With Mitigation Incorporated	New Less Than Significant Impact	Same Impact as "Approved Project"	Less Impact than "Approved Project"	Checklist Source(s)
Would the project:						
1. Violate any water quality standards or waste discharge requirements?	☐	☐	☐	☒	☐	1,3

[10] Federal Emergency Management Agency. Flood Insurance Rate Map 06085C0063H. May 18, 2009. Revised to reflect LOMR effective February 25, 2010.

	New Potentially Significant Impact	New Less Than Significant With Mitigation Incorporated	New Less Than Significant Impact	Same Impact as "Approved Project"	Less Impact than "Approved Project"	Checklist Source(s)
Would the project:						
2. Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there will be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells will drop to a level which will not support existing land uses or planned uses for which permits have been granted)?	☐	☐	☐	☒	☐	1,3
3. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which will result in substantial erosion or siltation on-or off-site?	☐	☐	☐	☒	☐	1,3
4. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which will result in flooding on-or off-site?	☐	☐	☐	☒	☐	1,3
5. Create or contribute runoff water which will exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?	☐	☐	☐	☒	☐	1,3
6. Otherwise substantially degrade water quality?	☐	☐	☐	☒	☐	1,3

	New Potentially Significant Impact	New Less Than Significant With Mitigation Incorporated	New Less Than Significant Impact	Same Impact as "Approved Project"	Less Impact than "Approved Project"	Checklist Source(s)
Would the project:						
7. Place housing within a 100-year flood hazard area as mapped on a Federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?	☐	☐	☐	☒	☐	1,17
8. Place within a 100-year flood hazard area structures which will impede or redirect flood flows?	☐	☐	☐	☒	☐	1,17
9. Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?	☐	☐	☐	☒	☐	1,17
10. Inundation by seiche, tsunami, or mudflow?	☐	☐	☐	☒	☐	1

As previously discussed in *Section 4.0*, in December 2015, the California Supreme Court issued an opinion in "CBIA vs. BAAQMD" holding that CEQA is primarily concerned with the impacts of a project on the environment and generally does not require agencies to analyze the impact of existing conditions on a project's future users or residents unless the project risks exacerbating those environmental hazards or risks that already exist. Nevertheless, the City has policies and regulations [including Policy SN-1.1 that states the City make land use decisions based on an awareness of hazards and potential hazards for the specific parcel of land and Policy SN-1.2 that states the City take measures to protect life and property from the effects of a one percent (100 year) flood] that address existing conditions affecting a proposed project, which are discussed below as planning considerations. Note that existing flooding conditions discussed below in *Section 4.9.2.3* would not be exacerbated by the project such that it would impact (or worsen) off-site flooding conditions.

4.9.2.1 *Drainage*

There are no waterways on-site. The development of the proposed project would increase impervious surfaces by about six acres (or 263,724 square feet). The increase in impervious surfaces on-site would result in an increase in surface runoff from the site. There is sufficient capacity, however, in the existing storm drain system to accommodate runoff flows from the project. The project would install storm drain lines, facilities, and connections for collecting and managing stormwater runoff, in conformance with City standards and policies. The project's connections to the City's storm drainage system shall be appropriately sized to accommodate project flows. **(No New Impact)**

4.9.2.2 *Water Quality Impacts*

Construction Impacts

Construction of the project may result in temporary impacts to surface water quality. When disturbance to underlying soils occurs, the surface runoff that flows across the site may contain sediments that are ultimately discharged into the storm drainage system. The project shall comply with the NPDES General Permit for Construction Activities and implement mitigation measures HYDRO-1 and HYDRO-2 identified in the certified 2005 Final EIR to reduce water quality impacts to a less than significant level. **(No New Impact)**

MM HYDRO-1: Prior to construction of any phase of the project, the applicant(s) shall submit a Storm Water Pollution Prevention Plan (SWPPP) and a Notice of Intent (NOI) to the State of California Water Resource Quality Control Board to control the discharge of storm water pollutants including sediments associated with construction activities. Along with these documents, the applicant may also be required to prepare an Erosion Control Plan. The Erosion Control Plan may include Best Management Practices (BMPs) as specified in the California Storm Water Best Management Practice Handbook for reducing impacts on the City's storm drainage system from construction activities. The SWPPP shall include control measures during the construction period for:

- Soil stabilization practices
- Sediment control practices
- Sediment tracking control practices
- Wind erosion control practices and
- Non-storm water management and waste management and disposal control practices.

MM HYDRO-2: Prior to issuance of a grading permit, the applicant will be required to submit copies of the NOI and Erosion Control Plan (if required) to the City Project Engineer, Department of Public Works. The applicant will also be required to maintain a copy of the most current SWPPP on-site and provide a copy to any City representative or inspector on demand.

Post-Construction Impacts

Implementation of the project would increase impervious surfaces on-site by about six acres. Consistent with the certified 2005 Final EIR, the project shall comply with the RWQCB MRP NPDES permit (mitigation measure HYDRO-4 below, revised to reflect the current NPDES permit) and implement mitigation measures HYDRO-3, HYDRO-5, and HYDRO-6 identified in the certified 2005 Final EIR to reduce post-construction water quality impacts to a less than significant level. **(No New Impact)**

MM HYDRO-3: Each phase of development shall include provision for post-construction structural controls in the project design where feasible, and would include Best Management Practices (BMP) for reducing contamination in storm water runoff as permanent features of the project. BMPs and design features could include regular sweeping of parking lots and driveways; use of erosion control devices such as silt fences; biofilters; and stenciling on-site catch basins to discourage illegal dumping.

MM HYDRO-4: The project shall comply with the RWQCB MRP NPDES permit to adequately treat post-construction runoff. In order to meet the requirements of the permit, the project proposes to incorporate site design, source control, and LID treatment measures including disconnecting downspouts, incorporating green roofs, covering dumpster areas, and incorporating permeable pavement and bioretention areas.

MM HYDRO-5: The applicant, their arborist and landscape architects, shall work with the City and the SCVURPPP to select pest resistant plants to minimize pesticide use, as appropriate.

MM HYDRO-6: The project shall comply with the City Storm Water Management Ordinance (Municipal Code Chapter 12.60).

4.9.2.3 *Planning Considerations Regarding Flooding and Other Inundation Hazards*

The effects of flooding and other inundation hazards on the proposed project are not considered environmental impacts under CEQA; the discussions below are provided as planning considerations.

Flooding

The project site is not located within a 100-year floodplain. Consistent with the certified 2005 Final EIR, the project would not result in significant flooding impacts. **(No New Impact)**

Earthquake-Induced Waves and Mudflow Hazards

Due to the project site's inland location and distance from large bodies of water (i.e., the San Francisco Bay), it is not subject to seiche or tsunami hazards, or sea level rise.[11,12] The project site is located in a flat, urbanized area and, therefore, is not subject to mudflows.

4.9.3 Conclusion

The proposed project would not result in new or more significant hydrology and water quality impacts than disclosed in the certified 2005 Final EIR. **(No New Impact)**

[11] Association of Bay Area Governments. "ABAG Geographical Information Systems." Accessed: October 1, 2015. Available at: http://gis.abag.ca.gov/.
[12] San Francisco Bay Conservation and Development Commission. Living with a Rising Bay: Vulnerability and Adaptation in San Francisco Bay and on its Shoreline. October 6, 2011. Figure 1.7.

4.10 LAND USE

4.10.1 Environmental Setting

The existing, surrounding land uses have not substantially changed since the certification of the 2005 Final EIR. The surrounding land uses include a hotel to the east of the site, office and restaurant uses to the south, and residential uses to the west of the site.

Subsequent to the certification of the 2005 Final EIR, the City Council adopted the LSP and approved the specific development project. The existing hotel at the time has since been demolished and the site is currently undeveloped. The site has a General Plan land use and zoning designation of *Lakeside Specific Plan*. The development entitlements from the approved project in 2005 have expired.

The project site is not located within an adopted habitat conservation plan or natural community conservation plan.

4.10.2 Checklist and Discussion of Impacts

	New Potentially Significant Impact	New Less Than Significant With Mitigation Incorporated	New Less Than Significant Impact	Same Impact as "Approved Project"	Less Impact than "Approved Project"	Checklist Source(s)
Would the project:						
1. Physically divide an established community?	☐	☐	☐	☒	☐	1,18,19
2. Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	☐	☐	☐	☒	☐	1,18,19
3. Conflict with any applicable habitat conservation plan or natural community conservation plan?	☐	☐	☐	☒	☐	1

As discussed above, the project site is not located within an adopted habitat conservation plan or natural community conservation plan. Therefore, the last threshold is not discussed further.

4.10.2.1 *Impacts to an Established Community*

The project proposes residential and hotel uses on the site, as previously approved in 2005. The proposed uses are not new land uses in the area. There is an existing hotel to the east of the site and a residential development west of the site. In addition, the project site is separated from adjacent uses by Lakeside Drive and a man-made lake. Development of the project, therefore, would not divide an established community. **(No New Impact)**

4.10.2.2 *Consistency with Land Use Plans and Policies*

The proposed project is consistent with the existing General Plan land use designation. The project, however, would require revisions to the LSP to reflect the current site plan (which primarily switches the location of the residential and hotel uses on-site and changes to the site architecture and design) and current City policies and/or code (see *Section 3.3*). No land use changes to the LSP are proposed or required. The proposed project would comply with permitted land uses, density requirements, and most of the development standards in the LSP. For these reasons, the project would be generally consistent with the LSP. **(No New Impact)**

4.10.3 Conclusion

The proposed project would not result in new or more significant land use impacts than disclosed in the certified 2005 Final EIR. **(No New Impact)**

4.11 MINERAL RESOURCES

4.11.1 Environmental Setting

The existing mineral resources conditions at the project site have not changed since the certification of the 2005 Final EIR. Mineral resources found and extracted in Santa Clara County include construction aggregate deposits such as sand, gravel, and crushed stone. The project site is not designated by the State Mining and Geology Board under the Surface Mining and Reclamation Act of 1975 as containing mineral deposits.[13]

4.11.2 Checklist and Discussion of Impacts

	New Potentially Significant Impact	New Less Than Significant With Mitigation Incorporated	New Less Than Significant Impact	Same Impact as "Approved Project"	Less Impact than "Approved Project"	Checklist Source(s)
Would the project:						
1. Result in the loss of availability of a known mineral resource that will be of value to the region and the residents of the state?	☐	☐	☐	☒	☐	1
2. 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?	☐	☐	☐	☒	☐	1,19

The project site does not contain any known mineral resources. The project, therefore, would not have impacts on mineral resources. **(No New Impact)**

4.11.3 Conclusion

The proposed project would not result in new or more significant impacts to mineral resources than previously disclosed in the certified 2005 Final EIR. **(No New Impact)**

[13] California Department of Conservation. "Welcome to the Office of Mine Reclamation." Accessed: August 21, 2015. Available at: < http://www.conservation.ca.gov/omr/Pages/index.aspx>

4.12 NOISE AND VIBRATION

The following analysis is based on an environmental noise assessment completed for the project by *Illingworth & Rodkin, Inc.* in February 2016. A copy of this report is included in Appendix D.

4.12.1 Environmental Setting

The existing noise conditions (including regulatory framework) have not changed substantially since the certification of the 2005 Final EIR. Refer to Appendix C for a detailed description of noise fundamentals and regulatory framework. The primary noise source in the project area is vehicular traffic on US 101 and Lakeside Drive. Occasional overhead aircraft associated with Moffett Federal Airfield and the Mineta San José International Airport also affect the project area's noise environment.

Noise measurements were taken to confirm existing noise levels at the project site. Long-term noise measurements were taken along the northern and southern site boundary. Long-term noise measurements were taken along the northern and southern site boundaries. Along the northern site boundary, the day-night average noise level during the monitoring period ranged from 76 to 78 dBA L_{dn}.[14] Along the southern site boundary, the day-night average noise level during the monitoring period ranged from 68 to 69 dBA L_{dn}. Two short-term noise measurements were taken, one at the entrance of the Avalon apartment complex and the second at the southeast corner of the site. At the entrance of the Avalon apartment complex, the estimated day-night average noise level was 64 dBA L_{dn}. At the southeast corner of the site, the day-night average noise level was 62 dBA L_{dn}.

Additional detail about the noise measurements, including a map showing the noise measurement locations, is included in Appendix D. The recent noise measurements confirmed the existing noise conditions in the project area have not changed substantially since the certification of the 2005 Final EIR.

[14] There are several methods of characterizing sound. The most common in California is the A-weighted sound level (dBA). This scale gives greater weight to the frequencies of sound to which the human ear is most sensitive. The noise guidelines are almost always expressed using one of several noise averaging methods, such as L_{eq}, L_{dn}, or CNEL. L_{eq} stands for the Noise Equivalent Level and is a measurement of the average energy level intensity of noise over a given period of time such as the noisiest hour. L_{dn} stands for Day-Night Level and is a 24-hour average of noise levels, with a 10 dB penalty applied to noise occurring between 10:00 PM and 7:00 AM. CNEL stands for Community Noise Equivalent Level; it is similar to the L_{dn} except that there is an additional five dB penalty applied to noise which occurs between 7:00 PM and 10:00 PM. As a general rule of thumb where traffic noise predominates, the CNEL and L_{dn} are typically within two dBA of the peak-hour L_{eq}.

4.12.2 Checklist and Discussion of Impacts

	New Potentially Significant Impact	New Less Than Significant With Mitigation Incorporated	New Less Than Significant Impact	Same Impact as "Approved Project"	Less Impact than "Approved Project"	Checklist Source(s)
Would the project result in:						
1. Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	☐	☐	☐	☒	☐	1,19,20
2. Exposure of persons to, or generation of, excessive groundborne vibration or groundborne noise levels?	☐	☐	☐	☒	☐	20
3. A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	☐	☐	☐	☒	☐	1,20
4. A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	☐	☐	☐	☒	☐	1,19,20
5. 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, will the project expose people residing or working in the project area to excessive noise levels?	☐	☐	☐	☒	☐	1
6. For a project within the vicinity of a private airstrip, will the project expose people residing or working in the project area to excessive noise levels?	☐	☐	☐	☒	☐	1

The project site is not located within an airport land use plan, within two miles of a public airport or public use airport, or within the vicinity of a private airstrip. For these reasons, thresholds 5 and 6 above are not discussed further.

CEQA does not define what noise level increase would be considered substantial. Based on existing City policies and practice, the following criteria were used to evaluate the significance of environmental noise resulting from the project:

- A significant noise impact would be identified if the project would expose persons to or generate noise levels that would exceed applicable noise standards presented in the General Plan or Municipal Code.
- A significant impact would be identified if the construction of the project would expose persons to excessive vibration levels. Ground-borne vibration levels exceeding 0.3 in/sec PPV would have the potential to result in cosmetic damage to normal buildings.
- A significant impact would be identified if traffic generated by the project or project improvements/operations would substantially increase noise levels at sensitive receivers in the vicinity. A substantial increase would occur if: a) the noise level increase is five dBA L_{dn} or greater, with a future noise level of less than 60 dBA Ldn, or b) the noise level increase is three dBA L_{dn} or greater, with a future noise level of 60 dBA L_{dn} or greater.
- A significant noise impact would be identified if construction-related noise would temporarily increase ambient noise levels at sensitive receptors. Hourly average noise levels exceeding 60 dBA L_{eq}, and the ambient by at least five dBA L_{eq}, for a period of more than one year would constitute a significant temporary noise increase at adjacent residential land uses.

As previously discussed in *Section 4.0*, in December 2015, the California Supreme Court issued an opinion in "CBIA vs. BAAQMD" holding that CEQA is primarily concerned with the impacts of a project on the environment and generally does not require agencies to analyze the impact of existing conditions on a project's future users or residents unless the project risks exacerbating those environmental hazards or risks that already exist. Nevertheless, the City has policies and regulations that address existing conditions affecting a proposed project, which are discussed below as planning considerations. Applicable General Plan policies include the following:

- Policy SN-8.1 which is to enforce and supplement state laws regarding interior noise levels of residential units;
- Policy SN-8.5 which states to comply with state of California noise guidelines for land use planning for the compatibility of land uses with their noise environments, except where the City determines that there are prevailing circumstances of a unique or special nature; and
- Policy SN-8.7 which states for residential uses to attempt to achieve an outdoor L_{dn} of no greater than 60 dBA for common recreational areas, backyards, patios, and medium and large-size balconies.

Note that existing noise conditions discussed below in *Section 4.12.2.2*, would not be exacerbated by the project such that it would impact (or worsen) off-site noise conditions.

4.12.2.1 *Noise and Vibration Impacts from the Project*

Construction-Related Noise Impacts

Construction activities generate considerable amounts of noise, especially during earth-moving and paving activities when heavy equipment is used. Construction noise impacts primarily result when construction activities occur during noise-sensitive times of the day (i.e., early morning, evening, or nighttime hours), in areas immediately adjoining noise-sensitive land uses, or when construction lasts over extended periods of time.

The highest maximum noise levels generated by project construction would range from about 80 to 90 dBA L_{max} at a distance of 50 feet from the noise source. Typical hourly average construction-generated noise levels for the project would range from 81 to 88 dBA L_{eq} measured at a distance of 50 feet from the center of the site during busy earth-moving construction periods. Once earth-moving and pavement activities are complete, average construction noise levels associated with typical hammer and drilling noise range from approximately 63 to 71 dBA at a distance of 50 feet. Noise generated by project construction would, therefore, exceed 60 dBA L_{eq} and exceed ambient noise levels at receptors surrounding the project site by more than five dBA L_{eq} and be considered a significant impact.

The noise levels associated with construction of these land uses would be substantially less than the noise levels associated with grading and pavement activities during project site preparation. Construction-generated noise levels drop off at a rate of about six dBA per doubling of the distance between the source and receptor. Shielding by buildings or terrain can provide an additional 5 to 10 dBA noise reduction at distant receptors.

Consistent with the 2005 Final EIR, the project proposes to implement mitigation measures to reduce construction noise impacts to a less than significant level by limiting the hours of construction, reducing construction noise levels emanating from the project site, and minimizing disruption and annoyance from construction-related noise. The mitigation measures from the 2005 Final EIR (previously mitigation measures NOISE-4 through -10) have been updated below to reflect current standards and practices.

MM NOI-1: Construction activities for the proposed project shall implement the following best management practices to reduce noise from construction activities near sensitive land uses:

- Construction activities (including the loading and unloading of materials, truck movements, and warming of equipment motors) shall be limited to the hours of 7:00 AM to 6:00 PM on weekdays and between the hours of 8:00 AM and 5:00 PM on Saturdays. No construction is permitted on Sundays or on federal holidays when City offices are closed.
- Contractors shall equip all internal combustion engine-driven equipment with mufflers, which are in good condition and appropriate for the equipment.
- Contractors shall utilize “quiet” models of air compressors and other stationary noise sources where technology exists.

- Loading, staging areas, and stationary noise-generating equipment shall be as far as feasible from sensitive receptors when sensitive receptors adjoin or are near a construction project area.
- The project shall comply with California Air Resource Board idling prohibitions of uneasy idling of internal combustion engines.
- The project shall construct solid plywood fences around the construction site adjacent to operational business, residences, or noise-sensitive land uses.
- Construction-related traffic shall be routed along major roadways and as far as feasible from sensitive receptors.
- Businesses, residences, and noise-sensitive land uses adjacent to construction sites shall be notified of the construction schedule in writing. A Construction Liaison, responsible for responding to any local complaints about construction noise, shall be designated for the site. The liaison shall determine the cause of the noise complaints and institute reasonable measures to correct the problem. A telephone number for the liaison shall be conspicuously posted at the construction site.

The project, with the implementation of the above revised mitigation, would not result in new or more significant construction-related noise impacts than disclosed in the certified 2005 Final EIR. **(No New Impact)**

Construction Vibration

To avoid structural damage as a result of vibration, the California Department of Transportation (CalTrans) recommends a vibration limit of 0.5 inches/seconds (in/sec) peak particle velocity *(*PPV) for structurally sound buildings, 0.3 in/sec PPV where structural damage would be a major concern, and 0.08 in/sec PPV for historical or structurally weakened buildings. No known historical or structurally weakened buildings adjoin the project site; however, structural details for the residential buildings adjacent to the west of project site are not available. Therefore, for the purposes of this project, ground-borne vibration levels exceeding the conservative 0.3 in/sec PPV limit would have the potential to result in a significant vibration impact.

Project construction activities, such as drilling, the use of jackhammers, rock drills and other high-power or vibratory tools, may generate substantial vibration in the immediate project vicinity. The closest buildings to the project site are residential structures located to the west. These buildings are approximately 75 to 115 feet from the project. At this distance, vibration levels would be expected to be less than 0.1 in/sec PPV, which is below the Caltrans 0.3 in/sec PPV significance threshold. The project's construction-related vibration impact, therefore, is less than significant. **(No New Impact)**

Project-Generated Traffic

Increased traffic along Lakeside Drive would be the primary source of increased noise with implementation of the project; however, this increase in noise is insignificant given the volume of background traffic noise on US 101. Per General Plan Policy SN-8.6, a significant impact would occur if the permanent noise level increase due to project-generated traffic was three dBA L_{dn} or greater for existing levels exceeding 60 dBA L_{dn} or five dBA L_{dn} or greater for existing levels at or below 60 dBA L_{dn}. Existing residences to the west of the project site (opposite Lakeside Drive) have existing noise levels of 64 dBA L_{dn}; therefore, a significant impact would occur if existing levels were to increase by three dBA L_{dn}.

As discussed previously, noise levels in the project vicinity are dominated by US 101. While the project would contribute traffic to Highway 101 and Lakeside Drive, the corresponding increase in noise would be very low given the project's small contribution to overall traffic volumes (especially on US 101). The noise level increase calculated for the nearest residences to the project site would be approximately one dBA. The project-generated traffic, therefore, would not cause a permanent noise increase of more than three dBA L_{dn} at the surrounding noise-sensitive receptors and the impact would be less than significant. **(No New Impact)**

4.12.2.2 *Planning Consideration for Noise Levels at the Project Site*

The exterior and interior noise levels at the project site are not considered environmental impacts under CEQA; the discussions below are provided as planning considerations.

Exterior Noise Levels

The future noise environment at the project site would continue to result from traffic along US 101, with Lakeside Drive being a secondary source. Anticipated changes in traffic volumes from the existing conditions to projected conditions in 2035 with the implementation of the City's Land Use and Transportation Element (LUTE) were used to predict changes in noise levels along the major roadways in the City. Along US 101, the predicted cumulative noise increase in the year 2035 was one dBA L_{dn}. As part of the traffic analysis completed for the project by *Fehr & Peers* in 2016, future traffic volumes along Lakeside Drive were estimated under project conditions. These traffic volumes are insignificant compared to the traffic volume along US 101. The total cumulative traffic noise increase at the project site under future conditions, therefore, would be one dBA compared to existing conditions. Future noise levels along the northern site boundary would range from 77 to 79 dBA L_{dn} under cumulative project conditions. The future noise levels at the project site, therefore, would exceed the City's exterior land use compatibility standard of 60 dBA L_{dn} for residential and hotel uses.

<u>Proposed Hotel</u>

The proposed hotel development has several outdoor use areas, including a pool courtyard, outdoor dining area, garden terraces, social gathering areas, and an outdoor banquet terrace. While some of these outdoor areas would be shielded from noise by the proposed hotel and parking structure, and proposed residential buildings, other areas (specifically area 1C described in the following paragraph

and show in Figure 12) would have a direct line-of-sight to US 101. Noise levels at outdoor use areas that are affected by transportation noise are required to be maintained at or below 60 dBA L_{dn} to be considered normally acceptable for hotel and residential land uses, according to the City of Sunnyvale's General Plan.

Due to the elevations and orientations of the proposed hotel outdoor use areas and the shielding provided by the proposed hotel building, the future exterior noise levels at most of the hotel's outdoor use areas would be below 60 dBA L_{dn}. The partial exposure of the outdoor area 1C (shown in Figure 12) to noise from Highway 101 would result in exterior noise levels of 62 dBA L_{dn}, which exceeds the General Plan goal of 60 dBA L_{dn}.

Proposed Residential Development

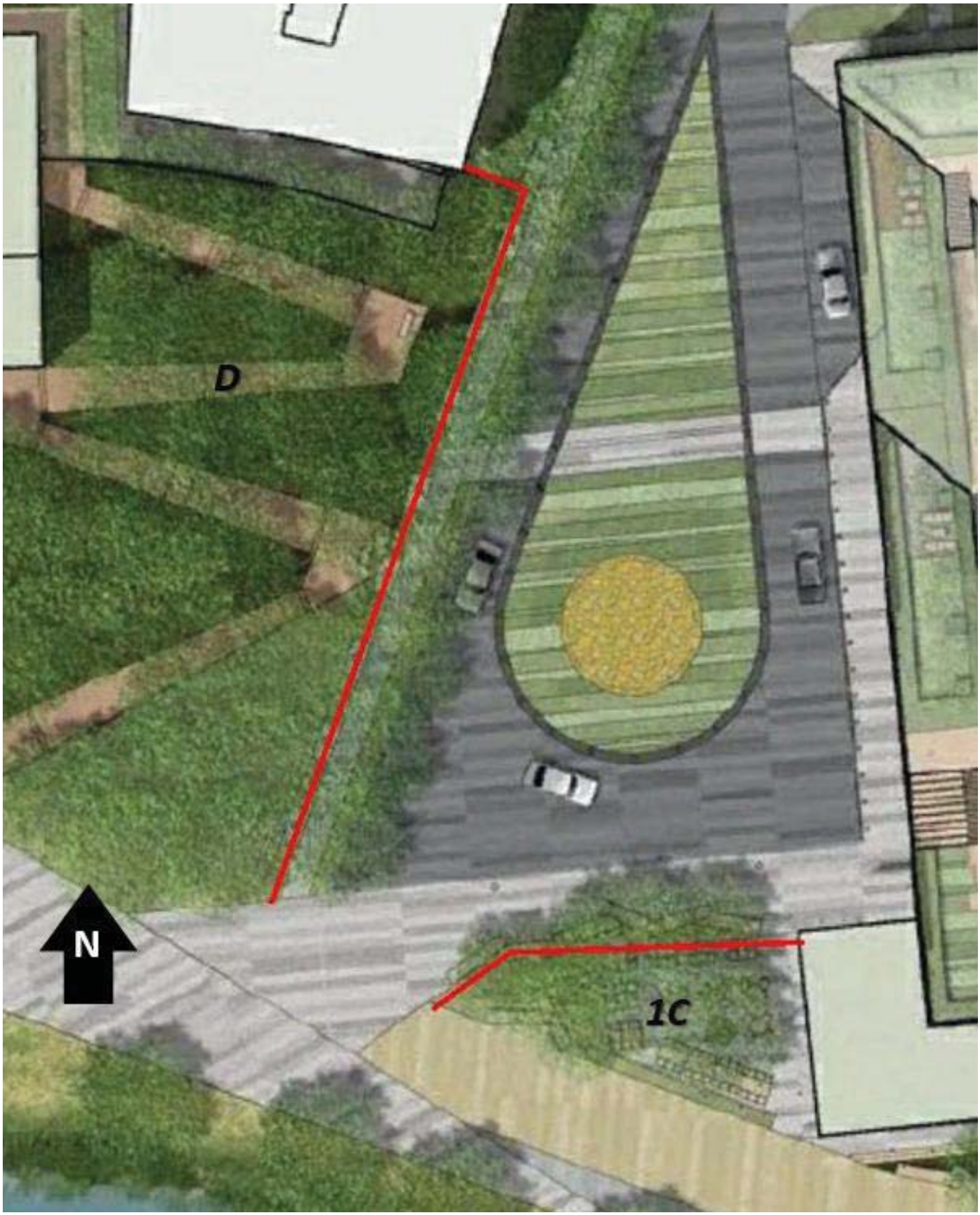
The outdoor use areas at the proposed residential development include waterfront decks and seating, an amphitheater and event space, dog park, stormwater management terraces, pool area, outdoor dining and lounge area, and three courtyards. As with the previously described hotel, most of the outdoor residential areas are shielded from noise by the proposed buildings and the future exterior noise levels at most of these areas would be below 60 dBA L_{dn}. The only residential outdoor use area with direct line-of-sight to Highway 101, and thus the potential for the highest outdoor noise levels, would be the wood boardwalk area (shown as area D in Figure 12). Future exterior noise levels at area D would be 62 dBA L_{dn}, which exceeds the General Plan goal of 60 dBA L_{dn}.

As a planning consideration, and consistent with the certified 2005 Final EIR, it is recommended that the project implement the following measure to reduce exterior noise levels at outdoor use areas 1C and D to 60 dBA L_{dn} or less.

- As shown in Figure 12, two soundwalls or specially designed barriers capable of reducing noise levels by up to two dBA should be included as part of the project. The recommended barrier at area 1C should be located around the perimeter of the outdoor dining area along the northern and western sides and attach to the proposed hotel in the northeastern corner. The total length of this proposed barrier would be approximately 85 feet. For the wood boardwalk area (area D) at the proposed residential development, the noise barrier should be located along the eastern boundary of the outdoor use area and connect to the proposed residential building on the north end. The total length of this barrier should also be approximately 180 feet.

  The proposed barriers should be continuous from grade to top, with no cracks or gaps, and have a minimum surface density of three pounds per square foot. The noise barrier should be five feet tall, which would be sufficient for reducing noise levels to 60 dBA L_{dn} or less. Each barrier height should be measured relative to the elevation of the respective outdoor use areas.

The City Council has the discretion to require the above described noise barriers when considering the project.



RECOMMENDED SOUNDWALL LOCATIONS FIGURE 12

Interior Noise Levels

Proposed Hotel

The hotel rooms along the northern and eastern building facades would have direct line-of-sight to US 101 and Lakeside Drive. These hotel rooms would be exposed to future exterior noise levels ranging from 70 to 78 dBA L_{dn}. The rooms located along the western facade of the hotel building would be partially shielded by the proposed hotel and residential buildings on-site but would have some exposure to US 101 and Lakeside Drive. Hotel rooms along the southern facade of the hotel would not have direct line-of-sight to US 101 and are expected to be exposed to exterior noise levels of less than 65 dBA L_{dn}.

Interior noise levels at the proposed hotel would vary depending upon the design of the buildings (relative window area to wall area) and the selected construction materials and methods. Standard hotel construction provides approximately 20 to 25 dBA of exterior-to-interior noise reduction, assuming windows are closed. For exterior noise environments ranging from 65 to 70 dBA L_{dn}, interior noise levels can typically be maintained below 45 dBA L_{dn} with the incorporation of an adequate forced-air mechanical ventilation system in each hotel room, allowing the windows to be closed. In noise environments of 70 dBA L_{dn} or greater, a combination of forced-air mechanical ventilation and sound-rated construction methods are often necessary to meet the interior noise level limit.

The City of Sunnyvale General Plan requires that interior noise levels be maintained at 45 dBA L_{dn} or less for hotel uses. Projected interior noise levels for the proposed project would potentially be as high as 58 dBA L_{dn} at the rooms adjacent to Highway 101, thus exceeding the City's 45 dBA L_{dn} interior noise standard.

Proposed Residential Development

The exterior units in the residential development with a direct line-of-sight to US 101 would be exposed to future exterior noise levels of up to 78 dBA L_{dn}. Units shielded by existing or proposed buildings, interior units, and units without a direct line-of-sight to US 101 would be exposed to lesser noise levels. Standard residential construction techniques provide approximately 15 dBA of noise reduction, assuming the windows are partially open for ventilation. Standard construction with the windows closed provides approximately 20 to 25 dBA of noise reduction in interior spaces. Where exterior noise levels range from 60 to 65 dBA L_{dn}, the inclusion of adequate forced-air mechanical ventilation is often the method selected to reduce interior noise levels to acceptable levels by closing the windows to control noise. Where noise levels exceed 65 dBA L_{dn}, forced-air mechanical ventilation systems and sound-rated construction methods are normally required.

The City of Sunnyvale General Plan requires that interior noise levels be maintained at 45 dBA L_{dn} or less for residential use. Projected interior noise levels for units with a direct line-of-sight to US 101 would potentially be as high as 63 dBA L_{dn}, thus exceeding the City's 45 dBA L_{dn} interior noise standard.

As a planning consideration, consistent with the certified 2005 Final EIR, it is recommended that the project implement the following measures to reduce interior noise levels in hotel and residential units to 45 dBA L_{dn} or less. The mitigation measures from the 2005 Final EIR (previously mitigation measures NOISE-12 and -13) have been updated below to reflect current standards and practices.

- A qualified acoustical consultant should review the final site plan, building elevations, and floor plans prior to construction and recommend building treatments to reduce interior noise levels to 45 dBA L_{dn} or lower. Treatments would include, but are not limited to, sound-rated windows and doors, sound-rated wall and window constructions, acoustical caulking, protected ventilation openings, etc. The specific determination of what noise insulation treatments are necessary shall be conducted during final design of the project. Results of the analysis, including the description of the necessary noise control treatments, should be submitted to the City of Sunnyvale, along with the building plans and approved design, prior to issuance of a Building Permit. Preliminary analysis identifying minimum Sound Transmission Class (STC)[15] ratings for the proposed hotel and residential development on-site and other noise attenuation treatments are included in Appendix D.

- A suitable form of forced-air mechanical ventilation, as determined by the local building official, should be provided for all hotel rooms and residential units on the project site so that windows can be kept closed at the occupant's discretion to control interior noise and achieve the interior noise standard of 45 dBA L_{dn}.

The City Council has the discretion to require the above recommendations when considering the project.

4.12.3 Conclusion

The proposed project, with the implementation of the above identified mitigation measure, would not result in new or more significant noise or vibration impacts than identified in the certified 2005 Final EIR. **(No New Impact)**

[15] Sound Transmission Class (STC) is a single figure rating designed to give an estimate of the sound insulation properties of a partition. Numerically, STC represents the number of decibels of speech sound reduction from one side of the partition to the other. The STC is intended for use when speech and office noise constitute the principal noise problem.

4.13 POPULATION AND HOUSING

4.13.1 Environmental Setting

The existing population and housing conditions have not changed substantially since the certification of the 2005 Final EIR. Based on information from the California Department of Finance, the City of Sunnyvale population was estimated to be 148,028 in January 1, 2015.[16] The City has approximately 56,560 households in 2015 and is estimated to have approximately 72,800 households by the year 2040.[17] The average number of persons per household in Sunnyvale in 2015 is approximately 2.62.

The City's General Plan identifies a combination of methods to fulfill its share of regional housing needs, including the residential development associated with the Lakeside Specific Plan.

The project site is vacant and undeveloped. No housing exists on-site.

4.13.2 Checklist and Discussion of Impacts

	New Potentially Significant Impact	New Less Than Significant With Mitigation Incorporated	New Less Than Significant Impact	Same Impact as "Approved Project"	Less Impact than "Approved Project"	Checklist Source(s)
Would the project:						
1. Induce substantial 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)?	☐	☐	☐	☒	☐	1,18,19
2. Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	☐	☐	☐	☒	☐	1,3
3. Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	☐	☐	☐	☒	☐	1,3

[16] Department of Finance. "E-1 Population Estimates for Cities, Counties, and State – January 1, 2014 and 2015." Accessed September 4, 2015. Available at: http://www.dof.ca.gov/research/demographic/reports/estimates/e-1/view.php

[17] Association of Bay Area Governments. Projections 2013. 2013.

The project proposes the same number of residential units as analyzed in the certified 2005 Final EIR and approved in the LSP. The development of the project would generate approximately 655 new residents.

The implementation of the proposed project would help the City meet its housing needs and be consistent with the development assumptions for the site in the LSP and General Plan. The project, therefore, would not induce population growth beyond what is already planned for the site. **(No New Impact)**

Since the site is vacant and undeveloped, the development of the proposed project would not displace existing housing or people. **(No New Impact)**

4.13.3 Conclusion

The proposed project would not result in new or more significant population and housing impacts than disclosed in the certified 2005 Final EIR. **(No New Impact)**

4.14 PUBLIC SERVICES

4.14.1 Environmental Setting

The existing public services conditions have not substantially changed since the certification of the 2005 Final EIR. The City's Department of Public Safety (DPS) provides police and fire services to the City, including the project site. Fire Station No. 2 located at 795 E. Arques Avenue, approximately 1.5 miles southwest of the site, would be the first to respond to the project site in an emergency.

The project site is located within the Sunnyvale School District and Fremont Union High School District. Local schools include San Miguel Elementary School at 777 San Miguel Avenue approximately 1.1 miles west of the project site, Columbia Middle School at 739 Morse Avenue approximately 1.9 miles northwest of the project site, and Fremont High School at 1279 Sunnyvale-Saratoga Road approximately 4.2 miles southwest of the project site.

Nearby parks to the project site include Fairwood Park located approximately 0.4 miles north of US 101 and Fair Oaks Park located approximately five miles west of the project site. The Sunnyvale Public Library is located at 665 W. Olive Avenue, approximately five miles northeast of the project site.

4.14.2 Checklist and Discussion of Impacts

	New Potentially Significant Impact	New Less Than Significant With Mitigation Incorporated	New Less Than Significant Impact	Same Impact as "Approved Project"	Less Impact than "Approved Project"	Checklist Source(s)
1. Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, the need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:						
Fire Protection?	☐	☐	☐	☒	☐	1,3
Police Protection?	☐	☐	☐	☒	☐	1,3
Schools?	☐	☐	☐	☒	☐	1,3
Parks?	☐	☐	☐	☒	☐	1
Other Public Facilities?	☐	☐	☐	☒	☐	1,3

4.14.2.1 *Public Safety Impacts*

Development of the project would incrementally increase the number of calls for emergency services to the site, same as the previously approved project and adopted LSP. The project site is within the existing service area for the DPS and the project would be constructed in accordance with current building codes and would be required to be maintained in accordance with applicable City policies promoting public and property safety. It is not anticipated that the development of the project would require the need for new DPS facilities or substantially affect response times of the DPS. **(No New Impact)**

4.14.2.2 *School Impacts*

The project proposes the same number of residences as analyzed in the certified 2005 Final EIR and approved in the LSP. The proposed project would result in new residences on-site, including school-aged children.

State Law (Government Code Section 65996) specifies an acceptable method of offsetting a project's effect under CEQA on the adequacy of school facilities as the payment of a school impact fee prior to issuance of a building permit. The affected school district(s) are responsible for implementing the specific methods for mitigating school effects under the Government Code, including setting the school impact fee amount consistent with state law. The school impact fees and the school districts' methods of implementing measures specified by Government Code Section 65996 would partially offset project-related increases in student enrollment.

Consistent with the certified 2005 Final EIR, the proposed project shall comply with state law and school impact requirements of the City of Sunnyvale and pay applicable school impact fees to mitigate the project's impact on local schools to a less than significant level. **(No New Impact)**

4.14.2.3 *Parks Impacts*

The project proposes the same number of residences as analyzed in the certified 2005 Final EIR and approved in the LSP. The project residents would incrementally increase the demand for parks in the area. The project includes on-site open space to offset the project's demand on local parks. It is not anticipated that the project's incremental demand on park facilities would require the construction of new public park facilities. In addition, consistent with the certified Final EIR, the proposed project shall pay the City Park In-Lieu Fee. Park fees are used to purchase parkland, buy equipment or construct improvements in neighborhood parks, district parks, and recreational facilities serving the residential development.

4.14.2.4 *Library Impacts*

The residents from the proposed project would incrementally increase the demand on library services. It is not anticipated, however, that the project's demand would require the construction of new library facilities.

4.14.3 Conclusion

The proposed project would not result in new or more significant impacts to public services than previously disclosed in the certified 2005 Final EIR. **(No New Impact)**

4.15 RECREATION

4.15.1 Environmental Setting

The existing recreation conditions have not changed substantially since the certification of the 2005 Final EIR. The project site is identified in the City's General Plan as an "Underserved Residential 'Gap' Area."

As described in *Section 4.14*, nearby parks to the project site include Fairwood Park and Fair Oaks Park. The Fair Oaks Park building hosts high school teen programs. Other recreational facilities in the area include the John W. Christian Greenbelt less than one mile north of the site and the Sunnyvale Community Center about 3.8 miles southwest of the site. The Community Center includes a theater and senior center and hosts recreational activities.

4.15.2 Checklist and Discussion of Impacts

	New Potentially Significant Impact	New Less Than Significant With Mitigation Incorporated	New Less Than Significant Impact	Same Impact as "Approved Project"	Less Impact than "Approved Project"	Checklist Source(s)
1. Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility will occur or be accelerated?	☐	☐	☐	☒	☐	1,3
2. 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?	☐	☐	☐	☒	☐	1,3

The project proposes the same number of residences as analyzed in the certified 2005 Final EIR and approved in the LSP. The project residents would incrementally increase the demand for parks and recreational facilities in the area. The project includes open space with passive recreational uses on-site to offset the project's demand. In addition, consistent with the certified Final EIR, the project shall pay the City Park In-Lieu Fee to offset the project's demand. It is not anticipated that the project's incremental demand on park and recreation facilities would require the construction of new parks or recreational facilities. **(No New Impact)**

4.15.3 Conclusion

The proposed project would not result in new or more significant impacts than previously identified in the certified 2005 Final EIR. **(No New Impact)**

4.16 TRANSPORTATION

A Transportation Impact Analysis (TIA) was completed for the project by *Fehr & Peers* in July 2016. The results of the analysis showed that the project would result in new significant and unavoidable transportation impacts that were not identified in the certified 2005 Final EIR. For this reason, preparation of a Supplemental EIR is required. The transportation impacts of the project are discussed in the Supplemental EIR.

4.17 UTILITIES AND SERVICE SYSTEMS

4.17.1 Environmental Setting

The existing utilities and service systems conditions have not substantially changed since the certification of the 2005 Final EIR. A brief summary of the existing conditions is provided below. Refer to the certified 2005 Final EIR for additional details.

4.17.1.1 *Water Service*

Water service to the project site is provided by the City of Sunnyvale. There is an existing 12-inch water line in Lakeside Drive. Recycled water infrastructure does not extend to the project area, therefore, recycled water is not available in the project area.

4.17.1.2 *Wastewater Treatment/ Sewer System*

The Donald M. Somers Water Pollution Control Plant (WPCP) provides wastewater treatment to the City of Sunnyvale. The WPCP is currently designed and permitted to treat an average of 29.5 million gallons of wastewater per day and a peak flow of 40 million gallons per day (mgd). [18] In 2015, the WPCP treated an average flow (dry weather) of 11.4 mgd.[19] There is a 12-inch sewer main in Lakeside Drive.

4.17.1.3 *Storm Drainage System*

The City of Sunnyvale provides and maintains storm drainage lines in the City. There are 42-inch and 72-inch storm drain lines in Lakeside Drive.

4.17.1.4 *Solid Waste*

The regulatory framework for solid waste has changed since the certification of the 2005 Final EIR. For example, Assembly Bill 341 was passed in 2011 that sets a state policy goal of not less than 75 percent of solid waste that is generated to be sourced reduced, recycled, or composted by the year 2020; AB 1826 passed in 2014 that requires businesses to recycled their organic waste; and the City of Sunnyvale adopted a Zero Waste Policy in 2008 and adopted a Zero Waste Strategic Plan in 2013. The Zero Waste Strategic Plan guides waste management policy decisions to increase diversion to 75 percent by the year 2020 and 90 percent by 2030.

The Sunnyvale City Council selects the service providers for the collection of solid waste within the City. Currently, the City contracts with Specialty Solid Waste and Recycling to provide solid waste collection services. Solid waste generated in the City is first hauled to the Sunnyvale Materials

[18] Sunnyvale Clean Water Program. "Wastewater Facts and Figures." 2015. Accessed: March 11, 2016. Available at: http://www.sunnyvalecleanwater.com/wastewater-facts-and-figures.
[19] Cameron Mumper. Personal communications with the City of Sunnyvale Environmental Engineering Coordinator. April 2016.

Recovery and Transfer Station (SMaRT Station®).[20] At the SMaRT Station, recyclable materials and source-separated yard trimmings that are collected source-separated are processed and prepared for shipment to recycling and composting markets.

The SMaRT Station currently serves the cities of Sunnyvale, Mountain View, and Palo Alto and processes approximately 1,100 tons of solid waste and source-separated recyclable and compostable materials per day (260,000 tons annually). The facility has a permitted capacity of 1,500[21] tons per day. The unused capacity of the SMaRT Station is available, at an appropriate price, to public or private enterprises outside the City.

The remaining refuse not recovered for recycling or composting is transported 27 miles from the SMaRT Station for disposal at Kirby Canyon Landfill, which is owned and operated by Waste Management of California (WM). The City has an agreement with WM to dispose of the City's waste through 2031. Kirby Canyon Landfill has approximately 16.2 million cubic yards of remaining capacity as of July 2015 and has an estimated closure date of 2059.[22]

In addition to the Kirby Canyon Landfill, some solid waste from Sunnyvale is disposed of at other solid waste disposal facilities throughout California including Monterey Regional Landfill, Guadalupe Sanitary Landfill, Newby Island Sanitary Landfill, and Zanker Material Processing Facility.

Since the certification of the 2005 Final EIR, the hotel on-site has been demolished and removed. The project site is currently undeveloped and, therefore, has no water, wastewater treatment, sewer, or solid waste demand. Stormwater runoff from the site flows to the existing storm drain lines in Lakeside Drive.

[20] The Sunnyvale City Council selects the operator of the SMaRT Station. The current operator of the SMaRT Station is Bay Counties Waste Services (BCWS).
[21] City of Sunnyvale Environmental Services Department, Transfer/Processing Report for the Sunnyvale Materials Recovery and Transfer SMaRT Station, http://sunnyvale.ca.gov/Portals/0/Sunnyvale/ESD/SMaRTRFP/Appendix%20I%20Transfer%20Processing%20Report.pdf, page 5, accessed on January 8, 2016.
[22] Solid Waste Facility Permit. February 17, 2016. Available here: http://www.calrecycle.ca.gov/SWFacilities/Directory/43-AN-0008/Document.

4.17.2 Checklist and Discussion of Impacts

	New Potentially Significant Impact	New Less Than Significant With Mitigation Incorporated	New Less Than Significant Impact	Same Impact as "Approved Project"	Less Impact than "Approved Project"	Checklist Source(s)
Would the project:						
1. Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	☐	☐	☐	☒	☐	1,3
2. Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	☐	☐	☐	☒	☐	1,3,23
3. Require or result in the construction of new stormwater drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	☐	☐	☐	☒	☐	1,3
4. Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	☐	☐	☐	☒	☐	21
5. 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?	☐	☐	☐	☒	☐	1,3
6. Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	☐	☐	☐	☒	☐	22
7. Comply with federal, state and local statutes and regulations related to solid waste?	☐	☐	☐	☒	☐	3

4.17.2.1 *Water Service and Supply*

It is estimated that the project would have a water demand of approximately 64,500 gallons per day (gpd).[23] According to the Water Supply Assessment (WSA) completed for the City's draft Land Use and Transportation Element (LUTE), which includes the water demand from the implementation of the LSP (and therefore, the currently proposed project), the City has a sufficient program of water supply to serve the buildout of the City through 2035.[24] The WSA concluded that the City will meet its future water demand through 2035 from existing water supply contracts with the Santa Clara Valley Water District and San Francisco Public Utilities Commission as well as sources currently being planned, developed, and implemented (including expanding the service area for recycled water).

Based on the above discussion, there is sufficient water supply to serve the project from existing entitlements and existing and planned resources, therefore, no new or expanded entitlements are needed. In addition, while the project would require connections to the existing water system, the project would not require the construction of new or expanded water system facilities. Fire flow modeling shall be completed prior to project construction to ensure adequate fire water pressure and supply. **(No New Impact)**

4.17.2.2 *Wastewater Treatment/Sewer System*

Wastewater Treatment Capacity

As discussed in *Section 4.17.1.2*, the WPCP has a permitted capacity to treat an average of 29.5 mgd and, in 2015, the WPCP treated an average flow (dry weather) of 11.4 mgd. It is estimated that the proposed project would generate 54,790 gpd of wastewater that would need to be treated.[25] Given the WPCP's current available treatment capacity (18.1 mgd) and the project's estimated sewage generation (0.06 mgd), there is sufficient capacity at the WPCP to accommodate project flows. The project, therefore, would not require or result in the construction of new or expanded wastewater treatment facilities. **(No New Impact)**

In addition, the City is currently undergoing a master planning effort to rebuild the WPCP over the next 20 years through the development of a Master Plan. The plan will upgrade existing outdated equipment and aging infrastructure, and address the WPCP's current and future challenges to providing treatment of the City's wastewater while complying with all applicable federal, state, and local regulations. As a result of the rebuild, the influent flow design capacity is projected to decrease to 19.5 mgd for average dry weather flows, while retaining a design capacity of 40.0 mgd for peak wet weather flows.

[23] Sewage generation is typically 85 percent of a site's water use. The project is estimated to generate 54,790 gpd of sewage (V&A. *Sanitary Sewer Capacity Study at 1250 Lakeside Drive in Sunnyvale, CA.* April 2016.).
[24] Michael Baker International. *California Senate Bill 610 Water Supply Assessment for Sunnyvale General Plan – Draft Land Use and Transportation Element (LUTE).* November 2015.
[25] V&A. *Sanitary Sewer Capacity Study at 1250 Lakeside Drive in Sunnyvale, CA.* April 2016.

Wastewater Treatment Requirements

Pursuant to the Federal Clean Water Act and California's Porter-Cologne Water Quality Control Act, the Regional Water Quality Control Board (RWQCB) regulates wastewater discharges to surface waters, such as San Francisco Bay, through the National Pollutant Discharge Elimination System (NPDES) program. Wastewater permits contain specific requirements that limit the pollutants in discharges. As required by the RWQCB, the WPCP monitors its wastewater to ensure that it meets all requirements. The RWQCB routinely inspects treatment facilities to ensure permit requirements are met.

Sewage from development on the project site would be treated at the WPCP in accordance with the existing NPDES permit. It is not anticipated that the sewage generated by the project would exceed wastewater treatment requirements of the RWQCB. **(No New Impact)**

Sewer System

A sewer capacity study was completed for the project and determined that there is sufficient capacity in the existing, local sewer system to accommodate projected flows from the site. Details about the existing capacity and analysis is included in Appendix E. While the project would require connections to the existing sewer system, the project would not require the construction of new or expanded sewer system facilities. **(No New Impact)**

4.17.2.3 *Storm Drainage System*

As discussed in *Section 4.9 Hydrology and Water Quality*, the development of the project would increase impervious surfaces by about six acres (or 263,724 square feet). The increase in impervious surfaces on-site would result in an increase in surface runoff from the site. The project, however, shall comply with the RWQCB MRP NPDES permit (which requires LID treatment and retaining runoff on-site). For this reason, there is sufficient capacity in the existing storm drain system to accommodate runoff flows from the project. The project would install storm drain lines, facilities, and connections for collecting and managing stormwater runoff, in conformance with City policies. **(No New Impact)**

4.17.2.4 *Solid Waste*

It is estimated that the project would generate approximately 82 cubic yards (or 20.5 tons) [26] of solid waste per week. Given the SMaRT Station's available processing capacity (400 tons per day) and the project's estimated waste generation (three tons per day), it is assumed that there is sufficient, available capacity at the SMaRT Station to process the project's solid waste.

Given the City's disposal agreement with WM, the remaining capacity at Kirby Canyon Landfill (16.2 million cubic yards), and the project's estimated solid waste generation, it is anticipated that

[26] A common conversion factor used for municipal solid waste as it is collected and transported in compaction vehicles is 500 pounds/cubic yard.

there will be sufficient capacity at Kirby Canyon Landfill (and other landfills operated by WM) to receive waste from the project.

Construction and operation of the proposed project, including disposal of contaminated soil (refer to *Section 4.8 Hazards and Hazardous Materials*), would comply with applicable federal, state, and local regulations and policies related to diversion of materials from disposal, then appropriate disposal of solid waste. **(No New Impact)**

4.17.3 Conclusion

The proposed project would not result in new or more significant utilities and service system impacts than previously identified in the certified 2005 Final EIR. **(No New Impact)**

4.18 MANDATORY FINDINGS OF SIGNIFICANCE

	New Potentially Significant Impact	New Less Than Significant With Mitigation Incorporated	New Less Than Significant Impact	Same Impact as "Approved Project"	Less Impact than "Approved Project"	Checklist Source(s)
1. Does the project have the potential to 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, 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?	☐	☐	☐	☒	☐	Pgs.18-97
2. 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)?	☒	☐	☐	☐	☐	Pgs.18-97
3. Does the project have the potential to achieve short-term environmental goals to the disadvantage of long-term environmental goals?	☐	☐	☐	☒	☐	Pgs.18-97
4. Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	☐	☐	☐	☒	☐	Pgs.18-97

4.18.1 Project Impacts

As discussed in the individual sections, the proposed project would not degrade the quality of the environment with the implementation of identified standard permit conditions and mitigation measures. As discussed in *Section 4.4 Biological Resources,* the project with the implementation of mitigation measure MM BIO-1.1 would not impact sensitive habitat or species. While there is a potential for buried archaeological resources on-site, implementation of the identified mitigation measures in *Section 4.5 Cultural Resources*, would avoid or reduce impacts to cultural resources to a less than significant level. **(No New Impact)**

4.18.2 Cumulative Impacts

Under Section 15065(a)(3) of the CEQA Guidelines, a lead agency shall find that a project may have a significant effect on the environment where there is substantial evidence that the project has potential environmental effects "that are individually limited, but cumulatively considerable." As defined in Section 15065(a)(3) of the CEQA Guidelines, cumulatively considerable means "that the incremental effects of an individual project are significant when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects." In addition, under Section 15152(f) of the CEQA Guidelines, where a lead agency has determined that a cumulative effect has been adequately addressed in a prior EIR, the effect is not treated as significant for purposes of later environmental review and need not be discussed in detail.

The project would not result in impacts to agricultural and forestry resources, geology and soils, hazards and hazardous materials, land use, or mineral resources; therefore, the project would not contribute to cumulative impacts to these resources.

There are no cumulative projects in the vicinity of the project site that the project would contribute cumulatively to for aesthetics, noise, or utility and service system impacts. The project would not result in significant emissions of criteria air pollutants (see *Section 4.3*) and therefore, would not result in a cumulatively considerable contribution to a cumulative impact. With the implementation of the identified mitigation measures, the project would not result in cumulatively considerable contributions to cumulatively significant impacts to hydrology and water quality, biological resources, cultural resources, public services, and recreation.

The project would, however, contribute to significant cumulative transportation impacts, as discussed in the Supplemental EIR. **(New Significant Cumulative Impact)**

4.18.3 Short-term Environmental Goals vs. Long-term Environmental Goals

The project site is currently undeveloped. The project would develop hotel and residential uses on-site, consistent with the long-term goals for the site outlined in the General Plan and LSP. The construction of the project would result in the temporary disturbance of land, as well as irreversible and irretrievable commitment of resources and energy during construction.

Construction of the proposed project would not result in the conversion of a greenfield site to urban uses or otherwise commit resources in a wasteful or inefficient manner. The project proposes to develop a currently underutilized, infill location and it is anticipated that short-term effects resulting from construction would be substantially off-set by meeting the long-term environmental goals for this site. The operational phase would consume energy for multiple purposes including building heating and cooling, lighting, and electronics. Energy, in the form of fossil fuels, would be used to fuel vehicles traveling to and from the project site. The project would result in an increase in demand upon nonrenewable resources; however, the project shall comply with CalGreen. The project would also incorporate a variety of design features including community design and planning, site design, landscape design, building envelope performance, and material selections to reduce energy use and conserve water. The project proposes to meet or exceed the requirements for LEED Gold certification for the proposed hotel and achieve a minimum of 80 points on the Build it Green GreenPoint Checklist or LEED Silver certification for the residential development.

With implementation of the identified mitigation measures and green building measures, the proposed project does not have the potential to achieve short-term environmental goals to the disadvantage of long-term environmental goals. **(No New Impact)**

4.18.4 Direct or Indirect Adverse Effects on Human Beings

Consistent with Section 15065(a)(4) of the CEQA Guidelines, a lead agency shall find that a project may have a significant effect on the environment where there is substantial evidence that the project has the potential to cause substantial adverse effects on human beings, either directly or indirectly. Under this standard, a change to the physical environment that might otherwise be minor must be treated as significant if people would be significantly affected. This factor relates to adverse changes to the environment of human beings generally, and not to effects on particular individuals. While changes to the environment that could indirectly affect human beings would be represented by all of the designated CEQA issue areas, those that could directly affect human beings include air pollutants, geological hazards, hazardous materials, and noise. However, implementation of identified mitigation measures would reduce these impacts to a less than significant level. No other direct or indirect adverse effects on human beings are anticipated. **(No New Impact)**

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5. Santa Clara County. "Williamson Act and Open Space Easements." Accessed: August 17, 2015. Available at: https://www.sccgov.org/sites/dpd/Programs/WA/Pages/WA.aspx
6. City of Sunnyvale. *Uniform Planning and Zoning Code of the City of Sunnyvale.*
7. Illingworth & Rodkin, Inc. *Millennium/Lakeside Sheraton Project Air Quality Assessment.* February 25, 2016.
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22. Solid Waste Facility Permit. February 17, 2016. Available here: <http://www.calrecycle.ca.gov/SWFacilities/Directory/43-AN-0008/Document>
23. V&A. *Sanitary Sewer Capacity Study at 1250 Lakeside Drive in Sunnyvale, CA.* January 2016.

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California Department of Conservation. *Santa Clara County Important Farmland 2012.* August 2014.

City of Sunnyvale. *Bird Safe Building Design Guidelines.*

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SECTION 6.0 LEAD AGENCY AND CONSULTANTS

6.1 LEAD AGENCY

City of Sunnyvale
Department of Community Development, Planning Division
Gerri Caruso, Principal Planner
George Schroeder, Associate Planner

6.2 CONSULTANTS

David J. Powers & Associates, Inc.
Environmental Consultants and Planners
Judy Shanley, Principal
Kristy Weis, Project Manager
Zach Dill, Graphic Artist

Cornerstone Earth Group
Hazardous Materials Consultants
Ron Helm, CEG, Senior Principal Geologist
Kevin H. O'Halloran, PE, Senior Staff Engineer

Illingworth & Rodkin, Inc.
Air Quality and Acoustical Consultants
James Reyff, Principal
Michael Thill, Principal
Carrie J. Janello, Consultant