

## **Consistency with Land Use and Transportation Element For a 128-unit Condominium Development at 925 South Wolfe Road**

### **INTRODUCTION**

The Sunnyvale City Council adopted the updated Land Use and Transportation Element (LUTE) of the General Plan in April 2017. The LUTE establishes the fundamental framework of how streets and buildings in the City of Sunnyvale will be laid out and how various land uses, developments, and transportation facilities will function together. The LUTE and accompanying policies were developed to help guide decision making regarding land use and transportation for an approximate 20-year horizon—a time frame that is referred to as Horizon 2035. The LUTE land use policies provide direction for the amount, location, and direction of future change.

The City prepared and certified an Environmental Impact Report (EIR) (State Clearinghouse No. 2015062013) for the LUTE that evaluated the environmental impacts associated with development of the land uses and implementation of transportation planning efforts in Sunnyvale as regulated and guided by the LUTE.

The applicant, SummerHill Homes, is seeking to demolish an existing 130-unit apartment complex (The Landmark) on a 5.35-acre site and construct 128 condominium units. The proposal removes seven (7) two-story apartment buildings and a club house building to allow construction of 13 two- and three-story condominium buildings and an amenity building (the “Project”). The project would subdivide one lot into 19 parcels.

The project site is designated by the LUTE as Medium Density Residential, which allows townhomes, apartments, and condominiums with a density range of 15 to 24 dwelling units per acre. The project would be consistent with the LUTE because the project would redevelop a site from an apartment complex to a condominium development with the maximum number of units allowed under the Medium Density Residential designation.

The LUTE EIR was a program EIR that considered the environmental effects from the 2035 buildout scenario of the LUTE. Consistent with Public Resources Code (PRC) Section 21083.3(b) and State California Environmental Quality Act Guidelines (CEQA Guidelines) Sections 15168 and 15183, the LUTE EIR can be used as the CEQA document for subsequent projects (public and private) consistent with the LUTE. As development projects are proposed, such as the project, they are evaluated to determine whether the entitlements/actions proposed fall within the scope of the LUTE and the impacts were addressed in the certified LUTE EIR and the project incorporates all applicable performance standards and mitigation measures identified therein. Should subsequent development projects not be consistent with the approved LUTE, or if there are specific significant effects which are peculiar to the project or its site and cannot be addressed by uniformly applied development policies or standards, additional environmental review through the subsequent review provisions of CEQA for changes to previously-reviewed and approved projects may be warranted.

Consistent with the process described, the City is evaluating the project application to determine if additional environmental review would be required. This environmental checklist has been prepared to determine whether the environmental impacts of the Project meet any of the following four conditions:

- (1) Are peculiar to the project or the parcel on which the project would be located,

- (2) Were not analyzed as significant effects in the LUTE EIR,
- (3) Are potentially significant off-site impacts and cumulative impacts which were not discussed in the LUTE EIR, or
- (4) Are previously identified significant effects which, as a result of substantial new information which was not known at the time the LUTE EIR was certified, determined to have a more severe adverse impact than discussed in the LUTE EIR.

If an impact is not peculiar to the parcel or to the project, has been addressed as a significant effect in the LUTE EIR, or can be substantially mitigated by the imposition of uniformly applied development policies or standards, then an additional EIR need not be prepared for the project solely on the basis of that impact.

### **PROJECT DESCRIPTION**

The project would redevelop an existing apartment complex in Sunnyvale's residential area. The site is currently developed with seven (7) two-story apartment buildings consisting of 130 studio and one-bedroom units, a clubhouse building, carports, a pool, and a tennis court. The project would allow construction of 128 dwelling units in 13 new two- and three-story condominium buildings and a 650-sq. ft. amenity building. The proposed density is 24 dwelling units per acre. Each of the homes contain two, three, and four bedrooms (approximately 1,545 sq. ft. to 2,457 sq. ft. including two car garages). The project would subdivide one lot into 19 parcels. Access to the site include driveways which allow vehicles to enter and exit both South Wolfe Road and Bellomo Avenue. In addition, internal pedestrian walkways, uncovered parking, landscaping, stormwater control measures, and outdoor amenity spaces would be provided on site.

Of the 83 existing trees on site, 77 trees are proposed for removal, 61 are considered "protected" per Sunnyvale Municipal Code Section 19.94. One (1) Olive tree and two (2) Coast Live Oak trees (approximately 102 and 88 inches in circumference respectively) are proposed to be relocated, and one (1) Coast Redwood (approximately 188 inches in circumference) and one (1) Coast Live Oak (approximately 106 inches in circumference) are proposed to be preserved. One (1) Coast Live Oak and one (1) Holly Oak street trees on South Wolfe Road, both recently planted and not protected, are proposed to be preserved. 56 protected trees are proposed to be removed. Protected sized trees are required to be replaced per the City's Tree Replacement Policy. The City's Tree Replacement Policy require a minimum of one 24" box or three 15-gallon trees for tree sizes removed between 12" to 18" diameter; one 36" box or two 24" box trees for tree sizes removed between 19" to 24" diameter; and one 48" or two 36" box or four 24" box trees for tree sizes removed over 24" diameter. The project proposes 126 new trees and 14 new street trees.

The project will be utilizing the City's Green Building Incentive to achieve an additional 5 feet of height over the maximum 35 feet by meeting 110 points in Build-It-Green's Green Point rating system. The common lots will include the amenity building, landscape areas, pedestrian walkways, uncovered parking, and driveway/circulation areas.

### **PROJECT SETTING AND BACKGROUND**

The project site is zoned R-3 (Medium Density Residential) and has a General Plan designation of Medium Density Residential. The project site is one lot located on South Wolfe Road between Gary Avenue and Maria Lane, and approximately 0.25 mile north of the intersection of East El Camino Real and South Wolfe Road. The project site has a secondary frontage toward the rear on Bellomo Avenue. There are apartments and townhouse developments to the south and west, single family residences to the north

and east. City of Sunnyvale Fire Station #4 is located approximately 350 feet to the south at the intersection of Maria Lane and South Wolfe Road, and there are shopping centers and commercial uses along El Camino Real.

The 130-unit apartment complex (The Landmark) was constructed in 1974. The 3,580-sq. ft. clubhouse at the apartment complex was constructed in 1920 as the residence of the former landowners. There is a pool and a tennis court adjacent to the clubhouse.

The project site is located near several transit routes, including bus services operated by the Santa Clara Valley Transportation Agency (VTA). VTA bus service stops for Route 26 is located 300 feet to the north and south of the project site along the South Wolfe Road frontage. VTA bus routes 22 and Express Bus 522 stops are located approximately 0.25 mile south at the intersection of East El Camino Real and South Wolfe Road.

### **PROJECT OBJECTIVES**

The project objectives are the following:

- ☐ Redevelop an existing apartment complex with 128 new two-, three-, and four-bedroom condominiums.
- ☐ Improve the visual characteristics of the project site through architectural, landscaping, and streetscape improvements.
- ☐ Provide a large central open space with outdoor communal amenities.
- ☐ Relocate three protected trees onsite, preserve two protected trees, and plant 128 new trees and 14 new street trees.
- ☐ Build sustainably by meeting 110 points on the Build-It-Green Point rating system.

Construction Activities and Schedule: Construction activities include full demolition of all existing structures and paving on the project site, grading, utility improvements and construction of 13 two- and three-story buildings, amenity building, surface parking, landscaping, and off-site improvements. The project will be subject to the Sunnyvale Municipal Code (SMC) requirements for construction noise and hours of construction contained in SMC Section 16.08.030.

Construction of the project will occur in two phases. The first phase is estimated to span eight months with demolition expected to span approximately two months and grading and site work to span eight months. The second phase, which would be the construction phase, is expected to occur for an additional 18 months. Due to the site's proximity to residential uses, construction will not include deep pile foundations or pile driving, jackhammers or other extremely high noise-generating activities or significant vibration.

Off-site Improvements: The project would install new curb, gutter, sidewalks, driveway approaches, street trees, and street lights along both South Wolfe Road and Bellomo Avenue. The project would install a new 6-foot wide sidewalk with 4-foot park strip along South Wolfe Road and improve the sidewalk on Bellomo Avenue with a 6-foot wide monolithic sidewalk. Standard water, sewer, right-of-way and utility upgrades will be provided as required by the Municipal Code.

### **REQUIRED ACTIONS**

The project would require the following actions by the City.

- ☐ approval of a Use Permit and Vesting Tentative Map,
- ☐ issuance of demolition permits for the removal of existing buildings,
- ☐ issuance of building permits, and
- ☐ issuance of encroachment permit for off-site work.

## **SUPPLEMENTAL ENVIRONMENTAL REVIEW**

### **EXPLANATION OF CHECKLIST EVALUATION CATEGORIES**

The LUTE EIR was prepared as a program EIR consistent with the requirements of California Environmental Quality Act (CEQA). The analysis considered the environmental impacts of development buildout that could occur under the LUTE (assumed to be year 2035).

As discussed in the Introduction section of this report, the project is consistent with the LUTE policies and applicable density standards. CEQA Guidelines Section 15183 dictates that, in circumstances such as these, a lead agency “shall not require additional environmental review, except as might be necessary to examine whether there are project-specific significant effects which are peculiar to the project or its site.” Section 15183 further indicates that an initial study or other analyses should be prepared by a lead agency to determine the scope of environmental review in light of this prohibition. The purpose of this process is to streamline the review of covered projects and reduce the need for the preparation of repetitive environmental studies.

Under Section 15183, the lead agency’s initial study checklist is used to determine whether the following types of impacts may merit additional environmental analysis:

1. Significant impacts that are peculiar to the project or the parcel on which the project would be located,
2. Significant impacts that were not analyzed in a prior EIR on the zoning action, general plan or community plan with which the project is consistent,
3. Potentially significant off-site impacts and cumulative impacts which were not discussed in the prior EIR prepared for the general plan, community plan or zoning action, or
4. Previously identified significant effects which, as a result of substantial new information which was not known at the time the EIR was certified, are determined to have a more severe adverse impact than discussed in the prior EIR.

Unless an environmental effect satisfies one of these criteria, the lead agency can rely upon its previously certified EIR and not duplicate that analysis.

The purpose of this checklist is to evaluate the categories listed in CEQA Guidelines 15183 to determine whether, in light of the LUTE EIR, there are any significant environmental effects requiring additional environmental analysis. The row titles of the checklist include the full range of environmental topics, as presented in Appendix G of the State CEQA Guidelines. The column titles of the checklist have been modified from the Appendix G presentation to help answer the questions to be addressed pursuant to PRC Section 21083.3(b) and State CEQA Guidelines Section 15183. A “no” answer does not necessarily mean that there are no potential impacts relative to the environmental category, but that there is no change in the condition or status of the impact because it was analyzed and addressed with mitigation measures in the LUTE EIR. For instance, the environmental categories might be answered with a “no” in the checklist because the impacts associated with the project were adequately addressed in the LUTE EIR, and the environmental impact significance conclusions of the LUTE EIR remain applicable. The purpose of each column of the checklist is described below.

**Where Impact was Analyzed?**

This column provides a cross-reference to the pages of the LUTE EIR where information and analysis may be found relative to the environmental issue listed under each topic.

**Any Peculiar Impact?**

Pursuant to CEQA Guidelines Sections 15183(b)(1) and 15183(f), this column indicates whether the project could result in a peculiar impact, including a physical change that belongs exclusively or especially to the project or that is a distinctive characteristic of the project or the project site and that peculiar impact is not substantially mitigated by the imposition of uniformly applied development policies or standards.

**Any Impact Not Analyzed as Significant Effect in LUTE EIR?**

Pursuant to CEQA Guidelines Section 15183(b)(2), this column indicates whether the project would result in a significant effect that was not analyzed as significant in the LUTE EIR. A new EIR is not required if such a project impact can be substantially mitigated by the imposition of uniformly applied development policies or standards.

**Any Off-Site or Cumulative Impact Not Analyzed as Significant Effect in LUTE EIR?**

Pursuant to CEQA Guidelines Section 15183(b)(3), this column indicates whether the project would result in a significant off-site or cumulative impact that was not discussed in the LUTE EIR. A new EIR is not required if such an off-site or cumulative impact can be substantially mitigated by the imposition of uniformly applied development policies or standards.

**Any Adverse Impact More Severe Based on Substantial New Information?**

Pursuant to CEQA Guidelines Section 15183(b)(4), this column indicates whether there is substantial new information that was not known at the time the LUTE EIR was certified, indicating that there would be a more severe adverse impact than discussed in the LUTE EIR. A new EIR is not required if such an impact can be substantially mitigated by the imposition of uniformly applied development policies or standards.

**Do EIR Mitigation Measures or Uniformly Applied Development Policies or Standards Address/Resolve Impacts?**

This column indicates whether the LUTE EIR and adopted CEQA Findings provide mitigation measures to address effects in the related impact category. In some cases, the mitigation measures have already been implemented. This column also indicates whether uniformly applied development standards or policies address identified impacts. A “yes” response will be provided if the impact is addressed by a LUTE mitigation measure or uniformly applied development standards or policies. If “NA” is indicated, this Environmental Checklist Review concludes that there was no impact, the adopted mitigation measures are not applicable to this project, or the impact was less-than-significant and, therefore, no mitigation measures are needed.

## **DISCUSSION AND MITIGATION SECTIONS**

### **Discussion**

A discussion of the elements of the checklist is provided under each environmental category to clarify the answers. The discussion provides information about the particular environmental issue, how the project relates to the issue, and the status of any mitigation that may be required or that has already been implemented.

### **Mitigation Measures**

Applicable mitigation measures from the prior environmental review that would apply to

the project are listed under each environmental category. New mitigation measures are included, if needed.

**Conclusions**

A discussion of the conclusion relating to the need for additional environmental documentation is contained in each section.

## ENVIRONMENTAL CHECKLIST

### AESTHETICS

Environmental Issue Area	Where Impact Was Analyzed in the LUTE Draft and Final EIR.	Any Peculiar Impact?	Any Impact Not Analyzed as Significant Effect in LUTE EIR?	Any Significant Off-Site or Cumulative Impact Not Analyzed?	Any Adverse Impact More Severe Based on Substantial New Information?	Do EIR Mitigation Measures or Uniformly Applied Development Policies or Standards Address/Resolve Impacts?
<b>1. Aesthetics - Would the project:</b>						
a. Have a substantial adverse effect on a scenic vista?	Draft EIR Setting pp. 3.12-1 to 3.12-5 Impact 3.12.1 and 3.12.5	No	No	No	No	NA, no impact would occur.
b. Substantially damage scenic resources, including but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	Draft EIR Setting pp. 3.12-1 to 3.12-5 Impact 3.12.2 and 3.12.5	No	No	No	No	NA, no impact would occur.
c. Substantially degrade the existing visual character or quality of the site and its surroundings?	Draft EIR Setting pp. 3.12-1 to 3.12-5 Impact 3.12.3 and 3.12.5	No	No	No	No	NA, impact remains less than significant.
d. Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	Draft EIR Setting pp. 3.12-1 to 3.12-5 Impact 3.12.4 and 3.12.5	No	No	No	No	NA, impact remains less than significant.

### Discussion:

No substantial change in the environmental and regulatory settings related to aesthetics, described in the LUTE Draft EIR Section 3.12, Visual Resources and Aesthetics, has occurred since certification of the EIR in April 2017.

- a. Have a substantial adverse effect on a scenic vista?  
Impact 3.12.1 of the LUTE Draft EIR identifies that Sunnyvale does not have any designated scenic vistas, but there are several trees and historic resources, as well as the Libby Water Tower, the Murphy Avenue

Commercial District, and the cherry orchards on Mathilda Avenue that comprise important local scenic attributes. The LUTE Draft EIR identified no significant project or cumulative impacts (Impact 3.12.5) on scenic vistas would occur.

The project is located within an existing developed residential area that does not include these features or any scenic vistas. Therefore, no new significant project impacts or substantially more severe impacts would occur, and the findings of the certified LUTE EIR remain valid. No further analysis is required.

- b. Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?  
Impact 3.12.2 of the LUTE Draft EIR identifies that there are no designated state scenic highways in the City. Therefore, no project impact would occur for build out of the City under the LUTE or for the project.
- c. Substantially degrade the existing visual character or quality of the site and its surroundings?  
Impact 3.12.3 of the LUTE Draft EIR identifies that new development under the LUTE would mostly be concentrated around transit nodes and other areas that are visually appropriate for increased development intensities in regards to densities and structure height similar to existing developed conditions. The LUTE would result in new urban uses that would complement the city's existing urban character. The LUTE policies and associated actions require compliance with design guidelines for future development subsequent to the Draft LUTE and would maintain compatibility with existing surrounding neighborhoods. These guidelines would further support the direction provided in the Citywide Design Guidelines. The LUTE Draft EIR identified that no significant project or cumulative impacts (Impact 3.12.5) on visual character would occur.

The project is located within an existing developed residential area and replaces an existing 130-unit apartment complex with 128 condominium units. The proposed craftsman style architectural design of the two- and three-story condominium buildings with stucco, fiber cement horizontal and shake sidings, vinyl windows with wood trims, and wood trellis and corbel detailing would enhance and be consistent with the developed conditions (multi-family residential and single family homes) along South Wolfe Road and Bellomo Avenue. The project removes older two-story apartment buildings and a clubhouse at the site. The project design and the preservation and relocation of several protected trees would enhance the existing visual character of the street frontages. The sidewalks would be widened to meet City standards and new street trees would be planted. Therefore, the findings of the certified LUTE EIR remain valid and no further analysis is required.

- d. Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?  
Impact 3.12.4 of the LUTE Draft EIR identifies that future development under the LUTE would not result in substantial increases in existing daytime glare



or nighttime lighting conditions in the City. Citywide Design Guideline 3.B9 provides guidance on reducing light impacts and associated glare. Guideline 2.E3 provides design considerations to address glare, such as avoiding large expanses of highly reflective surfaces and mirror glass exterior walls. Furthermore, compliance with Sunnyvale Municipal Code Chapter 19.42.050 regarding restrictions on lighting would ensure that all lights, spotlights, floodlights, reflectors, and other means of illumination are shielded or equipped with special lenses in such a manner as to prevent any glare or direct illumination on any public street or other property. The LUTE Draft EIR identified that no significant project or cumulative impacts (Impact 3.12.5) from glare and nighttime lighting would occur.

The project is located within an existing developed residential area that contains existing sources of daytime glare from buildings as well as nighttime lighting from buildings, street lighting, and parking lot lighting. The project's building features include window glazing and architectural treatments designed to address glare. The project is also subject to compliance with the lighting requirements in SMC Section 19.42.050 regarding lighting shielding. The project will conform and meet the City's lighting requirements and policies designed to prevent glare and direct illumination beyond the project's property line. Therefore, the findings of the certified LUTE EIR remain valid and no further analysis is required.

### **Mitigation Measures**

No significant aesthetic impacts were identified in the LUTE EIR, and no mitigation measures were required.

### **CONCLUSION**

There are no significant impacts that are peculiar to the project or the parcel on which the project would be located. No new impacts have occurred nor has any new information been found requiring new analysis or verification. The project would not have any potentially significant off-site impacts or cumulative impacts that were not discussed in the LUTE EIR. Therefore, the conclusions of the LUTE EIR remain valid and approval of the project would not require additional environmental review.

## AGRICULTURE AND FOREST RESOURCES

Environmental Issue Area	Where Impact Was Analyzed in the LUTE Draft and Final EIR.	Any Peculiar Impact?	Any Impact Not Analyzed as Significant Effect in LUTE EIR?	Any Significant Off-Site or Cumulative Impact Not Analyzed?	Any Adverse Impact More Severe Based on Substantial New Information?	Do EIR Mitigation Measures or Uniformly Applied Development Policies or Standards Address/Resolve Impacts?
<b>2 Agriculture and Forestry Resources - Would the project:</b>						
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?	Scoped out at Notice of Preparation stage. Resources do not exist in the City.	No	No	No	No	NA
b. Conflict with existing zoning for agricultural use, or a Williamson Act contract?	Scoped out at Notice of Preparation stage. No agricultural zoning or Williamson Act contracted lands exist in the City.	No	No	No	No	NA
c. Conflict with existing zoning for, or cause rezoning of, forestland (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))?	Scoped out at Notice of Preparation stage. Resources do not exist in the City.	No	No	No	No	NA
d. Result in the loss of forestland or conversion of forestland to non-forest land?	Scoped out at Notice of Preparation stage. Resources do not exist in the City.	No	No	No	No	NA

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 conversion of forest land to non-forest use?	Scoped out at Notice of Preparation stage. Resources do not exist in the City.	No	No	No	No	NA
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### **Discussion and Conclusion**

Agricultural and forestry impacts were scoped out of the LUTE EIR at the Notice of Preparation stage as these resources do not exist in the City. The project site does not contain any of these resources and would also have no impact.

## AIR QUALITY

Environmental Issue Area	Where Impact Was Analyzed in the LUTE Draft and Final EIR.	Any Peculiar Impact?	Any Impact Not Analyzed as Significant Effect in LUTE EIR?	Any Significant Off-Site or Cumulative Impact Not Analyzed?	Any Adverse Impact More Severe Based on Substantial New Information?	Do EIR Mitigation Measures or Uniformly Applied Development Policies or Standards Address/Resolve Impacts?
<b>3. Air Quality - Would the project:</b>						
a. Conflict with or obstruct implementation of the applicable air quality plan?	Draft EIR Setting pp. 3.5-1 to 3.5-13 Impact 3.5.1	No.	No	No	No	NA, impact remains less than significant.
b. Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	Draft EIR Setting pp. 3.5-1 to 3.5-13 Impact 3.5.2, 3.5.3 and 3.5.8	No.	No	No	No	Yes, but impact remains significant and unavoidable.
c. Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?	Draft EIR Setting pp. 3.5-1 to 3.5-13 Impact 3.5.2, 3.5.3 and 3.5.8	No.	No	No	No	Yes, but impact remains significant and unavoidable.
d. Expose sensitive receptors to substantial pollutant concentrations?	Draft EIR Setting pp. 3.5-1 to 3.5-13 Impact 3.5.4, 3.5.5, 3.5.6, and 3.5.8	No.	No	No	No	NA, but impact remains significant and unavoidable.

e. Create objectionable odors affecting a substantial number of people?	Draft EIR Setting pp. 3.5-1 to 3.5-13 Impact 3.5.7	No.	No	No	No	NA, impact remains less than significant.
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## Discussion

There have been changes in the regulatory setting related to Air Quality, described in LUTE Draft EIR Section 3.5, Air Quality, since certification of the EIR in April 2017, but these changes do not result in any new or more severe significant effects than were analyzed in the LUTE EIR.

On April 19, 2017, the Bay Area Air Quality Management District (BAAQMD) adopted an updated Clean Air Plan. Like the 2010 Clean Air Plan, the 2017 Clean Air Plan provides a regional strategy to protect public health and protect the climate. The 2017 Clean Air Plan updates the most recent Bay Area ozone plan, the 2010 Clean Air Plan, pursuant to air quality planning requirements defined in the California Health & Safety Code. To fulfill state ozone planning requirements, the 2017 control strategy includes all feasible measures to reduce emissions of ozone precursors — reactive organic gases (ROG) and nitrogen oxides (NO<sub>x</sub>) — and reduce transport of ozone and its precursors to neighboring air basins. In addition, the 2017 Clean Air Plan builds on the BAAQMD's efforts to reduce emissions of fine particulate matter and toxic air contaminants.

BAAQMD updated its CEQA Guidelines in May 2017. All CEQA impact thresholds applicable to land use development, such as the development contemplated by the LUTE, remain unchanged from the 2011 CEQA Guidelines.

The project would not be an operational source of toxic air contaminants (TACs) as it would not function as a stationary source of TACs. The TAC of greatest concern is diesel PM, which would be emitted during project construction. Diesel PM is highly dispersive and concentrations decline quickly from the source (e.g., 500 feet from a freeway, the concentration of diesel PM decreases by 70 percent). The construction air quality emissions analysis prepared by Illingworth & Rodkin, Inc., dated May 14, 2019, shows emissions are below BAAQMD thresholds for particulate matter. Construction would be expected to occur in two phases (about 2.5 years) and is less than the recommended 30-year exposure period used by the California Air Pollution Control Officer Association (CAPCOA) as an exposure threshold that warrants conducting a health risk assessment (HRA). Additionally, the Draft EIR estimates emissions of PM<sub>10</sub>, which diesel PM is a surrogate of, to be below BAAQMD's recommended threshold of significant for construction emissions.

- a. Conflict with or obstruct implementation of the applicable air quality plan?  
 Impact 3.5.1 of the LUTE Draft EIR evaluated whether the LUTE would conflict with or obstruct implementation of the applicable air quality plan. The Bay Area Air Quality Management District's (BAAQMD) 2010 Clean Air Plan includes various control strategies to reduce emissions of local and regional pollutants and promote health and energy conservation. As stated in Impact 3.5.1, the LUTE and CAP 2.0 supports the goals, includes applicable pollutant control mechanisms, and is consistent with the 2010 Clean Air Plan. Therefore, this

impact is considered less than significant.

No changes in the air quality conditions for the project site have occurred since approval of the LUTE. The project would be consistent with land use and zoning designations and would not include any development beyond that assumed and analyzed in the LUTE EIR. The project proposes to remove 130 apartment units and construct 128 condominium units. Therefore, the findings of the certified LUTE EIR concerning consistency with air quality plans remain valid and no further analysis is required.

- b. Violate any air quality standard or contribute substantially to an existing or projected air quality violation?
- Impacts 3.5.2, 3.5.3 and 3.5.8 of the LUTE Draft EIR identified that implementation of the LUTE would result in short-term construction and long-term operation emissions that would substantially contribute to air pollution or result in a projected air quality violation. The City adopted Mitigation Measure 3.5.3 that requires construction projects to implement BAAQMD's basic construction mitigation measures as well as use construction equipment that is California Air Resources Board (CARB) Tier 3 Certified or better to address construction emissions. The LUTE Draft EIR identified that the LUTE would improve the viability of walking, biking, and transit that would reduce vehicle use. However, the LUTE EIR concluded that construction and operational air quality impacts of the implementation of the LUTE were significant and unavoidable under project and cumulative conditions (Impact 3.5.8).

Construction of the project would include demolition of the existing seven (7) buildings, clubhouse, and carports, and the construction of 13 new buildings, an amenity building, and associated site improvements including vehicle and pedestrian circulation, surface parking, landscaping, stormwater management areas, and outdoor amenities. Demolition and removal of existing buildings, drive aisles, and other improvements can generate dust and possible hazardous emissions due to the use of hazardous materials in older buildings. New construction could generate dust and particulate matter from soil disturbance. The use of heavy equipment for demolition and construction activities would generate exhaust emissions such as oxides of nitrogen (NOX), sulfur dioxide (SO<sub>2</sub>), carbon monoxide (CO), reactive organic gases (ROG), respirable particulate matter with an aerodynamic diameter of 10 microns or smaller (PM<sub>10</sub>), and fine particulate matter with an aerodynamic diameter of 2.5 microns or smaller (PM<sub>2.5</sub>). Project construction is anticipated to occur in Spring 2020. There is nothing peculiar about the project's demolition or construction or the project's parcel that would require non-standard demolition or construction techniques. The project would be subject to standard dust control and off-road equipment requirements to minimize construction related impacts.

As noted above, LUTE EIR Mitigation Measure 3.5.3 requires construction projects to implement BAAQMD's basic construction mitigation measures, which include the following dust control measures: (1) all exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day; (2) all haul trucks transporting soil,

sand, or other loose material off-site shall be covered; (3) all visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited; (4) all vehicle speeds on unpaved roads shall be limited to 15 mph; (5) all roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used; and (6) post a publicly visible sign with the telephone number and person to contact at the Lead Agency regarding dust complaints. This person shall respond and take corrective action within 48 hours.

The project would be required to implement Mitigation Measure 3.5.3, identified in the LUTE EIR, to reduce the air quality impacts of short-term construction. Therefore, the findings of the certified LUTE EIR remain valid and no further analysis is required.

- c. Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?

Impact 3.5.8 of the LUTE Draft EIR evaluated the cumulative impacts to air quality. The analysis noted that, while contribution of the LUTE to adverse impacts to air quality would be cumulatively considerable, the BAAQMD-recommended significance thresholds, as applied to each individual project, would be used to determine whether a project's contribution to a significant impact to air quality would be cumulatively considerable.

As discussed above in b), emissions of criteria air pollutants and precursors associated with construction and operation of the project would not exceed BAAQMD-recommended mass emission thresholds, and therefore would not make a cumulatively considerable contribution to significant cumulative air quality impacts. Additionally, the project's land use and development intensities are consistent with the LUTE. Therefore, the findings of the certified LUTE EIR remain valid and no further analysis is required.

- d. Expose sensitive receptors to substantial pollutant concentrations?  
Impacts 3.5.4, 3.5.5, 3.5.6, and 3.5.8 of the LUTE Draft EIR evaluated whether construction and operational activities would expose sensitive receptors to substantial pollutant concentrations of TACs. Sensitive receptors include residences, schools, medical facilities, family day cares, and places of worship. Construction-related TACs potentially affecting sensitive receptors include off-road diesel-powered equipment, and operational TACs include mobile and stationary sources of diesel particulate matter. Both of these impacts are identified in the LUTE EIR as potentially significant. Implementation of Mitigation Measure 3.5.5 and Mitigation Measure 3.5.6, in addition to BAAQMD permitting requirements, were determined in the LUTE EIR to provide adequate mitigation to reduce these impacts to less than significant under project conditions, but found that the LUTE's contribution to significant cumulative impacts would be cumulatively considerable (Impact 3.5.8).

The project would not result in the regular use during operation of any TAC sources, such as regular and frequent visits by diesel-powered haul trucks. Project construction, would involve the use of diesel particulate matter-emitting off-road construction equipment. Sensitive receptors in the vicinity of the project include single-family and multi-family residential developments in all directions surrounding the site.

In compliance with LUTE EIR Mitigation Measure 3.5.5, the construction air quality emissions analysis prepared an assessment to analyze the health risks on the nearest sensitive receptor, as required by LUTE EIR Mitigation Measure 3.5.5. Results of this assessment indicate that the maximum concentration of PM<sub>2.5</sub> during construction would be below the BAAQMD significance threshold.

Implementation of Mitigation Measure 3.5.6 was determined to be unnecessary given that the project removes 130 apartment units with 128 condominium units and does not propose a net increase in sensitive receptors to the project area that could be adversely affected by construction emissions and the project would not be a significant operational source of TACs or generate 100 heavy-duty truck trips daily.

The project would be consistent with land use and zoning designations and would not include any development beyond that allowed by the LUTE EIR. Therefore, the findings of the certified LUTE EIR concerning the exposure of sensitive receptors to substantial pollutant concentrations remain valid and no further analysis is required.

- e. Create objectionable odors affecting a substantial number of people?  
Impact 3.5.7 of the LUTE Draft EIR identified that development associated with the LUTE could create objectionable odors affecting a substantial number of people. The LUTE Draft EIR concluded that implementation Mitigation Measure 3.5.7 would reduce this impact to less than significant.

The project does not include any long-term uses that are considered to be sources of objectionable odors (e.g., landfill, wastewater treatment plant). Operation of the project may include a limited number of diesel- fueled trucks delivering materials to the project area; however, truck deliveries would be infrequent and not involve constant emissions of odorous diesel exhaust. Multi-family residential land uses are not typically considered to be sources of objectionable odors and would not be subject to implementation of Mitigation Measure 3.5.7. Thus, the project is not a source of objectionable odors and the surrounding development, which also consists of primarily single family and multi-family residential uses, is not a source of objectionable odors, and there is no cumulative impact related to objectionable orders. Therefore, the findings of the certified LUTE EIR related to odors remain valid and no further analysis is required.

## **Mitigation Measures**

The following mitigation measures were referenced in the LUTE Draft EIR analysis



and are applicable to the project.

- Mitigation Measure MM 3.5.3 Short-Term Construction Emissions: The following will be added as policies to the Environmental Management Chapter of the General Plan:

NEW POLICY: Prior to the issuance of grading or building permits, the City of Sunnyvale shall ensure that the Bay Area Air Quality Management District's (BAAQMD) basic construction mitigation measures from Table 8-1 of the BAAQMD 2011 CEQA Air Quality Guidelines (or subsequent updates) are noted on the construction documents.

## **CONCLUSION**

While the project-specific analyses provide additional detail for the project site, the analysis confirms that with application of uniformly applied development standards and policies, the project would result no (1) peculiar impacts, (2) impacts not analyzed in the LUTE EIR, or (3) significant off-site impacts and cumulative impacts not discussed in the LUTE EIR, and (4) there is no substantial new information indicating that an impact would be more severe than discussed in the LUTE EIR. The conclusions of the LUTE EIR regarding air quality impacts remain valid and no additional analysis is required.

## BIOLOGICAL RESOURCES

Environmental Issue Area	Where Impact Was Analyzed in the LUTE Draft and Final EIR.	Any Peculiar Impact?	Any Impact Not Analyzed as Significant Effect in LUTE EIR?	Any Significant Off-Site or Cumulative Impact Not Analyzed?	Any Adverse Impact More Severe Based on Substantial New Information?	Do EIR Mitigation Measures or Uniformly Applied Development Policies or Standards Address/Resolve Impacts?
<b>4. Biological Resources - Would the project:</b>						
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 Wildlife or U.S. Fish and Wildlife Service?	Draft EIR Setting pp. 3.9-1 to 3.9-13 Impact 3.9.1 and 3.9.5	No	No	No	No	NA, impact remains less than significant
b. Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, and regulations or by the California Department of Fish and Game or US Fish and Wildlife Service?	Draft EIR Setting pp. 3.9-1 to 3.9-13 Impact 3.9.2 and 3.9.5	No	No	No	No	NA, impact remains less than significant.
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	Draft EIR Setting pp. 3.9-1 to 3.9-13 Impact 3.9.2 and 3.9.5	No	No	No	No	NA, impact remains less than significant.

interruption, or other means?						
d. Interfere substantially with the movement of any native resident or migratory fish and wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	Draft EIR Setting pp. 3.9-1 to 3.9-13 Impact 3.9.3 and 3.9.5	No	No	No	No	NA, impact remains less than significant.
e. Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance.	Draft EIR Setting pp. 3.9-1 to 3.9-13 Impact 3.9.4 and 3.9.5	No	No	No	No	NA, impact remains less than significant.
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?	Draft EIR Setting pp. 3.9-1 to 3.9-13 Impact 3.9.4 and 3.9.5	No	No	No	No	NA, impact remains less than significant.

## Discussion

No new information pertaining to biological resources has become available since the LUTE EIR was certified in April 2017.

To determine if there was substantial new information about the project setting, the applicant has provided a Biological Constraints Report that was prepared by Live Oak Associates, Inc., dated November 2, 2018. This report describes the biological resources present in and adjacent to the site, as well as the potential impacts of the proposed project and measures necessary to reduce impacts to less-than-significant levels under the California Environmental Quality Act (CEQA). The report concludes that the site is not an active habitat for any known biological resource (special status plant species) or wildlife (special status wild life species including Burrowing Owls), but the trees can be a habitat for common nesting birds. Sunnyvale's standard conditions of approval will include the following:

1. Avoidance. Demolition and construction activities should be scheduled

between September 1 and January 31 to avoid the nesting bird season. If construction activities are scheduled to take place outside the nesting season, all impacts on nesting birds protected under the MBTA and California Fish and Game Code will be avoided.

2. **Preconstruction/Pre-disturbance Surveys.** If it is not possible to schedule demolition and construction activities between September 1 and January 31 then preconstruction surveys for nesting birds should be conducted by a qualified ornithologist to ensure that no nests will be disturbed during project implementation. We recommend that these surveys be conducted no more than 14 days prior to the initiation of demolition/construction activities. During this survey, the ornithologist will inspect all trees and other potential nesting habitats (e.g., trees, shrubs, grasslands, buildings) in and immediately adjacent to the impact areas for nests.
3. **Buffers.** If an active nest is found sufficiently close to work areas to be disturbed by these activities, the ornithologist will determine the extent of a construction-free buffer zone to be established around the nest (typically 300 ft for raptors and 100 ft for other species), to ensure that no nests of species protected by the MBTA and California Fish and Game Code will be disturbed during project implementation.
4. **Inhibition of Nesting.** If construction activities will not be initiated until after the start of the nesting season, all potential nesting substrates (e.g., bushes, trees, grasses, and other vegetation) that are scheduled to be removed by the project may be removed prior to the start of the nesting season (e.g., prior to February 1). This will preclude the initiation of nests in this vegetation, and prevent the potential delay of the project due to the presence of active nests in these substrates.

These conditions of approval for the Use Permit will become valid when the Use Permit for the project is approved. Conditions will be applicable during the demolition/construction of the project. The project contractor/applicant will be solely responsible for implementation and maintenance of these conditions of approval. The conditions of approval shall be incorporated into the construction plans.

To determine if there was substantial new information about the project setting, the applicant has provided a Tree Report that was prepared by HortScience / Bartlett Consulting, dated August 30, 2019. The report notes that the site has a total of 88 trees with five (5) trees on the adjacent site (in close vicinity of the subject site) that were also included in the report. Of the 83 trees on the site 61 are considered “protected” under SMC Chapter 19.94. A protected tree is defined as having a trunk size of at least 38 inches in circumference, as measured 4.5 feet from the ground. One (1) Olive tree and two (2) Coast Live Oak trees (approximately 102 and 88 inches in circumference respectively) are proposed to be relocated, and one (1) Coast Redwood (approximately 188 inches in circumference) and one (1) Coast Live Oak (approximately 106 inches in circumference) are proposed to be preserved. One (1) Coast Live Oak and one (1) Holly Oak street trees on South Wolfe Road, both recently planted and not protected, are proposed to be preserved. 56 protected trees are proposed to be removed. Protected sized trees are required

to be replaced per the City's Tree Replacement Policy. The City's Tree Replacement Policy require a minimum of one 24" box or three 15-gallon trees for tree sizes removed between 12" to 18" diameter; one 36" box or two 24" box trees for tree sizes removed between 19" to 24" diameter; and one 48" or two 36" box or four 24" box trees for tree sizes removed over 24" diameter. The project proposes 126 new trees and 14 new street trees.

As identified in LUTE Draft EIR Impact 3.9.1, the urbanized portions of the city are largely built out and do not have large areas of natural habitat. Ruderal infill lots could support burrowing owl and Congdon's tarplant. Urban parks, open space, and riparian areas could support nesting birds. Active nests of all migratory birds, including raptors, are protected by state and federal law. Direct impacts on special-status species could occur as a result of construction of private development and/or public projects supporting future uses (e.g., trails). The LUTE policies and actions include protections that address natural habitat conditions in the city. The City of Sunnyvale is also required to comply with all applicable federal and state laws and regulations pertaining to species and habitat protection. This would include ensuring that nesting birds and raptors are not impacted during construction activities. Thus, the LUTE Draft EIR identified this impact as less than significant under project and cumulative conditions (Impact 3.9.5).

With the application of uniformly applied development standards and policies, the project would have no (1) peculiar impacts, (2) impacts not analyzed in the LUTE EIR, or (3) significant off-site impacts and cumulative impacts not discussed in the LUTE EIR, and (4) there is no substantial new information indicating that an impact would be more severe than discussed in the LUTE EIR. The findings of the certified LUTE EIR remain valid and no further analysis is required.

- a. Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, or regulations or by the California Department of Fish and Wildlife or the U.S. Fish and Wildlife Service?

LUTE Draft EIR Impact 3.9.2 and 3.9.5 address potential impacts to wetlands and other sensitive habitats from implementation of the LUTE. The analysis identifies that subsequent projects under the LUTE are required to comply with all applicable federal and state laws and regulations pertaining to species and habitat protection in addition to LUTE policies and actions and the City's Municipal Code. This impact was identified as less than significant under project and cumulative conditions (Impact 3.9.5).

As identified above (a), the project contains no riparian or other sensitive natural habitat community. Therefore, the findings of the certified LUTE EIR regarding biological impacts remain valid and no further analysis is required.

- b. 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?

LUTE Draft EIR Impact 3.9.2 and 3.9.5 address potential impacts to wetlands

from implementation of the LUTE. The analysis identifies that subsequent projects under the LUTE are required to comply with all applicable federal and state laws and regulations pertaining to species and habitat protection in addition to LUTE policies and actions and the City's Municipal Code. This impact was identified as less than significant under project and cumulative conditions (Impact 3.9.5).

As identified above (a), the project contains no wetland resources. Therefore, the findings of the certified LUTE EIR regarding wetlands and waters of the United States remain valid and no further analysis is required.

- c. 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?

LUTE Draft EIR Impact 3.9.3 and 3.9.5 identified no significant impacts to wildlife movement as planned development of the city under the LUTE would occur within existing developed areas of the city and would not extend into wetlands and open space areas along San Francisco Bay that provide habitat and movement corridors for wildlife species in the region. In addition, creek and waterway corridors within the City (Stevens Creek, Calabazas Creek, and Moffett Channel) would be retained in their current condition under the Draft LUTE. This impact was identified as less than significant under project and cumulative conditions (Impact 3.9.5).

The project is located within an existing developed area and provides no wildlife movement corridors. Therefore, the findings of the certified LUTE EIR regarding migratory fish and wildlife movement and use of native wildlife nursery sites remain valid and no further analysis is required.

- d. Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?

As identified in Impact 3.9.4, the LUTE includes policies that support the objectives of the San Francisco Bay Plan and would not conflict with the City's tree protection provisions provided in Chapter 19.94 of the City's Municipal Code. Thus, no significant impacts were identified.

The applicant has provided a Tree Report that was prepared by HortScience / Bartlett Consulting, dated August 30, 2019. The report notes that the site has a total of 88 trees with five (5) trees on the adjacent site (in close vicinity of the subject site) that were also included in the report. Of the 83 trees on the site, 61 are considered "protected" under SMC Chapter 19.94. A protected tree is defined as having a trunk size of at least 38 inches in circumference, as measured 4.5 feet from the ground. One (1) Olive tree and two (2) Coast Live Oak trees (approximately 102 and 88 inches in circumference respectively) are proposed to be relocated, and one (1) Coast Redwood (approximately 188 inches in circumference) and one (1) Coast Live Oak (approximately 106 inches in circumference) are proposed to be preserved. One (1) Coast Live Oak and one (1) Holly Oak street trees on South Wolfe Road, both recently planted and not protected, are proposed to be preserved. 56 protected trees are proposed to be removed. Protected sized trees are required to be replaced per the City's Tree Replacement Policy. The City's Tree Replacement Policy require a minimum of

one 24" box or three 15-gallon trees for tree sizes removed between 12" to 18" diameter; one 36" box or two 24" box trees for tree sizes removed between 19" to 24" diameter; and one 48" or two 36" box or four 24" box trees for tree sizes removed over 24" diameter. The project proposes 126 new trees and 14 new street trees. The project would comply with the City's tree requirements. Therefore, the findings of the certified LUTE EIR regarding consistency with local policies and ordinances protecting biological resources remain valid and no further analysis is required.

- e. Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?

The City is not located in a habitat conservation plan area. As a result, the LUTE EIR determined there would be no conflict with an adopted habitat conservation plan would occur, and no impact would result. Therefore, no significant impact was identified at under project or cumulative conditions. No new conservation plans have been adopted since approval of the LUTE. Therefore, the findings of the certified LUTE EIR concerning conflicts with adopted conservation plans remain valid and no further analysis is required.

### **Mitigation Measures**

No significant biological resource impacts were identified in the LUTE EIR, and no mitigation measures were required.

### **CONCLUSION**

With the application of uniformly applied development standards and policies, there are no (1) peculiar impacts, (2) impacts not analyzed in the LUTE EIR, and (3) significant off-site impacts and cumulative impacts not discussed in the LUTE EIR, and (4) there is no substantial new information indicating that an impact would be more severe than discussed in the LUTE EIR. Therefore, the findings of the certified LUTE EIR regarding biological resources remain valid and no further analysis is required.

## CULTURAL RESOURCES

Environmental Issue Area	Where Impact Was Analyzed in the LUTE Draft and Final EIR.	Any Peculiar Impact?	Any Impact Not Analyzed as Significant Effect in LUTE EIR?	Any Significant Off-Site or Cumulative Impact Not Analyzed?	Any Adverse Impact More Severe Based on Substantial New Information?	Do EIR Mitigation Measures or Uniformly Applied Development Policies or Standards Address/Resolve Impacts?
<b>5. Cultural Resources - Would the project:</b>						
a. Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5?	Draft EIR Setting pp. 3.10-1 to 3.10-11 Impact 3.10.1 and 3.10.3	No	No	No	No	NA, but impact remains significant and unavoidable.
b. Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?	Draft EIR Setting pp. 3.10-1 to 3.10-11 Impact 3.10.2	No	No	No	No	NA, impacts would remain less than significant.
c. Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	Draft EIR Setting pp. 3.7-1 to 3.7-13 Impact 3.7.4	No	No	No	No	NA, impacts would remain less than significant.
d. Disturb any human remains, including those interred outside the formal cemeteries?	Draft EIR Setting pp. 3.10-1 to 3.10-11 Impact 3.10.2	No	No	No	No	NA, impacts would remain less than significant.

## Discussion

The project site or structures are not on Sunnyvale's Heritage Resources list. A records search by the California Historical Resources Information System/Northwest Information Center of Sonoma State University (CHRIS/NWIC) was conducted for the project area on May 23, 2019. Review of the obtained information indicates that there has been one (1) cultural resources study that covers the project area S-52429 (Psota 2019, prepared by the project consultant, Holman & Associates Archaeological Consultants, dated November 5, 2018.) The project area contains no previously recorded archaeological resources. The State



Office of Historic Preservation Historic Property Directory (OHP HPD) (which includes listings of the California Register of Historical Resources, California State Historical Landmarks, California State Points of Historical Interest, and the National Register of Historic Places) lists no recorded buildings or structures within the proposed project area. In addition to these inventories, the NWIC base maps shows one recorded building within the proposed project area: P-43-004024 (925 South Wolfe Road, Landmark Apartments – Elmer and Florence Hyland House.)

Based on an evaluation of the environmental setting and features associated with known sites, Native American resources in this part of Santa Clara county have been found in Holocene alluvial fan deposits, near intermittent or perennial watercourses, and in historic baylands, particularly near bay shores or marshes. The project area contains latest Pleistocene alluvial fan deposits and is situated approximately 1.4-miles NW of Calabazas Creek. Given the dissimilarity of one or more of these environmental factors, there is a low potential for unrecorded Native American resources in the proposed project area. Both the 1897 and 1899 USGS Palo Alto 15-minute topographic quadrangles depict two buildings that appeared to be within the proposed project area, and depict an early route of Wolfe Road adjacent to the proposed project area. S-52429 (Psota 2019) provided a more in-depth review of the proposed project area and determined there was a low potential for historic-period archaeological resources.

A Department of Parks and Recreation Primary Record (DPR 523 Form) was completed by Urban Programmers, dated January 15, 2019, for the Landmark Apartments site and Elmer and Florence Hyland House, constructed in 1929 and remodeled as a clubhouse in 1974. The record concludes that the project site and the clubhouse are not historic resources.

The following conditions of approval are recommended to reduce the potential impact to less than significant level:

1. If archaeological resources are encountered during construction, work shall be temporarily halted in the vicinity of the discovered materials and workers shall not alter the materials and their context until a qualified professional archaeologist has evaluated the situation and provided appropriate recommendations. Project personnel shall not collect cultural resources. Native American resources include chert or obsidian flakes, projectile points, mortars, and pestles; and dark friable soil containing shell and bone dietary debris, heat-affected rock, or human burials. Historic-period resources include stone or adobe foundations or walls; structures and remains with square nails; and refuse deposits or bottle dumps, often located in old wells or privies.
2. Any identified cultural resources shall be recorded on DPR 523 historic resource recordation forms.

The conditions will become valid when the Use Permit is approved and prior to building permit issuance. The project applicant or property owner shall be solely responsible for implementation and maintenance of these conditions of approval. The conditions of approval shall be incorporated into the construction plans.

- a. Cause a substantial adverse change in the significance of a historical resource as defined in Section 15064.5?

LUTE Draft EIR Impact 3.10.1 identified that the City includes numerous buildings that have historical value that are associated with its previous industrial and military related industries and subsequent actions under the LUTE have the potential to directly (i.e., demolition) or indirectly (i.e., adverse effects to historical setting from adjacent construction) impact historic buildings and structures that qualify as historic resources under CEQA. The Community Character chapter of the Sunnyvale General Plan includes various policies addressing this issue. Policy CC-5.1 states that the City will preserve existing landmarks and cultural resources and their environmental settings, Policy CC-5.3 seeks to identify and work to resolve conflicts between the preservation of historic resources and alternative land uses, and Policy CC-5.4 states that the City will seek out, catalog, and evaluate heritage resources that may be significant. The LUTE EIR concluded that the implementation of the LUTE would result significant and unavoidable impacts under project and cumulative conditions (Impact 3.10.3).

The archaeological report and historic resource form prepared by the project consultants indicate that the project site does not include any known archaeological or historic resources. Therefore, the findings of the certified LUTE EIR regarding historical resources remain valid and no further analysis is required.

- b. Cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5?

Impact 3.10.2 of the LUTE Draft EIR noted that implementation of the LUTE could impact buried archaeological resources during construction activities. The LUTE Draft EIR concluded that implementation of Policy 10 Action 6 (now Policy LT-1.10f) identified below would ensure that impacts to archaeological resources and human remains (in combination with Health and Safety Code Section 7050.5[b]) are reduced to a less-than-significant level under project and cumulative conditions (Impact 3.10.3).

LT-1.10f: Continue to condition projects to halt all ground-disturbing activities when unusual amounts of shell or bone, isolated artifacts, or other similar features are discovered. Retain an archaeologist to determine the significance of the discovery. Mitigation of discovered significant cultural resources shall be consistent with Public Resources Code Section 21083.2 to ensure protection of the resource.

The project area does not include any known archaeological resources or human remains and the project would be required to comply with General Plan Policy LT-1.10f. Therefore, the findings of the certified LUTE EIR regarding archaeological resources remain valid and no further analysis is required.

- c. Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?

Impact 3.7.4 of the LUTE Draft EIR noted that while implementation of the LUTE could impact undiscovered paleontological resources during construction activities. The LUTE Draft EIR concluded that implementation of

Policy 10 Action 6 (now Policy LT-1.10f) identified below would ensure that impacts to paleontological resources are reduced to a less-than-significant level under project and cumulative conditions (Impact 3.10.3).

LT-1.10f: Continue to condition projects to halt all ground-disturbing activities when unusual amounts of shell or bone, isolated artifacts, or other similar features are discovered. Retain an archaeologist to determine the significance of the discovery. Mitigation of discovered significant cultural resources shall be consistent with Public Resources Code Section 21083.2 to ensure protection of the resource.

The project area does not include any known paleontological resources and the project would be required to comply with General Plan Policy LT-1.10f. Therefore, the findings of the certified LUTE EIR regarding paleontological and unique geologic features remain valid and no further analysis is required.

- d. Disturb any human remains, including those interred outside of formal cemeteries?  
See analysis provided in Item b) above.

### **Mitigation Measures**

No significant cultural resource impacts were identified in the LUTE EIR, and no mitigation measures were required

### **CONCLUSION**

With the application of uniformly applied development standards and policies, the project would have no (1) peculiar impacts, (2) impacts not analyzed in the LUTE EIR, or (3) significant off-site impacts and cumulative impacts not discussed in the LUTE EIR, and (4) there is no substantial new information indicating that an impact would be more severe than discussed in the LUTE EIR. Therefore, the findings of the certified LUTE EIR regarding cultural resources remain valid and no further analysis is required.

## GEOLOGY AND SOILS

Environmental Issue Area	Where Impact Was Analyzed in the LUTE Draft and Final EIR.	Any Peculiar Impact?	Any Impact Not Analyzed As Significant Effect in LUTE EIR?	Any Significant Off-Site or Cumulative Impact Not Analyzed?	Any Adverse Impact More Severe Based on Substantial New Information?	Do EIR Mitigation Measures or Uniformly Applied Development Policies or Standards Address/Resolve Impacts?
<b>6 Geology and Soils - Would the project:</b>						
a. Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving: i. Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42. ii. Strong seismic ground shaking? iii. Seismic-related ground failure, including liquefaction? iv. Landslides?	Draft EIR Setting pp.3.7-1 to 3.7-13 Impact 3.7.1	No	No	No	No	NA, impact remains less than significant.

b. Result in substantial soil erosion or the loss of topsoil?	Draft EIR Setting pp.3.7-1 to 3.7-13 Impact 3.7.2	No	No	No	No	NA, impact remains less than significant.
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?	Draft EIR Setting pp.3.7-1 to 3.7-13 Impact 3.7.3	No	No	No	No	NA, impact remains less than significant.
d. Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?	Draft EIR Setting pp.3.7-1 to 3.7-13 Impact 3.7.3	No	No	No	No	NA, impact remains less than significant.
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 waste water?	Scoped out in Draft EIR on page 3.7- 14.	No	No	No	No	NA

## Discussion

No substantial change in the environmental and regulatory settings related to geology and soils, described in the LUTE Draft EIR Section 3.7 Geology, Soils, and Paleontological Resources, has occurred since certification of the LUTE EIR. The regional and local settings remain the same as stated Section 3.7.

Since preparation of the LUTE Draft EIR, a California Supreme Court decision (California Building Industry Association v. Bay Area Air Quality Management District (2015) 62 Cal.4th 369, 377) has clarified CEQA with regard to the effects of existing environmental conditions on a project's future users or residents. The effects of the environment on a project are generally outside the scope of CEQA unless the project would exacerbate these conditions. Changes to the CEQA Guidelines to reflect this decision are in process by the State but have not been adopted. Local agencies are not precluded from considering the impact of locating new development in areas subject to existing environmental hazards; however, CEQA cannot be used by a lead agency to require a developer or other agency to obtain an EIR or implement mitigation measures solely because the occupants or users of a new project would be subjected to

the level of hazards specified.  
However, previous discussions of effects of the environment related to geology and soils is included herein for disclosure purposes.

- a. Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:
  - i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? (Refer to California Geological Survey Special Publication 42.)
  - ii) Strong seismic ground shaking?
  - iii) Seismic-related ground failure, including liquefaction?
  - iv) Landslides?

As addressed in Impact 3.7.1, Sunnyvale Municipal Code (SMC) has adopted the California Building Code (CBC) by reference in Chapter 16.16.020, with changes and modifications providing a higher standard of protection. All new development and redevelopment would be required to comply with the current adopted CBC, which includes design criteria for seismic loading and other geologic hazards. Compliance with the CBC requires that new developments incorporate design criteria for geologically induced loading that governs sizing of structural members and provides calculation methods to assist in the design process. While ground shaking could result in damage to structures, incorporation of CBC criteria that recognize this potential would lessen those impacts. The CBC includes provisions for buildings to structurally survive an earthquake without collapsing, and includes specific measures such as anchoring structures to the foundation and structural frame design. The LUTE EIR concludes that impacts related to landslides would be less than significant under project and cumulative conditions.

The project would be subject to CBC and SMC provisions for geologic stability. The final design would be required to incorporate seismic design standards as necessary, which would safeguard against significant damage to structures that could result from seismic activity. Therefore, the findings of the certified LUTE EIR regarding geologic hazards remain valid.

- b. Result in substantial soil erosion or the loss of topsoil?  
Impact 3.7.2 identifies that implementation of the LUTE would allow new development, redevelopment, and infrastructure improvements. Grading and site preparation activities associated with such development could temporarily remove buildings and pavement, which could expose the underlying soils to wind and water erosion. Ground-disturbing activities would be required to comply with CBC Chapter 70 standards, which would ensure implementation of appropriate site-specific measures during grading activities to reduce and control soil erosion. Additionally, any development involving clearing, grading, or excavation that causes soil disturbance of one or more acres would be required to prepare and comply with a stormwater pollution prevention plan (SWPPP), which provides a schedule for the implementation and maintenance of erosion control measures and a description of the erosion control practices, including appropriate design details and a time schedule. The SWPPP would

consider the full range of erosion control best management practices (BMPs), including any additional site-specific and seasonal conditions. As further discussed in LUTE Draft EIR Section 3.8, Hydrology and Water Quality, the State Water Resources Control Board has adopted a Construction General Permit (Order No. 20090009-DWQ, as amended by Order No. 2010-0014-DWQ and Order 2012-0006-DWQ) that provides additional standards and requirements to avoid soil erosion. In addition, the City's grading standards (Municipal Code Section 18.12.110) specify that when grading will create a nuisance or hazard to other properties, public way, or public facilities due to erosion from storm runoff or rainfall, grading cannot commence or continue without specific consent in writing from the Director of Public Works or the Director of Community Development. The grading standards also regulate gradients for cut-and-fill slopes. The LUTE EIR concluded that impacts from soil erosion and loss of topsoil would be less than significant under both project and cumulative conditions (Impact 3.7.5).

The project is subject to the above standards and have provided a Preliminary Stormwater Management Plan prepared by Carlson, Barbee & Gibson, Inc., in the project plans. Therefore, the findings of the certified LUTE EIR regarding loss of topsoil and erosion remain valid.

- 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?  
The LUTE EIR indicates that future structures and improvements that could be developed in the City under the LUTE could experience stresses on various sections of foundations and connected utilities, as well as structural failure and damage to infrastructure if located on expansive or unstable soils (Impact 3.7.3). The City requires preparation of geotechnical reports for all development projects, which include soil sampling and laboratory testing to determine the soil's susceptibility to expansion and differential settlement and would provide recommendations for design and construction methods to reduce potential impacts, as necessary. The LUTE EIR concluded that impacts from geologic instability would be less than significant under both project and cumulative conditions (Impact 3.7.5).

In addition to the above, the CBC includes common engineering practices requiring special design and construction methods to reduce potential expansive soil and settlement-related impacts. Preparation of final geotechnical reports and continued compliance with CBC regulations would ensure the adequate design and construction of building foundations, and ground preparation to resist soil movement. Adherence to the City's Municipal Code and the CBC would reduce potential impacts associated with development on unstable soils to a less-than-significant level for the LUTE under project and cumulative conditions.

The project is subject to the above standards and have included soil stability and erosion controls within project plans. Therefore, the findings of the certified LUTE EIR regarding geologic and soil stability remain valid.

- d. Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994, as updated), creating substantial risks to life or property?  
See analysis under item c) above.
- 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 waste water?  
As described in the LUTE EIR, development in the City, as well as the project, would utilize the existing City's wastewater conveyance and treatment. Septic systems would not be required and there would be no impact under project or cumulative conditions. Therefore, the findings of the certified LUTE EIR regarding waste disposal systems where sewers are not available remain valid and no further analysis is required.

### **Mitigation Measures**

No significant geologic impacts were identified in the LUTE EIR, and no mitigation measures were required.

### **CONCLUSION**

With the application of uniformly applied development standards and policies, the project would have no (1) peculiar impacts, (2) impacts not analyzed in the LUTE EIR, or (3) significant off-site impacts and cumulative impacts not discussed in the LUTE EIR, and (4) there is no substantial new information indicating that an impact would be more severe than discussed in the LUTE EIR. Therefore, the conclusions of the LUTE EIR regarding geology and soils remain valid and no additional analysis is required.



## GREENHOUSE GAS EMISSIONS

Environmental Issue Area	Where Impact Was Analyzed in the LUTE Draft and Final EIR.	Any Peculiar Impact?	Any Impact Not Analyzed As Significant Effect in LUTE EIR?	Any Significant Off-Site or Cumulative Impact Not Analyzed?	Any Adverse Impact More Severe Based on Substantial New Information?	Do EIR Mitigation Measures or Uniformly Applied Development Policies or Standards Address/ Resolve Impacts?
<b>7. Greenhouse Gas Emissions - Would the project:</b>						
a. Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	Draft EIR Setting pp. 3.13-1 to 3.13-9 Impact 3.13.1 Final EIR pp. 3.0-5 to 3.0-6	No.	No	No	No	NA, impact remains less than significant.
b. Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	Draft EIR Setting pp. 3.13-1 to 3.13-9 Impact 3.13.1 Final EIR pp. 3.0-5 to 3.0-6	No.	No	No	No	NA, impact remains less than significant.

## Discussion

The City tracks the progress of the Climate Action Plan (CAP) through biennial progress reporting. According to the City's 2018 CAP Biennial Progress Report, communitywide GHG emissions in 2016 were approximately 12 percent less than 1990 levels and that an estimated 28 percent less than 1990 levels is achievable by 2020 (City of Sunnyvale 2018). According to the report, the City is ahead of schedule in meeting its GHG reduction goals.

In August 2019, the City adopted the Climate Action Playbook that provides updated GHG emission reduction targets for 2030 and 2050 and identifies reduction measures to meet these targets.

There have been several new or updated GHG executive orders, plans, policies, or regulations issued since certification of the LUTE EIR, but none of these new items, which are part of the regulatory setting, constitute substantial information indicating that the project would have a significant impact not analyzed in the LUTE EIR. For references, updates to the regulatory setting are briefly summarized below:

- ☐ Executive Order B-55-18: Executive Order B-55-18, signed September 10, 2018, sets a goal "to achieve carbon neutrality as soon as possible, and no

later than 2045, and achieve and maintain net negative emissions thereafter.”

- Scoping Plan Update: Executive Order B-30-15 and SB 32 require California Air Resources Board (CARB) to prepare another update to the Scoping Plan to address the 2030 target for the state. On December 24, 2017, CARB approved the 2017 Climate Change Scoping Plan Update, which outlines potential regulations and programs, including strategies consistent with AB 197 requirements, to achieve the 2030 target.
- 2017 Update to the SB 375 Targets: Under SB 375, CARB is required to update the emission reduction targets for the metropolitan planning organizations (MPOs) every eight years. CARB adopted the updated targets and methodology in March 2018 and subsequent sustainable community strategies (SCSs) adopted after this date are subject to these new targets.
- Senate Bill 100: SB 100 raises California’s RPS requirements to 60 percent by 2030, with interim targets, and 100 percent by 2045. The bill also establishes a state policy that eligible renewable energy resources and zero-carbon resources supply 100 percent of all retail sales of electricity to California end-use customers and 100 percent of electricity procured to serve all state agencies by December 31, 2045. Under the bill, the state cannot increase carbon emissions elsewhere in the western grid or allow resource shuffling to achieve the 100 percent carbon free electricity target.
- Building Energy Efficiency Standards: Energy conservation standards for new residential and non-residential buildings were adopted by the California Energy Resources Conservation and Development Commission (now the CEC) in June 1977 and most recently revised in 2016 (Title 24, Part 6, of the California Code of Regulations). Title 24 requires the design of building shells and building components to conserve energy. The standards are updated periodically to allow for consideration and possible incorporation of new energy efficiency technologies and methods. The 2019 Building Energy Efficiency Standards, which were recently adopted on May 9, 2018, go into effect starting January 1, 2020.
- CALGreen Updates: CALGreen established planning and design standards for sustainable site development, energy efficiency (in excess of the California Energy Code requirements), water conservation, material conservation, and internal air contaminants. The recently adopted 2019 Standards will take effect on January 1, 2020. Each iteration of the CALGreen standards improves the energy efficiency and sustainability of new development from the prior iteration.

The changes to the regulatory environment will act to reduce the project’s long term GHG emissions by reducing emissions from energy and automobiles and therefore do not constitute substantial new information that would cause a more severe adverse impact on climate change than discussed in the LUTE EIR.

- a. Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?  
Impact 3.13.1 of the LUTE EIR evaluated the projected GHG emissions associated with implementation of the LUTE (176,672 metric tons of carbon dioxide-equivalent per year [MTCO<sub>2</sub>e/year] at buildout in 2035). The LUTE is

intended to implement local land use and transportation planning efforts in a manner consistent with the CAP and MTC's Sustainable Communities Strategy (Plan Bay Area) and seeks to reduce the environmental impact (including GHG emissions) of land use development as described above.

However, the LUTE has different growth projections than what were utilized in the CAP. The GHG estimates presented in the LUTE EIR were based on different assumptions and inputs using CalEEMod than the activity-based estimates used in the City's CAP. For this reason, there is no straightforward method to determine whether the LUTE is consistent with the GHG reduction targets in the CAP for 2035. The LUTE Final EIR also acknowledged the adoption of SB 32, which established a statewide GHG target for 2030. Mitigation Measure 3.13.1 requires the City to update the CAP to reflect the LUTE growth projections, and with this mitigation measure the LUTE EIR concluded that the LUTE would make a less than cumulatively considerable contribution to the significant cumulative impact of global climate change. As noted above the City adopted the Climate Action Playbook that updates the CAP on GHG emission reduction efforts.

The project's land use and development intensities are consistent with the LUTE and what was assumed in the GHG analysis in the LUTE EIR. No changes in the GHG conditions for the project site have occurred since approval of the LUTE and the LUTE EIR. The project would not include any development beyond that assumed and analyzed in the LUTE EIR. The project removes 130 apartment units and will develop 128 condominium units. Therefore, the findings of the certified LUTE EIR regarding GHG emissions remain valid and no further analysis is required.

- b. Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?  
The project would not hinder implementation of the Climate Action Playbook; and will be implementing Green Building strategies to reduce energy consumption and increase local solar photovoltaics (Strategy 1, Play 1.2 and 2.1).

### **Mitigation Measures**

Mitigation Measure 3.13.1 referenced in the LUTE EIR has been implemented by the City through the adoption of the Climate Action Playbook.

- ☐ Mitigation Measure 3.13.1. Upon adoption of the Draft LUTE, the City will update the Climate Action Plan to include the new growth projections of the Draft LUTE and make any necessary adjustments to the CAP to ensure year 2020 and 2035 greenhouse gas emission reduction targets are attained.

### **CONCLUSION**

With the application of uniformly applied development standards and policies, the project would have no (1) peculiar impacts, (2) impacts not analyzed in the LUTE EIR, or (3) significant off-site impacts and cumulative impacts not discussed in the LUTE EIR, and (4) there is no substantial new information indicating that an impact would be more severe than discussed in the LUTE EIR. Therefore, the conclusions of the LUTE EIR regarding climate change impacts remain valid and

no additional analysis is required.

### HAZARDS AND HAZARDOUS MATERIALS

Environmental Issue Area	Where Impact Was Analyzed in the LUTE Draft and Final EIR.	Any Peculiar Impact?	Any Impact Not Analyzed As Significant Effect in LUTE EIR?	Any Significant Off-Site or Cumulative Impact Not Analyzed?	Any Adverse Impact More Severe Based on Substantial New Information?	Do EIR Mitigation Measures or Uniformly Applied Development Policies or Standards Address/Resolve Impacts?
<b>8. Hazards and Hazardous Materials - Would the project:</b>						
a. Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	Draft EIR Setting pp.3.3-1 to 3.3-9 Impact 3.3.1	No	No	No	No	NA, impacts would remain less than significant.
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?	Draft EIR Setting pp.3.3-1 to 3.3-9 Impact 3.3.2	No	No	No	No	NA, impacts would remain less than significant.
c. Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	Draft EIR Setting pp.3.3-1 to 3.3-9 Impact 3.3.3	No	No	No	No	NA, impacts would remain less than significant.
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, would it create a significant hazard to the public or the environment?	Draft EIR Setting pp.3.3-1 to 3.3-9 Impact 3.3.2	No	No	No	No	NA, impacts would remain less than significant.

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?	Draft EIR Setting pp. 3.3-1 to 3.3-9 Impact 3.3.4 and Final EIR pp. 3.0-2 to 3.0-3	No	No	No	No	NA, impact would remain less than significant.
f. For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working on the project area?	Draft EIR Setting pp. 3.3-1 to 3.3-9 and p. 3.6-28 Impact 3.3.4	No	No	No	No	NA, no impact would occur.
g. Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	Draft EIR Setting pp. 3.3-1 to 3.3-9 Impact 3.3.5	No	No	No	No	NA, impacts would remain less than significant.
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?	Draft EIR page 3.3- 15 No Impact	No	No	No	No	NA, no impact would occur.

## Discussion

No substantial change in the environmental and regulatory settings related to hazards and hazardous materials, described in LUTE Draft EIR Section 3.3, Hazards and Human Health, has occurred since certification of the LUTE Draft EIR.

Phase I Environmental Site Assessments (ESAs) was prepared for the project site by ENGEO Incorporated on November 2, 2018. The Phase I ESA investigation identified the following recognized environmental conditions:

- ☐ No Recognized Environmental Condition (REC) were identified on the site.
- ☐ No de minimis conditions, historical recognized environmental conditions (HREC) or controlled recognized conditions (CREC).

- ☐ No further study is recommended at the subject site.
- a. Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?  
Impact 3.3.1 in the LUTE Draft EIR evaluated whether implementation of the LUTE would increase the routine transport, use, or disposal of hazardous materials. The analysis stated that although LUTE policies provide for additional nonresidential growth, hazardous materials use would not be expected to expand appreciably because the types of new businesses that would be expected would not involve extensive use of hazardous materials, as has occurred historically, but rather primarily green technology and office/R&D uses. The analysis also stated that the transport, storage, use, and storage of hazardous materials in land use activities associated with the LUTE would be required to comply with all applicable federal, state, and local regulations during construction and operation. Facilities that use hazardous materials are required to obtain permits and comply with appropriate regulatory agency standards designed to avoid hazardous materials releases. Compliance with federal, state, and local regulations and implementation of LUTE policies (Policy 78, Policy 95 Action 3, and Policy 101 Action 2) would ensure that the LUTE would have less- than-significant impacts related to creating a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials and that the LUTE would make a less than cumulatively considerable contribution to significant cumulative impacts (Impact 3.3.6).

The project continues the existing multi-family residential use of the site and is not anticipated to have any hazardous material uses. However, if there were any hazardous material use, the project would be subject to the federal, state, and local regulations that regulate hazardous material use and safety measures as discussed in the LUTE Draft EIR. Therefore, the findings of the certified LUTE EIR regarding impacts from the routine transport, use, or disposal of hazardous materials remain valid and no further analysis is required.

- b. Create a significant hazard to the public or the environment through reasonably foreseeable upset and/or accident conditions involving the release of hazardous materials into the environment?  
Impact 3.3.2 in the LUTE Draft EIR evaluated whether implementation of LUTE policies and actions would provide for land uses that would involve the transportation, storage, use, and disposal of hazardous materials. These activities could result in the release of hazardous materials into the environment and exposure of the public to hazardous materials as a result of inadvertent releases or accidents. The analysis states that the transport, storage, and use of hazardous materials by developers, contractors, business owners, and others must occur in compliance with local, state, and federal regulations. Facilities that store or use hazardous materials are required to obtain permits and comply with appropriate regulatory agency standards designed to avoid hazardous material releases. Special regulations apply to operations that may result in hazardous emissions or use large quantities of regulated materials to ensure accidental release scenarios are considered and measures included in project design and operation to reduce the risk of

accidents. In addition, transportation of hazardous materials into and within the City of Sunnyvale is regulated to reduce the potential for transportation accidents involving hazardous materials. The LUTE EIR concludes that such impacts would be less than significant under project conditions and less than cumulatively considerable under cumulative conditions (Impact 3.3.6).

Operation of the project would result in the same multi-family residential use at the site and would not involve the routine use of large amounts of hazardous materials. The project would be subject to the federal, state, and local regulations that regulate hazardous material use and safety measures as discussed in the LUTE Draft EIR. Therefore, the findings of the certified LUTE EIR related to hazardous material handling remain valid and no further analysis is required.

Impact 3.3.2 also identified that implementation of the LUTE could expose the public to hazardous materials if new development or redevelopment were to be located on a site where historical uses have resulted in hazardous materials contamination of soil or groundwater due to discharges that may not have been regulated prior to the enactment of stringent regulations in place today, or through illegal waste disposal activities. In addition, buildings and/or sites could contain electrical transformers containing PCBs and persistent residual chemicals, including pesticides, herbicides, and fertilizers. In addition, redevelopment activities associated with the LUTE could result in exposure to hazardous materials by disturbing and thus releasing asbestos and/or lead during demolition and remodeling activities. Prior to approving any project at a site that is known to have contamination from historic uses or at a site where the potential exists based on historic or current uses but has not yet been evaluated, the City must ensure the project is consistent with General Plan Safety and Noise Chapter Policy SN-1.1. This policy directs that land use decisions be based on an awareness of the hazards and potential hazards for the specific parcel of land. In addition, under Policy SN-1.5, the City intends to promote a living and working environment safe from exposure to hazardous materials. The LUTE EIR concludes that the potential for impacts from hazards released through redevelopment of contaminated sites would be less than significant under project conditions and less than cumulatively considerable under cumulative conditions (Impact 3.3.6).

In compliance with City requirements, a Phase I has been completed for the project to assess potential hazards at the project site. As described above, this document identified no RECs, no historical RECs, and no controlled RECs. Demolition activities are required to follow BAAQMD and California Department of Occupational Safety and Health (Cal/OSHA) regulations regarding abatement of asbestos-containing materials and lead-based paint. The Sunnyvale Municipal Code also includes requirements for the management of hazardous materials. Therefore, the findings of the certified LUTE EIR related to hazardous material handling remain valid and no further analysis is required.

- c. Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?

Impact 3.3.3 in the LUTE Draft EIR analyzes the potential for implementation of the LUTE to locating schools in the vicinity of land uses involving the use, transport, disposal, or release of hazardous materials. The LUTE EIR concludes that such impacts would be less than significant under project conditions and less than cumulatively considerable under cumulative conditions (Impact 3.3.6).

There are no schools located within one-quarter mile of the project site. The closest schools to the project site are Braly Elementary School and Ponderosa Elementary School, located approximately 0.3 mile northwest (Braly) and northeast (Ponderosa) of the project site. The project continues the multi-family residential use at the site and would not handle large quantities of hazardous materials. Therefore, the findings of the certified LUTE EIR regarding impacts from hazardous materials near schools remain valid and no further analysis is required.

- d. Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code §65962.5 and, as a result, would it create a significant hazard to the public or the environment?  
See discussion under b) above.
- 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?

Impact 3.3.4 in the LUTE Draft EIR evaluated the potential for hazards associated with exposing additional workers and visitors to aircraft-related safety hazards by locating additional development within the approach path of the Moffett Federal Airfield. The analysis noted that the Moffett Federal Airfield Comprehensive Land Use Plan (CLUP) includes land use policies and height restrictions for construction and new structures near the airfield. The LUTE also contains several policies and actions that would assist in reducing airport hazards (Policy 8 and associated Actions 1, 4, and 5). In the LUTE Draft EIR, this impact was determined to be less than significant because compliance with FAA regulations and ALUC requirements, including CLUP restrictions, as well as implementation of LUTE policies and actions would reduce airport safety hazards. The LUTE EIR concludes that the LUTE's contribution to aircraft-related safety hazards would be less than cumulatively considerable under cumulative conditions (Impact 3.3.6).

The project site is located approximately 3.3 miles southeast of Moffett Federal Airfield and is outside CLUP boundaries. Therefore, the findings of the certified LUTE EIR related to airport safety hazards remain valid and no further analysis is required.

- 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?  
The LUTE Draft EIR page 3.6-28 identifies that the City does not include and is not proximate to any private airfields. Therefore, no impacts related to private airfield safety under project or cumulative conditions were identified in the LUTE EIR.



No new private airports have been developed near the project site. Therefore, the findings of the certified LUTE EIR regarding hazards from proximity to private airstrips remain valid and no further analysis is required.

- g. Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?
- Impact 3.3.5 in the LUTE Draft EIR evaluated the potential for implementation of the LUTE to interfere with the City of Sunnyvale Emergency Plan. The analysis stated that the proposed roadway system in the LUTE would improve city roadway conditions from existing conditions, allowing better emergency vehicle access to residences as well as evacuation routes for area residents. Thus, impacts from implementation of the LUTE would result in a less-than-significant impact under project conditions and would make a less than cumulatively considerable contribution under cumulative conditions related to interference with an adopted emergency response plan or emergency evacuation plan.

The project redevelops a portion of an existing apartment complex site and would not modify the roadway network in the City in a manner that would obstruct emergency access. Therefore, the findings of the certified LUTE EIR related to impacts from interference with emergency plans remain valid and no further analysis is required.

- 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?
- As identified on page 3.3-15 in the LUTE Draft EIR, the LUTE was determined to have no impact under project or cumulative conditions related to this threshold.

No changes to the location of the project have occurred and no changes to the risks from wildfires has occurred since approval of the LUTE. Therefore, the findings of the certified LUTE EIR related to impacts from wildland fires remain valid and no further analysis is required.

### **Mitigation Measures**

No significant hazard impacts were identified in the LUTE EIR, and no mitigation measures were required.

### **CONCLUSION**

With the application of uniformly applied development standards and policies, the project would have no (1) peculiar impacts, (2) impacts not analyzed in the LUTE EIR, or (3) significant off-site impacts and cumulative impacts not discussed in the LUTE EIR, and (4) there is no substantial new information indicating that an impact would be more severe than discussed in the LUTE EIR. Therefore, the conclusions of the LUTE EIR related to impacts from hazards and hazardous materials remain valid and the project would require additional CEQA analysis.

## **HYDROLOGY AND WATER QUALITY**

Environmental Issue Area	Where Impact Was Analyzed in the LUTE Draft and Final EIR.	Any Peculiar Impact?	Any Impact Not Analyzed As Significant Effect in LUTE EIR?	Any Significant Off-Site or Cumulative Impact Not Analyzed?	Any Adverse Impact More Severe Based on Substantial New Information?	Do EIR Mitigation Measures or Uniformly Applied Development Policies or Standards Address/ Resolve Impacts?
<b>9. Hydrology and Water Quality - Would the project:</b>						
a. Violate any water quality standards or waste discharge requirements?	Draft EIR Setting pp. 3.8-1 to 3.8-15 Impact 3.8.1 and 3.8.4	No	No	No	No	NA, impacts would remain less than significant.
b. Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted?	Draft EIR Setting pp. 3.11-1 to 3.11-11 Impact 3.11.1.1 and 3.11.1.2	No	No	No	No	NA, impacts would remain less than significant.
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?	Draft EIR Setting pp. 3.8-1 to 3.8-15 Impact 3.8.1 and 3.8.4	No	No	No	No	NA, impacts would remain less than significant.

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?	Draft EIR Setting pp. 3.8-1 to 3.8-15 Impact 3.8.2 and 3.8.5	No	No	No	No	NA, impacts would remain less than significant.
e. Create or contribute runoff water which would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff?	Draft EIR Setting pp. 3.8-1 to 3.8-15 Impact 3.8.1 and 3.8.4	No	No	No	No	NA, impacts would remain less than significant.
f. Otherwise substantially degrade water quality?	Draft EIR Setting pp. 3.8-1 to 3.8-15  Impact 3.8.1 and 3.8.4	No	No	No	No	NA, impacts would remain less than significant.
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?	Draft EIR Setting pp. 3.8-1 to 3.8-15 Impact 3.8.2 and 3.8.5	No	No	No	No	NA, impacts would remain less than significant.
h. Place within a 100-year flood hazard area structures which would impede or redirect flood flows?	Draft EIR Setting pp. 3.8-1 to 3.8-15 Impact 3.8.2 and 3.8.5	No	No	No	No	NA, impacts would remain less than significant.
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?	Draft EIR Setting pp. 3.8-1 to 3.8-15 Impact 3.8.2 and 3.8.5	No	No	No	No	NA, impacts would remain less than significant.
j. Inundation by seiche, tsunami, or mudflow?	Draft EIR Setting pp. 3.8-1 to 3.8-15	No	No	No	No	NA, impacts would

	Impact 3.8.3					remain less than significant.
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## Discussion

No substantial change in the environmental and regulatory settings related to hydrology and water quality, described in LUTE Draft EIR Section 3.8, Hydrology and Water Quality, has occurred since certification of the LUTE EIR.

- a. Violate any water quality standards or waste discharge requirements?  
 As addressed in LUTE EIR Impact 3.8.1, construction activities associated with development of projects allowed under the LUTE would include grading, demolition, and vegetation removal which would disturb and expose soils to water erosion, potentially increasing the amount of silt and debris entering downstream waterways. In addition, refueling and parking of construction equipment and other vehicles onsite during construction could result in oil, grease, or related pollutant leaks and spills that may discharge into storm drains. Individual development projects would be required to comply with Chapter 12.60 Stormwater Management of the Sunnyvale Municipal Code, as well as implement best management practices (BMPs) for the prevention of erosion and the control of loose soil and sediment, to ensure that construction does not result in the movement of unwanted material into waters within or outside the plan area. The Stormwater Management chapter provides regulations and gives legal effect to certain requirements of the NPDES permit issued to Sunnyvale regarding municipal stormwater and urban runoff requirements. During construction of projects in the city, the dischargers, through individual coverage under the State's General Construction NPDES permit must develop and implement a SWPPP and perform monitoring of discharges to stormwater systems to ensure compliance with State regulations and General Plan Policy EM-8.5. Construction impacts would be less than significant under project and cumulative conditions (Impact 3.8.4).

The LUTE EIR indicates that urban runoff pollutants such as heavy metals, oil, and grease, sediment, and other chemicals would continue to be generated, but because the changes in land use are primarily related to increased intensity of development and not new land uses, the types and amounts of pollutants in stormwater runoff would not vary considerably from existing conditions. All private development projects would be required to include appropriate features to meet applicable regional Municipal Regional Stormwater Permit (MRP) Provision C.3 requirements and implement low impact design (LID). Common LID strategies that would be appropriate for the plan area would include treatment methods such as bio-retention basins and flow-through planters, green roofs, media filtration devices, and pervious surfaces. These features would be included within individual sites on a project-by-project basis. Compliance with existing requirements of Chapter 12.60 of the Municipal Code, the City's Municipal Code Chapter 12.60, the City of Sunnyvale Urban Runoff Management Plan, and MRP Provision C.3 requirements, along with implementation of General Plan policies EM-8.6, EM- 10.1, and EM-10.3, would reduce surface water quality impacts associated with occupancy of projects in the LUTE to a less than significant level under project and cumulative

conditions (Impact 3.8.4).

The project is subject to the water quality control requirements identified above. Project design plans include water quality control features for the site. Therefore, the findings of the certified LUTE EIR related to impacts from conflicts with water quality standards and waste discharge requirements remain valid and no further analysis is required.

- b. Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level that would not support existing land uses or planned uses for which permits have been granted)?

The LUTE EIR indicates that implementation of projects allowed by the LUTE would have little or no effect on groundwater recharge because the City is largely built out and would not reduce the amount of permeable surfaces. The City has historically relied on groundwater to meet between 4 and 11 percent of its total demand (approximately 1,000–2,700 acre-feet per year [AFY]). Currently, the City projects producing approximately 1,000 AFY from the groundwater basin through 2035 (LUTE Draft EIR page 3.11-5).

Groundwater production is not expected to increase beyond 1,000 acre-feet per year except in multiple dry year conditions and is actively managed by the Santa Clara Valley Water District to avoid groundwater overdraft through its conjunctive use efforts. The LUTE EIR concludes that impacts related to groundwater would be less than significant under project conditions and less than cumulatively considerable under cumulative conditions (Impact 3.11.1.3). No mitigation was required.

The project would not substantially change development patterns and the areas of impermeable surfaces from that approved in the LUTE. The project increases the project site's impervious surface area by 2.8%, however, a new stormwater management plan will be implemented to maximize runoff from impervious surfaces to landscaping, bio-retention areas, and underground treatment systems, which do not exist at the current apartment complex. Therefore, the findings of the certified LUTE EIR related to groundwater impacts remain valid and no further analysis is required.

- 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 on- or off-site erosion or siltation?  
See discussion under a) above.
- 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 on- or off-site flooding?

As identified in LUTE EIR Impact 3.8.2, there are some locations in the City that are within FEMA-designated 100-year flood hazard Zone AO or could be inundated from levee failure. The Prevention of Flood Damage Chapter (Chapter 16.62) of Sunnyvale's Buildings and Construction Ordinance

provides standards for construction in 100-year flood hazard areas. The standards for construction generally require that the lowest floor of any structure be elevated to or above the base flood elevation, anchoring, and the use of flood damage-resistant materials and methods. Individual development projects are required under Section 12.60.160 of the City's Municipal Code to demonstrate that development each individual development project would not increase runoff over pre-project rates and durations. In addition, General Plan policy EM-9.1 requires that the City maintain and operate the storm drain system so that stormwater is drained from 95 percent of the streets within one hour after a storm stops. For flood-prone locations, policy EM10.2 requires incorporation of appropriate controls to detain excess stormwater. Compliance with the existing regulations contained in the City's Municipal Code would reduce potential impacts associated with flooding and stormwater drainage to a level that is less than significant for the LUTE under project and cumulative conditions (Impact 3.8.5).

The project site is not located within the 100-year flood hazard Zone AO. The project is required to comply with Section 12.60.160 of the City's Municipal Code. Project design plans include water quality control and drainage features for the site (see Sheets C-2 through C-8- in the 925 South Wolfe Road Planning Application). Therefore, the findings of the certified LUTE EIR related to flooding impacts remain valid and no further analysis is required.

- e. Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?  
See discussion under item a), b) and d) above.
- f. Otherwise substantially degrade water quality?  
See discussion under item a) above.
- 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?  
See discussion under item d) above. The project does not include housing.
- h. Place within a 100-year flood hazard area structures that would impede or redirect flood flows?  
See discussion under item d) above.
- 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?  
See discussion under item (d) above.

The project is not located in an inundation area. Therefore, the findings of the certified LUTE EIR regarding impacts from levee and dam failure remain valid and no further analysis is required.

- j. Result in inundation by seiche, tsunami, or mudflow?  
As described in LUTE Draft EIR Impact 3.8.3, seiches and tsunamis would not

be expected to affect areas developed as part of the LUTE. It is probable that an earthquake similar to the 1906 earthquake would be the largest to occur in the Bay Area; consequently, seiches with an increase in water elevation of more than 4 inches would be considered unlikely. Tsunamis would only be expected to affect low-lying marsh areas and bayward portions of sloughs. Mudflow (a type of landslide) would not be a hazard in Sunnyvale because of the city's generally flat terrain and distance from hilly or mountainous areas. The LUTE EIR concludes that impacts related to inundation by seiche, tsunami, or mudflow would be less than significant under project conditions. The LUTE would not exacerbate the likelihood for inundation by seiche, tsunami, or mudflow.

The project is located in the inland portion of the City and outside of the marsh areas of the bay. Therefore, the findings of the certified LUTE EIR related to impacts from inundation by seiche, tsunami, and mudflow remain valid and no further analysis is required.

### **Mitigation Measures**

No significant hydrology impacts were identified in the LUTE EIR, and no mitigation measures were required.

### **CONCLUSION**

No new circumstances or project changes have occurred nor has any new information been found requiring new analysis or verification. Therefore, with the application of uniformly applied development standards and policies, the project would have no (1) peculiar impacts, (2) impacts not analyzed in the LUTE EIR, or (3) significant off-site impacts and cumulative impacts not discussed in the LUTE EIR, and (4) there are no substantial new information indicating that an impact would be more severe than discussed in the LUTE EIR. The conclusions of the LUTE EIR regarding impacts to hydrology and water quality remain valid and the project does not require additional analysis under CEQA.

## LAND USE AND PLANNING

Environmental Issue Area	Where Impact Was Analyzed in the LUTE Draft and Final EIR.	Any Peculiar Impact?	Any Impact Not Analyzed As Significant Effect in LUTE EIR?	Any Significant Off-Site or Cumulative Impact Not Analyzed?	Any Adverse Impact More Severe Based on Substantial New Information?	Do EIR Mitigation Measures or Uniformly Applied Development Policies or Standards Address/Resolve Impacts?
<b>10. Land Use and Planning - Would the project:</b>						
a. Physically divide an established community?	DEIR EIR Setting pp. 3.1-1 to 3.1-10 Impact 3.1.1 and 3.1.5	No	No	No	No	NA, this impact would remain less than significant.
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?	DEIR EIR Setting pp. 3.1-1 to 3.1-10 Impact 3.1.2, 3.1.3, and 3.1.5	No	No	No	No	NA, this impact would remain less than significant.
c. Conflict with any applicable habitat conservation plan or natural community conservation plan?	DEIR EIR Setting pp. 3.1-1 to 3.1-10 Impact 3.1.4	No	No	No	No	NA, no impact would occur.

## Discussion

No substantial change in the environmental and regulatory settings related to land use and planning, described in LUTE EIR Section 3.1, Land Use, has occurred since certification of the LUTE EIR.

### a. Physically divide an established community?

Impact 3.1.1 of the LUTE Draft EIR, identifies that the LUTE does not include large-scale infrastructure projects such as new freeways or high volume



roadways that would divide an established community. Likewise, critical transportation infrastructure linking one neighborhood to another would not be removed as part of the LUTE. Implementation of the policy provisions of the LUTE would ensure integration and compatibility of new development with existing land use conditions. This impact was determined to be less than significant under project and cumulative conditions (Impact 3.1.5).

No changes in development at the site has occurred since approval of the LUTE. The project will maintain the existing multi-family residential land use and would not alter local land use patterns or obstruct movement through the area. Therefore, the findings of the certified LUTE EIR pertaining to physical divisions of established communities remain valid and no further analysis is required.

- b. Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to, a general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?  
Impact 3.1.2 and 3.1.3 of the LUTE EIR evaluated whether the LUTE would be consistent with adopted City and regional land use plans and policies, and concluded that the LUTE's impact would be less than significant under project and cumulative conditions (Impact 3.1.5).

The project is consistent with the LUTE and City regulations, including development regulations for the R-3 – Medium Density Residential zoning district. Therefore, the findings of the certified LUTE EIR regarding consistency with applicable land use plans, policies, and regulations adopted for the purpose of avoiding or mitigating environmental effects remain valid and no further analysis is required.

- c. Conflict with any applicable habitat conservation plan or natural community conservation plan?  
LUTE EIR Impact 3.1.4 noted that no habitat conservation plans (HCPs) or natural community conservation plans (NCCPs) have been adopted that apply to the City. As a result, no conflict with an adopted habitat conservation plan would occur, and no impact would result. No new conservation plans have been adopted since approval of the LUTE. Therefore, the findings of the certified LUTE EIR pertaining to conflicts with adopted conservation plans remain valid and no further analysis is required.

### **Mitigation Measures**

No mitigation measures were needed for the LUTE regarding land use. No additional mitigation measures are required for project for this topic.

### **CONCLUSION**

No new circumstances or project changes have occurred nor has any new information been identified requiring new analysis or verification. Therefore, with the application of uniformly applied development standards and policies, the project would have no (1) peculiar impacts, (2) impacts not analyzed in the LUTE EIR, or (3) significant off-site impacts and cumulative impacts not discussed in the

LUTE EIR, and (4) there is no substantial new information indicating that an impact would be more severe than discussed in the LUTE EIR. The conclusions of the LUTE EIR regarding land use and planning remain valid and no additional CEQA review is required for approval of the project.

## MINERAL RESOURCES

Environmental Issue Area	Where Impact Was Analyzed in the LUTE Draft and Final EIR.	Any Peculiar Impact?	Any Impact Not Analyzed As Significant Effect in LUTE EIR?	Any Significant Off-Site or Cumulative Impact Not Analyzed?	Any Adverse Impact More Severe Based on Substantial New Information?	Do EIR Mitigation Measures or Uniformly Applied Development Policies or Standards Address/Resolve Impacts?
<b>11. Mineral Resources – Would the Project:</b>						
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?	Draft EIR p. 3.7-14. Scoped out of impact analysis.	No	No	No	No	NA, no impact would occur.
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?	Draft EIR p. 3.7-14. Scoped out of impact analysis.	No	No	No	No	NA

## Discussion and Conclusion

LUTE Draft EIR page 3.7-14 identifies that there are no active mines and no known areas with mineral resource deposits or resources of statewide importance in the city. Therefore, no impact to availability of a known mineral resource would result. Therefore, the project would have no (1) peculiar impacts, (2) impacts not analyzed in the LUTE EIR, or (3) significant off-site impacts and cumulative impacts not discussed in the LUTE EIR, and (4) there is no substantial new information indicating that an impact would be more severe than discussed in the LUTE EIR. The findings of the certified LUTE EIR pertaining to mineral resources remain valid and no further analysis is required.

## NOISE

Environmental Issue Area	Where Impact Was Analyzed in the LUTE Draft and Final EIR.	Any Peculiar Impact?	Any Impact Not Analyzed As Significant Effect in LUTE EIR?	Any Significant Off-Site or Cumulative Impact Not Analyzed?	Any Adverse Impact More Severe Based on Substantial New Information?	Do EIR Mitigation Measures or Uniformly Applied Development Policies or Standards Address/Resolve Impacts?
<b>12. Noise – Would the project:</b>						
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?	Draft EIR Setting pp. 3.6-1 to 3.6-27 Impact 3.6.1	No	No	No	No	NA, impact remains less than significant.
b. Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?	Draft EIR Setting pp. 3.6-1 to 3.6-27 Impact 3.6.3	No	No	No	No	Yes, impact remains less than significant.
c. A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	Draft EIR Setting pp. 3.6-1 to 3.6-27 Impact 3.6.2 and 3.6.6	No	No	No	No	NA, but impact remains significant and unavoidable.
d. A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	Draft EIR Setting pp. 3.6-1 to 3.6-27 Impact 3.6.4	No	No	No	No	Yes, impact remains less than significant.

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?	Draft EIR Setting pp. 3.6-1 to 3.6-27 Impact 3.6.5	No	No	No	No	NA, impact remains less than significant.
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?	Draft EIR p. 3.6-28 Scoped out of impact analysis	No	No	No	No	NA, no impact would occur.

## Discussion

No substantial change in the environmental and regulatory settings related to noise and vibration, described in LUTE EIR Section 3.6, Noise, has occurred since certification of the EIR. No new substantial noise sources have been introduced near the project since the LUTE EIR was prepared.

An Environmental Noise Study for the project was prepared by Charles M. Salter Associates Inc., on September 4, 2019. The study provides site-specific analysis of existing noise conditions and the extent of project noise and vibration impacts as compared to the LUTE EIR. The assessment concludes the project operation would not result in a significant increase and the site will continue to meet Sunnyvale standards.

The findings of the certified LUTE EIR pertaining to noise and vibration remain valid and no further analysis is required.

- a. Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or in other applicable local, state, or federal standards?  
 Impact 3.6.1 of the LUTE EIR identified less significant impacts related to subsequent development generating noise levels that exceed City noise standards.

The project's land uses and development intensity is consistent with the LUTE and was programmatically factored in the traffic noise analysis. The project's acoustical analysis identifies that the project's noise sources would not exceed City noise standards set forth in the City's Municipal Code. Therefore, the findings of the certified LUTE EIR pertaining to exposure of persons to noise in excess of applicable standards remain valid and no further analysis is

required.

- b. Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?  
Impact 3.6.3 of the LUTE EIR evaluated the potential for construction activities to generate excess groundborne vibration and identified that damage to older buildings can occur at 0.25 inches per second of peak particle velocity (PPV) and at 0.5 for conventional buildings. This impact was identified as potentially significant. Mitigation Measure 3.6.3 requires noise and vibration reducing pile-driving techniques shall be employed during construction and will be monitored to ensure no damage to nearby structures occurs (i.e., vibrations above PPVs of 0.25 inch per second at nearby structures). The LUTE Draft EIR identified that implementation of this mitigation measure would reduce the construction vibration impact to a less-than- significant level.

The use of the site as a 128-unit condominium development would not generate appreciable vibration levels. The project would implement the standard set forth in Mitigation Measure 3.6.3 for vibration and noise during construction. Therefore, the findings of the certified LUTE EIR pertaining to groundborne vibration and noise remain valid and no further analysis is required.

- c. A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?  
Impact 3.6.2 and 3.6.6 of the LUTE Draft EIR identified that predicted increases in traffic noise levels associated with the LUTE would be significant for Pastoria Avenue between Evelyn Avenue and El Camino Real, and Remington Avenue between Hollenbeck Avenue and Sunnyvale Avenue. This impact was identified as significant and unavoidable under project and cumulative conditions.

The project's land use and development intensity is consistent with the LUTE. The project replaces an existing 130-unit apartment complex with a 128-unit condominium development and would not result in significant noise impacts. Therefore, the findings of the certified LUTE EIR pertaining to ambient noise remain valid and no further analysis is required.

- d. A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?  
LUTE EIR Impact 3.6.4 evaluated whether the LUTE would result in a temporary increase in ambient noise levels during construction of subsequent development. The analysis noted that project construction could take place in close proximity to sensitive receptors, which could cause a substantial temporary or periodic increase in ambient noise levels at sensitive receptor locations. The LUTE Draft EIR identified that compliance with Sunnyvale Municipal Code Chapter 16.08 (limitations on hours of construction activity) and Mitigation Measure MM 3.6.4 that requires projects to employ site-specific noise attenuation measures during construction to reduce the generation of construction noise would reduce this impact to a less-than- significant level. Construction noise impacts tend to be localized and not combine with construction noise from other projects unless the construction of those other

projects is in the same vicinity and occurs at the same time.

The project's acoustical analysis identifies noise reduction measures (construction hours, equipment mufflers and maintenance, idling prohibitions, equipment location and shielding, staging and storage) that will implement the City's Municipal Code construction activity restrictions and Mitigation Measure 3.6.4 would ensure no significant construction noise impacts consistent with the conclusions of Impact 3.6.4 of the LUTE Draft EIR. Therefore, the findings of the certified LUTE EIR remain valid and no further analysis is required.

- 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?

Impact 3.6.5 of the LUTE Draft EIR identified that compliance with the Comprehensive Land Use Plan (CLUP) for Moffett Field Airfield and with the City's normally acceptable noise level standards effectively reduces potential aircraft noise impacts.

The project is located outside of the CLUP noise contours of Moffett Field Airfield. Therefore, the findings of the certified LUTE EIR regarding exposure of people to excessive noise from airports remain valid and no further analysis is required.

- 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?  
LUTE Draft EIR page 3.6-28 identified that there are no private airfields are located near the city and thus there would be no impact.

No private airstrips have been developed in the project area since certification of the LUTE EIR. Therefore, there are no new circumstances or new information requiring new analysis or verification. Therefore, the conclusions of the LUTE EIR remain valid and no further analysis is required.

### **Mitigation Measures**

The following mitigation measures were identified in the LUTE EIR and would continue to remain applicable if the project were approved.

- ☐ Mitigation Measure MM 3.6.3. The following will be included as a policy or implementation measure to the Safety and Noise Chapter of the General Plan:

New development and public projects shall employ site-specific noise attenuation measures during construction to reduce the generation of construction noise and vibration. These measures shall be included in a Noise Control Plan that shall be submitted for review and approval by the City. Measures specified in the Noise Control Plan and implemented during construction shall include, at a minimum, the following noise control strategies:

- ☐ Equipment and trucks used for construction shall use the best available noise control techniques (e.g., improved mufflers, equipment redesign, use of intake

silencers, ducts, engine enclosures, and acoustically attenuating shields or shrouds;

- Impact tools (e.g., jackhammers, pavement breakers, and rock drills) used for construction shall be hydraulically or electrically powered wherever possible to avoid noise associated with compressed air exhaust from pneumatically powered tools; and
- Stationary noise sources shall be located as far from adjacent receptors as possible, and they shall be muffled and enclosed within temporary sheds, incorporate insulation barriers, or include other measures.
- Noise and vibration reducing pile-driving techniques shall be employed during construction and will be monitored to ensure no damage to nearby structures occurs (i.e., vibrations above peak particle velocity (PPVs) of 0.25 inches per second at nearby structures). These techniques shall include:
  - a. Installing intake and exhaust mufflers on pile-driving equipment;
  - b. Vibrating piles into place when feasible, and installing shrouds around the pile-driving hammer where feasible;
  - c. Implementing “quiet” pile-driving technology (such as pre-drilling of piles and the use of more than one pile driver to shorten the total pile driving duration), where feasible, in consideration of geotechnical and structural requirements and conditions;
  - d. Use cushion blocks to dampen impact noise, if feasible based on soil conditions. Cushion blocks are blocks of material that are used with impact hammer pile drivers. They consist of blocks of material placed atop a piling during installation to minimize noise generated when driving the pile. Materials typically used for cushion blocks include wood, nylon and micarta (a composite material); and
  - e. At least 48 hours prior to pile-driving activities, notifying building owners and occupants within 600 feet of the project area of the dates, hours, and expected duration of such activities.

## **CONCLUSION**

No new circumstances or project changes have occurred nor has any substantially important new information been found requiring new analysis or verification. Therefore, with the application of uniformly applied development standards and policies, the project would have no (1) peculiar impacts, (2) impacts not analyzed in the LUTE EIR, or (3) significant off-site impacts and cumulative impacts not discussed in the LUTE EIR, and (4) there is no substantial new information indicating that an impact would be more severe than discussed in the LUTE EIR. The conclusions of the LUTE EIR regarding noise and vibration remain valid and no further analysis is required.



## POPULATION AND HOUSING

Environmental Issue Area	Where Impact Was Analyzed in the LUTE Draft and Final EIR.	Any Peculiar Impact?	Any Impact Not Analyzed As Significant Effect in LUTE EIR?	Any Significant Off-Site or Cumulative Impact Not Analyzed?	Any Adverse Impact More Severe Based on Substantial New Information?	Do EIR Mitigation Measures or Uniformly Applied Development Policies or Standards Address/ Resolve Impacts?
a. Inducesubstantial populationgrowth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	Draft EIR Setting pp. 3.2-1 to 3.2-3 Impact 3.2.1 and 3.2.3	No	No	No	No	NA, impacts would remain less than significant.
b. Displacesubstantial numbersofexisting housing, necessitating the construction of replacement housing, elsewhere?	Draft EIR Setting pp. 3.2-1 to 3.2-3 Impact 3.2.2 and 3.2.4	No	No	No	No	NA, impacts would remain less than significant.
c. Displacesubstantial numbersofpeople, necessitating the construction of replacement housing elsewhere?	Draft EIR Setting pp. 3.2-1 to 3.2-3 Impact 3.2.2 and 3.2.4	No	No	No	No	NA, impacts would remain less than significant.

### Discussion

No substantial change in the regulatory settings related to population and housing, described in LUTE EIR Section 3.2, Population, Housing, and Employment, has occurred since certification of the LUTE EIR.

As described in the project description, the project is consistent with the LUTE and would not result in a significant increase in employment or population growth expected under the LUTE. The project will remove 130 studio and one-bedroom apartment units and construct 128 two-, three-, and four-bedroom condominiums. Although there is a net loss of 2 units, 128 units is the maximum density under the Medium Density Residential designation and the units will be larger to serve more people per household.

- 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)?

Impact 3.2.1 in the LUTE Draft EIR evaluated whether new development in Sunnyvale under the LUTE would induce new growth. The analysis noted that the number of additional jobs that would be generated by the LUTE would be within the overall employment growth projections identified by the Association of Bay Area Governments (ABAG). The LUTE does not propose any new housing and would not directly induce population growth in the area under project or cumulative conditions (Impact 3.2.3).

The project will remove 130 studio and one-bedroom apartment units and construct 128 two-, three-, and four-bedroom condominiums with a net loss of two dwelling units. The new homes are expected to be larger to accommodate families as compared to the existing units which accommodate single or smaller families. The expected increase in population from larger units is not significant and not considered a substantial growth inducing use. The project is consistent with the land use designations and anticipated employment growth set forth in the LUTE. Therefore, the findings of the certified LUTE EIR pertaining to population growth remain valid and no further analysis is required.

- b. Displace substantial numbers of existing homes, necessitating the construction of replacement housing elsewhere?

See discussion under item (c) below.

- c. Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?

LUTE Draft EIR Impact 3.2.3 identifies that the intent of the LUTE is to accommodate anticipated growth through a compact urban form that seeks to make efficient use of existing infrastructure and public services, thus minimizing the need for new or significantly expanded infrastructure that could be the impetus for the removal of housing units and/or businesses. Because most of Sunnyvale has been developed with urban uses, the LUTE focuses on redeveloping existing properties. It is not expected that residential uses would convert to nonresidential uses. The LUTE EIR concludes that impacts related to displacement of people are less than significant under project conditions and less than cumulatively considerable under cumulative conditions (Impact 3.2.4).

The project will remove 130 studio and one-bedroom apartment units and construct 128 two-, three-, and four-bedroom condominiums. Although there is a net loss of 2 units, 128 units is the maximum density under the Medium Density Residential. Although not required by the City's Municipal Code, the applicant is providing a Relocation Assistance Program to the existing residents and providing 16 below market rate (BMR) units onsite. Therefore, the findings of the certified LUTE EIR pertaining to displacement remain valid and no further analysis is required.

### **Mitigation Measures**

No mitigation measures were needed for the certified LUTE EIR regarding population and housing. No additional mitigation measures are required for the project for this issue.

## **CONCLUSION**

No new circumstances or project changes have occurred nor has any new information been found requiring new analysis or verification. Therefore, the project would have no (1) peculiar impacts, (2) impacts not analyzed in the LUTE EIR, or (3) significant off-site impacts and cumulative impacts not discussed in the LUTE EIR, and (4) there is no substantial new information indicating that an impact would be more severe than discussed in the LUTE EIR. The conclusions of the LUTE EIR pertaining to population and housing remain valid and no further analysis is required.

## PUBLIC SERVICES

Environmental Issue Area	Where Impact Was Analyzed in the LUTE Draft and Final EIR.	Any Peculiar Impact?	Any Impact Not Analyzed As Significant Effect in LUTE EIR?	Any Significant Off-Site or Cumulative Impact Not Analyzed?	Any Adverse Impact More Severe Based on Substantial New Information?	Do EIR Mitigation Measures or Uniformly Applied Development Policies or Standards Address/ Resolve Impacts?
<b>14. Public Services - Would the project result in:</b>						
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, to maintain acceptable service ratios, response times or other performance objectives for any public services:						
i Fire protection?	Draft EIR Setting pp. 4.0-1–4.0-3 Impacts 4.1.1 and 4.1.2	No	No	No	No	NA, impact remains less than significant
ii Police protection?	Draft EIR Setting pp. 4.0-6 Impact 4.2.1 and 4.2.2	No	No	No	No	NA, impact remains less than significant
iii. Schools?	Draft EIR Setting pp. 4.0-9 – 4.0-10 Impact 4.3.1 and 4.3.2	No	No	No	No	NA, impact remains less than significant

iv Parks?	Draft EIR Setting pp. 4.0-15 Impact 4.4.1 and 4.4.2	No	No	No	No	NA, impact remains less than significant
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## Discussion

No substantial change in the regulatory settings related to public services, described in LUTE EIR Chapter 4, Public Services, has occurred since certification of the LUTE EIR.

- a. Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, or the need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for any of the public services:

### Fire protection?

Impact 4.1.1 in the LUTE Draft EIR evaluated whether implementation of the LUTE would increase the demand for fire protection and emergency medical services. The analysis noted that it is anticipated that population and employment growth resulting from implementation of the LUTE would increase the demand for fire protection services. The LUTE includes Policy 104 that provides general direction regarding how public services should be provided and the Sunnyvale General Plan contains fire protection policies that address maintaining timely response to emergencies and ensuring adequate equipment and facilities are maintained (Policies SN-3.1 and SN-5.1). Additionally, Impact 4.1.2 notes that development under the LUTE would be subject to developer fees, which would provide sufficient resources to serve the projected needs of the Sunnyvale Department of Public Safety Bureau of Fire Services (Fire Bureau) under cumulative conditions. Implementation of the LUTE would result in a less-than-significant impact under project conditions and be less than cumulatively considerable impact under cumulative conditions (Impact 4.1.2).

The project is consistent with development assumptions analyzed in the LUTE Draft EIR. Further, the project would be required to meet all City requirements regarding fire protection and public safety, including fire access. The project would also be redeveloping an existing site with 130 apartment units and construct 128 condominium units (net decrease in units but net increase in floor area) and the demand for fire protection and emergency medical services would not be substantial. Therefore, the findings of the certified LUTE EIR pertaining to fire protection services remain valid and no further analysis is required.

### Police protection?

Impact 4.2.1 in the LUTE Draft EIR evaluated whether implementation of the LUTE would increase the demand for law enforcement services. The analysis

noted that it is anticipated that population, the number of housing units, and increase in employment resulting from implementation of the LUTE would increase the demand for law enforcement services. The LUTE includes Policy 104 that provides general direction regarding how public services should be provided and the Sunnyvale General Plan contains Policy SN-3.1 that addresses maintaining timely response to emergencies. Implementation of the LUTE would result in a less-than-significant impact under project conditions and be less than cumulatively considerable under cumulative conditions (Impact 4.2.2)

The project is consistent with development assumptions analyzed in the LUTE Draft EIR. The project would also be redeveloping an existing site with 130 apartment units and construct 128 condominium units (net decrease in units but net increase in floor area) and the demand for law enforcement services would not be substantial. Therefore, the findings of the certified LUTE EIR pertaining to law enforcement services remain valid and no further analysis is required.

#### Schools?

Impact 4.3.1 in the LUTE Draft EIR evaluated whether implementation of the LUTE would increase population in the local school districts' service areas, which would subsequently increase student enrollment in local schools. Subsequent development under the Draft LUTE, including residential and commercial development, would be subject to school facility fees to pay for additional school facility needs. With payment of school facility fees, this impact from buildout of the LUTE would be less than significant under project conditions and less than cumulatively considerable under cumulative conditions (Impact 4.3.2).

The project is consistent with development assumptions analyzed in the LUTE Draft EIR. The project would also be redeveloping an existing site with 130 apartment units and construct 128 condominium units. The project will not result in an increase of employment or residents. Therefore, the findings of the certified LUTE EIR pertaining to schools remain valid and no further analysis is required.

#### Parks?

See discussion under items a) and b) in Section 3.15, Recreation.

### **Mitigation Measures**

No mitigation measures were needed for the certified LUTE EIR regarding public services. No additional mitigation measures are required for the project.

### **CONCLUSION**

With the application of uniformly applied development standards and policies, the project would have no (1) peculiar impacts, (2) impacts not analyzed in the LUTE EIR, or (3) significant off-site impacts and cumulative impacts not discussed in the LUTE EIR, and (4) there is no substantial new information indicating that an impact would be more severe than discussed in the LUTE EIR. The conclusions of the LUTE EIR pertaining to public services remain valid and no further analysis

is required.

## RECREATION

Environmental Issue Area	Where Impact Was Analyzed in the LUTE Draft and Final EIR.	Any Peculiar Impact?	Any Impact Not Analyzed As Significant Effect in LUTE EIR?	Any Significant Off-Site or Cumulative Impact Not Analyzed?	Any Adverse Impact More Severe Based on Substantial New Information?	Do EIR Mitigation Measures or Uniformly Applied Development Policies or Standards Address/Resolve Impacts?
<b>15. Recreation - Would the project result in:</b>						
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?	Draft EIR Setting p. 4.0-15 and 4.0-16 Impact 4.4.1 and 4.4.2	No	No	No	No	NA, impact remains less than significant
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?	Draft EIR Setting p. 4.0-15 and 4.0-16 Impact 4.4.1 and 4.4.2	No	No	No	No	NA, impact remains less than significant

## Discussion

No substantial change in the regulatory settings related to recreation, described in LUTE EIR Chapter 4, Public Services, has occurred since certification of the LUTE EIR.

- a. 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?  
See discussion under item b) below.
- b. Include recreational facilities or require the construction or expansion of recreational facilities that might have an adverse physical effect on the environment?  
Impact 4.4.1 and 4.4.2 of the LUTE Draft EIR evaluated whether the increase in employees and residents from implementation of the LUTE would increase demand for public parks. Per the City's Municipal Code, new residential development would also be required to dedicate land, pay a fee in lieu thereof, or both, for park or recreational purposes at a ratio of 5 acres per 1,000 residents. These fees may be used to upgrade existing park facilities. The

LUTE Draft EIR also programmatically evaluated the environmental impacts of upgrading existing parks and the development of new park facilities as part of the overall development analyzed in the EIR (LUTE Draft EIR page 4.0-17), and therefore the impact conclusions in the LUTE EIR capture the impacts from construction of new parks and recreational facilities. The LUTE EIR concludes that the LUTE's impact on recreational facilities and parks would be less than significant under project conditions and less than cumulatively considerable under cumulative conditions (Impact 4.4.2).

The project consists of redeveloping an existing 130-unit apartment complex with a 128-unit condominium development and does not result in additional employees or residents and therefore would not generate a direct demand for recreation facilities. Therefore, the findings of the certified LUTE EIR pertaining to recreation remain valid and no further analysis is required.

### **Mitigation Measures**

No mitigation measures were identified in for the certified LUTE EIR regarding recreation, nor are any additional mitigation measures required the project.

### **CONCLUSION**

The project would have no (1) peculiar impacts, (2) impacts not analyzed in the LUTE EIR, or (3) significant off-site impacts and cumulative impacts not discussed in the LUTE EIR, and (4) there is no substantial new information indicating that an impact would be more severe than discussed in the LUTE EIR. Therefore, the conclusions of the LUTE EIR pertaining to recreation remain valid and no further analysis is required.



## TRANSPORTATION/TRAFFIC

Environmental Issue Area	Where Impact Was Analyzed in the LUTE Draft and Final EIR.	Any Peculiar Impact?	Any Impact Not Analyzed As Significant Effect in LUTE EIR?	Any Significant Off-Site or Cumulative Impact Not Analyzed?	Any Adverse Impact More Severe Based on Substantial New Information?	Do EIR Mitigation Measures or Uniformly Applied Development Policies or Standards Address/Resolve Impacts?
<b>16. Transportation/Traffic - Would the project:</b>						
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?	Draft EIR Setting pp. 3.4-1 to 3.4-40 Impact 3.4.2 and 3.4.7	No	Yes, but it would be reduced to less than significant for the project with uniformly applied development standards.	No	No	Yes, but impact remains significant and unavoidable.
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?	Draft EIR Setting pp. 3.4-1 to 3.4-40 Impact 3.4.7	No	No	No	No	NA, but impact remains significant and unavoidable.

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?	Draft EIR Setting pp. 3.4-47 No Impact	No	No	No	No	NA
d. Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	Draft EIR Setting pp. 3.4-1 to 3.4-40 Impact 3.4.5	No	No	No	No	NA, impact remains less than significant
e. Result in inadequate emergency access?	Draft EIR Setting pp. 3.4-1 to 3.4-40 Impact 3.4.6	No	No	No	No	NA, impact remains less than significant
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?	Draft EIR Setting pp. 3.4-1 to 3.4-40 Impacts 3.4.1, 3.4.3, 3.4.4, and 3.4.5	No	No	No	No	NA, impact remains less than significant

## Discussion

No substantial change in the settings related to transportation and traffic, described in LUTE Draft EIR Section 3.4, Transportation and Circulation, has occurred since certification of the LUTE EIR.

- 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?

See discussion under item b) below.

- 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?

Impact 3.4.7 of the LUTE Draft EIR analyzes the impacts of implementing the LUTE to contribute to significant traffic operational impacts to intersections and freeway segments under year 2035 conditions as compared to existing conditions. The analysis concluded that the LUTE would result in substantial contributions to a number of intersections and freeway segments within the

City and the region resulting in unacceptable levels of service (LOS). These operational impacts would also significantly impact transit travel times (Impact 3.4.2). The Draft EIR identifies a number of mitigation measures to reduce these impacts; however, because implementation of some of these mitigation measures is uncertain or infeasible some impacts would remain significant and unavoidable (mitigation measures MM 3.4.7a and MM 3.4.7b were determined to be feasible). The analysis also identifies LUTE policies (e.g., Policy LT-3.5, LT-3.6, LT-3.7, LT- 3.13, and LT-11.4) that constitute elements of a Transportation Demand Management (TDM) program, which is a combination of services, incentives, facilities, and actions that reduce single-occupant vehicle trips to help relieve traffic congestion. Implementation of a TDM program helps proposed developments to meet City requirements for reducing vehicle trips by 20 to 35 percent, depending on the proposed land use and its location. The LUTE EIR concluded that Impact 3.4.2 and 3.4.7 were significant and unavoidable for project and cumulative conditions.

The project is consistent with development assumptions analyzed in the LUTE Draft EIR. The project would also be redeveloping an existing site with 130 apartment units and construct 128 condominium units (net decrease in units). Therefore, the findings of the certified LUTE EIR remain valid and no further analysis is required.

- 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?  
As noted on page 3.4-47 of the LUTE Draft EIR, this impact is not evaluated in detail because the LUTE would not involve changes in air traffic operations. Similarly, the project does not propose changes in air traffic operations. There would be no impact.
- d. Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?  
Impact 3.4.5 in the LUTE Draft EIR analyzes the potential for implementation of the LUTE to increase the number of people and vehicles in the Planning Area, which could increase the risk of vehicle and bicycle/pedestrian conflicts, and would intensify urban uses in areas adjacent to the Caltrain tracks.

Proposed LUTE policies incorporated a “complete streets” approach for circulation planning that accommodates all travel modes and improves safety. The LUTE EIR also notes that the anticipated circulation improvements in the LUTE would help reduce the potential for pedestrian/bicycle and vehicle conflicts and all roadway and pedestrian/bicycle facilities would be designed in accordance with City standards. The LUTE EIR concludes that hazards impacts from design features would be less than significant under project conditions and less than cumulatively considerable under cumulative conditions.

The project is consistent with development assumptions analyzed in the LUTE Draft EIR. The project would be redeveloping an existing site with 130 apartment units and construct 128 condominium units. The project will remove one of the driveways on South Wolfe Road, which is considered an arterial road and provide sidewalks and street improvements for both South Wolfe

Road and Bellomo Avenue frontages. The project site is not located adjacent to the Caltrain tracks. Therefore, the findings of the certified LUTE EIR pertaining to hazards from design features and incompatible uses remain valid and no further analysis is required.

e. Result in inadequate emergency access?

Impact 3.4.6 in the LUTE Draft EIR evaluated whether implementation of the LUTE would adversely affect emergency access. The analysis noted that LUTE policies incorporate a complete streets approach for circulation planning that accommodates all travel modes as well as improves safety and access. Complete streets are designed and operated to enable safe and convenient access for all users. Additionally, all improvements would be required to meet City of Sunnyvale roadway design standards. The LUTE EIR concludes that impacts related to inadequate emergency access would be less than significant under project conditions and less than cumulatively considerable under cumulative conditions.

The site plan for the project has been designed to provide adequate fire truck/emergency vehicle access into and out of the project site as well as ensuring sufficient space for fire trucks to circulate throughout the project site. Therefore, the findings of the certified LUTE EIR pertaining to adequate emergency access remain valid and no further analysis is required.

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?

Impact 3.4.1 in the LUTE Draft EIR evaluated whether implementation of the LUTE would result in increased demand for transit service. Implementation of the LUTE would result in an increase in transit demand. The analysis notes that the City and VTA would coordinate to increase transit services in Sunnyvale. Additionally, the LUTE includes policies and actions to improve the transit network in Sunnyvale (e.g., Policies LT-3.6, LT- 3.28, LT-3.30, and Actions LT-3.30a, LT-3.30b, and LT-3.30c associated with Policy 48). Thus, the LUTE's impact to transit facilities would be less than significant under project conditions and less than cumulatively considerable under cumulative conditions.

The project would not result in increase in demand for transit use typically associated with additional employees or new residents. Therefore, the findings of the certified LUTE EIR remain valid and no further analysis is required.

Impact 3.4.2 in the LUTE EIR evaluated whether implementation of the LUTE would adversely impact transit travel times. The LUTE EIR concludes that except for the eight intersections where the LUTE would have a significant and unavoidable impact, implementation of the LUTE would have a less than significant impact on transit travel time under project conditions and would be less than cumulatively considerable under cumulative conditions. However, for the eight intersections where the LUTE would have significant and unavoidable LOS impacts, the impact on transit travel times would be significant and unavoidable under project conditions and cumulatively considerable under cumulative conditions.

The project is not expected to have any significant LOS impacts at intersections in the nearby vicinity and would therefore not adversely affect transit travel times. Therefore, the findings of the certified LUTE EIR related to transit travel times remain valid and no further analysis is required.

Impact 3.4.3 evaluated whether implementation of the LUTE would result in increased demand for bicycle facilities. Buildout under the LUTE would increase the population in the City. The LUTE includes policies that would support improving bicycle facilities as part of transportation improvement projects, providing linkages to all modes of travel, and implementation of a citywide bike plan to improve bicycle access (Policies LT- 3.22, LT-3.23, LT-3.26, and LT-8.5 and associated actions). The LUTE EIR concludes that the LUTE's impact on bicycle facilities would be less than significant under project conditions and less than cumulatively considerable under cumulative conditions.

The project is not expected to increase bicycle for commuting and the need for a substantial increase in demand for bicycle facilities such that the performance or safety of existing bicycle facilities would be adversely affected. Therefore, the findings of the certified LUTE EIR pertaining to bicycle facilities remain valid and no further analysis is required.

Impact 3.4.4 evaluated whether implementation of the LUTE would result in increased demand for pedestrian facilities. Buildout of subsequent projects under the Draft LUTE would increase demand for pedestrian facilities. Implementation of the LUTE Policies LT-3.22, LT-3.23, LT-3.26, and LT-8.5, and associated actions would close existing sidewalk gaps, build new pedestrian connections, enhance pedestrian intersection crossings, and enhance pedestrian comfort level on sidewalks. The LUTE EIR concludes that the LUTE's impact on pedestrian facilities would be less than significant under project conditions and less than cumulatively considerable under cumulative conditions.

The project replaces a 130-unit apartment complex with a 128-unit condominium development and is not expected to increase pedestrian traffic. Therefore, the findings of the certified LUTE EIR remain valid and no further analysis is required.

Impact 3.4.5 evaluated whether implementation of the LUTE would increase the risk of vehicle and bicycle/pedestrian conflicts. The analysis noted that LUTE Policies LT-3.18, LT-3.19, LT-3.20, LT-3.22, LT-3.23, and LT-3.24 incorporate a "complete streets" approach for circulation planning that accommodates all travel modes and improves safety. Complete streets are designed and operated to enable safe and convenient access for all users, including pedestrians, bicyclists, and motorists. The anticipated circulation improvements in the LUTE would help reduce the potential for pedestrian/bicycle and vehicle conflicts. The LUTE EIR concludes that the LUTE's impact related to vehicle and bicycle/pedestrian conflicts would be less than significant under project conditions and less than cumulatively considerable under cumulative conditions.

The project would be required to provide a wider sidewalk (10-foot wide) where a 4-foot wide sidewalk exists along the South Wolfe Road frontage and a new 6-foot monolithic sidewalk on Bellomo Avenue to meet City's sidewalk standards and an improved curb to meet City standard, the project improves pedestrian and vehicular circulation and safety and is not expected to increase the risk of vehicle/bicycle/pedestrian conflict. The findings of the certified LUTE EIR pertaining to consistency with public transit, bicycle, and pedestrian plans and performance and safety of such facilities remain valid and no further analysis is required.

### **Mitigation Measures**

LUTE EIR mitigation measures MM 3.4.7a and b are directed at the City to update its transportation impact fee program to incorporate additional transportation improvements and are not applicable to the project. The project would pay the applicable transportation impact fee.

### **CONCLUSION**

With application of generally uniformly applied development policies and standards, the project would have no (1) peculiar impacts, (2) impacts not analyzed in the LUTE EIR, or (3) significant off-site impacts and cumulative impacts not discussed in the LUTE EIR, and (4) there is no substantial new information indicating that an impact would be more severe than discussed in the LUTE EIR. Therefore, the conclusions of the LUTE EIR pertaining to transportation and traffic remain valid.

## UTILITIES AND SERVICE SYSTEMS

Environmental Issue Area	Where Impact Was Analyzed in the LUTE Draft and Final EIR.	Any Peculiar Impact?	Any Impact Not Analyzed As Significant Effect in LUTE EIR?	Any Significant Off-Site or Cumulative Impact Not Analyzed?	Any Adverse Impact More Severe Based on Substantial New Information?	Do EIR Mitigation Measures or Uniformly Applied Development Policies or Standards Address/Resolve Impacts?
<b>17. Utilities and Service Systems - Would the project:</b>						
a. Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	Draft EIR Setting pp. 3.11-17 to 3.11-19 Impact 3.11.2.1	No	No	No	No	NA, impact remains less than significant.
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?	Draft EIR Setting pp. 3.11-1 to 3.11-9 and 3.11-17 to 3.11-19 Impacts 3.11.1.2 and 3.11.2.2	No	No	No	No	NA, impact remains less than significant.
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?	Draft EIR Setting pp. 3.8-1–3.8-3 Impact 3.8.1	No	No	No	No	NA, impact remains less than significant.
d. Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	Draft EIR Setting pp. 3.11-1 to 3.11-9 Impact 3.11.1.1 and 3.11.1.3	No	No	No	No	NA, impact remains less than significant.
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	Draft EIR Setting pp. 3.11-17 to 3.11-19 Impact 3.11.2.2 and 3.11.2.3	No	No	No	No	NA, impact remains less than significant.

provider's existing commitments?						
f. Beserved by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	Draft EIR Setting pp. 3.11-24 Impact 3.11.3.1 and 3.11.3.3	No	No	No	No	NA, impact remains less than significant.
g. Comply with federal, state, and local statutes and regulations related to solid waste?	Draft EIR Setting pp. 3.11-24 Impact 3.11.3.2	No	No	No	No	NA, impact remains less than significant.
h. Create demand for natural gas, electricity, telephone, and other utility services that cannot be met.	Draft EIR Setting pp. 3.11-30 to 3.11-31 Impact 3.11.4.1	No	No	No	No	NA, impact remains less than significant.
i. Result in inefficient, wasteful, and unnecessary consumption of energy.	Draft EIR Setting pp. 3.11-30 to 3.11-31 Impact 3.11.4.1	No	No	No	No	NA, impact remains less than significant.

## Discussion

A water supply assessment (WSA) was prepared that addressed the LUTE as well as the Peery Park Specific Plan and the Lawrence Station Area Plan in accordance with state water planning law. The information about existing and planned supplies, historic and future demand, and supply reliability presented in Section 3.11.1, Water Supply and Service, of the LUTE Draft EIR is taken from the WSA.

Since completion of the WSA, the City adopted a 2015 Urban Water Management Plan (UWMP) that is not reflected in the WSA. While there is some variation in the estimates for water demand and supply between the WSA and the 2015 UWMP, both documents conclude that there is adequate water supply for growth anticipated under the Draft LUTE under normal year and drought conditions. Thus, the 2015 UWMP does not substantially change water supply impact analysis provided in the LUTE Draft EIR.

Since completion of the LUTE EIR, the City of Sunnyvale as well as the cities of



Campbell, Cupertino, Gilroy, Los Altos, Los Altos Hills, Los Gatos, Milpitas, Monte Sereno, Morgan Hill, Mountain View, Saratoga, and unincorporated Santa Clara County became members of Silicon Valley Clean Energy (SVCE), which serves as the Community Choice Aggregation (CCA) for its member communities. SVCE works in partnership with Pacific Gas and Electric (PG&E) to deliver direct, renewable electricity to customers within its member jurisdictions. Consistent with State law, all electricity accounts within the City of Sunnyvale were automatically enrolled in SVCE; however, customers can choose to opt out or remain with PG&E. According to the Sunnyvale Climate Action Plan Biennial Progress Report released in 2018, 98 percent of residential and commercial accounts received carbon-free electricity from SVCE (City of Sunnyvale 2018). Electricity is supplied to the city using infrastructure built and maintained by PG&E.

- a. Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?

Impact 3.11.2.1 in the LUTE Draft EIR evaluated whether implementation of the LUTE would exceed wastewater treatment requirements of the San Francisco Bay RWQCB. The analysis noted that the increase in wastewater flows under the LUTE would be within the permitted design flow capacity of the Donald M. Sommers Water Pollution Control Plant (WPCP) and would be within the design flow capacity assumed in the Water Pollutant Control Plant Master Plan. The City would regulate any new industrial or commercial facilities through the pretreatment program. The analysis concluded that implementation of the LUTE would not exceed the requirements and the impact would be less than significant under project conditions and less than cumulatively considerable under cumulative conditions (Impact 3.11.2.3).

The project consists of redeveloping a 130-unit apartment complex with a 128-unit condominium development and is not expected to increase wastewater flows to the plant that would remain similar to existing conditions. Because the project would be consistent with the land use assumptions included in the LUTE, the project's contribution to wastewater flows were generally factored in the LUTE Draft EIR and the project would not exceed wastewater treatment requirements of the San Francisco Bay RWQCB. Therefore, the findings of the certified LUTE EIR pertaining to wastewater treatment remain valid and no further analysis is required.

- 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?

Impact 3.11.1.2 and 3.11.2.2 evaluated whether implementation of the LUTE would require the construction of new or expanded water and wastewater infrastructure and treatment facilities. The analysis identifies that the City's wastewater collection system has the capacity to convey sewage and industrial wastes generated when the city is fully developed in accordance with the development potential (with an approximately 55.7 million gallons per day [mgd] collection capacity) of the City. The City's Wastewater Collection System Master Plan, Water Master Plan, and Capital Improvement Program identify the conveyance improvements projects including improvements to lift stations, pump stations 1 and 2, and pipeline improvements. Wastewater treatment capacity is addressed under a) above. The LUTE EIR concludes

that impacts related to construction of wastewater treatment facilities would be less than significant under project conditions and less than cumulatively considerable under cumulative conditions (Impact 3.11.2.3).

The project consists of redeveloping a 130-unit apartment complex with a 128-unit condominium development and is within the development scope of the LUTE. Water or wastewater infrastructure improvements for the project would occur on-site and along the project's frontage of South Wolfe Road. Therefore, the findings of the certified LUTE EIR pertaining to the construction or expansion wastewater treatment facilities remain valid and no further analysis is required.

- 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?

Impact 3.8.1 evaluated whether buildout under the LUTE would increase impervious surfaces, and as a result, alter drainage patterns and increase drainage rates and runoff over existing conditions. The analysis notes that the amount and type of runoff generated by various projects under the LUTE would be greater than that under existing conditions due to increases in impervious surfaces. These impacts would be reduced through compliance with existing regulatory programs, including the City's Municipal Code Chapter 12.60, and the City's Urban Runoff Management Plan. Implementation of the LUTE would result in a less- than-significant impact under project conditions and would be less than cumulatively considerable under cumulative conditions (Impact 3.8.4).

The project consists of redeveloping a 130-unit apartment complex with a 128-unit condominium development and is consistent with development assumptions analyzed in the LUTE Draft EIR. The project is required to adhere to applicable regulatory programs. Project design plans include drainage water quality control features for the site. Therefore, the findings of the certified LUTE EIR pertaining to the construction or expansion of storm water drainage facilities remain valid and no further analysis is required.

- d. Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?  
As described in Impact 3.11.1.1 and 3.11.1.3, cumulative development in Sunnyvale would result in a net additional water demand of 2,274 acre-feet per year. The LUTE Water Supply Assessment (WSA) identifies that there is adequate water supply available to meet build out of the City in year 2035 under normal, single- dry and multiple-dry years. This impact was identified as less than significant under project and cumulative conditions.

The project consists of redeveloping a 130-unit apartment complex with a 128-unit condominium development and is consistent with LUTE land use designations and development intensities that were utilized in the WSA. As noted above, the City adopted a 2015 Urban Water Management Plan (UWMP) that is not reflected in the WSA, but both documents conclude that there is adequate water supply for growth anticipated under the Draft LUTE under normal year and drought conditions. Therefore, the 2015 UWMP does

not substantially change water supply impact analysis provided in the LUTE EIR. Therefore, the findings of the certified LUTE EIR pertaining to water supplies remain valid and no further analysis is required.

- e. Result in a determination by the wastewater treatment provider that 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?  
Impact 3.11.2 evaluated whether implementation of the LUTE would require the construction of new or expanded wastewater infrastructure and treatment facilities. The analysis identifies that the City's wastewater collection system has the capacity to convey sewage and industrial wastes generated when the city is fully developed in accordance with the development potential (with an approximately 55.7 mgd collection capacity) of the City. The City's Wastewater Collection System Master Plan and Capital Improvement Program identify the conveyance improvements projects including improvements to lift stations, pump stations 1 and 2, and pipeline improvements. Wastewater treatment capacity is addressed under a) above. This impact was identified as less than significant under project and cumulative conditions.

The project consists of redeveloping a 130-unit apartment complex with a 128-unit condominium development and is consistent with LUTE land use designations and development intensities that were utilized in the LUTE EIR wastewater impact analysis. Therefore, the findings of the certified LUTE EIR pertaining to wastewater treatment capacity remain valid and no further analysis is required.

- f. Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?  
As identified in Impact 3.11.3.1 and 3.11.3.3 of the LUTE Draft EIR, the City would generate approximately 54,020 tons annually of solid waste at buildout. The LUTE Draft EIR identifies that there is available combined remaining capacity of 32.8 million tons at three local landfills. This includes the Waste Management-owned Guadalupe Landfill, which has 11,055,000 tons of remaining capacity. By 2035, approximately 412,979 pounds (206.49 tons) of solid waste would be generated per day in Sunnyvale (including the LUTE, Peery Park Specific Plan, and Lawrence Station Area Plan). This amount of waste represents approximately 12.6 percent of the permitted daily throughput of the Kirby Canyon Landfill or 5.9 percent of the throughput at the Monterey Peninsula Landfill. This impact was identified as less than significant under project and cumulative conditions.

The project consists of redeveloping a 130-unit apartment complex with a 128-unit condominium development and the project is not expected result in a significant increase to solid waste generation given that its land use is consistent with the LUTE. Therefore, the findings of the certified LUTE EIR pertaining to landfill capacity remain valid and no further analysis is required.

- g. Comply with federal, state, and local statutes and regulations related to solid waste?  
As discussed in Impact 3.11.3.2 of the LUTE Draft EIR, Sunnyvale had a waste diversion rate of 66 percent as of 2011, and under current methods for

tracking progress with AB 939, the per capita disposal rates are less than the targets. The City has developed its new Zero Waste Strategic Plan, intended to identify the new policies, programs, and infrastructure that will enable the City to reach its Zero Waste goals of 75% diversion by 2020 and 90 percent diversion by 2030. Additionally, the City of Sunnyvale has committed to the waste reduction programs, plans, and policies that would apply to new development. Construction of subsequent projects under the LUTE that would result in demolition or renovation of existing structures would generate solid waste, and the City requires the recycling and reuse of materials to reduce landfill disposal. Therefore, implementation of the LUTE would not conflict with a federal, state, or local statute or regulation related to solid waste disposal. This impact would be less than significant under project conditions and less than cumulatively considerable under cumulative conditions (Impact 3.11.3.3).

The project consists of redeveloping a 130-unit apartment complex with a 128-unit condominium development and would not generate solid waste in excess of what was evaluated in the LUTE EIR and is required to comply with City solid waste reduction standards. Therefore, the findings of the certified LUTE EIR pertaining to solid waste remain valid and no further analysis is required.

- h. Create demand for natural gas, electricity, telephone, and other utility services that cannot be met.  
See discussion under item i) below.
- i. Result in inefficient, wasteful, and unnecessary consumption of energy.  
As described in Impact 3.11.4.1, implementation of the LUTE would increase the consumption of energy. However, subsequent development would comply with Building Energy Efficiency Standards included in Title 24 of the California Code of Regulations and implement the energy efficiency requirements of the City's CAP. This would include obtaining carbon-free electricity from SVCE. Implementation of the LUTE would also result in an improvement in vehicle miles traveled (VMT) per capita as compared to citywide VMT under the previous General Plan. This impact was identified as less than significant under project and cumulative conditions.

The project would be required comply with Title 24 requirements as well as the City's CAP. In addition, the project would meet the requirements of the City's Green Building Program to obtain 110 points in Build-It-Green's Green Point rating system. Therefore, the findings of the certified LUTE EIR pertaining to energy consumption remain valid and no further analysis is required.

### **Mitigation Measures**

No mitigation measures were identified in for the certified LUTE EIR regarding utilities or energy, nor are any additional mitigation measures required the project.

### **CONCLUSION**

No new circumstances or project changes have occurred nor has any new information been identified requiring new analysis or verification. Therefore, with the application of uniformly applied development standards and policies, the project would have no (1) peculiar impacts, (2) impacts not analyzed in the LUTE

EIR, or (3) significant off-site impacts and cumulative impacts not discussed in the LUTE EIR, and (4) there is no substantial new information indicating that an impact would be more severe than discussed in the LUTE EIR. The conclusions of the LUTE EIR pertaining to utilities and energy remain valid and no further analysis is required.

## MANDATORY FINDINGS OF SIGNIFICANCE

Environmental Issue Area	Where Impact Was Analyzed in the LUTE Draft and Final EIR.	Any Peculiar Impact?	Any Impact Not Analyzed As Significant Effect in LUTE EIR?	Any Significant Off-Site or Cumulative Impact Not Analyzed?	Any Adverse Impact More Severe Based on Substantial New Information?	Do EIR Mitigation Measures or Uniformly Applied Development Policies or Standards Address/Resolve Impacts?
<b>18. Mandatory Findings of Significance.</b>						
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, substantially reduce the number or restrict the range of an endangered, rare or threatened species or eliminate important examples of the major periods of California history or prehistory?	Draft EIR Sections 3.9, Biological Resources, and 3.10, Cultural Resources.	No	No	No	No	Yes, but impact remains significant and unavoidable.
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)?	Draft EIR Sections 3.1 through 3.13 and Sections 4.1 through 4.4	No	No	No	No	Yes, but impact remains significant and unavoidable.

c. Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	Draft EIR Sections 3.3, Hazards and Human Health, 3.5, Air Quality, and 3.6, Noise	No	No	No	No	Yes, but impact remains significant and unavoidable.
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## CONCLUSION

Since the LUTE Final EIR was certified, there have been regulatory changes noted in the above checklist. However, these regulatory changes would not affect the analysis or conclusions of the LUTE EIR. Regarding the above-listed mandatory findings of significance, with the application of uniformly applied development standards and policies, the project would have no (1) peculiar impacts, (2) impacts not analyzed in the LUTE EIR, or (3) significant off-site impacts and cumulative impacts not discussed in the LUTE EIR, and (4) there is no substantial new information indicating that an impact would be more severe than discussed in the LUTE EIR.

All applicable mitigation measures in the LUTE EIR would continue to be implemented with the project. Therefore, no new significant impacts would occur with implementation of the project.

## 4 REFERENCES

- City of Sunnyvale. 2016 (August). Land Use and Transportation Element Update Draft EIR. SCH #2012032003. Prepared by Michael Baker International, 2017 (January). Land Use and Transportation Element Update *Final Environmental Impact Report*. SCH #2012032003. Prepared by Michael Baker International, Rancho Cordova, CA.
- Climate Action Plan 2018 Biennial Progress Report. Available: <https://sunnyvale.ca.gov/civicax/filebank/blobdload.aspx?blobid=25798>. Accessed September 2018.
- Project Plans dated September 6, 2019
- Project Construction Schedule
- Project Modified Phase 1 Environmental Site Assessment prepared by ENGEO Incorporated, dated November 2, 2018
- Project Preliminary Geotechnical Exploration prepared by ENGEO Incorporated, dated November 6, 2018
- Project Tree Report prepared by HORTScience / Bartlett Consulting, dated August 30, 2019
- Project Environmental Noise Study, prepared by Charles M. Salter and Associates, Inc. dated September 4, 2019
- Project Construction Air Quality Emissions, prepared by Illingworth & Rodkin, Inc., dated August 30, 2019
- Project Biological Constraints Report prepared by Live Oak Associates, Inc., dated November 2, 2018
- Department of Parks and Recreation (DPR) Primary Record Evaluation of the Landmark Apartments, prepared by Urban Programmers, dated January 15, 2019
- Project California Historical Resources Information System (CHRIS)/Northwest Information Center (NWIC) Letter dated May 23, 2019
- Project Archaeological Literature Search prepared by Holman & Associates Archaeological Consultants, dated November 5, 2018
- Project Preliminary Stormwater Management Plan (in project plans)