

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

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

1. The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations.

The General Plan land use designation for the site is Industrial, and the zoning designation is M-S/POA – Industrial and Service / Places of Assembly combining district. The General Plan contains goals and policies to provide support to community members in need, create a diverse and complete community, support a full spectrum of public and quasi-public services, and to give priority to non-profit organizations. The zoning designation allows places of assembly – community serving uses, which includes facilities for social and civic organizations, with a Use Permit approval.

Sunnyvale Community Services (SCS) is a non-profit emergency assistance agency providing food, financial assistance, and support programs to prevent hunger and homelessness in the local community. SCS is proposing to relocate to the project site from their existing location at 725 Kifer Road in Sunnyvale. The project includes interior and exterior improvements to the existing industrial building and will not add floor area. In terms of development standards required by the M-S/POA zoning, the project complies with all development standards such as height, lot coverage, setbacks, and parking. Where the existing site deviates from the development standards for floor area ratio (FAR) and landscaping, the project proposes to improve the legal non-conformities by demolishing exterior storage spaces to reduce floor area and increasing the landscaping slightly by planting 35 new trees.

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

The 2.25-acre project site is located within City limits and surrounded by industrial and commercial developments on large parcels. The site is located mid-block on the south side of Kern Avenue between Santa Trinita Avenue and Lawrence Expressway, which is an 8-lane Santa Clara County Highway (Route G2).

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

The site is currently developed with an industrial building with a gross floor area of 39,419 square feet, surface parking, and landscaping. The surrounding areas have been heavily modified by urbanization and the developments of industrial and commercial developments. City of Sunnyvale is not located within the Santa Clara Valley Habitat Conservation (SCVHC) plan area. The project site is not adjacent to riparian corridors or include tall buildings that would increase risks to birds. The project does not involve clearing or disturbance of land or construction of new structures. As conditioned upon approval of the

project, the applicant will incorporate standard best management practices and will prepare pre-construction nesting bird survey before any demolition and construction activities that will not happen between September 1<sup>st</sup> and January 31<sup>st</sup>.

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

Traffic – The project is exempt from Vehicle Miles Traveled (VMT) analysis based on City Council Policy Exemptions B which includes neighborhood-serving service uses (maximum 100,000 square feet total).

Noise – Sunnyvale Community Services operations will mostly be inside the building other than the drive-thru pick up of produce and food on designated days, and delivery of food and produce to the site. The ambient noise level in the area exceeds 60 dBA due to the proximity to Lawrence Expressway. Future exterior noise levels at the site are considered normally acceptable for office and meeting hall (assembly) type of uses. The project includes interior and exterior improvements to the existing building and does not include clearing or disturbance of land or construction of new structures. As conditioned upon approval of the project, the applicant will incorporate City of Sunnyvale LUTE EIR mitigation measure MM 3.6.3, standard best management practices including limitation on construction hours and implementation of noise reduction measures during construction. The condition also includes compliance with the municipal code noise standards for daily operations.

Air Quality – The project is not expected to have significant impact on air quality. The previous use at the site as an organization providing educational materials and service included warehousing and delivery. The proposed use is similar in nature. The project includes interior and exterior improvements to the existing building and does not include clearing or disturbance of land or construction of new structures. As conditioned upon approval of the project, the applicant will incorporate standard best management practices to address air quality during the course of construction, such as dust control measures.

Water Quality – The project does not propose any uses that would create unusual or intensive water contamination; the project will comply with all local, state, and federal regulations, best management practices, and will work with the City to ensure the appropriate services and infrastructure are in place to serve the project.

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

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

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

- a. Location: Classes 3, 4, 5, 6, and 11 are qualified by consideration of where the project is to be located – a project that is ordinarily insignificant in its impact on the environment may in a particularly sensitive environment be significant. Therefore, these classes are considered to apply to all instances, except where the project may impact on an environmental resource of hazardous or critical concern where designated, precisely mapped, and officially adopted pursuant to law by federal, state, or local agencies.
  - The project site is not located in an area of sensitive or critical concern.
- b. Cumulative Impact: All exemptions for these classes are inapplicable when the cumulative impact of successive projects of the same type in the same place, over time is significant.
  - There is no evidence of a potential significant cumulative impact because successive projects of the same type in the same place have not been approved and are not currently proposed.
- c. Significant Effect: A categorical exemption shall not be used for an activity where there is a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances.
  - There is no evidence of unusual circumstances. The project is of the size and type contemplated by the General Plan. It is surrounded by developed uses and is developed itself. It is not located within a sensitive resource area.
- d. Scenic Highways: A categorical exemption shall not be used for a project which may result in damage to scenic resources, including but not limited to, trees, historic buildings, rock outcroppings, or similar resources, within a highway officially designated as a state scenic highway. This does not apply to improvements which are required as mitigation by an adopted negative declaration or certified EIR.
  - The project site is not within a highway designated as a state scenic highway.
- e. Hazardous Waste Sites: A categorical exemption shall not be used for a project located on a site which is included on any list compiled pursuant to Section 65962.5 of the Government Code.
  - The project site is not located on a site which is included on any list compiled pursuant to Section 65962.4 of the Government Code.  
<https://calepa.ca.gov/sitecleanup/corteselist/section-65962-5c/>
- f. Historical Resources: A categorical exemption shall not be used for a project which may cause a substantial adverse change in the significance of a historical resource.
  - The project site is not listed on the City's Heritage Resources Inventory. The site does not contain any known historical resources; nor would it cause a substantial adverse change in the significance of an historical resource.