



**City of Sunnyvale  
Initial Study Checklist  
Animal Assisted Happiness Smile Farm Project**

## INTRODUCTION

The proposed Animal Assisted Happiness Smile Farm Project is a “project” under the California Environmental Quality Act (CEQA). This Initial Study was prepared by PlaceWorks for the City of Sunnyvale (City), Department of Public Works. This Initial Study was prepared pursuant to the CEQA (Public Resources Code Sections 21000 et seq.), CEQA Guidelines (Title 14, Section 15000 et seq. of the California Code of Regulations).

- |                                                |                                                                                                                       |
|------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------|
| <b>1. Title:</b>                               | Animal Assisted Happiness Smile Farm Project                                                                          |
| <b>2. Lead Agency Name and Address:</b>        | City of Sunnyvale<br>Public Works Department<br>456 West Olive Avenue<br>Sunnyvale, CA 94086                          |
| <b>3. Responsible Agency Name and Address:</b> | County of Santa Clara<br>Parks and Recreation Department<br>298 Garden Hill Drive<br>Los Gatos, CA 95032              |
| <b>4. Contact Person and Phone Number:</b>     | Craig M. Mobeck, P.E., LEED AP<br>Assistant Director/City Engineer<br>(408) 730-7834                                  |
| <b>5. Location:</b>                            | Baylands Park<br>999 East Caribbean Drive<br>Sunnyvale, CA 94089                                                      |
| <b>6. Applicant's Name and Address:</b>        | Peter Higa, Vice President<br>Animal Assisted Happiness<br>1055 Dunford Way,<br>Sunnyvale, CA 94087<br>(650) 887-0887 |
| <b>7. General Plan Land Use Designations:</b>  | Parks                                                                                                                 |
| <b>8. Zoning:</b>                              | P-F (Public Facilities)                                                                                               |
| <b>9. Description of Project:</b>              | See page eight of this Initial Study.                                                                                 |
| <b>10. Surrounding Land Uses and Setting:</b>  | See page three of this Initial Study.                                                                                 |
| <b>11. Other Required Approvals:</b>           | See page five of this Initial Study.                                                                                  |

## ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED

The environmental factors listed below would be affected by the proposed project, involving at least one impact that is a Potentially Significant Impact, as indicated by the checklist on the following pages.

- |                                                   |                                                           |                                                             |
|---------------------------------------------------|-----------------------------------------------------------|-------------------------------------------------------------|
| <input type="checkbox"/> Aesthetics               | <input type="checkbox"/> Agriculture & Forestry Resources | <input type="checkbox"/> Air Quality                        |
| <input type="checkbox"/> Biological Resources     | <input type="checkbox"/> Cultural Resources               | <input type="checkbox"/> Geology & Soils                    |
| <input type="checkbox"/> Greenhouse Gas Emissions | <input type="checkbox"/> Hazards & Hazardous Materials    | <input type="checkbox"/> Hydrology & Water Quality          |
| <input type="checkbox"/> Land Use                 | <input type="checkbox"/> Mineral Resources                | <input type="checkbox"/> Noise                              |
| <input type="checkbox"/> Population & Housing     | <input type="checkbox"/> Public Services                  | <input type="checkbox"/> Recreation                         |
| <input type="checkbox"/> Transportation/Traffic   | <input type="checkbox"/> Utilities & Service Systems      | <input type="checkbox"/> Mandatory Findings of Significance |

### Determination:

On the basis of this initial evaluation:

- ☐ I find that the proposed project COULD NOT have a significant effect on the environment and a NEGATIVE DECLARATION will be prepared.
- ☒ I find that, although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the City. A MITIGATED NEGATIVE DECLARATION will be prepared.
- ☐ I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT (EIR) will be prepared.
- ☐ I find that the proposed project MAY have a “potentially significant impact” or “potentially significant unless mitigated” impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
- ☐ I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

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Signature

Craig M. Mobeck

Printed Name

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Date

Assistant Director/City Engineer

Title

## OVERVIEW AND BACKGROUND

This Initial Study checklist was prepared to assess the environmental effects of the Animal Assisted Happiness (AAH) Smile Farm Project, herein referred to as the “proposed project” or “project.” This Initial Study consists of a depiction of the existing environmental setting and the project description followed by a description of various environmental effects that may result from construction and operation of the proposed project.

The project applicant, Animal Assisted Happiness, is a Registered 501(c)(3) non-profit that was founded in 2009. AAH enriches the lives of children experiencing health or family challenges. AAH helps children with severe, chronic, or otherwise disabling health issues or who have family challenges, such as homelessness, split families, or domestic violence situations. AAH's vision is to bring a "Million Smiles" to all these children and family members. AAH's existing facility and operations are currently located with Full Circle Farm, an existing community farm in Sunnyvale, California; however, AAH would like to expand to a larger facility that is more centrally located to its visitors. Animals housed at the Sunnyvale facility include ponies, donkeys, pigs, goats, rabbits, guinea pigs, and chickens, among others.<sup>1</sup>

## LOCATION AND SETTING

### ***A. REGIONAL LOCATION***

The project site is located in the City of Sunnyvale in Santa Clara County. Figure 1 shows the relationship of the project site to the City of Sunnyvale and Santa Clara County. Sunnyvale is approximately 40 miles southeast of San Francisco, and is one of the major cities that make up Silicon Valley. Sunnyvale is located east of the City of Mountain View, west of the City of Santa Clara, and north of the City of Cupertino. Regional access to the project site is provided by United States Highway 101 (US 101), State Route 237 (SR 237), North Lawrence Expressway, Santa Clara Valley Transportation Authority (VTA) bus service, and by Caltrain via the Sunnyvale and Lawrence Caltrain Stations. Caltrain is operated by the Peninsula Corridor Joint Powers Board.

### ***B. LOCAL SETTING***

The project site is located in the northwest portion of the Baylands Park at 999 East Caribbean Drive. Baylands Park is a successful joint venture between the County of Santa Clara, under jurisdiction of the Parks and Recreation Department, which owns the property, and the City of Sunnyvale, which manages and maintains the park through a sublease agreement with the County.<sup>2</sup> As shown on Figure 1, the site is generally bounded by the surface parking lot for the approximately 60-acre Twin Creeks Sports Complex to the north, Baylands Park Eucalyptus Hollow and Grove Amphitheater to the east, surface parking lot for Baylands Park to the south and East Caribbean Drive to the west.

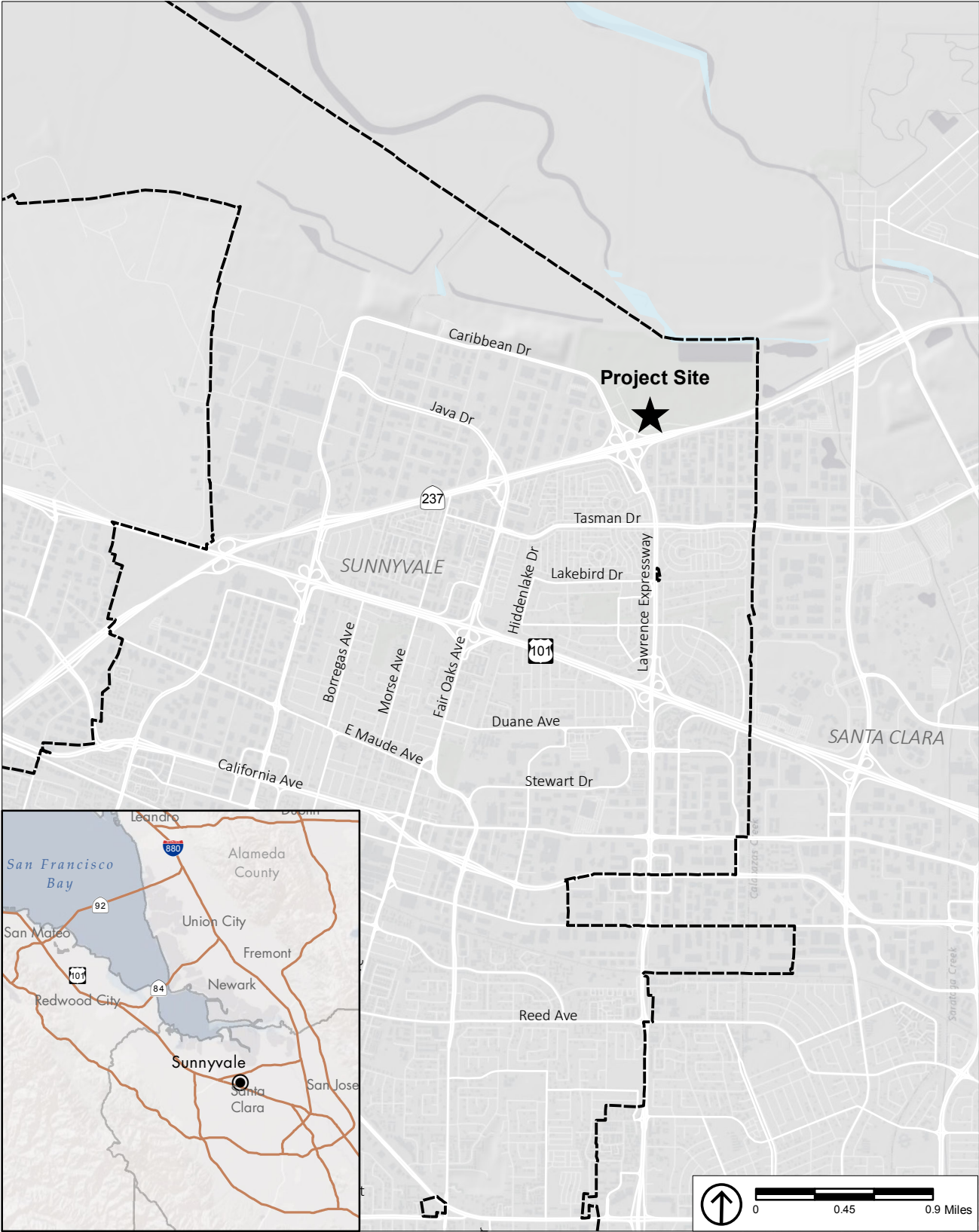
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<sup>1</sup> Animal Assisted Happiness website, <http://www.animalassistedhappiness.org/whatwedo.html>, accessed April 27, 2016.

<sup>2</sup> City of Sunnyvale, Community Service, Parks, Baylands Park, <http://sunnyvale.ca.gov/Departments/CommunityServices/Parks/BaylandsPark.aspx>, accessed April 27, 2016.



INITIAL STUDY AND MITIGATED NEGATIVE DECLARATION



Source: PlaceWorks, 2015.

 Sunnyvale City Boundary

Figure 1  
Regional and Vicinity Location Map



### **C. SITE CHARACTER**

As shown on Figure 2, the 2.5-acre project site is generally flat and developed with pervious pathways/trails, ornamental woodlands (i.e., woodland planted for landscaping purposes) and landscaped habitats. A *Biological Constraints and Opportunities Analysis* report was prepared in 2015 by H.T. Harvey & Associates for the City of Sunnyvale.<sup>3</sup> As shown in this report, the ornamental woodland on the project site is dominated by Monterey pine (*Pinus radiata*) trees interspersed with a few scattered coast live oaks (*Quercus agrifolia*), as well as eucalyptus trees. In irrigated areas, the woodland understory is composed of turf grasses that are regularly mowed, whereas the understory is composed of non-irrigated areas dominated by non-native annual grasses. Due to the high levels of human disturbance, the project site does not represent high-quality habitat for the any special status species under federal or State law (i.e., Endangered Species Act, California Endangered Species Act), however the project site does include trees suitable for nesting birds protected under the Migratory Bird Treaty Act. The project site includes the City's former Recycled Water Test Garden, which supported a variety of non-native trees, shrubs, and forbs that were irrigated with recycled water.<sup>4</sup> Although the Recycled Test Garden is no longer regularly maintained, the irrigation infrastructure is still in place.

### **D. GENERAL PLAN LAND USE AND ZONING DESIGNATIONS**

As previously described, although Baylands Park is owned by the County of Santa Clara, under jurisdiction of the Parks and Recreation Department, it is operated and maintained by the City of Sunnyvale, which has a joint-use agreement with the County for this property. Thus, future development on the project site is subject to the standards prescribed by the City's General Plan, Municipal Code, and other City regulations.

The project site is designated as Parks on the City's 2011 General Plan Use Map. The Parks land use designation is primarily intended for the city's open spaces and recreational facilities. The project site is zoned P-F (Public Facilities). Per Sunnyvale Municipal Code (SMC) Section 19.24.020,<sup>5</sup> the P-F zoning district is reserved for the construction, use and occupancy of governmental, public utility and educational buildings and facilities, and other uses compatible with the public character of the district.

### **E. REQUIRED PERMITS AND APPROVALS**

As previously identified the County and City jointly own and operate the Baylands Park, respectively. As such, the City would be the lead agency and the County would be a responsible agency under CEQA.<sup>6</sup> The approval of this Initial Study/Mitigated Negative Declaration (IS/MND) is required by the City, and approval of the proposed project is required by the City and the County. Additionally, the project would require building permits issued by the City.

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<sup>3</sup> The *Sunnyvale Baylands Park and Landfill Biological Constraints and Opportunities Analysis* is available for review upon request at the City of Sunnyvale's Public Works department.

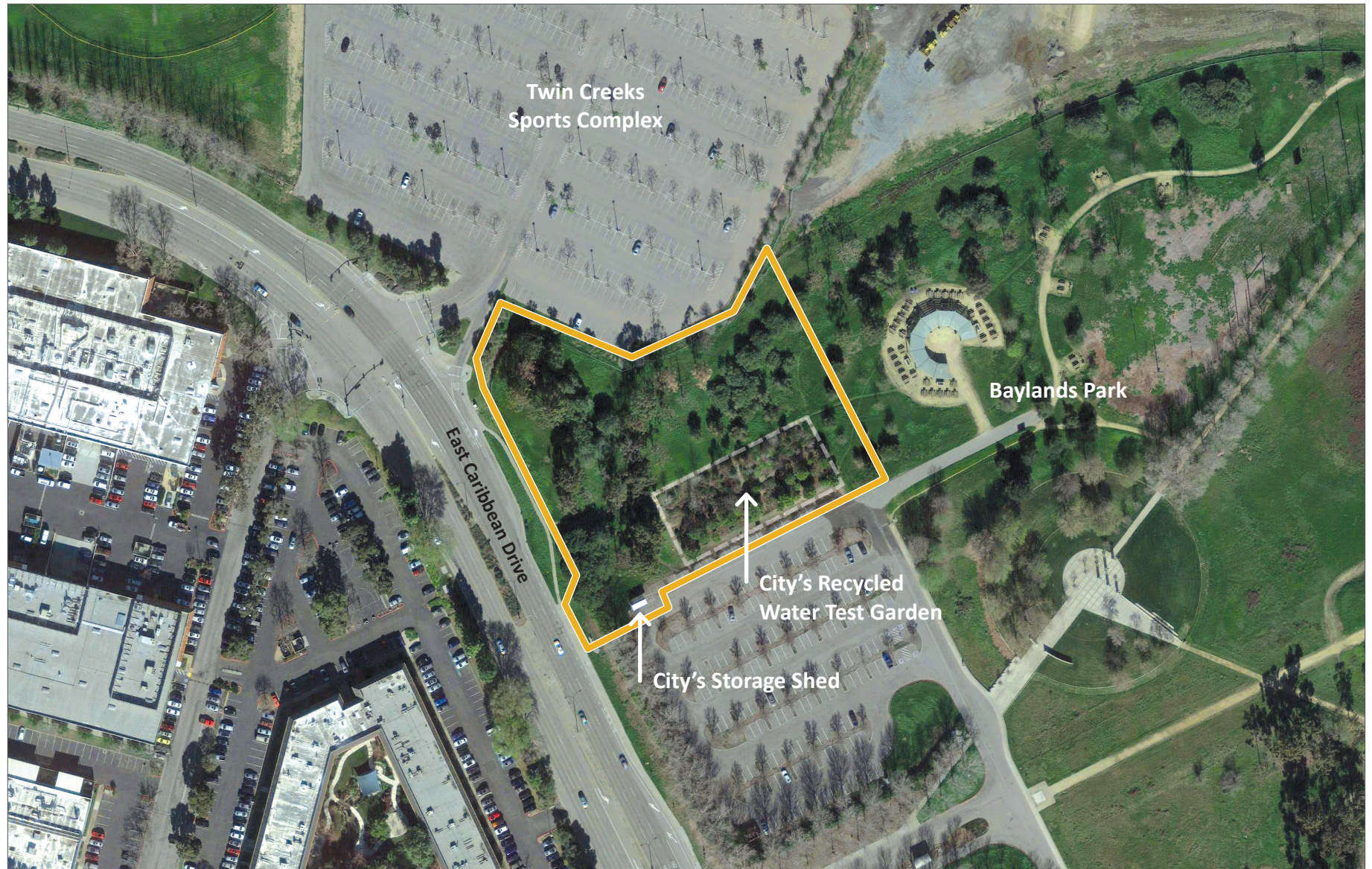
<sup>4</sup> *Sunnyvale Baylands Park and Landfill Biological Constraints and Opportunities Analysis*, prepared by H.T. Harvey & Associates, dated February 3, 2015..

<sup>5</sup> Title 19, Zoning, Article 3, Zoning Districts, Uses and Related Development Regulations, Chapter 19.24, Office and Public Facilities Zoning Districts, Section 19.24.020, Office and public facilities zoning districts.

<sup>6</sup> Per CEQA Section, 21069, a "responsible agency" is a public agency, other than the lead agency, which has responsibility for carrying out or approving a project.



## INITIAL STUDY AND MITIGATED NEGATIVE DECLARATION



Source: Google Earth Pro, 2016; PlaceWorks, 2016.

0 200  
Scale (Feet)



Project Site

Figure 2  
Aerial of the Project Site and Surrounding Area



## PROJECT DESCRIPTION

The proposed project includes the construction and operation of a therapeutic animal facility, or Smile Farm, for children with special needs. Figure 3 shows a conceptual site plan for the proposed project. As shown on Figure 3, the proposed project would introduce new buildings, including a gazebo, an office, and animal- and farm-related structures, botanical and vegetable gardens, and a wheelchair accessible pathway. The key project components and associated infrastructure are described in detail below.

### ***A. SITE PREPARATION***

As described above, the project site is generally flat and developed with pervious pathways/trails, as well as existing vegetation and groundcover that is overgrown. Although there is an existing shed on the project site, located west of the parking lot along the southern boundary of the site, this shed is owned and operated by the City and would remain in its current location. No demolition activities would occur.

Overall, site preparation activities would generally be minimal and would not require extensive grading or excavation; however, would require some leveling of the site to ensure flat surfaces and proper drainage in areas where the proposed structures would be located. Other site preparation activities would include the clearing, cutting, and/or removal of non-irrigated non-native vegetation in areas where this type of vegetation has become overgrown or has been unmaintained. Further, the proposed project would require some trenching to connect to existing utility infrastructure, such as electricity, recycled water, and potable water infrastructure. The project does not propose removal of any live trees to accommodate the proposed buildings and would retain any dead trees that are on site to provide habitat for nesting birds, as long as the dead trees do not propose any safety hazards.

### ***B. TRAILS AND PATHWAYS***

The proposed project would include a total of 12,974 square feet of pervious (decomposed granite) 4-foot wide surface trails to connect to the existing 3,840 square feet of trails, for a total of 16,814 square feet (0.8 miles<sup>7</sup>) of pervious trails and pathways. The trails would be wheelchair accessible and would afford children and their families the opportunity to interact with large and small barnyard animals throughout the facility.

### ***C. LANDSCAPING AND GARDENS***

#### **Landscaping**

Construction of project would not necessitate the removal of any existing live trees. Dead trees that are not in the footprint of proposed buildings or facilities, and not posing safety issues would be left standing so as to provide wildlife habitat to wildlife species such as woodpeckers. However, if portions of dead trees pose safety risks, as determined by the City, they would be trimmed and/or removed in accordance with current arboriculture standards in the interests of safety. All landscaping would include native and/or adaptive, and drought resistant plant materials.

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<sup>7</sup> 16,814 square feet divided by 4 feet (width of pathway) = 4203.5 feet divided by 5,280 (number of feet per one mile) = 0.80 miles.

# INITIAL STUDY AND MITIGATED NEGATIVE DECLARATION



Source: Kikuchi + Design Group, 2016.

Figure 3  
Conceptual Site Plan

## Gardens

As previously stated, the project site includes the City’s former Recycled Water Test Garden, which supported a variety of non-native trees, shrubs, and forbs that were irrigated with recycled water. The project would retain this garden and incorporate it into AAH’s program and provide an “AAH Garden Farm” where clients and volunteers can adopt and care for a botanical. The project would also include a separate 400-square-foot greenhouse, located on the southeast corner of the project site, for a vegetable and fruit garden where food can be grown for the animals.

## ***D. PROPOSED NEW BUILDINGS***

As shown on Figure 3, the proposed project would include 14 new structures. As shown in Table 1 below, the new structures would range in size from 24 to 1,000 square feet and would not exceed 14 feet (i.e., one story) in height. The new structures amount to a total of 2,159 square feet, however, based on the most recent computer-aided design (CAD) files, the structures and associated impervious building pads would introduce approximately 2,239 square feet of impervious surface to the project site.

**TABLE 1**                      **PROPOSED NEW PROJECT STRUCTURES**

| Number       | Building                                | Height<br>(feet) | Structure Size<br>(square feet) | Impervious Surface<br>(square feet) |
|--------------|-----------------------------------------|------------------|---------------------------------|-------------------------------------|
| 1            | Gazebo                                  | 14               | 100                             | 100                                 |
| 2            | 6-Stall Barn                            | 14               | 1,000                           | 1,351                               |
| 3            | Feed Barn/Feed Storage Shed (Hay Barn)  | 10               | 288                             | 288                                 |
| 4            | Model A Crooked House (Chickens)        | 7                | 39                              | 32                                  |
| 5            | Model C Crooked House (Aviary)          | 7                | 32                              | 32                                  |
| 6            | Model D Crooked House (Large Goat)      | 7                | 32                              | 32                                  |
| 7            | Model D Crooked House (Pigs)            | 7                | 32                              | 32                                  |
| 8            | Model D Crooked House (Guinea Pigs 1)   | 7                | 32                              | 32                                  |
| 9            | Model D Crooked House (Guinea Pigs 2)   | 7                | 32                              | 32                                  |
| 10           | Model D Crooked House (Rabbits 1)       | 7                | 32                              | 32                                  |
| 11           | Model D Crooked House (Rabbits 2)       | 7                | 32                              | 32                                  |
| 12           | Model E Crooked House (Grain Feed Shed) | 6                | 24                              | 32                                  |
| 13           | Model E Crooked House (Garden Shed)     | 6                | 24                              | 32                                  |
| 14           | Model F Crooked House (Office)          | 10               | 33                              | 100                                 |
| <b>Total</b> |                                         | <b>n/a</b>       | <b>1,732</b>                    | <b>2,159</b>                        |

Source: AAH, project applicant, April 28, 2016.

## ***E. PARKING & TRAFFIC***

### **Parking**

The project site is situated to the north of an existing Baylands Park surface parking lot. The project does not propose physical changes to the existing surface parking lot; however, the project proposes designation of 21 of the existing 472 parking spaces for use by AAH staff and visitors. However, the exact number of parking spaces designated for AAH use would be subject to the terms of the sublease agreement. As shown above on Figure 3, the proposed parking spaces are located directly adjacent to the project site at its entryway along its southern boundary. Of the 21 spaces proposed for designation, six spaces would be officially designated for AAH use only and would include:

- 1 space for a van (vehicle used to take animals on mobile visits)
- 1 space for a horse trailer (transport of large animals and emergency evacuation vehicle)
- 1 space for a Very Important Person (VIP) client
- 2 spaces for employees
- 1 space future mobile visit vehicle

The remaining, 15 spaces would be “preferred” AAH parking spaces, meaning that they would generally be designated for use by AAH clients and volunteers through the use of signage at times when the park isn’t otherwise in heavy use (i.e., during weekends and holidays) or holding a special event.

### **Traffic**

AAH volunteers would have access to the proposed project Monday through Sunday during Baylands Park normal hours of operation which are 8:00 a.m. to sunset. There would be a maximum of seven AAH volunteers on site on any given day and they would come and go between shifts as they tend to the animals and on-site gardens. AAH sponsored visitors would have access to the project site year round Monday through Saturday by appointment only. Public access to the project site would be limited to AAH guided tours at least one weekday per week and one weekend day per month for a minimum of four hours during non-peak hours. The number of visitors to the project site would be limited by the number of available volunteers for any given day. In addition, AAH proposes to hold a maximum of two private annual events with a maximum of 250 attendees.

AAH visitors and employees would access the project site via the existing Baylands Park entrance off of East Caribbean Drive. AAH employees would be encouraged to carpool to the project site during normal operation hours, however, if AAH employees chose to travel separately they would increase vehicle trips to the project site by 7 additional trips per day Monday through Saturday. Most AAH visitors would come to the project site during non-peak hours<sup>8</sup> and would come as families in a single vehicle or as part of a group in a shuttle or bus. Therefore, assuming an average vehicle occupancy rate of 3 persons per vehicle,<sup>9</sup> visitors to the project site are anticipated to increase vehicular trips to the project site ranging from 4 to 8 additional trips per day over a five year period during normal hours of operation. However, during the two private annual AAH events the number of vehicular trips could be up to 83 additional trips at each event. Therefore,

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<sup>8</sup> Morning peak hours are generally between 7:00 a.m. to 9:00 a.m. and afternoon peak hours are generally between 5:00 p.m. and 7:00 p.m.

<sup>9</sup> This assumption is based on AAH’s 9 years of experience operating the animal assisted therapy facility.

number of vehicle trips to the project site are could range from 11 to 15 additional trips per day during normal hours of operation and up to 83 trips twice a year during special events.

## ***F. OPERATION***

This section describes the overall operation of the proposed project, including staffing, security, and other details regarding the day-to-day operation of the project.

### **Staffing and Operation**

The proposed project would operate year-round, Monday through Saturday, providing opportunities for on-site animal interaction for private families, school groups, classes and organizations. During day-to-day operations access to the project site will be by appointment only. In addition to on-site services, the project would provide outbound mobile visits that would include taking barnyard animals from the site to off-site locations, such as schools, other organizations, and private residences. In addition to day-to-day operations, the AAH proposes to hold a maximum of two private annual events, such as inclusionary open house hosted by the special needs community. Although AAH would not generally be open to the public on a day-to-day basis, AAH would establish times of public access when members of the public could visit and receive a guided tour of the facilities and animals, however, no direct interaction between the public and animals would occur during the tour. The exact times of public access would be subject to the terms of the sublease agreement.

AAH staff would consist of a mix of 2 full-time employees, as well as provide opportunities for youth and adult volunteers. At any given time, there could be up to 7 total employees (full-time and volunteers) on-site during a typical day, with this number slightly increasing during special events. All volunteers would be required to be registered and train through AAH prior to the start of any volunteering activities.

### **Fencing and Security**

The project proposes three different types of exterior and interior fencing for security and to contain the animals. The fencing would continue to allow the public to view the facility, which will provide visual continuity with Bayland Park's scenery.

Exterior perimeter fencing would consist of cyclone fencing with barbwire at a height of 6 feet, along East Caribbean Drive at the western boundary of the project site, and extending along the northern boundary of the project site. Interior perimeter fencing would consist of a 6-foot high fence constructed of 4-foot by 4-foot wood posts and steel gauge wire, along the southern boundary of the project site, and extending along the eastern boundary of the site. Interior animal pen fencing would consist of fencing up to 4-feet in height, consisting of wood post and mesh gauge fencing, depending on the animal.

In addition to the fencing, security at the project site would consist of locks at the main and service entryways at the southern end of the project site, as well as web-based security cameras located throughout the project site.



## **Animals**

At buildout, the project proposes to house a variety of large and small animals. Although the exact number of each animal is unknown at this time and could vary over time, below is a list that provides a general idea of the scale and what could be housed on-site, rather than providing an exact number for each animal type:

- 20 rabbits;
- 20 guinea pigs;
- 10 chickens
- 8 dove-size birds;
- 6 small Nigerian dwarf goats;
- 4 mini-horses;
- 3 potbelly pigs;
- 3 sheep;
- 2 full-size goats;
- 2 alpaca's; and
- 1 mini-donkey

As previously mentioned, the proposed project would include structures that would house the types of animals listed above. Smaller animals would be brought into their houses at night for protection, while larger animals would generally stay outside. Rabbits and guinea pigs would primarily be housed in hutches located inside animal housing structures but would be taken out periodically for play.

## **Animal Feed and Pest Management**

Animal feed would consist of up to 40 bales of hay delivered monthly, as well as bags of grain purchased as-needed. The proposed project would also grow its own food for animal consumption on the on-site vegetable and fruit garden described above. Animal feed will be carefully stored so as to not attract native wildlife or nuisance species such as mice, rats and raccoons. No poisons of any kind will be used for pest management.

## ***G. UTILITIES***

The project would connect to existing utilities already at the site, including electricity, sewer, and water. However, the proposed project would need new service meters for water and electricity would be required. Any new connections would not encroach on undisturbed areas. Section XVII Utilities and Service Systems of the Environmental Checklist below provides a description of the regulatory setting and impacts to the service providers that serve the project site.

### **Water**

The proposed project would be served by City of Sunnyvale Environmental Services Department, Water Section, which supplies water to the majority of the City. The project proposes to connect to the existing water system that serves the “Recycled Water Test Garden” to provide water for irrigating gardens, animal consumption, and the periodic bathing of animals. However, as described above, the project would require a new meter and service.

### **Electricity**

The proposed project would be served by PG&E for energy services. The project would require new services and proposes to connect to the existing electricity system at the site to provide Light Emitting Diode (LED) lighting for barns, the feed shed, office, and animal structures. In addition, electricity would be required to operate the security cameras, power tools, and charging of an electric golf cart.

### Sanitary Sewer Service

The proposed project would include portable restrooms provided and maintained by a licensed sanitation contractor for on-site use by AAH staff and visitors. Portable restrooms will be provided in accordance with applicable sanitation regulations established by the Occupational Safety and Health Administration (OSHA), which generally require a minimum of one portable restroom per 15 employees.<sup>10</sup>

### Stormwater Management

The proposed project would result in a net increase of 2,239 square feet of impervious surface to the project site. The project would be required to comply with the Santa Clara Valley Urban Runoff Pollution Prevention Program (SCVURPPP) C.3 requirements, which include the minimization of impervious surfaces, measures to detain or infiltrate runoff from peak flows to match pre-development conditions, and agreements to ensure that the stormwater treatment and flow control facilities are maintained in perpetuity.

### Solid Waste

The proposed project would be served by Specialty Solid Waste and Recycling to provide solid waste and recycling collection services. Due to the relatively low number of visitors during day-to-day operations, there would be minimal amounts of solid waste generated by the proposed project. With regards to the disposal of animal waste, manure would be collected within 24 hours of the time of deposit either by hauling it away or by placing the waste in a sanitary and fly-tight box or receptacle until it is removed to an off-site location. Animal waste would be collected and removed three times per week to an appropriate off-site facility in accordance with applicable regulations. Animal waste would be placed in covered and lined receptacles to prevent seepage into the soil and to prevent the waste from entering surface runoff.

## ENVIRONMENTAL CHECKLIST

### I. AESTHETICS

| Would the project:                                                                                                                                      | Potentially Significant Impact | Less Than Significant With Mitigation Incorporated | Less-Than-Significant Impact | No Impact                           |
|---------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------|----------------------------------------------------|------------------------------|-------------------------------------|
| a) Have a substantial adverse effect on a scenic vista?                                                                                                 | <input type="checkbox"/>       | <input type="checkbox"/>                           | <input type="checkbox"/>     | <input checked="" type="checkbox"/> |
| b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings and historic buildings within a State scenic highway? | <input type="checkbox"/>       | <input type="checkbox"/>                           | <input type="checkbox"/>     | <input checked="" type="checkbox"/> |
| c) Substantially degrade the existing visual character or quality of the site and its surroundings?                                                     | <input type="checkbox"/>       | <input type="checkbox"/>                           | <input type="checkbox"/>     | <input checked="" type="checkbox"/> |
| d) Create a new source of substantial light or glare that would adversely affect day or nighttime views in the area?                                    | <input type="checkbox"/>       | <input type="checkbox"/>                           | <input type="checkbox"/>     | <input checked="" type="checkbox"/> |

<sup>10</sup> Occupational Safety and Health Administration (OSHA), Regulations (Standards – 29 CFR), Standard Number 1910.141(c)(1)(i).

## DISCUSSION:

- a) The Sunnyvale General Plan does not officially designate any scenic views in the city. The project site and the land surrounding it are relatively flat which significantly limits long range views. The project does not propose any structures that would be of a height that would obstruct or limit any views of surrounding land uses, scenic or otherwise. *No impact* would occur and no mitigation measures are required.
- b) The closest officially designated State scenic highway to the project site is State Route 280 which is approximately 6 miles to the south. Due to the flat topography of the project site and its surroundings, the project site is not visible from this State scenic highway. Therefore, *no impact* would result in this respect and no mitigation measures are required.
- c) The existing visual character of the project site would not substantially change as a result of the proposed project. All proposed structures would be well within the existing tree canopy, which is substantially taller than the proposed structures (e.g., 14 feet compared to 30 feet). Implementation of the proposed project would not represent a noticeable change in the character of the site itself. *No impact* would occur and no mitigation measures are required.
- d) With development of the proposed project, new sources of interior lighting for onsite structures would be added to meet levels needed to assure adequate orientation and safety. No proposed lighting would spill-over to any surrounding sensitive receptors (i.e., residential land uses). Interior lighting provided by the project would be consistent with the park context of the project site and would not be considered substantial. Therefore, *no impact* would occur and no mitigation measures are required.

## II. AGRICULTURE AND FORESTRY RESOURCES

| Would the project:                                                                                                                                                                                                                            | Potentially Significant Impact | Less Than Significant With Mitigation Incorporated | Less-Than-Significant Impact | No Impact                           |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------|----------------------------------------------------|------------------------------|-------------------------------------|
| a) 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? | <input type="checkbox"/>       | <input type="checkbox"/>                           | <input type="checkbox"/>     | <input checked="" type="checkbox"/> |
| b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?                                                                                                                                                          | <input type="checkbox"/>       | <input type="checkbox"/>                           | <input type="checkbox"/>     | <input checked="" type="checkbox"/> |

| Would the project:                                                                                                                                                                                                                                                                         | Potentially Significant Impact | Less Than Significant With Mitigation Incorporated | Less-Than-Significant Impact | No Impact                           |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------|----------------------------------------------------|------------------------------|-------------------------------------|
| c) 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))? | <input type="checkbox"/>       | <input type="checkbox"/>                           | <input type="checkbox"/>     | <input checked="" type="checkbox"/> |
| d) Result in the loss of forest land or conversion of forest land to non-forest use?                                                                                                                                                                                                       | <input type="checkbox"/>       | <input type="checkbox"/>                           | <input type="checkbox"/>     | <input checked="" type="checkbox"/> |
| e) 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 of conversion of forest land to non-forest use?                                                                             | <input type="checkbox"/>       | <input type="checkbox"/>                           | <input type="checkbox"/>     | <input checked="" type="checkbox"/> |

## DISCUSSION:

- a) The project site is currently designated for park land uses in the Sunnyvale General Plan and is currently developed with a park. The project site is classified as Urban and Built-Up Land by the Department of Conservation's Farmland Mapping and Monitoring Program.<sup>11</sup> This means that the proposed project would not convert Prime Farmland, Unique Farmland or Farmland of Statewide Importance to non-agricultural use. Therefore, there would be *no impact*, and no mitigation measures are required.
- b) Neither the project site, adjoining parcels, nor the immediately surrounding areas feature agricultural zoning designations or properties subject to Williamson Act contracts.<sup>12</sup> Therefore, the proposed project would not conflict with existing zoning for agricultural use or Williamson Act contracts. Accordingly, there would be *no impact* and no mitigation measures are required.
- c) Neither the project site, adjoining parcels, nor the immediately surrounding areas feature zoning designations for forest land, timberland, or timber production. Additionally, there are currently no lands within the City of Sunnyvale zoned for or currently featuring timberland or timber production. The proposed project would therefore not conflict with existing zoning for, or cause rezoning of, forest land, timberland, or timberland zoned Timberland. Accordingly, there would be *no impact* and no mitigation measures are required.

<sup>11</sup> State of California Department of Conservation, Important Farmland Finder, <http://maps.conservation.ca.gov/ciff/ciff.html>, accessed on May 17, 2016.

<sup>12</sup> Santa Clara County, Santa Clara County website, interactive map of Williamson Act Properties, <https://www.arcgis.com/home/webmap/viewer.html?webmap=328429a3701a444485f31982cbdd9c71&extent=-122.5019,36.6904,-120.9103,37.6838>, accessed May 17, 2016.

- d) There is no forest land on the project site or in close proximity to the project site.<sup>13</sup> The project site and surrounding areas currently feature developed, park land uses. Therefore, the project would not result in the loss of forest land or conversion of forest land to non-forest use. Accordingly, there
- e) As detailed above, the project site and surrounding areas do not include any zoning, land use designations, or existing land uses relating to forest land, timber production, or agriculture. The project would not impact any outlying agricultural or forest lands and would not involve changes to the existing environment that would result in the conversion of forest or agricultural lands. Accordingly, there would be *no impact* and no mitigation measures are required.

### III. AIR QUALITY

| Would the project:                                                                                                                                                                                                                                                                         | Potentially Significant Impact | Less Than Significant With Mitigation Incorporated | Less-Than-Significant Impact | No Impact                           |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------|----------------------------------------------------|------------------------------|-------------------------------------|
| a) Conflict with or obstruct implementation of the applicable air quality plan?                                                                                                                                                                                                            | <input type="checkbox"/>       | <input type="checkbox"/>                           | <input type="checkbox"/>     | <input checked="" type="checkbox"/> |
| b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?                                                                                                                                                                         | <input type="checkbox"/>       | <input type="checkbox"/>                           | <input type="checkbox"/>     | <input checked="" type="checkbox"/> |
| c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project area is in non-attainment under applicable federal or State ambient air quality standards (including releasing emissions which exceed quantitative thresholds for ozone precursors)? | <input type="checkbox"/>       | <input type="checkbox"/>                           | <input type="checkbox"/>     | <input checked="" type="checkbox"/> |
| d) Expose sensitive receptors to substantial pollutant concentrations?                                                                                                                                                                                                                     | <input type="checkbox"/>       | <input type="checkbox"/>                           | <input type="checkbox"/>     | <input checked="" type="checkbox"/> |
| e) Create objectionable odors affecting a substantial number of people?                                                                                                                                                                                                                    | <input type="checkbox"/>       | <input checked="" type="checkbox"/>                | <input type="checkbox"/>     | <input type="checkbox"/>            |

### DISCUSSION:

- a)-c) The proposed project would involve the construction and subsequent operation of a therapeutic animal facility, or Smile Farm, for children with special needs. The project includes the installation of pre-fabricated buildings and the on-site construction of new buildings totaling 2,239 square feet. The maintenance and occupancy of these uses do not typically directly result in the generation of criteria or other pollutants in such manner as to conflict with a regional air quality plan, violate air quality standards, or otherwise create an air quality impact. Vehicle trips associated with the construction and operation of the project are anticipated to be a maximum of 15 per day and would not result in

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<sup>13</sup> California Department of Forestry and Fire Protection, Fire and Resource Assessment Program, The Management Landscape, <http://frap.fire.ca.gov/data/frapgismaps/pdfs/landscapesmap.pdf>, accessed May 17, 2016.

the generation of criteria or other pollutants in excess of pertinent federal and/or regional air quality standards. Accordingly, there would be *no impact* and no mitigation measures are required.

- d) The project site is located adjacent to East Caribbean Drive. The volume of vehicular traffic on this roadway would not result, under existing conditions or with the addition of trips from the proposed project result, in the creation of substantial pollutant concentrations to which future users of the proposed project could potentially be exposed. Exposure of sensitive receptors (future park users) to substantial pollutant concentrations would not occur as a result of the proposed project. Accordingly, there would be *no impact* and no mitigation measures are required.
- e) The type of facilities that are considered to have objectionable odors include wastewater treatments plants, compost facilities, landfills, solid waste transfer stations, fiberglass manufacturing facilities, paint/coating operations (e.g., auto body shops), dairy farms, petroleum refineries, asphalt batch plants, chemical manufacturing, and food manufacturing facilities. As described above, the project proposes to house a variety of large and small animals in prefabricated buildings on the project site. Construction of the proposed project would involve minor grading and therefore would not generate substantial odors or be subject to odors that would affect a substantial number of people.

Operation of the proposed project could generate odors from animal enclosures and manure management on-site practices. However, given the small size of the proposed project an odor evaluation is not required under BAAQMD's regulation 2, rule 10. According to the *Comprehensive Odor Management Plan Workbook* prepared by the University of Nebraska Cooperative Extension, the potential odor risk for the proposed project is ranked low. Furthermore, with regards to manure storage methods, the project would be required to comply with SMC Section 8.04.090, Disposal of Manure, which requires disposal of manure within 24 hours of the time of deposit either by hauling it away or by placing the waste in a sanitary and fly-tight box or receptacle that has been examined by the board of health or its authorized agent, and written permission to use the receptacle granted by the board of health. In addition, the proposed project would be required to comply with SMC Section 8.04.080, which requires facilities, keeping more than ten animals (i.e., horses, cows, or other animals) on the premises, to remove manure three times per week. Additionally, the proposed project would house a limited number of animals and would therefore not necessitate any type of land application for irrigation and surface application of manure, such as those employed by dairy farms and large scale livestock operations. Accordingly, the potential odor risk from the proposed project would be low. However, given that the nearest sensitive receptors (i.e., residents) are located approximately 1,775 feet (0.34 miles) south of the project site and the prevailing wind direction is to the southeast, toward residential development,<sup>14</sup> there is a remote possibility the proposed project to generate objectionable odors. Implementation of Mitigation Measure AIR-1 would reduce potential impacts related to objectionable odors would be *less than significant*.

**Mitigation Measure AIR-1:** The project applicant shall prepare an Odor Management Plan to ensure mandatory compliance with the Bay Area Air Quality Management District's

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<sup>14</sup> Bay Area Air Quality Management District, BAAQMD Meteorological Data, <http://data.baaqmd.gov/tec/data/>, accessed on May 19, 2016.

(BAAQMD) Regulation 7, Odorous Substances. The Odor Management Plan shall control odors generated by manure collection and storage from the project site to ensure odors would not constitute a public nuisance. Potential methods to control odors and odorous materials may include any combination of the following:

- Manure Additives: Add chemical or biological products to the manure to reduce odors and promote aerobic digestion or waste.
- Manure Management: More frequent manure removal than what is already required by per SMC Section 8.04.090.
- Oil Sprinkling: Lightly sprinkle animal pens with vegetable oil daily at low levels to reduce dust and odor.
- Shelterbelts: Incorporate rows of trees or vegetation around the on-site fly-tight box or receptacle used for manure storage.
- Ventilation Systems: Installation of ventilation systems for enclosed structures: There are two odor control options for enclosed structures. The ventilation system for the building can collect the air and direct it to an odor treatment system. Alternatively, the ventilation system can dilute the odors by moving a large volume of fresh outside air through the building.

#### IV. BIOLOGICAL RESOURCES

| Would the project:                                                                                                                                                                                                                                                                                               | Potentially Significant Impact | Less Than Significant With Mitigation Incorporated | Less-Than-Significant Impact | No Impact                           |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------|----------------------------------------------------|------------------------------|-------------------------------------|
| a) 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 Game or U.S. Fish and Wildlife Service? | <input type="checkbox"/>       | <input checked="" type="checkbox"/>                | <input type="checkbox"/>     | <input type="checkbox"/>            |
| b) 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 Game or US Fish and Wildlife Service?                                                                 | <input type="checkbox"/>       | <input type="checkbox"/>                           | <input type="checkbox"/>     | <input checked="" type="checkbox"/> |
| c) 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?                                             | <input type="checkbox"/>       | <input type="checkbox"/>                           | <input type="checkbox"/>     | <input checked="" type="checkbox"/> |



| Would the project:                                                                                                                                                                                                                 | Potentially Significant Impact | Less Than Significant With Mitigation Incorporated | Less-Than-Significant Impact | No Impact                           |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------|----------------------------------------------------|------------------------------|-------------------------------------|
| d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites? | <input type="checkbox"/>       | <input type="checkbox"/>                           | <input type="checkbox"/>     | <input checked="" type="checkbox"/> |
| e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?                                                                                                | <input type="checkbox"/>       | <input type="checkbox"/>                           | <input type="checkbox"/>     | <input checked="" type="checkbox"/> |
| f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?                                               | <input type="checkbox"/>       | <input type="checkbox"/>                           | <input type="checkbox"/>     | <input checked="" type="checkbox"/> |

## DISCUSSION:

- a) Although some areas of the Baylands Park where humans are restricted represents some of the last suitable burrowing owl habitat in the City, high levels of human disturbance prevent grasslands in actively used portions of Baylands Park from providing high-quality habitat for the burrowing owl.<sup>15</sup> Given that the project site is located in an urbanized and active use area of Baylands Park, and has been completely altered by existing and ongoing park uses, the project site no longer supports any natural habitat. Special-status species are plants and animals that are legally protected under the State and/or federal Endangered Species Acts or other regulations, as well as other species that are considered rare enough by the scientific community and trustee agencies to warrant special consideration, particularly with regard to protection of isolated populations, nesting or denning locations, communal roosts and other essential habitat. Suitable habitat for most of the special-status species known or suspected to occur in the Sunnyvale vicinity is absent from the site. However, there is a remote possibility that one or more species of birds protected under the federal Migratory Bird Treaty Act could nest in the scattered trees on the site. However, with implementation of Mitigation Measure BIO-1, the impact to nesting birds would be *less than significant*.

**Mitigation Measure BIO-1:** Adequate measure shall be taken to avoid inadvertent take of species of birds protected under the migratory Bird Treaty Act and the California Department of Fish and Game Code when in active use. This shall be accomplished by taking the following steps:

- If vegetation removal and initial construction (i.e., landscape grubbing/grading) is proposed during the nesting season (February 1 to August 31), a focused preconstruction survey for nesting raptors and migratory birds shall be conducted by a qualified biologist

<sup>15</sup> City of Sunnyvale, Sunnyvale Baylands Park and Landfill Biological Constraints and Opportunities Analysis, prepared by H.T. Harvey & Associates, February 3, 2015, page iii.

7 days prior to the onset of vegetation removal or construction, in order to identify any active nests on the proposed project site.

- If no active nests are identified during the construction survey period, or if development is initiated during the non-breeding season (September 1 to January 31), vegetation removal and construction may proceed with no restrictions.
  - If bird nests are found, an adequate setback shall be established around the nest location and vegetation removal and construction activities shall be restricted within this no-disturbance zone until the qualified biologist has confirmed that any young birds have fledged and are able to function outside the nest location. In general, no-disturbance zones shall be a minimum of 300 feet for raptors and 75 feet for other birds. Orange construction fencing, flagging, or other marking system shall be installed to delineate the buffer zone around the nest location(s) within which no construction-related equipment or operations shall be permitted. Continued use of existing facilities such as surface parking and site maintenance may continue within this buffer zone. Required setback distances for the no-disturbance zone shall be based on input received from the California Department of Fish and Wildlife, and may vary depending on species and sensitivity to disturbance.
  - A report of findings shall be prepared by the qualified biologist and submitted to the City for review and approval prior to initiation of construction within the no-disturbance zone during the nesting season (February 1 to August 31). The report shall either confirm absence of any active nests or confirm that any young are located within a designated no-disturbance zone and construction can proceed.
- b) As described above, the project site is located within Baylands Park and a portion of the project site is developed with the City's former Recycled Water Test Garden. Riparian habitat and other sensitive natural community types are absent from the project site. Thus, there would be *no impact* on sensitive natural communities and no mitigation measures are required.
- c) The Baylands Park includes seven biotic habitat types, including two sensitive wetland habitats that are likely to be considered waters of the U.S. and/or Waters of the State;<sup>16</sup> however, these wetlands are located outside of the area of disturbance of the project site. Therefore, jurisdictional wetlands and other regulated waters are absent from the site itself, which is dominated by ornamental woodlands and partially developed with an existing Recycled Water Test Garden. Typical best management practices described in Section IX, Hydrology and Drainage, would be utilized to prevent any construction-generated sediments or pollutants from entering the storm drain system and entering downgradient regulated waters. Therefore, there would be *no impact* on jurisdictional wetlands and waters, and no mitigation measures are required.
- d) The project site is located in an urbanized area, bordered by existing roadways and other urban uses which preclude the presence of any important wildlife movement corridors across the site. The site

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<sup>16</sup> City of Sunnyvale, Sunnyvale Baylands Park and Landfill Biological Constraints and Opportunities Analysis, prepared by H.T. Harvey & Associates, February 3, 2015, page ii.

contains no creeks or aquatic habitat that would support fish, and proposed development would not interfere substantially with the movement of any native resident or migratory fish or wildlife species, or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nurseries. Wildlife species common in urban habitat would continue to move through the area, both during and after construction. Some species common in open grassland, savanna and suburban habitats would most likely be displaced with the introduction of the proposed structures, but these are species that are relatively abundant in urban areas, and their loss or displacement would not be considered a significant impact. Therefore, there would be *no impact* on wildlife movement, and no mitigation measures are required.

- e) The City of Sunnyvale General Plan has no specific goals or policies related to the protection of biological and wetland resources. However, the SMC includes provisions regulating development when it may affect “protected trees.” The City’s Tree Preservation regulations (SMC Chapter 19.94)<sup>17</sup> serves to regulate the protection, installation, removal, and long-term management of significantly sized trees on private and public property within the city. Trees identified for protection under SMC Chapter 19.94, are those with a trunk circumference of 38 inches or greater and measure 4½ feet above grade for single-trunk trees. For multi-trunk trees, a protected tree is one that has at least one trunk with a minimum circumference of 38 inches or collectively measure 113 inches for all trunk circumferences. Under SMC Section 19.94.110,<sup>18</sup> when site development is occurring, the project applicant is required to provide details on existing tree resources, including: a tree survey showing the location, size and species of all trees (protected and unprotected); flexibility in plan modification where considered necessary to retain protected trees; replanting plans to be submitted as part of landscaping plans for the proposed project; a tree protection plan demonstrating how tree protection is to be provided both during and after construction; a tree bond for the value of any tree to be retained during development; and soil mitigation where required to provide suitable conditions for future or existing tree growth.

As mentioned above in the Project Description, the project does not propose the removal of any trees; however, if any existing dead or dying trees are determined by the City to pose a safety hazard, they would be removed for safety. Otherwise, no conflicts with the City’s Tree Preservation regulations would occur as a result of the proposed project. Therefore, there would be *no impact* and no mitigation measures are required.

- f) The proposed project site is located in the urbanized area of Sunnyvale. There are no adopted habitat conservation plans or natural community conservation plans which would apply to the proposed project. Accordingly, there would be *no impact* and no mitigation measures are required.

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<sup>17</sup> Title 19, Zoning, Article 6, Discretionary Permits and Procedures, Chapter 19.94, Tree Preservation.

<sup>18</sup> Title 19, Zoning, Article 6, Discretionary Permits and Procedures, Chapter 19.94, Tree Preservation, Section 19.94.110, Requirements concerning protected trees during site development or modification.

## V. CULTURAL RESOURCES

| Would the project:                                                                                                                 | Potentially Significant Impact | Less Than Significant With Mitigation Incorporated | Less-Than-Significant Impact | No Impact                           |
|------------------------------------------------------------------------------------------------------------------------------------|--------------------------------|----------------------------------------------------|------------------------------|-------------------------------------|
| a) Cause a substantial adverse change in the significance of a historical resource as defined in Section 15064.5?                  | <input type="checkbox"/>       | <input type="checkbox"/>                           | <input type="checkbox"/>     | <input checked="" type="checkbox"/> |
| b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5?               | <input type="checkbox"/>       | <input checked="" type="checkbox"/>                | <input type="checkbox"/>     | <input type="checkbox"/>            |
| c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?                            | <input type="checkbox"/>       | <input checked="" type="checkbox"/>                | <input type="checkbox"/>     | <input type="checkbox"/>            |
| d) Disturb any human remains, including those interred outside of formal cemeteries?                                               | <input type="checkbox"/>       | <input type="checkbox"/>                           | <input type="checkbox"/>     | <input checked="" type="checkbox"/> |
| e) Cause a substantial adverse change in the significance of a tribal cultural resource as defined in Public Resources Code 21074? | <input type="checkbox"/>       | <input checked="" type="checkbox"/>                | <input type="checkbox"/>     | <input type="checkbox"/>            |

## DISCUSSION:

- a) There are no existing structures on the project site. Accordingly, there would be *no impact* and no mitigation measures are required.
- b) While the project is not identified as a Heritage Resource under the Sunnyvale General Plan and no known archeological resources are located on the project site,<sup>19</sup> minor surface grading not exceeding a depth of 3 feet would occur during the construction phase of the proposed project could expose unknown archeological resources. Therefore, the potential for yet undiscovered, buried archeological resources disturbing activities associated with construction of the proposed project could have the potential to adversely affect these resources. Accordingly, impacts to known or unknown archeological resources that may be found in the course of construction activities under the proposed project would *less than significant with the incorporation of Mitigation Measure CULT-1*.

**Mitigation Measure CULT-1:** If any prehistoric or historic subsurface cultural resources are discovered during ground-disturbing activities, all work within 50 feet of the resources shall be halted and a qualified archaeologist shall be consulted to assess the significance of the find according to CEQA Guidelines Section 15064.5. If any find is determined to be significant, representatives from the City and the archaeologist would meet to determine the appropriate avoidance measures or other appropriate mitigation. All significant cultural materials recovered shall be, as necessary and at the discretion of the consulting archaeologist, subject to scientific analysis, professional museum curation, and documentation according to current professional standards. In considering any suggested mitigation proposed by the

<sup>19</sup> Sunnyvale General Plan, Chapter 4, Community Character, Heritage Preservation, page 4-17.

consulting archaeologist to mitigate impacts to historical resources or unique archaeological resources, the City and County shall determine whether avoidance is necessary and feasible in light of factors such as the nature of the find, proposed project design, costs, and other considerations. If avoidance is infeasible, other appropriate measures (e.g., data recovery) would be instituted. Work may proceed on other parts of the project site while mitigation for historical resources or unique archaeological resources is being carried out.

- c) The project site is already almost entirely developed within an existing and operational park, and contains no unique geological features. While fossils are not expected to be discovered during project construction, it is possible that similar to unknown archeological resources described in criterion (b) above, significant fossils could be discovered during the minor grading activities, even in areas with a low likelihood of occurrence. Accordingly, impacts to known or unknown paleontological resources that may be found in the course of construction activities under the proposed project would *less than significant with the incorporation of Mitigation Measure CULT-2*.

**Mitigation Measure CULT-2:** In the event that fossils or fossil-bearing deposits are discovered during construction, grading within 50 feet of the find shall be temporarily halted or diverted. The contractor shall notify a qualified paleontologist to examine the discovery. The paleontologist shall document the discovery as needed, in accordance with Society of Vertebrate Paleontology standards (Society of Vertebrate Paleontology 1995), evaluate the potential resource, and assess the significance of the finding under the criteria set forth in CEQA Guidelines Section 15064.5. The paleontologist shall notify the appropriate agencies to determine procedures that would be followed before construction is allowed to resume at the location of the find. If the project proponent determines that avoidance is not feasible, the paleontologist shall prepare an excavation plan for mitigating the effect of the project based on the qualities that make the resource important. The plan shall be submitted to the City and County for review and approval prior to implementation.

- d) Human remains associated with pre-contact archaeological deposits could exist on the project site, and could be encountered at the time potential future development occurs. The associated ground-disturbing activities, such as site grading and trenching for utilities, have the potential to disturb human remains interred outside of formal cemeteries. Descendant communities may ascribe religious or cultural significance to such remains, and may view their disturbance as an unmitigable impact. Disturbance of unknown human remains would be a significant impact.

However, any human remains encountered during ground-disturbing activities would be required to be treated in accordance with California Health and Safety Code Section 7050.5, Public Resources Code Section 5097.98 and the California Code of Regulations Section 15064.5(e) (CEQA), which state the mandated procedures of conduct following the discovery of human remains. According to the provisions in CEQA, if human remains are encountered at the site, all work in the immediate vicinity of the discovery shall cease and necessary steps to ensure the integrity of the immediate area shall be taken. The Santa Clara County Coroner shall be notified immediately. The Coroner shall then determine whether the remains are Native American. If the Coroner determines the remains are Native American, the Coroner shall notify the NAHC within 24 hours, who will, in turn, notify the

person the Native American Heritage Commission (NAHC) identifies as the Most Likely Descendant (MLD)<sup>20</sup> of any human remains. Further actions shall be determined, in part, by the desires of the MLD. The MLD has 48 hours to make recommendations regarding the disposition of the remains following notification from the NAHC of the discovery. If the MLD does not make recommendations within 48 hours, the owner shall, with appropriate dignity, reinter the remains in an area of the property secure from further disturbance. Alternatively, if the owner does not accept the MLD's recommendations, the owner or the descendent may request mediation by the NAHC. Therefore, with the mandatory regulatory procedures described above, potential impacts related to the potential discovery or disturbance of any human remains accidentally unearthed during construction activities associated with the proposed project would be less than significant and no mitigation measures would be required.

- e) A TCR is defined under AB 52 as a site, feature, place, cultural landscape that is geographically defined in terms of size and scope, sacred place, and object with cultural value to a California Native American tribe that are either included or eligible for inclusion in the California Register of Historic Resources or included in a local register of historical resources, or included in a local register of historical resources, or if the City of Sunnyvale, acting as the lead agency, supported by substantial evidence, chooses at its discretion to treat the resource as a TCR.

As discussed under criteria (b) and (d) no known archeological resources, ethnographic sites or Native American remains are located on the project site. As discussed under criterion (b) implementation of Mitigation Measure CULT-1 would reduce impacts to unknown archaeological deposits, including TCRs, to a less-than-significant level. As discussed under criterion (d) compliance with State and federal regulations would reduce the likelihood of disturbing or discovering human remains, including those of Native Americans. Therefore, implementation of Mitigation Measure CULT-1 and compliance with State and federal regulations related to the protection of human remains would reduce impacts to TCRs to a *less-than-significant* level.

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<sup>20</sup> "Native American Most Likely Descendant" is a term used in an official capacity in CEQA Guidelines Section 15064.5(e), and other places, to refer to Native American individuals assigned the responsibility/opportunity by NAHC to review and make recommendations for the treatment of Native American human remains discovered during project implementation. Section 5097.98 of the Public Resources Code and Section 7050.5 of the Health and Safety Code also reference Most Likely Descendants.

## VI. GEOLOGY AND SOILS

| Would the project:                                                                                                                                                                                                                                                                          | Potentially Significant Impact | Less Than Significant With Mitigation Incorporated | Less-Than-Significant Impact        | No Impact                           |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------|----------------------------------------------------|-------------------------------------|-------------------------------------|
| a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury or death involving:<br>i) Strong seismic ground shaking?<br>ii) Seismic-related ground failure, including liquefaction?<br>iii) Landslides, mudslides or other similar hazards? | <input type="checkbox"/>       | <input type="checkbox"/>                           | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| b) Result in substantial soil erosion or the loss of topsoil?                                                                                                                                                                                                                               | <input type="checkbox"/>       | <input type="checkbox"/>                           | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on-or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?                                                           | <input type="checkbox"/>       | <input type="checkbox"/>                           | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| d) Be located on expansive soil, as defined in Section 1803.5.3 of the California Building Code, creating substantial risks to life or property?                                                                                                                                            | <input type="checkbox"/>       | <input type="checkbox"/>                           | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of wastewater?                                                                                                         | <input type="checkbox"/>       | <input type="checkbox"/>                           | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |

## DISCUSSION:

- a) The project site is situated in a region characterized by numerous active and potentially active faults, many of which have exhibited recurring seismic activity.

The site is not located within a State-designated Alquist-Priolo Earthquake Fault Zone and no mapped faults are known to traverse the site.<sup>21</sup> As a consequence, the potential for earthquake-related ground shaking, failure (including liquefaction), landslides, mudslides or other similar hazards is considered low at the project site. The project would introduce a park related activity (e.g., therapeutic animal facility) to an existing park and would not expose people or structures to potential substantial adverse effects, including the risk of loss, injury or death from a seismic event. Accordingly, there would be *no impact* and no mitigation measures are required.

- b) The development of the project site would not result in significant erosion and/or loss of topsoil thereby creating hazardous conditions. Surface drainage ditches and storm drains must be regularly

<sup>21</sup> California Department of Conservation, Geologic Hazards and Mapping program, <http://www.quake.ca.gov/gmaps/WH/regulatorymaps.htm>, accessed on November 24, 2014.



maintained to continue functioning as designed. In addition, proper drainage and erosion control during grading is necessary to control erosion. Typically, erosion impacts are greatest in the first two years after construction, the time generally required to reestablish a good vegetation cover on areas of disturbed soil. During the construction phase of the proposed project the site would be minimally graded to improve the surface for pervious pathways and prepare impervious building pads for pre-fabricated and built-on-site structures not exceeding 2,239 square feet. Accordingly, the on-site soils are not susceptible to erosion or the loss of topsoil during construction, which could undermine structures. Therefore, there would be *no impact* and no mitigation measures are required.

- c) The project site is mapped as flatland, which are areas classified by the Association of Bay Area Governments (ABAG), *Multi-Jurisdictional Local Hazards Mitigation Plan*, as gentle slopes at low elevations that have little or no potential for the formation of slumps, translational slides, or earth flow except along stream banks and terrace margins; defined by the distribution of surficial deposits.<sup>22</sup> Moreover, the project site is mapped as having only a moderate potential for liquefaction.<sup>23</sup> Finally, the project is not located along a stream bank or terrace margin and therefore it is unlikely to become unstable as a result of the project. Accordingly, there would be *no impact* and no mitigation measures are required.
- d) Sunnyvale's soil is largely composed of expansive clays which are known to be poor foundation material because they swell when wet and shrink when dry producing extensive cracks.<sup>24</sup> However, given of that proposed project would not involve new housing, employment centers, or roads for vehicles or parking, it is unlikely that siting the proposed project on expansive soils would create substantial risks to life or property. Therefore, impacts with respect to expansive soils would be *less than significant*.
- e) The development of the proposed project would not require the construction or use of septic tanks or alternative wastewater disposal systems. As such, there will be *no impact* from the proposed project associated with soils that are inadequate for the use of septic tanks or alternative wastewater disposal systems and no mitigation measures are required.

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<sup>22</sup> Association of Bay Area Governments, Multi-Jurisdictional Local Hazard Mitigation Plan: Appendix C: Natural Hazard Risk Assessment, page 38.

<sup>23</sup> Association of Bay Area Governments, Earthquake, and Hazards Program Landslide Distribution Map, <http://gis.abag.ca.gov/website/Hazards/?hlyr=liqSusceptibility>, accessed on May 17, 2016.

<sup>24</sup> City of Sunnyvale, 2008, Seismic Safety and Safety Sub-Element of the Community Development Element, page 22.

## VII. GREENHOUSE GAS EMISSIONS

| Would the project:                                                                                                                             | Potentially Significant Impact | Less Than Significant With Mitigation Incorporated | Less-Than-Significant Impact        | No Impact                           |
|------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------|----------------------------------------------------|-------------------------------------|-------------------------------------|
| a) Generate greenhouse gas (GHG) emissions, either directly or indirectly, that may have a significant impact on the environment?              | <input type="checkbox"/>       | <input type="checkbox"/>                           | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| b) Conflict with an applicable plan, policy, or regulation of an agency adopted for the purpose of reducing the emissions of greenhouse gases? | <input type="checkbox"/>       | <input type="checkbox"/>                           | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |

## DISCUSSION:

- a) GHG emissions are associated with the combustion of fuels, including diesel or gasoline for vehicles and equipment. The proposed project would result in a therapeutic animal facility operating within an existing park and is not anticipated to generate substantial new traffic, since the proposed project is limited to a regularly used site. The proposed project does not involve new housing, employment centers, or roads for vehicles or parking. The proposed project would generate short-term dust, vehicle, and equipment emissions during the construction phase. However, the scale of the proposed project is small with new buildings proposed at less than 2,239 square feet. Accordingly, impacts would be *less than significant* and no mitigation measures are required.
- b) The 2012 *Bay Area Clean Air Plan* is the current control strategy to reduce ozone, particulate matter (PM), air toxics, and GHGs for the Bay Area, including the City of Sunnyvale and all of Santa Clara County. The proposed project, a therapeutic animal facility within an existing park, would neither conflict nor obstruct implementation of the Clean Air Plan. Accordingly, *no impact* would occur and no mitigation measures are required.

## VIII. HAZARDS AND HAZARDOUS MATERIALS

| Would the project:                                                                                                                                                                              | Potentially Significant Impact | Less Than Significant With Mitigation Incorporated | Less-Than-Significant Impact        | No Impact                           |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------|----------------------------------------------------|-------------------------------------|-------------------------------------|
| a) Create a significant hazard to the public or the environment through the routine transport, use or disposal of hazardous materials?                                                          | <input type="checkbox"/>       | <input type="checkbox"/>                           | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| b) 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? | <input type="checkbox"/>       | <input type="checkbox"/>                           | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances or waste within one-quarter mile of an existing or proposed school?                                  | <input type="checkbox"/>       | <input type="checkbox"/>                           | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |

| Would the project:                                                                                                                                                                                                                                               | Potentially Significant Impact | Less Than Significant With Mitigation Incorporated | Less-Than-Significant Impact | No Impact                           |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------|----------------------------------------------------|------------------------------|-------------------------------------|
| d) Be located on a site which is included on a list of hazardous material sites compiled pursuant to Government Code Section 65962.5 and, as a result, create a significant hazard to the public or the environment?                                             | <input type="checkbox"/>       | <input type="checkbox"/>                           | <input type="checkbox"/>     | <input checked="" type="checkbox"/> |
| e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area? | <input type="checkbox"/>       | <input type="checkbox"/>                           | <input type="checkbox"/>     | <input checked="" type="checkbox"/> |
| f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?                                                                                                      | <input type="checkbox"/>       | <input type="checkbox"/>                           | <input type="checkbox"/>     | <input checked="" type="checkbox"/> |
| g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?                                                                                                                                        | <input type="checkbox"/>       | <input type="checkbox"/>                           | <input type="checkbox"/>     | <input checked="" type="checkbox"/> |
| h) 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?                                             | <input type="checkbox"/>       | <input type="checkbox"/>                           | <input type="checkbox"/>     | <input checked="" type="checkbox"/> |

## DISCUSSION:

- a), b) Small amounts of potentially hazardous materials associated with heavy mechanical equipment, for example diesel, gasoline, or other automotive fluids, or associated trail building, such as herbicides, may be used during construction of the pervious pathway, or during routine maintenance. However, standard precautions and best management practices to prevent spills would be used to minimize exposure to people and the environment. Further, due to the small scale of the proposed project, in the event of a spill the amount of such products would be in small quantities. Thus, the impacts to the public and environment from hazardous materials would be limited. Accordingly, impacts would be *less than significant* and no mitigation measures are required.
- c) The nearest educational facilities to the project site are Lakewood and Fairwood Elementary Schools, which are located approximately one mile south of the project site. The proposed project would not involve the storage, handling, or disposal of hazardous materials in sufficient quantities to pose a significant risk to the public. Thus, there would be *no impact* related to hazardous emissions or hazardous material handling within one-quarter mile of a school and no mitigation measures are required.

- d) The project site is not included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5.<sup>25</sup> Development of proposed project, therefore, would not create a significant hazard to the public or the environment by virtue of location in proximity to a known hazardous materials site. Accordingly, impacts would be *less than significant* and no mitigation measures are required.
- e),f) The project site is located approximately two miles to the east of the private-use Moffett Federal Airfield and approximately four miles north of the public Mineta San Jose International airport in the City of San Jose. Given the distance from these airports and the project's proposal to operate a therapeutic animal facility within an existing park, the project would not be subject to any airport safety hazards. The project would also not have an adverse effect on aviation safety or flight patterns. Thus, there would be *no impact* related to public airport hazards and no mitigation measures are required.
- g) California Code of Regulations, Title 24, also known as the California Building Standards Code, contains the California Fire Code (CFC), included as Title 24, Part 9. Updated every three years, the CFC includes provisions and standards for emergency planning and preparedness, fire service features, fire protection systems, hazardous materials, fire flow requirements, and fire hydrant locations and distribution. The CFC has been adopted by the SMC as Title 16, Building Code, Chapter 16.52, Fire Code.  
  
The proposed project would not change any existing access points for emergency vehicles during both the construction and operational phases of the project. Compliance with the provisions of the CFC and the CBC (described above), would ensure that development of the proposed project would have *no impact* and would not interfere with an adopted emergency response plan or emergency evacuation plan. No mitigation measures are required.
- h) The California Department of Forestry and Fire Protection (CalFire) has mapped the relative fire risk in areas of significant population, based on development density and proximate fire threat. Levels of risk are indicated as "Little or No Threat," "Moderate," "High," "Very High" and "Extreme." The project site is not located in an area designated by CalFire as Extreme or Very High threat to people from wildland fire.<sup>26</sup> The project site is located in a highly urbanized area and is not surrounded by woodlands or vegetation, other than what is present in the park itself, which would provide fuel load for wildfires. The proposed project would introduce the operation of a therapeutic animal facility for limited use and controlled visitation, and would not substantially increase the number of users to the Baylands Park. Thus, the proposed project would not result in significant risk of loss, injury, or death resulting from wildland fire. Accordingly, *no impact* would occur and no mitigation measures are required.

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<sup>25</sup> Department of Toxic Substances Control, <http://www.envirostor.dtsc.ca.gov/public>, accessed May 16, 2016. The nearest listed hazardous materials site is the Allied-Signal, Incorporated site located on Moffet Park Drive, roughly 600 feet southwest of the project site. This site identified as an inactive site with a needs-evaluation status.

<sup>26</sup> California Department of Forestry and Fire Protection, 2008, Very High Fire Hazard Severity Zones in LRA, [http://frap.fire.ca.gov/webdata/maps/santa\\_clara/fhszl\\_map.43.pdf](http://frap.fire.ca.gov/webdata/maps/santa_clara/fhszl_map.43.pdf), accessed on May 16, 2016.

## IX. HYDROLOGY AND WATER QUALITY

| Would the project:                                                                                                                                                                                                                                                        | Potentially Significant Impact | Less Than Significant With Mitigation Incorporated | Less-Than-Significant Impact        | No Impact                           |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------|----------------------------------------------------|-------------------------------------|-------------------------------------|
| a) Violate any water quality standards or waste discharge requirements?                                                                                                                                                                                                   | <input type="checkbox"/>       | <input type="checkbox"/>                           | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a significant lowering of the local groundwater table level?                                               | <input type="checkbox"/>       | <input type="checkbox"/>                           | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| c) 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 would result in substantial erosion or siltation on- or off-site?                                        | <input type="checkbox"/>       | <input type="checkbox"/>                           | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| d) 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 would result in flooding on- or off-site? | <input type="checkbox"/>       | <input type="checkbox"/>                           | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| e) Create or contribute runoff water which would exceed the capacity of existing or planned storm-water drainage systems?                                                                                                                                                 | <input type="checkbox"/>       | <input type="checkbox"/>                           | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| f) Otherwise substantially degrade water quality?                                                                                                                                                                                                                         | <input type="checkbox"/>       | <input type="checkbox"/>                           | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| g) 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?                                                                                                      | <input type="checkbox"/>       | <input type="checkbox"/>                           | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?                                                                                                                                                                       | <input type="checkbox"/>       | <input type="checkbox"/>                           | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| i) 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?                                                                                                        | <input type="checkbox"/>       | <input type="checkbox"/>                           | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| j) Inundation by seiche, tsunami, or mudflow?                                                                                                                                                                                                                             | <input type="checkbox"/>       | <input type="checkbox"/>                           | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |

## DISCUSSION:

- a),f) Clearing, grading, and construction activities associated with the proposed project have the potential to impact water quality through soil erosion, which can increase the amount of silt and debris carried in runoff. The project would result in 14 separate structures with a combined total of approximately 2,239 square feet of impervious surface, distributed throughout the 2.5 acre site, as described on Ta-

ble 1 of the Project Description. The proposed buildings would range from 32 square feet to 1,351 square feet and would disturb a total of less than one acre of land. Thus, the project would not be subject to the requirements of the General Construction Permit (GCP) and a Storm Water Pollution Prevention Plan (SWPPP) would not need to be prepared. However, as per the C.6 provisions of the MS4 permit, the project applicant would be required to implement construction phase BMPs that address erosion control, run-on and run-off control, sediment control, good site management, and non-stormwater management. With implementation of these measures, water quality impacts during construction would be less than significant.

Similarly, the project would not be subject to the C.3 provisions of the MS4 permit, since it will not create or replace 2,500 square feet or more of impervious surface. Therefore, preparation of a Stormwater Management Plan and installation of stormwater treatment measures would not be required. However, the City of Sunnyvale has the discretionary power to require BMPs as a condition of approval, which may include minimization of impervious surfaces, treatment of stormwater runoff by collection, detention, or infiltration, efficient irrigation of landscaped areas, and source control measures. With the implementation of applicable BMPs and the minimal amount of proposed impervious surfaces, the

Given the small nature of the project it would not be required to comply with federal, State, and local regulations. Thus, the operation and maintenance activities associated with the project would result in minimal impacts on water quality. As with existing conditions, stormwater runoff would be directed to the City's storm drain system via the on-site stormwater drainage system. Accordingly, water quality impacts associated with construction and operational aspects of the project would be *less than significant* and no mitigation measures are required.

- b) The project would be connected to municipal water supplies and does not propose any wells or use of on-site groundwater supplies. Although the City does obtain a portion of its municipal supply from City groundwater wells, the water demand for this project would be minimal and the 2015 Urban Water Management Plan (URMP) indicates that there are sufficient water supplies for normal, single-dry, and multiple-dry years through 2035. While the project would include construction of impervious surfaces on the project site which could limit groundwater recharge in the area, the small size of the project and limited impervious surfaces would preclude the potential for a net deficit in aquifer volume or a significant lowering of the local groundwater table level. Accordingly, *no impacts* to groundwater supplies or groundwater recharge would occur and no mitigation measures are required.
- c),d),e) A portion of the project site is currently developed with a former Recycled Water Test Garden and pervious trails. The proposed project would not alter the course of a stream or river. Although the project would result in an increase in impervious surfaces by 2,239 square feet, the buildings would be scattered throughout the 2.5-acre site and the site would remain with 98% pervious surfaces. The project is not subject to the C.3 provisions of the MS4 permit that require stormwater treatment or control measures, because of the small amount of impervious surfaces that would be created. However, erosion and sedimentation would be controlled during construction by the implementation of construction BMPs. Because most of the project site would remain with pervious surfaces, storm-

water runoff from the trails and buildings would drain via sheetflow to adjacent vegetated or undeveloped areas where it would infiltrate into the soil. Therefore, post-development stormwater flow rates are not expected to be significantly different from pre-development flow rates and the potential for flooding is less than significant. Similarly, the introduction of 2,239 square feet of impervious surface, would generate amounts of stormwater runoff that would exceed the capacity of existing stormwater drainage systems. Accordingly, the potential for erosion, siltation, flooding, or exceedance of the storm drain system's capacity would be *less than significant* and no mitigation measures are required.

- g), h) The project site is not located within a 100-year floodplain as mapped by FEMA and does not include any housing.<sup>27</sup> Therefore, housing will not be constructed within a 100-year floodplain. Similarly, no structures would be located within a 100-year floodplain that could impede or redirect flood flows. As a result, *no impact* would occur and no mitigation measures are required.
- i) According to dam inundation maps compiled by the California Office of Emergency Services (CalOES), the project site is not located in a dam inundation zone.<sup>28</sup> Accordingly, *no impact* would occur and no mitigation measures are required.
- j) The project site is located in close proximity to the San Francisco Bay; however, it is outside of the tsunami inundation zone as mapped by ABAG.<sup>29</sup> Additionally, there are no slopes with gradients of 15 percent or more adjacent to the site and the site is not in a debris flow source area.<sup>30</sup> Therefore, *no impact* related to inundation by seiche, tsunami, or mudflows would occur and no mitigation measures are required.

## X. LAND USE AND PLANNING

| Would the project:                                                                                                                                                                                                                                                                                          | Potentially Significant Impact | Less Than Significant With Mitigation Incorporated | Less-Than-Significant Impact | No Impact                           |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------|----------------------------------------------------|------------------------------|-------------------------------------|
| a) Physically divide an established community?                                                                                                                                                                                                                                                              | <input type="checkbox"/>       | <input type="checkbox"/>                           | <input type="checkbox"/>     | <input checked="" type="checkbox"/> |
| b) 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? | <input type="checkbox"/>       | <input type="checkbox"/>                           | <input type="checkbox"/>     | <input checked="" type="checkbox"/> |

<sup>27</sup> City of Sunnyvale, Flood Hazard Areas, <http://sunnyvale.ca.gov/Portals/0/Sunnyvale/DPW/Engineering/201507FloodZones.pdf>, accessed May 17, 2016.

<sup>28</sup> California Office of Emergency Services, 2009. *Dam Inundation Registered Images and Boundary Files in Shape File Format. Version DVD 3*. Dated April 2009.

<sup>29</sup> Association of Bay Area Governments, Earthquakes and Hazards Program, Tsunami Evacuation Area Map, <http://gis.abag.ca.gov/website/Hazards/?hlyr=tsunami>, accessed on May 16, 2016.

<sup>30</sup> Association of Bay Area Governments, Earthquakes and Hazards Program, Landslide and Debris Flow Hazard Map, <http://gis.abag.ca.gov/website/Hazards/?hlyr=northSanAndreas&co=6081>, accessed on May 16, 2016.



| Would the project:                                                                                | Potentially Significant Impact | Less Than Significant With Mitigation Incorporated | Less-Than-Significant Impact | No Impact                           |
|---------------------------------------------------------------------------------------------------|--------------------------------|----------------------------------------------------|------------------------------|-------------------------------------|
| c) Conflict with any applicable habitat conservation plan or natural community conservation plan? | <input type="checkbox"/>       | <input type="checkbox"/>                           | <input type="checkbox"/>     | <input checked="" type="checkbox"/> |

#### DISCUSSION:

- a) An example of a project that would divide an existing community would be a project that involved a continuous right-of-way, such as a roadway that would divide a community and impede access between parts of the community. The proposed project involves the construction and operation of a therapeutic animal facility within the larger Baylands Park area and would not divide any existing established community. Accordingly, *no impact* with respect to the division of an established community would occur and no mitigation measures are required.
- b) Construction of the project would have a significant impact if it would conflict with community goals as expressed in adopted plans, policies, or regulations. The proposed project does not require amendments to the General Plan or Zoning regulations, and would be a permitted use in the greater Baylands Park. Accordingly, *no impact* would occur and no mitigation measures are required.
- c) There are no adopted habitat conservation plans or natural community conservation plans that would apply to the proposed project, and therefore, there would be *no impact* with regard to conservation plan conflicts and no mitigation measures are required.

#### XI. MINERAL RESOURCES

| Would the project:                                                                                                                                                    | Potentially Significant Impact | Less Than Significant With Mitigation Incorporated | Less-Than-Significant Impact | No Impact                           |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------|----------------------------------------------------|------------------------------|-------------------------------------|
| a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?                                | <input type="checkbox"/>       | <input type="checkbox"/>                           | <input type="checkbox"/>     | <input checked="" type="checkbox"/> |
| b) 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? | <input type="checkbox"/>       | <input type="checkbox"/>                           | <input type="checkbox"/>     | <input checked="" type="checkbox"/> |

#### DISCUSSION:

- a), b) The California Department of Conservation, Geological Survey (CGS) classifies lands into Aggregate and Mineral Resource Zones (MRZs) based on guidelines adopted by the California State Mining and Geology Board, as mandated by the Surface Mining and Reclamation Act of 1974. These MRZs identify whether known or inferred significant mineral resources are present in areas. Lead agencies are required to incorporate identified MRZs resource areas delineated by the State into their General

Plans.<sup>31</sup> The City of Sunnyvale has no General Plan Land Use designation for mineral resources. Therefore, there would be *no impact* with regard to the loss of a valuable mineral resource and no mitigation measures are required.

## XII. NOISE

| Would the project:                                                                                                                                                                                                                                                  | Potentially Significant Impact | Less Than Significant With Mitigation Incorporated | Less-Than-Significant Impact | No Impact                           |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------|----------------------------------------------------|------------------------------|-------------------------------------|
| a) 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?                                                                                 | <input type="checkbox"/>       | <input type="checkbox"/>                           | <input type="checkbox"/>     | <input checked="" type="checkbox"/> |
| b) Exposure of persons to or generation of excessive groundborne vibration or ground borne noise levels?                                                                                                                                                            | <input type="checkbox"/>       | <input type="checkbox"/>                           | <input type="checkbox"/>     | <input checked="" type="checkbox"/> |
| c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?                                                                                                                                      | <input type="checkbox"/>       | <input type="checkbox"/>                           | <input type="checkbox"/>     | <input checked="" type="checkbox"/> |
| d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?                                                                                                                          | <input type="checkbox"/>       | <input type="checkbox"/>                           | <input type="checkbox"/>     | <input checked="" type="checkbox"/> |
| e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels? | <input type="checkbox"/>       | <input type="checkbox"/>                           | <input type="checkbox"/>     | <input checked="" type="checkbox"/> |
| f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?                                                                                                      | <input type="checkbox"/>       | <input type="checkbox"/>                           | <input type="checkbox"/>     | <input checked="" type="checkbox"/> |

## DISCUSSION:

- a) - d) Operation of the completed proposed project would not generate loud noises, excessive ground-borne vibration, or expose people to noise levels in excess of standards in general plan, local ordinance, or agency standards. No long-term significant increase in ambient noise levels is expected as a result of proposed project operation.

Construction noise represents a short-term impact on ambient noise levels. Short-term construction activities for the proposed pathways would result in a temporary increase in noise levels associated with building equipment, truck hauling, excavation or ground-leveling, and associated activities.

<sup>31</sup> Public Resources Code Section 2762(a)(1).

Noise generated by construction equipment, including trucks, graders, back-hoes, concrete mixers, and similar equipment can reach high levels. Based on information from the Environmental Protection Agency, noise levels at 50 feet from most types of this equipment is in excess of 80 dBA, and as high as 97dBA, approaching the noise level of a rock concert. The applicant will minimize construction-related noise impacts by complying with construction activity time limits as set forth in the SMC Section 16.08.30, Hours of Construction (e.g., 7:00 a.m. and 6:00 p.m. Monday through Friday and between the hours of 8:00 a.m. and 5:00 p.m. on Saturday). Given that there are no sensitive receptors in close proximity to the project area, adherence to City standards for potential noise impacts during project construction would ensure potential noise impact would be *less than significant*. No mitigation measures are required.

- e),f) The project site is located approximately two miles to the east of the private-use Moffett Federal Airfield and approximately four miles north of the public-use Mineta San Jose International airport in the City of San Jose. The project does not propose any land uses that would expose people (i.e., employees) to excessive noise from aircraft using a public use airport. Accordingly, there would be *no impact* and no mitigation measures are required.

### XIII. POPULATION AND HOUSING

| Would the project:                                                                                                                                                                                        | Potentially Significant Impact | Less Than Significant With Mitigation Incorporated | Less-Than-Significant Impact | No Impact                           |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------|----------------------------------------------------|------------------------------|-------------------------------------|
| a) 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)? | <input type="checkbox"/>       | <input type="checkbox"/>                           | <input type="checkbox"/>     | <input checked="" type="checkbox"/> |
| b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?                                                                                     | <input type="checkbox"/>       | <input type="checkbox"/>                           | <input type="checkbox"/>     | <input checked="" type="checkbox"/> |
| c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?                                                                                               | <input type="checkbox"/>       | <input type="checkbox"/>                           | <input type="checkbox"/>     | <input checked="" type="checkbox"/> |

### DISCUSSION:

- a) – c) The proposed project would introduce the operation of a therapeutic animal facility for limited use and controlled visitation. The proposed project would not involve new housing or employment centers; thus, the project would not induce substantial population growth in the area. Therefore, implementation of the proposed project would result in no impact related to population growth. The project site does not contain any existing housing; thus, no housing or residents would be displaced. Accordingly, *no impact* would occur and no mitigation measures are required.

#### XIV. PUBLIC SERVICES

| Would the project:                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | Potentially Significant Impact | Less Than Significant With Mitigation Incorporated | Less-Than-Significant Impact | No Impact                           |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------|----------------------------------------------------|------------------------------|-------------------------------------|
| a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services including, fire and police protection, schools, parks and libraries? | <input type="checkbox"/>       | <input type="checkbox"/>                           | <input type="checkbox"/>     | <input checked="" type="checkbox"/> |

#### DISCUSSION:

- a) The primary purpose of a public services impact analysis is to examine the impacts associated with physical improvements to public service facilities required to maintain acceptable service ratios, response times or other performance objectives. Public service facilities need improvements (i.e., construction, renovation or expansion) as demand for services increase. Increased demand is typically driven by increases in population. The proposed project would have a significant environmental impact if it would exceed the ability of public service providers to adequately serve residents, thereby requiring construction of new facilities or modification of existing facilities. As discussed in Section XII, Population and Housing, above, the proposed project would not result in net increase residents at the project site or elsewhere in the region because it does not propose housing and is not major regional employer. Accordingly, the proposed project would not warrant new construction of or expansion of an existing fire, police, school, park or library facility that would serve the project site; thus, *no impact* would occur and no mitigation measures are required.

#### XV. RECREATION

| Would the project:                                                                                                                                                                                             | Potentially Significant Impact | Less Than Significant With Mitigation Incorporated | Less-Than-Significant Impact        | No Impact                |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------|----------------------------------------------------|-------------------------------------|--------------------------|
| a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated? | <input type="checkbox"/>       | <input type="checkbox"/>                           | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?                        | <input type="checkbox"/>       | <input type="checkbox"/>                           | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

## DISCUSSION:

- a), b) The proposed project involves the construction of a therapeutic animal facility within the existing Sunnyvale Baylands Park. This amenity would increase the quality of recreational options in the area, and thus would not result in the physical deterioration of or require the expansion of an existing facility, nor would it require the addition of new parks in Sunnyvale or the surrounding area. Accordingly, *no impact* would occur and no mitigation measures are required.

## XVI. TRANSPORTATION/TRAFFIC

| Would the project:                                                                                                                                                                                                                                                                                                                                                                                                            | Potentially Significant Impact | Less Than Significant With Mitigation Incorporated | Less-Than-Significant Impact | No Impact                           |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------|----------------------------------------------------|------------------------------|-------------------------------------|
| a) Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit? | <input type="checkbox"/>       | <input type="checkbox"/>                           | <input type="checkbox"/>     | <input checked="" type="checkbox"/> |
| b) Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?                                                                                                                                                                | <input type="checkbox"/>       | <input type="checkbox"/>                           | <input type="checkbox"/>     | <input checked="" type="checkbox"/> |
| c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?                                                                                                                                                                                                                                                               | <input type="checkbox"/>       | <input type="checkbox"/>                           | <input type="checkbox"/>     | <input checked="" type="checkbox"/> |
| d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?                                                                                                                                                                                                                                                                        | <input type="checkbox"/>       | <input type="checkbox"/>                           | <input type="checkbox"/>     | <input checked="" type="checkbox"/> |
| e) Result in inadequate emergency access?                                                                                                                                                                                                                                                                                                                                                                                     | <input type="checkbox"/>       | <input type="checkbox"/>                           | <input type="checkbox"/>     | <input checked="" type="checkbox"/> |
| f) Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?                                                                                                                                                                                                                                        | <input type="checkbox"/>       | <input type="checkbox"/>                           | <input type="checkbox"/>     | <input checked="" type="checkbox"/> |

## DISCUSSION:

- a), b) Overall vehicle trips within the city would not increase substantially in the long term due to the proposed project. Project operation would have minimal impacts on congestion management programs for Santa Clara County roads. In the short-term, during proposed project construction, construction

employees and equipment would be brought to the site, and truck trips to bring gravel and other material to the project site would occur; however, vehicle trips related to delivery of construction equipment would be considered short-term activities that would not significantly increase traffic congestion. Therefore, *no impact* would occur and no mitigation measures are required.

- c) The project site is located approximately two miles to the east of the private-use Moffett Federal Airfield and approximately four miles north of the public-use Mineta San Jose International airport in the City of San Jose. The proposed project would be 14 feet and below the tree canopy at its highest point; thus, would not be of sufficient height to interfere with typical aircraft operations, the project would not result in changes to aircraft patterns in terms of location. The project would not itself generate air traffic; therefore, *no impact* would occur and no mitigation measures are required.
- d)-f) The proposed project would not include any hazardous design features, such as sharp curves or intersections with inadequate signalization, nor would it increase incompatible uses on local roads resulting in hazards. Additionally, the proposed project would be served by the Baylands Park existing parking lot. No emergency access routes would be affected, nor does the project create obstructions to such routes. Accordingly, *no impact* would occur and no mitigation measures are required.

## XVII. UTILITIES AND SERVICE SYSTEMS

| Would the project:                                                                                                                                                                                                                | Potentially Significant Impact | Less Than Significant With Mitigation Incorporated | Less-Than-Significant Impact | No Impact                           |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------|----------------------------------------------------|------------------------------|-------------------------------------|
| a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?                                                                                                                               | <input type="checkbox"/>       | <input type="checkbox"/>                           | <input type="checkbox"/>     | <input checked="" type="checkbox"/> |
| b) 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?                            | <input type="checkbox"/>       | <input type="checkbox"/>                           | <input type="checkbox"/>     | <input checked="" type="checkbox"/> |
| c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?                                     | <input type="checkbox"/>       | <input type="checkbox"/>                           | <input type="checkbox"/>     | <input checked="" type="checkbox"/> |
| d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?                                                                            | <input type="checkbox"/>       | <input type="checkbox"/>                           | <input type="checkbox"/>     | <input checked="" type="checkbox"/> |
| e) 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? | <input type="checkbox"/>       | <input type="checkbox"/>                           | <input type="checkbox"/>     | <input checked="" type="checkbox"/> |

| Would the project:                                                                                                                                                                                                | Potentially Significant Impact | Less Than Significant With Mitigation Incorporated | Less-Than-Significant Impact | No Impact                           |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------|----------------------------------------------------|------------------------------|-------------------------------------|
| f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?                                                                                            | <input type="checkbox"/>       | <input type="checkbox"/>                           | <input type="checkbox"/>     | <input checked="" type="checkbox"/> |
| g) Comply with federal, state, and local statutes and regulations related to solid waste?                                                                                                                         | <input type="checkbox"/>       | <input type="checkbox"/>                           | <input type="checkbox"/>     | <input checked="" type="checkbox"/> |
| h) Result in a substantial increase in natural gas and electric service demands requiring new energy supply facilities and distribution infrastructure or capacity enhancing alternations to existing facilities? | <input type="checkbox"/>       | <input type="checkbox"/>                           | <input type="checkbox"/>     | <input checked="" type="checkbox"/> |

#### DISCUSSION:

- a),b),d),e) The project's land use type is park. The proposed project does not require water supply beyond what is currently used on the project site and would not produce or create wastewater given that it will include one on-site portable restroom and would not need to connect to existing wastewater infrastructure; therefore, the proposed project would not exceed wastewater treatment requirements or require new or expanded wastewater treatment facilities. Although employees, volunteers, and visitors to the project site may utilize existing park restroom facilities, this additional use would be minimal and would not necessitate construction of or expansion of existing water or wastewater facilities as a result. Accordingly, *no impact* would occur and no mitigation measures are required.
- c) The storm drain system in Sunnyvale is operated by the City of Sunnyvale Environmental Services Department in conjunction with the Sunnyvale Public Works Department. The system is designed to control flooding and does not treat the storm water runoff. Storm water entering the drains flows directly into local creeks and the San Francisco Bay.<sup>32</sup> No new construction or physical changes to the property are proposed as part of the proposed project that would significantly impact storm water drainage, and thus, no new or expanded storm water facilities would be needed. With regards to the disposal of animal waste, the project would be required to comply with SMC Section 8.04.090, Disposal of Manure, which requires disposal of manure within 24 hours of the time of deposit either by hauling it away or by placing the waste in a sanitary and fly-tight box or receptacle that has been examined by the board of health or its authorized agent, and written permission to use the receptacle granted by the board of health. Further, according to SMC Section 8.04.080, any premises keeping more than ten animals (i.e., horses, cows, or other animals) shall have manure removed three times per week. Compliance with these regulations would ensure that animal waste would not enter storm drain system. Accordingly, *no impact* would occur and no mitigation measures are required.

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<sup>32</sup> City of Sunnyvale, City of Sunnyvale website, <http://sunnyvale.ca.gov/Departments/EnvironmentalServices/SewerandStormDrainCollections/StormDrains.aspx>, accessed December 1, 2014.

- f), g) The City contracts with Specialty Solid Waste and Recycling to provide solid waste and recycling collection services to residents and businesses in the city. Collected waste is first transported to the Sunnyvale Materials Recovery and Transfer Station (SMaRT Station®) where it is sorted. The proposed project would result in minimal, if any, solid waste that would require service by a landfill. As described above, the project would be required to comply with SMC Section 8.04.090, Disposal of Manure, which requires disposal of manure within 24 hours of the time of deposit either by hauling it away or by placing the waste in a sanitary and fly-tight box or receptacle that has been examined by the board of health or its authorized agent, and written permission to use the receptacle granted by the board of health. Further, according to SMC Section 8.04.080, any premises keeping more than ten animals (i.e., horses, cows, or other animals) shall have manure removed three times per week. As a result, the proposed project would not cause landfills or transfer stations to exceed permitted capacity. Accordingly, *no impact* would occur and no mitigation measures are required.
- h) The proposed project would require minimal electrical services to provide lighting for safety reasons only; thus, would not result in a substantial increase in natural gas and electricity requiring new energy supply facilities. Overall, *no impact* would occur and no mitigation measures are required.

## MANDATORY FINDINGS OF SIGNIFICANCE

| Would the project:                                                                                                                                                                                                                                                                                                                                                                                                                                       | Potentially Significant Impact | Less Than Significant With Mitigation Incorporated | Less-Than-Significant Impact | No Impact                           |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------|----------------------------------------------------|------------------------------|-------------------------------------|
| a) 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? | <input type="checkbox"/>       | <input type="checkbox"/>                           | <input type="checkbox"/>     | <input checked="" type="checkbox"/> |
| b) Does the project have impacts that are individually limited, but cumulatively considerable? (“Cumulatively considerable” means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?                                                                                                           | <input type="checkbox"/>       | <input type="checkbox"/>                           | <input type="checkbox"/>     | <input checked="" type="checkbox"/> |
| c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?                                                                                                                                                                                                                                                                                                              | <input type="checkbox"/>       | <input type="checkbox"/>                           | <input type="checkbox"/>     | <input checked="" type="checkbox"/> |



## DISCUSSION:

- a) As described above, the project site is in an urbanized park setting in an extensively developed area of Sunnyvale. There are no sensitive natural communities, no areas of sensitive habitat, and no areas of critical habitat occurring at the project site. Additionally, there are no buildings, recorded archaeological sites, and no known paleontological resources located on the project site. Therefore, implementation of the proposed project would result in a *less-than-significant* impact to the environment and wildlife on the project site.
- b) As described in the environmental checklist, the impacts of the proposed project would be mitigated to *less-than-significant* levels. Therefore, the proposed project would not be expected to contribute to significant cumulative impacts when considered along with in connection with current projects and probable future projects included in the City's existing General Plan.
- c) The proposed project would not create environmental effects that would cause physical changes to property that would result in adverse effects on humans, either directly or indirectly. The increased recreational opportunities proposed by the proposed project would be considered a beneficial impact. Therefore, implementation of the proposed project would have a *less-than-significant* impact on human beings.

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## MEMORANDUM

DATE August 3, 2016

TO Craig Mobeck, P.E., LEED AP, Assistant Director/City Engineer

FROM Claudia Garcia, Associate

SUBJECT Response to Comment Memorandum on the Animal Assisted Happiness Smile Farm Initial Study and Mitigated Negative Declaration

This memorandum provides responses to comments received on the Public Review Draft of the Animal Assisted Happiness Smile Farm Initial Study/Mitigated Negative Declaration (IS/MND), herein referred to as the “proposed project.” The 20-day public comment period for the IS/MND started on Friday, July 8, 2016 and comments were accepted through Wednesday, July 27, 2016. The City of Sunnyvale, Public Works Department, received three comment letters as follows:

- » Santa Clara Valley Transportation Authority (VTA), received July 12, 2016.
- » County of Santa Clara Roads and Airports Department (Roads and Airports Department), received July 27, 2016.
- » County of Santa Clara Parks and Recreation Department (County Parks Department), received July 27, 2016.

Each comment letter is reproduced in its entirety and is attached to this memorandum. The letters from the VTA and the County Parks Department declared that these organizations had no comments on the IS/MND. The letter from the Roads and Airports Department requested that the project applicant prepare a Traffic Control Plan if any construction circulation would occur on County Roads, obtain all necessary permits from their department and provide construction related haul routes, schedules, number of trips and types of loads. While the project applicant will comply with all regulatory procedures as required, including providing the Roads and Airports Department with the information they have requested, as described in the IS/MND, the construction of the project is anticipated to have minimal trips as there are no buildings on the site that require demolition, most of the proposed buildings would be pre-fabricated, and grading would be limited to very small building pads.

The comments received on the IS/MND do not require any “substantial revisions” to the IS/MND as defined in the California Environmental Quality Act (CEQA) Guidelines Section 15073.5. No new, avoidable significant impacts have been identified and no mitigation measures or project revisions must be added in order to reduce the effect to insignificance. Accordingly, no recirculation of the IS/MND is required. This Response to Comments Memo, together with the IS/MND dated July 8, 2016, constitutes the Final IS/MND for the proposed project.

From: **Molseed, Roy** <Roy.Molseed@vta.org>  
Date: Tue, Jul 12, 2016 at 8:47 AM  
Subject: Animal Assisted Happiness Smile Farm Project  
To: "cmobeck@sunnyvale.ca.gov" <cmobeck@sunnyvale.ca.gov>

Craig,

VTA has no comments on the Initial Study for the above project. Thanks.

Roy Molseed

VTA

(408) 321-5784

# County of Santa Clara

## Roads and Airports Department

101 Skyport Drive  
San Jose, California 95110-1302  
1-408-573-2400



July 27, 2016

Mr. Craig M. Mobeck  
Assistant Director/City Engineer  
Department of Public Works  
City of Sunnyvale  
456 West Olive Avenue  
Sunnyvale, CA 94086

**SUBJECT: Notice of Intent to Adopt a Mitigated Negative Declaration  
Animal Assisted Happiness Smile Farm Project**

Dear Mr. Mobeck:

The County of Santa Clara Roads and Airports Department appreciates the opportunity to review the Notice of Intent (NOI) and is submitting the following comments.

- 1) A Traffic Control Plan (TCP) should be prepared for the construction of the proposed project to include construction hauling truck routes and schedules, if any, are on County facilities. Please submit TCP to County for review prior to starting of construction.
- 2) To obtain all necessary permits from the Roads and Airports Department and supply the followings:
  - i) Truck routes and schedules
  - ii) Truck frequency and loads
  - iii) TCP plans

If you have any questions or concerns about these comments, please contact me at (408) 494-1326 or [thien.pham@rda.sccgov.org](mailto:thien.pham@rda.sccgov.org)

Sincerely,

Thien Pham  
Associate Civil Engineer

cc: DSC, MA, AP

# County of Santa Clara

## Parks and Recreation Department

298 Garden Hill Drive  
Los Gatos, California 95032-7669  
(408) 355-2200 FAX 355-2290  
Reservations (408) 355-2201

[www.parkhere.org](http://www.parkhere.org)



July 27, 2016

Craig M. Mobeck, Assistant Director/ City Engineer  
Public Works Department  
City of Sunnyvale  
456 West Olive Avenue  
Sunnyvale, CA 94086

**SUBJECT:** Notice of Intent to Adopt a Mitigated Negative Declaration for the Animal Assisted Happiness Smile Farm Project

Dear Mr. Mobeck,

The County of Santa Clara, Parks and Recreation Department ("County Parks Department"), has reviewed the Notice of Intent to Adopt a Mitigated Negative Declaration (MND) for the Animal Assisted Happiness Smile Farm Project at Sunnyvale Baylands Park.

The County Parks Department has reviewed the Mitigated Negative Declaration and Initial Study for the Animal Assisted Happiness Smile Farm Project at Sunnyvale Baylands Park. We concur with the CEQA document as prepared and have no further comments at this time.

Thank you for the opportunity to comment on the Notice of Intent for the MND. If you have questions related to these comments, please call me at (408) 355-2230 or e-mail me at [kimberly.brosseau@prk.sccgov.org](mailto:kimberly.brosseau@prk.sccgov.org).

Sincerely,

Kimberly Brosseau, AICP  
Senior Planner



**Board of Supervisors:** Mike Wasserman, Cindy Chavez, Dave Cortese, Ken Yeager, S. Joseph Simitian  
**County Executive:** Jeffrey V. Smith

## ***Mitigation Monitoring or Reporting Program***

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This Mitigation Monitoring or Reporting Program (MMRP) has been prepared for the Animal Assisted Happiness (AAH) Smile Farm Project, herein referred to as the “proposed project” or “project”. The purpose of the MMRP is to ensure the implementation of mitigation measures identified as part of the environmental review for the proposed project. The MMRP includes the following information:

- The full text of the mitigation measures;
- The party responsible for implementing the mitigation measures;
- The timing for implementation of the mitigation measure;
- The agency responsible for monitoring the implementation; and
- The monitoring action and frequency.

The City of Sunnyvale must adopt this MMRP, or an equally effective program, if it approves the proposed project with the mitigation measures that were adopted or made conditions of project approval.

**TABLE 1 ANIMAL ASSISTED HAPPINESS SMILE FARM PROJECT MITIGATION MONITORING OR REPORTING PROGRAM**

| Mitigation Measures                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | Party Responsible for Implementation | Implementation Timing                                                                       | Agency Responsible or Monitoring                  | Monitoring Action                                                                                   | Monitoring Frequency                                                                    |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------|---------------------------------------------------------------------------------------------|---------------------------------------------------|-----------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| <b>AIR QUALITY</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                                      |                                                                                             |                                                   |                                                                                                     |                                                                                         |
| <p><b>AIR-1:</b> The project applicant shall prepare an Odor Management Plan to ensure mandatory compliance with the Bay Area Air Quality Management District's (BAAQMD) Regulation 7, Odorous Substances. The Odor Management Plan shall control odors generated by manure collection and storage from the project site to ensure odors would not constitute a public nuisance. Potential methods to control odors and odorous materials may include any combination of the following:</p> <ul style="list-style-type: none"> <li>Manure Additives: Add chemical or biological products to the manure to reduce odors and promote aerobic digestion or waste.</li> <li>Manure Management: More frequent manure removal than what is already required by per SMC Section 8.04.090.</li> <li>Oil Sprinkling: Lightly sprinkle animal pens with vegetable oil daily at low levels to reduce dust and odor.</li> <li>Shelterbelts: Incorporate rows of trees or vegetation around the on-site fly-tight box or receptacle used for manure storage.</li> <li>Ventilation Systems: Installation of ventilation systems for enclosed structures: There are two odor control options for enclosed structures. The ventilation system for the building can collect the air and direct it to an odor treatment system. Alternatively, the ventilation system can dilute the odors by moving a large volume of fresh outside air through the building.</li> </ul> | Project applicant                    | During the building permit and site development review process and prior to permit issuance | City of Sunnyvale                                 | Plan review and approval                                                                            | Once for preparation of the Odor Management Plan                                        |
| <b>BIOLOGICAL RESOURCES</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                                      |                                                                                             |                                                   |                                                                                                     |                                                                                         |
| <p><b>BIO-1:</b> Adequate measure shall be taken to avoid inadvertent take of species of birds protected under the migratory Bird Treaty Act and the California Department of Fish and Game Code when in active use. This shall be accomplished by taking the following steps:</p> <ul style="list-style-type: none"> <li>If vegetation removal and initial construction (i.e., landscape grubbing/grading) is proposed during the nesting season (February 1 to August 31), a focused preconstruction survey for nesting raptors and migratory birds shall be conducted by a qualified biologist 7 days prior to the onset of vegetation removal or construction, in order to identify any active nests on the proposed project site.</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | Project applicant                    | Prior to construction                                                                       | Qualified biologist approved by City of Sunnyvale | Plan review and approval, and throughout timeframes outlined in the mitigation measure as necessary | Prior to construction and during seasonal timeframes outlined in the mitigation measure |



**TABLE 1 ANIMAL ASSISTED HAPPINESS SMILE FARM PROJECT MITIGATION MONITORING OR REPORTING PROGRAM**

| Mitigation Measures                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | Party Responsible for Implementation | Implementation Timing | Agency Responsible or Monitoring                         | Monitoring Action        | Monitoring Frequency                                                                                                      |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------|-----------------------|----------------------------------------------------------|--------------------------|---------------------------------------------------------------------------------------------------------------------------|
| <ul style="list-style-type: none"> <li>■ If no active nests are identified during the construction survey period, or if development is initiated during the non-breeding season (September 1 to January 31), vegetation removal and construction may proceed with no restrictions.</li> <li>■ If bird nests are found, an adequate setback shall be established around the nest location and vegetation removal and construction activities shall be restricted within this no-disturbance zone until the qualified biologist has confirmed that any young birds have fledged and are able to function outside the nest location. In general, no-disturbance zones shall be a minimum of 300 feet for raptors and 75 feet for other birds. Orange construction fencing, flagging, or other marking system shall be installed to delineate the buffer zone around the nest location(s) within which no construction-related equipment or operations shall be permitted. Continued use of existing facilities such as surface parking and site maintenance may continue within this buffer zone. Required setback distances for the no-disturbance zone shall be based on input received from the California Department of Fish and Wildlife, and may vary depending on species and sensitivity to disturbance.</li> <li>■ A report of findings shall be prepared by the qualified biologist and submitted to the City for review and approval prior to initiation of construction within the no-disturbance zone during the nesting season (February 1 to August 31). The report shall either confirm absence of any active nests or confirm that any young are located within a designated no-disturbance zone and construction can proceed.</li> </ul> |                                      |                       |                                                          |                          |                                                                                                                           |
| <b>CULTURAL RESOURCES</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                                      |                       |                                                          |                          |                                                                                                                           |
| <b>CULT-1:</b> If any prehistoric or historic subsurface cultural resources are discovered during ground-disturbing activities, all work within 50 feet of the resources shall be halted and a qualified archaeologist shall be consulted to assess the significance of the find according to CEQA Guidelines Section 15064.5. If any find is determined to be significant, representatives from the City and the archaeologist would meet to determine the appropriate avoidance measures or other appropriate mitigation. All significant cultural materials recovered shall be, as necessary                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | Project applicant                    | During Construction   | Qualified archeologist approved by the City of Sunnyvale | Plan review and approval | Once at time of discovery and again, if determined further assessment is required as specified in this mitigation measure |

**TABLE 1 ANIMAL ASSISTED HAPPINESS SMILE FARM PROJECT MITIGATION MONITORING OR REPORTING PROGRAM**

| Mitigation Measures                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | Party Responsible for Implementation | Implementation Timing | Agency Responsible or Monitoring                         | Monitoring Action        | Monitoring Frequency                                                                                                      |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------|-----------------------|----------------------------------------------------------|--------------------------|---------------------------------------------------------------------------------------------------------------------------|
| and at the discretion of the consulting archaeologist, subject to scientific analysis, professional museum curation, and documentation according to current professional standards. In considering any suggested mitigation proposed by the consulting archaeologist to mitigate impacts to historical resources or unique archaeological resources, the City and County shall determine whether avoidance is necessary and feasible in light of factors such as the nature of the find, proposed project design, costs, and other considerations. If avoidance is infeasible, other appropriate measures (e.g., data recovery) would be instituted. Work may proceed on other parts of the project site while mitigation for historical resources or unique archaeological resources is being carried out.                                                                                                                                                                                                                                                                                         |                                      |                       |                                                          |                          |                                                                                                                           |
| <b>CULT-2:</b> In the event that fossils or fossil-bearing deposits are discovered during construction, grading within 50 feet of the find shall be temporarily halted or diverted. The contractor shall notify a qualified paleontologist to examine the discovery. The paleontologist shall document the discovery as needed, in accordance with Society of Vertebrate Paleontology standards (Society of Vertebrate Paleontology 1995), evaluate the potential resource, and assess the significance of the finding under the criteria set forth in CEQA Guidelines Section 15064.5. The paleontologist shall notify the appropriate agencies to determine procedures that would be followed before construction is allowed to resume at the location of the find. If the project proponent determines that avoidance is not feasible, the paleontologist shall prepare an excavation plan for mitigating the effect of the project based on the qualities that make the resource important. The plan shall be submitted to the City and County for review and approval prior to implementation. | Project applicant                    | During Construction   | Qualified archeologist approved by the City of Sunnyvale | Plan review and approval | Once at time of discovery and again, if determined further assessment is required as specified in this mitigation measure |