

CLASS 32 CHECKLIST FOR FILE NO. 2019-7404 (TOYOTA RECON CENTER PROJECT)

Project Title	Toyota Recon Center Project
Permit Number	2019-7404
Lead Agency Name and Address	City of Sunnyvale 456 W Olive Avenue, P.O. Box 3707 Sunnyvale, CA 94088-3707
Contact Person/Project Planner	Momoko Ishijima (408) 730-7532 mishijima@sunnyvale.ca.gov
Project Location and Address	928 West El Camino Real, Sunnyvale
Project Applicant	TWM Architects + Planners
General Plan Designation	Commercial
Zoning	C-2/ECR – Highway Business / El Camino Real Precise Plan
Other Public Agencies whose Approval is Required	California Department of Transportation (for improvements in the right-of-way)

BRIEF PROJECT DESCRIPTION

The project consists of the following permit request:

- SPECIAL DEVELOPMENT PERMIT to allow demolition of the existing 7,016-square foot auto repair and body shop buildings, including a 399-square foot mezzanine, and construction of a new 10,998-square foot auto repair shop building with a 2,231-square foot mezzanine for the Toyota Pre-Owned Vehicle Reconditioning Service Center.

DETAILED PROJECT DESCRIPTION

The project site is located on a 0.52-acre parcel, mid-block on the south side of El Camino Real, near the intersection of El Camino Real and South Mary Avenue. The project site is within the Precise Plan of El Camino Real area. The site is currently developed with a 7,016-square foot auto repair and body shop buildings, which includes a 399-square foot mezzanine. The project proposes to demolish the existing structures and the removal of three significant sized trees in the front of the property. The proposed project includes the construction of a new 10,998-square foot auto repair building with a 2,231-square foot mezzanine in the front of the building. The associated site improvements include planting 14 new trees, landscaping, and hardscape and off-site improvements.

CEQA EXEMPTION:

Article 19 of the California Environmental Quality Act (CEQA) Guidelines, Section 15300 to 15333, identifies classes of projects that do not have a significant effect on the environment and, therefore, are exempt from review under CEQA.

CLASS 32 (INFILL DEVELOPMENT)

Among the classes of projects that are exempt from CEQA review are those that are specifically identified as urban infill development. CEQA Guidelines Section 15332 state that the term *infill development* (or the Class 32 exemption) is applicable to projects that meet the following conditions:

- (a) The project is consistent with the applicable general plan designation and all applicable general plan policies as well as applicable zoning designations and regulations.
- (b) The proposed development occurs within the city limits, on a project site that is no more than 5 acres and surrounded by urban uses.
- (c) The project site has no value as habitat for endangered, rare, or threatened species.
- (d) Approval of the project would not result in any significant effects related to traffic, noise, air quality, or water quality.
- (e) The site can be adequately served by all required utilities and public services.

The analysis presented in the following section provides substantial evidence that the Project qualifies for an exemption under CEQA Guidelines Section 15332, as a Class 32 urban infill development, and would not have a significant impact on the environment.

EXCEPTIONS

Even if a project is ordinarily exempt under the potential categorical exemptions, CEQA Guidelines Section 15300.2 provides specific instances where exceptions to otherwise applicable exemptions apply. Exceptions to a categorical exemption apply in the following circumstances, effectively nullifying a CEQA categorical exemption:

- (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 in all instances, except that the project may affect an environmental resource of hazardous or critical concern where designated, precisely mapped, and officially adopted pursuant to law by federal, State, or local agencies.
- (b) Cumulative Impact. All exemptions for these classes are inapplicable when the cumulative impact of successive projects of the same type and in the same place over time is significant.
- (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.
- (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.

- (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.
- (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 following analysis present substantial evidence that there are no exceptions that apply to the Project or its site, that the Project would not have a significant effect on the environment, and that the Class 32 exemption remains applicable.

CITY OF SUNNYVALE – STANDARD CONDITIONS OF APPROVAL

As stated above, the Project site is within the Precise Plan for El Camino Real. Therefore, the Project is subject to the Standard Conditions of Approval (SCA), which apply to all projects within the Precise Plan area. These conditions incorporate development policies and standards from the adopted plan and policies (such as the Sunnyvale Municipal Code, City General Plan, and other requirements of jurisdictional agencies) and substantially mitigate potential environmental impacts from projects. These conditions are included in the discussion and analysis of subsequent environmental review for all development projects within the Precise Plan area.

In reviewing project applications, the City determines which SCAs apply, depending on the specific characteristics of the project type and/or project site. Because these SCAs are mandatory City requirements, this analysis assumes that the SCAs would be imposed and implemented by the Project and not imposed as mitigation measures under CEQA. If a project is determined to have a significant environmental impact, even with implementation of these conditions, other feasible mitigation measures shall be developed.

As applicable, SCAs are adopted as requirements of individual projects when approved by the City and designed to avoid or substantially reduce a project's environmental effects.

CEQA EXEMPTION CHECKLIST:

The following analysis provides substantial evidence to support a conclusion that the Project qualifies for an exemption under CEQA Guidelines Section 15332 as a Class 32 urban infill development and would not have a significant effect on the environment.

CRITERION SECTION 15332(a): GENERAL PLAN AND ZONING CONSISTENCY

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. ☒ Yes ☐ No

The Sunnyvale General Plan designates the project site as Commercial. The zoning designation for the site is C-2/ECR (Highway Business / Precise Plan for El Camino Real combining district). The General Plan and zoning support auto-oriented businesses in the Highway Business zone and on regionally significant roadways such as El Camino Real. The proposed auto repair business will refurbish pre-owned vehicles for sales at the Toyota Sunnyvale dealerships on El Camino Real. The proposed development is compatible with the surrounding neighborhood uses which has a mix of auto repair, auto dealership, commercial retail, restaurants, medical and office use, single-family homes, and apartments. The project complies with all of the development standards of the C-2/ECR zoning. Deviations for lot coverage, minimum landscape, and parking are allowed by applicable zoning standards where approved through the Special Development Permit.

CRITERION SECTION 15332(b): PROJECT LOCATION, SIZE, AND CONTEXT

The proposed development occurs within city limits on the project site of no more than 5 acres substantially surrounded by urban uses. ☒ Yes ☐ No

The project site is within the City limits and is located on a 0.58-acre site on El Camino Real. The project site is within a developed, urban area of Sunnyvale and is immediately adjacent to other auto repair and auto dealership uses. The surrounding area also has a mix of commercial retail, restaurants, medical and office use, single-family homes, and apartments.

CRITERION SECTION 15332(c): ENDANGERED, RARE, OR THREATENED SPECIES

The project site has no value as habitat for endangered, rare, or threatened species. ☒ Yes ☐ No

The project site is urbanized with existing improvements and buildings and is not an active habitat for known special status biological resources or wildlife. An Arborist Report dated July, 2019 was prepared by Macnair & Associates. The report surveyed a total of three on-site trees, all of which are deemed "protected" under Sunnyvale Municipal Code 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. Protected sized trees are required to be replaced per the City's Tree Replacement Policy. The City's Tree Replacement Policy requires 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 to remove three protected on-site trees which consist of a London Plane, Liquid Ambar and Coast Redwood. As conditioned, the project will install 14 new 24-inch box trees, which complies with the City's tree replacement standards.

The existing trees may be habitat for common nesting birds. The City of Sunnyvale is required to comply with all local, state, and federal regulations pertaining to species and habitat protection. In addition, 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.

CRITERION SECTION 15332(d): TRAFFIC

Approval of the project would not result in any significant effects related to traffic. ☒ Yes ☐ No

The project will not result in any significant traffic impacts. The project proposes to demolish a 7,016-square foot auto repair and body shop buildings, including a 399-square foot mezzanine, and construct a new 10,998-square foot auto repair shop building with a 2,231-square foot mezzanine for the Toyota Pre-Owned Vehicle Reconditioning Service Center. The net increase of 3,982 square feet will not generate over 100 peak hour trips and will not result in a traffic impact. Additionally, Toyota's operations will not result in customers visiting the site. The vehicles serviced at the project site will be limited to vehicles refurbished for resales at the Toyota dealerships on El Camino Real. Only Toyota employees will be on site.

CRITERION SECTION 15332(d): NOISE

Approval of the project would not result in any significant effects related to noise. ☒ Yes ☐ No

An Environmental Noise Study for the project was prepared by Charles M. Salter Associates Inc. in July, 2019 with a supplemental report prepared in December, 2020 for a revised project scope for a smaller sized building than originally proposed. The study provides site-specific analysis of existing noise conditions and the extent of project noise impacts. The assessment concludes that the project operation would not result in a significant impact to adjacent residences and properties, and the site will continue to meet Sunnyvale standards.

The project would generate temporary noise during construction. The following LUTE standard conditions would apply to the project if approved.

- 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:
 - Installing intake and exhaust mufflers on pile-driving equipment;
 - Vibrating piles into place when feasible, and installing shrouds around the pile-driving hammer where feasible;
 - 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;
 - 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
 - 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.

CRITERION SECTION 15332(d): AIR QUALITY

Approval of the project would not result in any significant effects related to air quality. ☒ Yes ☐ No

The Air District developed screening criteria to provide lead agencies and project applicants with a conservative indication of whether a proposed project could result in potentially significant air quality impacts. If all of the screening criteria are met by a proposed project, then the lead agency or applicant would not need to perform a detailed air quality assessment of their project’s air pollutant emissions. These screening levels are generally representative of new development on greenfield sites without any form of mitigation measures taken into consideration. For projects that are mixed-use, infill, and/or proximate to transit service and local services,

emissions would be less than the greenfield type project that these screening criteria are based on. The Air Quality and Green House Gas (GHG) Analysis prepared for the project by Urban Crossroads in October, 2020, concludes that the proposed development is below the screening criteria for Operational-Related Criteria Air Pollutant and Precursor Screening Level Sizes and therefore no further analysis is needed.

Furthermore, 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 demolish 7,016-square foot auto repair and body shop buildings, including a 399-square foot mezzanine, and construct a new 10,998-square foot auto repair shop building with a 2,231-square foot mezzanine which is within the development assumptions analyzed in the LUTE EIR. Therefore, the findings of the certified LUTE EIR concerning consistency with air quality plans remain valid and no further analysis is required.

Standard conditions required in the LUTE EIR require construction projects to implement BAAQMD's basic construction mitigation measures, which include the following dust control measures:

- All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day;
- All haul trucks transporting soil, sand, or other loose material off-site shall be covered;
- All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited;
- All vehicle speeds on unpaved roads shall be limited to 15 mph;
- All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used; and
- 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.

CRITERION SECTION 15332(e): UTILITIES AND PUBLIC SERVICES

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

☒ Yes ☐ No

The Project will result in redevelopment of a similar allowed use. While the proposed structure would be larger than the existing, current building standards include more efficient usage of energy and water and changes in solid waste generation would be minimal. The impact on utilities and service systems would be less than significant. The project site is already served by water, sewer and other municipal services. Furthermore, the project is consistent with the development assumptions analyzed in the LUTE Draft EIR.

EXEPTIONS TO CATEGORICAL EXEMPTIONS CHECKLIST:

In addition to investigating the applicability of CEQA Guidelines Section 15332 (Class 32), this CEQA document also assesses whether any of the exemptions to qualifying for the Class 32 categorical exemption for an Infill Project are present. The following analysis compares the criteria of CEQA Guidelines Section 15300.2 (Exceptions) to the Project.

CRITERION SECTION 15300.2(a): LOCATION

Is there an exception to the Class 32 exemption for the project due to its location in a particularly sensitive environment, such that the project may impact an environmental resource of hazardous or critical concern where designated, precisely mapped, and officially adopted pursuant to law by federal, State, or local agencies? ☐ Yes ☒ No

The project is not located with a mapped hazard zone. A Phase I Environmental Site Assessments (ESAs) was prepared for the project site by AEI Consultants in February, 2010. A peer review report was also prepared by AEI Consultants in March, 2019, for a Closure Report (prepared by SLR International Corp in August, 2004) of a radiator facility formally located at the project site. The Closure Report included the results of five soil borings and limited subsurface soil investigations near a former strip drain and oil/water separator. The peer review report concludes that the soil analytical results were compared to January 2019 standards from the San Francisco Bay Regional Water Quality Control Board (RWQCB) Environmental Screening Levels (ESLs) and no Total Extractable Petroleum Hydrocarbons (TEPH), Volatile Organic Compounds (VOC), or metals analytical results exceeded the stipulated (ESLs) for each soil sample analyzed. Arsenic levels were detected in each soil boring, however, they were found to be consistent with regional arsenic concentrations. The Phase I ESA revealed no significant Recognized Environmental Conditions (REC) were discovered at the Property, on surrounding properties, in its occupancy history, or in agency databases or files concerning past uses of the Property. Additionally, the project is required to comply with all local, state and federal regulations.

CRITERION SECTION 15300.2(b): CUMULATIVE IMPACT

Is there an exception to the Class 32 exemption for the project due to significant cumulative impacts of successive projects of the same type and in the same place, over time? ☐ Yes ☒ No

The Project would not result in cumulative impacts considering the land use and development intensity is consistent with what was analyzed in the LUTE Draft EIR.

CRITERION SECTION 15300.2(c): SIGNIFICANT EFFECT

Is there an exception to the Class 32 exemption for the project because there is a reasonable possibility that the project will have a significant effect on the environment due to unusual circumstances? ☐ Yes ☒ No

The Project would not result in significant impacts considering the land use and development intensity is consistent with what was analyzed in the LUTE Draft EIR.

CRITERION SECTION 15300.2(d): SCENIC HIGHWAY

Is there an exception to the Class 32 exemption for the project because project 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? ☐ Yes ☒ No

The project is located on El Camino Real (State Route 82) in an existing developed commercial area that does not have any scenic resources, features or any scenic vistas. The City of Sunnyvale does not have any designated scenic highways.

The project proposes to replace existing auto repair/body shop buildings with a new auto repair building. The project design and landscaping would enhance the existing visual character of the street frontages. The sidewalks would be widened to meet Precise Plan for El Camino Real standards and new street trees would be planted.

CRITERION SECTION 15300.2(e): LOCATION

Is there an exception to the Class 32 exemption for the project because the project is located on a site which is included on any list compiled pursuant to Section 65962.5 of the Government Code? ☐ Yes ☒ No

The project site is not included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5.

CRITERION SECTION 15300.2(f): HISTORICAL RESOURCES

Is there an exception to the Class 32 exemption for the project because the project may cause a substantial adverse change in the significance of a historical resource? ☐ Yes ☒ No

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 in July, 2019. 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.

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 along the general margin of the bay and its associated wetland areas. The following standard conditions of approval are included to reduce the potential impact to less than significant level:

- 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.
- 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.

CONCLUSIONS

On the basis of the evidence provided above, the Project is eligible for a Class 32 categorical exemption, in accordance with Section 15332, Infill Development Projects, of the CEQA Guidelines. Based on the above analysis, no additional substantial adverse impacts beyond those discussed above are anticipated. Because the Project meets the criteria for categorically exempt infill development projects, and because it would not have a significant effect on the environment, this analysis finds that a Notice of Exemption may be prepared for the Project. No further review is needed.