

ENVIRONMENTAL CHECKLIST FOR AFFORDABLE HOUSING PROJECT AT 245 W. WEDDELL

Project Title	Orchard Garden Affordable Housing Project
Permit Number	2020-7620
Lead Agency Name and Address	City of Sunnyvale 456 W Olive Avenue, P.O. Box 3707 Sunnyvale, CA 94088-3707
Contact Person/Project Planner	Cindy Hom (408) 730-7411 chom@sunnyvale.ca.gov
Project Location and Address	245 W. Weddell Drive
Project Applicant	First Community Housing
General Plan Designation	High Density Residential
Zoning	R-4
Other Public Agencies whose Approval is Required	N/A

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 LUTE includes additional mixed-use residential/commercial uses in key transit-oriented areas and in transformed Village Centers as well as areas for additional business (or industrial) growth. The transportation policies create incentives for non-vehicular modes of transportation (transit, pedestrian, and bicycle networks), recognize that driving will remain a significant transportation mode in Sunnyvale, and offer options for the car-free or car-light living. The transportation policies integrate with the land use policies, in part by reducing travel distances through promoting compact, mixed-use development.

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.

First Community Housing, the Applicant for the Orchard Garden Affordable Housing project at 245 W. Weddell Drive, (Project), proposes to demolish an existing 32-unit two-story apartment building and construct a new six-story apartment building with 93 new affordable residential units and associated site improvements. The new building includes a podium parking garage that provides 59 spaces, lobby and offices on the ground level. Residential units consisting of studios, 1-bedroom, 2-bedroom and 3-bedroom units are proposed on the second through the sixth floor. The building will be programmed with a community room and outdoor courtyard on the second floor and a roof deck, community garden and meeting room on the sixth floor. The project also includes rehabilitation of an existing 30-unit apartment building and landscaping enhancements throughout the site. The Project results in a total of 123 affordable

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housing units located on a 1.7 acre site located at 245 W. Weddell Drive. The Project provides housing opportunities for families and individuals earning between 30% and 60% of the local area median income (AMI).

The Applicant is utilizing a State Density Bonus (AB 1763) that allows 80% density bonus increase and up to four concessions/incentives and unlimited waivers from the city's development standards for 100% affordable housing projects. Since this project is located within 1 mile from the Moffett Park Light Rail Station, which is considered a major transit stop, AB 1763 allows no maximum controls on density and a height increase of up to three stories or 33 feet.

The project site is designated by the LUTE as High Density Residential. This General Plan designation generally provides for multi-family residential development with a residential density of 25 to 36 dwelling units to the acre. The LUTE indicates high density residential neighborhoods and developments are typically located next to expressways, major arterial roads, or freeways.

The Zoning designation is High Density Residential (R-4) with the Planned Development (PD) Combining District. The R-4 Zoning District is reserved for the construction, use and occupancy of not more than thirty-six (36) dwelling units per acre. The purpose of the PD combining district is to provide flexibility to enable modifications and additions to the base zoning to meet special conditions and situations concerning properties within such zoning districts that cannot otherwise satisfactorily comply with the underlying zoning standards. This district is also intended to provide opportunities for creative development approaches and standards that will achieve superior community design, environmental preservation and public benefit, such as, but not limited to:

- (1) Facilitating development or redevelopment of a site to improve the neighborhood;
- (2) Allowing a proposed use that is compatible with the neighborhood but requires deviations from development standards for a successful project;
- (3) Facilitating desirable development of properties at significant intersections; or
- (4) Allowing development and creation of lots that are less than the minimum size required in the base zoning district

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 CEQA Guidelines (CEQA Guidelines) Section 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 this project, it is 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 proposed hotel 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 includes redevelopment of an existing 62-unit affordable housing development 1.7-acre site located mid-block of W. Weddell Drive located between N. Mathilda Avenue and Borregas Avenue. The project entails the following:

- Demolition of an existing 32-unit two-story apartment building and associated improvements.
- Construction of a new six story apartment building with parking, lobby and offices on the ground level, 93 residential units consisting of studios, 1-bedroom, 2-bedroom and 3-bedroom units on the second through the sixth floors, and installation of amenity space that includes a community room and outdoor courtyard on the second floor and a roof deck, community garden and meeting room on the sixth floor.
- Installation of associated site improvements include removal and replacement of existing landscaping and trees, upgrades to existing trash enclosure, installation of a new transformer and screening enclosure, bicycle parking and parking lot improvements.
- Rehabilitation of an existing 30 unit apartment building consisting exterior façade improvements.

The State Density Bonus law allows up to four concessions and unlimited waivers. The applicant is requesting the below concessions and waivers as allowed by the State Density Bonus regulations:

Concessions:

- Front Yard Setback - The project is proposing a reduced front setback ranging from 10 feet to 17 feet setback along the street frontage to maximize usable, active program space along the street frontage where a minimum of 20 feet is required for the first floor and a minimum of 36 feet for each story above two stories.
- Lot Coverage - The existing Parkview Apartment footprint and the new Orchard Gardens footprint yields a 45% lot coverage, which is 5% over the allowable lot coverage for the site.
- Solar Shading – Under the provisions of the State Density Bonus Law, the building is allowed to be 7-Stories and/or 88' High. With this allowable height and story bonus, the new Orchard Gardens building is 3 to 4 stories taller than the adjacent Parkview buildings to the west and the adjacent two-story apartment complex to the east. The new building exceeds the allowable 10% shading requirement on adjacent roofs
- Usable Open Space – The Project provides 228 square feet per unit of usable open where the minimum requirement is 380 square feet per unit.

Waivers:

- Front landscaping buffer - The proposed landscaping buffer varies from 10 to 15 feet where the minimum requirement is 15 feet.
- Landscaping - The Project provides 256 square feet of landscaping per unit where the requirement is 375 square feet of landscaping to be provided per unit.
- Undergrounding Utilities and Screening – The Project proposes an above ground transformer and associated enclosure that is located between the building and street. The Zoning code requires utilities to be undergrounded and prohibits mechanical equipment between the face of the building and street.

- **Parking Lot Shading** – The minimum requirement is 50% shading in the parking lot and drivable surfaces. As proposed, the Project achieves 54% parking lot shading for the existing parking lot, however, shading compliance for the east driveway and fire department access road is not physically feasible due to the width and clearance requirements for a fire department access road.
- **Distance between Buildings** - The required 35 foot separation is provided between the existing eastern Parkview Apartments building (3-stories) and Western façade of the Northern Wing of the new Orchard Gardens building (6-stories) except the exit stair. The building separation at the pinch point between the exit stair and Parkview building is 32 feet 9 inches.

Project proposes to remove a total of 11 trees. Five trees are deemed protected per Sunnyvale Municipal Code (SMC) Chapter 19.94. A total of 36 new trees are proposed for installation. New trees consist of Western Redbud, Crape Myrtle, Brisbane Box and Chinese Pistache trees that are 24 inch box in size. Trees that meet the size requirement for protection 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 tree replacement standards require a minimum of six 24 inch box trees, the project proposes (36) 24 inch box trees and therefore complies with the city's tree replacement standards.

The Project also entails off-site improvements. The existing sidewalk is to remain. The Project will remove and replace one street tree and relocate streetlights to accommodate new driveway. Standard water, sewer, right-of-way, and utility upgrades will be provided as required by the Municipal Code.

Project Setting and Background

The subject site is located on a 1.7-acre site is comprised of a two-story apartment building consisting of 30 units and a three story 32 unit apartment building. Currently, surface parking is provided along the southwest corner and northeast corner of the parcel. Mature trees and various landscaping are provided along the periphery of the site and within the parking areas. There are ancillary structures including a carport structure and utility buildings. The project site is bounded by the City and County of San Francisco's Hetch Hetchy right-of-way and residential neighborhoods to the north; an apartment complex to the east; W. Weddell Drive and Highway 101 to the south; and an apartment complex and motel to the west.

Project Objectives

The project objectives are the following:

- Demolish and replace an existing 32-unit two-story apartment with a new six story 93-unit apartment building and install associated site improvements;
- Provide healthy and quality homes for families and individuals earning between 30% and 60% of the local AMI and programming to assist individuals currently or at risk of experiencing homelessness as well as individuals with intellectual/developmental disabilities;
- Provide private community amenity spaces and leasing office;
- Provide central open space with outdoor communal amenities;
- Improve the visual characteristics of the project site through project architecture, landscaping, and streetscape improvements; and
- Build sustainably by meeting LEED Gold certification with at least 75 LEED Points and achieving all-electric building without gas connection.

Construction Activities and Schedule

Construction activities include demolition of an existing 32-unit apartment building, parking lot, hardscape, landscaping and trees, a carport structure, in-ground pool, and one utility building on the project site; grading; utility improvements and construction of a new six story 93-unit apartment building and associated on-site 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 is expected to occur over 18-24 months depending on start time and other factors. Demolition is likely to commence in late spring/early summer 2022. The remaining time will include construction of the buildings, on-site improvements, and off-site improvements. Construction will include standard construction equipment (e.g. backhoe, excavator, and loader) and will not include deep pile foundations or pile driving. A construction management team and coordinator will maintain proper protocol during the construction period.

Construction will include standard construction equipment (e.g. backhoe, excavator, and loader) and will not include deep pile foundations or pile driving resulting in extremely high noise-generating activities or significant vibration. A construction management team and coordinator will maintain proper protocol during the construction period.

Required Actions

The project would require the following actions by the City:

- Approval of a Special Development Permit;
- Issuance of demolition permits for the removal of existing building;
- Issuance of building permits for construction on the new buildings and site improvements; 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 Chapter 2, 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.

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Conclusions

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

I. AESTHETICS AND VISUAL RESOURCES

Except as provided in Public Resources Code Section 21099, would the project:	Where Impact was Analyzed in the LUTE EIR	Any Peculiar Impacts?	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) 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	N/A, impact remains less than significant
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	N/A, impact remains less than significant
c) Substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public Views are those that are experienced from publicly accessible vantage point). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?	Draft EIR Setting pp. 3.12-1 to 3.12-5 Impact 3.12.3 and 3.12.5	No	No	No	No	N/A, 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	N/A, impact remains less than significant

Background

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.

Discussion

- 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 S. 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 and commercial 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 regard 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 urban area and proposes rehabilitation of an existing 30 unit apartment building, demolition of an existing 32 unit apartment building and construction of a 93 unit, six story apartment building resulting in a total on 123 affordable residential units on a 1.7 acre lot. The proposed contemporary architecture utilizes high quality materials that provide texture and variation, wall plane changes to create shadow and depth, varied roof lines that provide architectural interest, landscaping enhancements and art work to help articulate the building and beautify the site. The streetscape improvements consisting of sidewalk and landscaping would be installed to meet City standards. 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 is also subject to compliance with the lighting requirements in SMC Section 19.42.050 regarding lighting shielding. The

project will conform to 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.

II. AGRICULTURE AND FORESTRY RESOURCES

Would the project:		<i>Where Impact was Analyzed in the LUTE EIR</i>	<i>Any Peculiar Impacts?</i>	<i>Any Impact Not Analyzed as Significant Effect in LUTE EIR?</i>	<i>Any Significant Off-Site or Cumulative Impact Not Analyzed?</i>	<i>Any Adverse Impact More Severe Based on Substantial New Information?</i>	<i>Do EIR Mitigation Measures or Uniformly Applied Development Policies or Standards Address/Resolve Impacts?</i>
a)	Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland) to non-agricultural use?	Scoped out at Notice of Preparation stage. Resources do not exist in the City.	No	No	No	No	N/A
b)	Conflict with existing zoning for agricultural use, or a Williamson Act contract?	Scoped out at Notice of Preparation stage. Resources do not exist in the City.	No	No	No	No	N/A
c)	Conflict with existing zoning for, or cause rezoning of, forest land?	Scoped out at Notice of Preparation stage. Resources do not exist in the City.	No	No	No	No	N/A
d)	Result in the loss of forest land 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	N/A
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? Have a substantial adverse effect on a scenic vista?	Scoped out at Notice of Preparation stage. Resources do not exist in the City.	No	No	No	No	N/A

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.

III. AIR QUALITY

Would the project:		<i>Where Impact was Analyzed in the LUTE EIR</i>	<i>Any Peculiar Impacts?</i>	<i>Any Impact Not Analyzed as Significant Effect in LUTE EIR?</i>	<i>Any Significant Off-Site or Cumulative Impact Not Analyzed?</i>	<i>Any Adverse Impact More Severe Based on Substantial New Information?</i>	<i>Do EIR Mitigation Measures or Uniformly Applied Development Policies or Standards Address/Resolve Impacts?</i>
a)	Conflict with or obstruct implementation of the Bay Area Air Quality Management Plan (BAAQMD)'s Bay Area Clean Air Plan? How close is the use to a major road, highway or freeway?	Draft EIR Setting pp. 3.5-1 to 3.5-13 Impact 3.5.1	No	No	No	No	N/A, impact remains less than significant
b)	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?	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	N/A, impact remains less than significant
c)	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	N/A, impact remains less than significant
d)	Result in other emissions (such as those leading to odors) adversely 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	N/A, impact remains less than significant

Background

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.

Bay Area Air Quality Management District Clean Air Plan

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 (NOx) — 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.

- e) 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.

An Air Quality and Greenhouse Gas Study was prepared by Illingworth & Rodkin, Inc. dated October 2020. The report concludes that project operations and construction were found to be below thresholds of significance recommended by BAAQMD and use by the City.

Discussion

- 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) 2017 Update 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 proposed project entails rehabilitation of an existing 30 unit apartment building, demolition of an existing 32 unit apartment building and construction of a 93 unit apartment building resulting in a total on 123 affordable residential units on a 1.7 acre lot. The project would not result in exceedances of BAAQMD's thresholds for criteria air pollutants and thus would not conflict with the 2017 Clean Air Plan's goal to attain air quality standards. Furthermore, the proposed project would include applicable control measures from the 2017 Clean Air Plan and would not disrupt or hinder implementation of such control measures. 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?

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 would be used to determine whether a project's contribution to a significant impact to air quality would be cumulatively considerable.

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.

Project construction would involve demolition, site preparation, grading, building construction, paving, and architectural coating activities that have the potential to generate air pollutant emissions. 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 required to implement Mitigation Measure 3.5.3, identified in the LUTE EIR, to reduce the air quality impacts of short-term construction, which includes 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 Air Quality and Greenhouse Gas study concludes that project operations and construction were found to be below thresholds of significance recommended by BAAQMD and used by the City, as summarized in Table 1 and 2 below and therefore would not make a cumulatively considerable contribution to significant cumulative air quality impacts. Therefore, the findings of the certified LUTE EIR remain valid and no further analysis is required.

Table 1 Project Construction Period Emissions

Year	ROG	NOx	PM ₁₀ Exhaust	PM _{2.5} Exhaust
<i>Construction Emissions Per Year (Tons)</i>				
2022	0.05	0.46	0.03	0.02
2023	0.60	0.21	0.02	0.01
2024	0.23	0.05	<0.01	<0.01
<i>Average Daily Construction Emissions Per Year (pounds/day)</i>				
2022 (196 construction workdays)	0.52	4.65	0.27	0.22
2023 (260 construction workdays)	4.58	1.65	0.13	0.09
2024 (65 construction workdays)	7.20	1.47	0.12	0.08
<i>BAAQMD Thresholds (pounds per day)</i>	54 lbs./day	54 lbs./day	82 lbs./day	54 lbs./day
Exceed Threshold?	No	No	No	No

Table 2. Operational Period Emissions

Scenario	ROG	NOx	PM ₁₀	PM _{2.5}
2025 Project Operational Emissions (<i>tons/year</i>)	0.96 tons	0.48 tons	0.70 tons	0.20 tons
<i>BAAQMD Thresholds (tons /year)</i>	10 tons	10 tons	15 tons	10 tons
Exceed Thresholds?	No	No	No	No
2025 Project Operational Emissions (<i>lbs./day</i>) ¹	5.26 lbs.	2.64 lbs.	3.84 lbs.	1.08 lbs.
<i>BAAQMD Thresholds (lbs./day)</i>	54 lbs.	54 lbs.	82 lbs.	54 lbs.
Exceed Threshold?	No	No	No	No

- 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)?

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 impacts are identified in the LUTE EIR as potentially significant. Impact 3.5.6 of the LUTE EIR also disclosed the potential that future development could result in new sources of indoor toxic air contaminants (TACs) not specifically identified in the LUTE. 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.

As discussed above in b) and based on the Air Quality and Greenhouse Gases Analysis, emissions of criteria air pollutants and precursors associated with construction and operation of the project would not exceed BAAQMD-recommended mass emission thresholds (93 dwelling units in mid-rise building), and therefore would not make a cumulatively considerable contribution to significant cumulative air quality impacts. 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. Impact 3.5.6 of the LUTE EIR also disclosed the potential that future development could result in new sources of indoor toxic air contaminants (TACs) not specifically identified in the LUTE. 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 the assessment indicate that the maximum concentration of PM_{2.5} during construction would be below the BAAQMD significance threshold.

In addition to evaluating health impact from project construction, a health risk assessment was completed to assess the impact that existing TAC sources from Highway (HWY) 101, HWY 101 Northbound Off-Ramp, and Mathilda Ave. would have on the new proposed sensitive receptors (residents) that the project would introduce. The same TAC sources were used in this health risk assessment. The analysis concluded that the hazard index from the nearby sources does not exceed their single-source or cumulative-source thresholds. However, cancer risk and annual PM_{2.5} concentrations are estimated to exceed the single-source threshold, and the PM_{2.5} concentrations is estimated to exceed the cumulative-source threshold, due to emissions from U.S. 101. This is not considered an CEQA impact. CEQA generally applies to a project's impact on the environment, not the environment's impact on the project. The applicant acknowledges human health concern and are incorporating the following features into the design of the project:

1. Install air filtration in the entire project building. Air filtration devices shall be rated MERV13 or higher. To ensure adequate health protection to sensitive receptors (i.e., residents), this ventilation system, whether mechanical or passive, shall filter all fresh air that would be circulated into the dwelling units.
2. The ventilation system shall be designed to keep the building at positive pressure when doors and windows are closed to reduce the intrusion of unfiltered outside air into the building.
3. As part of implementing this measure, an ongoing maintenance plan for the buildings' heating, ventilation, and air conditioning (HVAC) air filtration system shall be required.
4. Ensure that the use agreement and other property documents: (1) require cleaning, maintenance, and monitoring of the affected buildings for air flow leaks, (2) include assurance that new owners or tenants are provided information on the ventilation system, and (3) include provisions that fees associated with owning or leasing a unit(s) in the building include funds for cleaning, maintenance, monitoring, and replacements of the filters, as needed.

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, and motel uses, is not a source of objectionable odors, and there is no cumulative impact related to objectionable odors. Therefore, the findings of the certified LUTE EIR related to odors remain valid and no further analysis is 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 air quality impacts remain valid and no additional analysis is required.

IV. BIOLOGICAL RESOURCES

Would the project:		<i>Where Impact was Analyzed in the LUTE EIR</i>	<i>Any Peculiar Impacts?</i>	<i>Any Impact Not Analyzed as Significant Effect in LUTE EIR?</i>	<i>Any Significant Off-Site or Cumulative Impact Not Analyzed?</i>	<i>Any Adverse Impact More Severe Based on Substantial New Information?</i>	<i>Do EIR Mitigation Measures or Uniformly Applied Development Policies or Standards Address/Resolve Impacts?</i>
a)	Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	Draft EIR Setting pp. 3.9-1 to 3.9-13 Impacts 3.9.1 and 3.9.5	No	No	No	No	N/A, 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, 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 Impacts 3.9.2 and 3.9.5	No	No	No	No	N/A, impact remains less than significant
c)	Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	Draft EIR Setting pp. 3.9-1 to 3.9-13 Impact 3.9.2 and 3.9.5	No	No	No	No	N/A, impact remains less than significant
d)	Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	Draft EIR Setting pp. 3.9-1 to 3.9-13 Impacts 3.9.3 and 3.9.5	No	No	No	No	N/A, 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 Impacts 3.9.4 and 3.9.5	No	No	No	No	N/A, impact remains less than significant

Would the project:		<i>Where Impact was Analyzed in the LUTE EIR</i>	<i>Any Peculiar Impacts?</i>	<i>Any Impact Not Analyzed as Significant Effect in LUTE EIR?</i>	<i>Any Significant Off-Site or Cumulative Impact Not Analyzed?</i>	<i>Any Adverse Impact More Severe Based on Substantial New Information?</i>	<i>Do EIR Mitigation Measures or Uniformly Applied Development Policies or Standards Address/Resolve Impacts?</i>
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 Impacts 3.9.4 and 3.9.5	No	No	No	No	N/A, impact remains less than significant

Background

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. In addition, Section 3.9.4 of the LUTE addresses the potential for bird collisions with buildings and found that this impact would be less than significant with implementation of the City's Bird Safe Design Guidelines, which require developers to minimize reflective surfaces and glass walls, reduce nighttime lighting, discourage the placement of large water features, and avoid landscape design that places tall landscaping next to reflective surfaces. Therefore, the potential impacts of new development on birds can be substantially mitigated by application of the Bird Safe Design Guidelines. Thus, the LUTE Draft EIR identified this impact as less than significant under project and cumulative conditions (Impact 3.9.5). No new information pertaining to biological resources has become available since the LUTE EIR was certified in April 2017.

A Biological Resource Assessment dated November 2020 was prepared by H.T. Harvey & Associates. The assessment concludes the following:

- a) **Special-Status Plants** - The project site does not contain suitable habitat for special-status plant species and no special-status plants are expected to occur. Therefore, the findings of the certified LUTE EIR regarding biological impacts remain valid and no further analysis is required.
- b) **Special-Status Wildlife** - The project site is completely developed, relatively small, and isolated from natural habitat. As such, the project site does not contain suitable habitat for special-status wildlife species and therefore no impacts are anticipated to special-status wildlife species. Therefore, the findings of the certified LUTE EIR regarding biological impacts remain valid and no further analysis is required.

The existing trees can be habitat for common nesting birds. However, this impact would be less than significant because the City of Sunnyvale is required to comply with all local, state, and federal regulations pertaining species

and habitat protection. In addition, Sunnyvale's standard conditions of approval will include the following to help minimize impacts to a level of less than significant:

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 Special Development Permit will become valid when 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.

The City of Sunnyvale Municipal Code Chapter 13.16, Sunnyvale City Tree Ordinance, requires a permit for the removal of any "official" (documented) or "unofficial" (undocumented) street trees, including trees in the "Parkway strip" (the public area between the curbing and the sidewalk) as well as a tree removal permit for any on-site trees that are deemed protected trees pursuant to City of 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 summarized in the table below:

Table 1: City of Sunnyvale Tree Replacement Standards

Trees to be Removed	Replacement Trees
12" – 18" diameter (36-56" circumference)	One 24" box tree or three 15-gallon trees.
18" – 24" diameter (56-75" circumference)	One 36" box tree or two 24" box trees
Over 24" diameter (greater than 75" circumference)	One 48" box tree or two 36" box trees or four 24" box trees

An Arborist Report dated September 2020 was prepared by Kielty Arborist Services for the project and evaluated 50 trees consisting of London plane, Chinese elm, Locus, Evergreen pear, African sumac, Crape myrtle, Ornamental plum, Hollywood juniper, Japanese maple, and Oleander trees. There are forty-three (43) trees that are on-site which includes seven (7) street trees. The project proposes to remove a total of (11) trees on-site to accommodate the proposed new apartment building and associated site improvements. Five (5) out of the eleven (11) trees are deemed protected. The applicant proposes to install thirty-six (36) new trees 24-inch box trees consisting of Western redbud, Crape myrtle, Chinese pistache and Brisbane box trees. As proposed, the project complies with the tree replacement standards.

- c) **Special-Status Vegetation** - No California Department of Fish and Wildlife (CDFW) listed sensitive natural communities or riparian habitats are present within the project area. Therefore, the findings of the certified LUTE EIR regarding biological impacts remain valid and no further analysis is required.
- d) **Jurisdictional Waters and Wetlands** - No federally or state protected wetlands or waters are present in the project area. Therefore, the findings of the certified LUTE EIR regarding biological impacts remain valid and no further analysis is required.
- e) **Wildlife Movement** - No corridors for wildlife movement occur within the project area, and the site is completely enclosed in the developed area of the City. Therefore, the findings of the certified LUTE EIR regarding biological impacts remain valid and no further analysis is required.
- f) **Habitat Conservation Plan** - The study area is not located within any habitat Conservation Plan or Natural Community Conservation Plan. Therefore, no conflicts with state, regional, or local habitat conservation plans would be anticipated and the findings of the certified LUTE EIR regarding biological impacts 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

Would the project:		<i>Where Impact was Analyzed in the LUTE EIR</i>	<i>Any Peculiar Impacts?</i>	<i>Any Impact Not Analyzed as Significant Effect in LUTE EIR?</i>	<i>Any Significant Off-Site or Cumulative Impact Not Analyzed?</i>	<i>Any Adverse Impact More Severe Based on Substantial New Information?</i>	<i>Do EIR Mitigation Measures or Uniformly Applied Development Policies or Standards Address/Resolve Impacts?</i>
a)	Cause a substantial adverse change in the significance of a historical resource pursuant to §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	N/A, impact remains less than significant
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	N/A, impact remains less than significant
c)	Disturb any human remains, including those interred outside of dedicated cemeteries?	Draft EIR Setting pp. 3.10-1 to 3.10-11 Impact 3.10.2	No	No	No	No	N/A, impact remains less than significant

Background

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).

Discussion

- a) Cause a substantial adverse change in the significance of a historical resource as defined in Section 15064.5?
- A Cultural Resource Assessment was prepared by AECOM in August 2021. The results of the cultural resources records search and field survey did not identify any prehistoric or historic cultural resources within the project site. The subject properties at 245 W. Weddell do not meet any of the criteria for listing in the National Register of Historic Places (NRHP), the California Register of Historic Resources (CRHR), or for designation as a City of Sunnyvale Heritage Resource. Based on the results of this cultural resources assessment report, the subject property is not considered historical resources under CEQA and the demolition would not result in a significant impact. 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).

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. 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.

The Project would have to comply with the General Plan Policy LT-1.10f that requires protection and mitigation of discovered resources. Therefore, there are no (1) peculiar impacts, (2) impacts not analyzed in the LUTE EIR, (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 regarding historical 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.

V. ENERGY

Would the project:		<i>Where Impact was Analyzed in the LUTE EIR</i>	<i>Any Peculiar Impacts?</i>	<i>Any Impact Not Analyzed as Significant Effect in LUTE EIR?</i>	<i>Any Significant Off-Site or Cumulative Impact Not Analyzed?</i>	<i>Any Adverse Impact More Severe Based on Substantial New Information?</i>	<i>Do EIR Mitigation Measures or Uniformly Applied Development Policies or Standards Address/Resolve Impacts?</i>
a)	Result in a potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?	Draft EIR Section 3.11, Impact 3.11.4.1	No	No	No	No	N/A, impact remains less than significant
b)	Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?	Draft EIR Section 3.11, Impact 3.11.4.1	No	No	No	No	N/A, impact remains less than significant

Background

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.

In addition, the City Council adopted the Climate Action Playbook, including greenhouse gas reduction targets of 56 percent by 2030 and 80 percent by 2050. Implementation of the Climate Action Playbook would guide projects to achieve or exceed the state's 2030 and 2050 GHG emissions reduction targets. In addition, the Playbook Strategies and Plays complement the policy framework in the LUTE by promoting clean electricity, decarbonizing transportation and buildings, encouraging sustainable land use and resource management, enhancing community awareness, and assessing climate vulnerabilities for Sunnyvale. Specifically, Play 2.2 which supports electrification of existing buildings, and Play 2.3 which aims to achieve all-electric new construction can further reduce energy use from fossil fuels.

Although implementation of the LUTE would increase energy consumption within the City of Sunnyvale, the LUTE EIR determined the impact would be less than significant under project and cumulative conditions because subsequent development would be required to 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 1.0. 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.

The Project will comply with the California Mandatory Measures and minimum standards to comply with the City of Sunnyvale's Green Building Program. The Project will be designed to meet LEED Platinum standards that achieves the required 90 point required by the Green Building Program and will be all electric.

With the implementation of existing policies and additional energy-efficiency measures the Project proposes to implement, there are no (1) peculiar impacts, (2) impacts not analyzed in the LUTE EIR, (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 regarding energy efficiency remain valid and no further analysis is required.

Mitigation Measures

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

Conclusion

There are no significant impacts that are peculiar to the project. As discussed above, the project would not have any potentially significant 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.

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VI. GEOLOGY AND SOILS

Would the project:		Where Impact was Analyzed in the LUTE EIR	Any Peculiar Impacts?	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)	Directly or indirectly cause 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?	Draft EIR Setting pp. 3.7-1 to 3.7-13 Impact 3.7.1	No	No	No	No	N/A, impact remains less than significant
ii)	Strong seismic ground shaking?	Draft EIR Setting pp. 3.7-1 to 3.7-13 Impact 3.7.1	No	No	No	No	N/A, impact remains less than significant
iii)	Seismic-related ground failure, including liquefaction?	Draft EIR Setting pp. 3.7-1 to 3.7-13 Impact 3.7.1	No	No	No	No	N/A, impact remains less than significant
iv)	Landslides?	Draft EIR Setting pp. 3.7-1 to 3.7-13 Impact 3.7.1	No	No	No	No	N/A, 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	N/A, 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	N/A, impact remains less than significant

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d)	Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property?	Draft EIR Setting pp. 3.7-1 to 3.7-13 Impact 3.7.3	No	No	No	No	N/A, impact remains less than significant
e)	Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of waste water?	Scoped out in Draft EIR on page 3.7- 14	No	No	No	No	N/A, impact remains less than significant
f)	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	N/A, impact remains less than significant

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 Geotechnical Investigation was prepared by TRC in July 2020.

- 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 Carrol Engineering, 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 wastewater disposal systems where sewers are not available for the disposal of wastewater?
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.

VII. GREENHOUSE GAS

Would the project:		Where Impact was Analyzed in the LUTE EIR	Any Peculiar Impacts?	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)	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	N/A, impact remains less than significant
b)	Conflict with an applicable plan, policy, or regulation adopted for the purposes 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	N/A, impact remains less than significant

Background

The LUTE EIR identified GHG as cumulatively less than considerable impact.

City of Sunnyvale Climate Action Playbook

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.

Discussion

- a. Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?

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.

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 [MTCO₂e/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.

Mitigation Measure 3.13.1 of the LUTE EIR required 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 proposed project entails rehabilitation of an existing 30 unit apartment building, demolition of an existing 32 unit apartment building and construction of a 93 unit, six story apartment building resulting in a total on

123 affordable residential units on a 1.7 acre lot. 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.

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VIII. HAZARD AND HAZARDOUS MATERIALS

Would the project:		Where Impact was Analyzed in the LUTE EIR	Any Peculiar Impacts?	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)	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	N/A, impact remains 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	N/A, impact remains 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 3.3.1	No	No	No	No	N/A, impact remains less than significant
d)	Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, 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	N/A, 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 result in a safety hazard or excessive noise 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	N/A, impact remains less than significant

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Would the project:		Where Impact was Analyzed in the LUTE EIR	Any Peculiar Impacts?	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?
f)	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	N/A, impact remains less than significant
g)	Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?	Draft EIR page 3.3- 15 No Impact	No	No	No	No	N/A

Background

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.

Discussion

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.

An Updated Phase I Environmental Site Assessment (ESA) were prepared for the project site by West Environmental Services & Technology, in May 2019. Between the 1940's and 1950's, a farm residence was present on the eastern half of the site and the western half was grasslands. During the 1960's, an apartment complex with a pool was constructed on the eastern half of the Site and the western half remained undeveloped. The western half remained undeveloped until the 2000's when it was developed with an apartment complex. The Phase I ESA investigation identified the following recognized environmental conditions:

1. Potential vapor encroachment condition (VEC) from volatilization of residual CVOCs in groundwater to indoor air at the Site - The detection VOCs in soil gas beneath the Site above applicable Regional Board Environmental Screening Levels (ESLs) represents an REC. However, the subslab sampling data did not reveal the presence of VOCs above applicable indoor air protective screening levels. Therefore, while a regulator is likely to require additional sampling, there does not currently appear to be a need for vapor mitigation measures.

The ESA recommended additional sampling to confirm sub-slab vapor conditions, which will be a condition of approval for the Special Development Permit that will need to be satisfied prior to issuance of a building permit for grading or foundation work. A soil management plan should be prepared for handling impacted soils during grading. The applicant shall also perform an asbestos and lead-based-paint survey of the structures prior to demolition.

- 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 construction and implement of associated conditions of approval related to hazardous material and its removal from the site is not anticipated to have any significant impact to the public and or the environment. 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 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 a 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. The LUTE concluded that with implementation of the regulatory mechanisms in place that address hazardous materials contamination (including remediation, site controls to reduce exposure, and regulatory oversight by agencies such as Santa Clara County, the DTSC, or the San Francisco Bay Regional Water Quality Control Board), and conformance with existing General Plan policies, impacts would be less than significant. 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 one REC. Demolition activities are required to ensure an environmental professional to be present during the removal of surface soil; and would also 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??

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 impacts are identified in the LUTE EIR as potentially significant. Impact 3.5.6 of the LUTE EIR also disclosed the potential that future development could result in new sources of indoor toxic air contaminants (TACs) not specifically identified in the LUTE. 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.

The closest school is within one-quarter mile of the project site. The project will result in a 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.

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.

- d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?
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 0.76 miles south of the 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.

- 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 or excessive noise 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.

- f) 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 the site but does 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.

- g) Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?
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 the recommended measures including in the Conditions of Approval for the Special Development Permit, and the 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.

IX. HYDROLOGY AND WATER QUALITY

Would the project:		Where Impact was Analyzed in the LUTE EIR	Any Peculiar Impacts?	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)	Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or groundwater quality?	Draft EIR Setting pp. 3.8-1 to 3.8-15 Impacts 3.8.1 and 3.8.4	No	No	No	No	N/A, impact remains less than significant
b)	Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?	Draft EIR Section 3.11, Impact 3.11.1.1 and 3.11.1.2	No	No	No	No	N/A, impact remains 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 or through the addition of impervious surfaces, in a manner which would:			No	No	No	N/A, impact remains less than significant

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Would the project:		Where Impact was Analyzed in the LUTE EIR	Any Peculiar Impacts?	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?
i)	Result in a substantial erosion or siltation on- or off-site;	Draft EIR Setting pp. 3.8-1 to 3.8-15 Impacts 3.8.1 and 3.8.4	No	No	No	No	N/A, impact remains less than significant
ii)	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	N/A, impact remains less than significant
iii)	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; or	Draft EIR Setting pp. 3.8-1 to 3.8-15 Impact 3.8.1 and 3.8.4	No	No	No	No	N/A, impact remains less than significant
d)	In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?	Draft EIR Setting pp. 3.8-1 to 3.8-15 Impact 3.8.3	No	No	No	No	N/A, impact remains less than significant
e)	Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?	Draft EIR Section 3.1 and 3.8, Impacts 3.1.2, 3.8.1 and 3.8.4	No	No	No	No	N/A, impact remains less than significant

Background

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.

Discussion

- a. Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or groundwater quality?
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 project 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 project 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 decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?

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. A new stormwater management plan will be implemented to maximize runoff from

impervious surfaces to landscaping, bio-retention areas, and permeable pavement areas which do not exist with the existing light industrial and office building. 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 or through the addition of impervious surfaces, in a manner which would:
- i) Result in a substantial erosion or siltation on- or off-site. See discussion under a. above.
 - ii) Substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site. 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 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 EM-10.2 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 located within FEMA's flood hazard Zone X, which is an area with reduced flood risk due to levee. The Project is required to comply with Sunnyvale Municipal Code (SMC) Section 12.60.160 and Chapter 16.62, in addition to complying with other requirements and building standards and General Plan policies mentioned above. Therefore, the findings of the certified LUTE EIR related to flooding impacts remain valid and no further analysis is required.

- iii) 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 a), b) and c. ii) above.
- d. In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?
- 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. Therefore, the findings of the certified LUTE EIR related to flooding impacts remain valid and no further analysis is required.

- e. Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?

As discussed in LUTE EIR Impact 3.8.1, 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 project 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). With respect to groundwater, the LUTE EIR determined that implementation of subsequent projects 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. Therefore, the LUTE would not conflict with a sustainable groundwater management plan.

The Project would implement LID measures, including installation of permeable pavement and flow-through planters. The Project would comply with the existing requirements of SMC Chapter 16.20, Chapter 12.60, and the City's Urban Runoff Management Plan as well as MRP Provision C.3 requirements along with implementation of various General Plan policies. Therefore, the findings of the certified LUTE EIR related to impacts associated with applicable water quality control plan or sustainable groundwater management plan 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.

X. LAND USE AND PLANNING

Would the project:		Where Impact was Analyzed in the LUTE EIR	Any Peculiar Impacts?	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)	Physically divide an established community?	Draft EIR Setting pp. 3.1-1 to 3.1-10 Impact 3.1.1 and 3.1.5	No	No	No	No	N/A, impact remains less than significant
b)	Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental impact?	Draft 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	N/A, impact remains less than significant

Background

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.

Discussion

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 develop the site as per General Plan and zoning densities 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. Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental impact?

The Project is consistent with the LUTE and City regulations, including most of the development regulations for the R-4 (High 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.

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.

XI. MINERAL RESOURCES

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	N/A
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	N/A

Discussion

- 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?
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.
- 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?
See discussion in g. above.

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 mineral resources remain valid and no additional analysis is required.

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XII. NOISE

Would the project:		Where Impact was Analyzed in the LUTE EIR	Any Peculiar Impacts?	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)	Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project 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	N/A, impact remains less than significant
b)	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	N/A, impact remains less than significant
c)	For a project located within the vicinity of a private airstrip or 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?	EIR page 3.6-28, Scoped out of impact analysis	No	No	No	No	N/A

Background

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.

A Noise and Vibration Assessment, dated November 13, 2019, were prepared by Illingworth & Rodkin, Inc., for the project. The studies provide site-specific analysis of existing noise conditions and the extent of project noise and vibration impacts as compared to the LUTE EIR. The site is located at 245 W. Weddell Drive and north of Highway 101 and east of N. Mathilda Avenue. The assessments conclude that the project construction and operation would not result would result in a less than significant impact. Furthermore, each of the outdoor use areas proposed for this project would meet the normally acceptable threshold for residential land use and therefore would be compatible with the future noise environment at the site.

- 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. Existing noise levels at the residences to the east and west, along W. Weddell Drive, are 71 dBA Ldn. This falls within the "conditionally acceptable" range according to Figure 6-5 of the City's General Plan. With implementation of conditions of approval, the construction and project operation would not exceed City noise standards set forth in the City's Municipal Code.

Impact 3.6.1 of the LUTE states that new developments would be required to comply with City noise standards set forth in the General Plan and Municipal Code. To ensure compliance with the noise levels required by the LUTE and Municipal Code (Title 19, Chapter 19.42.030), a qualified acoustical consultant will be retained to review mechanical equipment systems during final design of the proposed project consistent with standards City practice. The consultant shall review selected equipment and determine specific noise reduction measures necessary to reduce noise to comply with the City's noise level requirements. Noise reduction measures could include, but are not limited to, selection of equipment that emits low noise levels and/or installation of noise barriers, such as enclosures and parapet walls, to block the line-of-sight between the noise source and the nearest receptors. Additionally, enclosures and interior wall treatments shall be considered to reduce noise exposure within the on-site units. 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 project will not require pile-driving as part of the construction method and therefore is consistent with LUTE EIR findings.

The use of the site as a 123-unit affordable housing 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?

The project's land use and development intensity is consistent with the LUTE. The proposed project entails rehabilitation of an existing 30 unit apartment building, demolition of an existing 32 unit apartment building and construction of a 93 unit, six story apartment building resulting in a total on 123 affordable residential units on a 1.7 acre lot. 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.

With implementation of the City's Municipal Code construction activity restrictions and Mitigation Measure 3.6.4, project construction would be minimized by noise reduction measures (construction hours, equipment mufflers and maintenance, idling prohibitions, equipment location and shielding, staging and storage) and 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 0.76 miles south of Moffett Field Airfield; and is 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 located near the city and thus there would be no impact.

No new 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:
 - 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.

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.

XIII. POPULATION AND HOUSING

Would the project:		Where Impact was Analyzed in the LUTE EIR	Any Peculiar Impacts?	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)	Induce substantial unplanned 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)?	Draft EIR Setting pp. 3.2-1 to 3.2-3 Impact 3.2.1 and 3.2.3	No	No	No	No	N/A, impact remains less than significant
b)	Displace substantial numbers of existing people or 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	N/A, impact remains less than significant

Background

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.

Discussion

- a. Induce substantial unplanned 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)?
- 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 proposed project entails rehabilitation of an existing 30 unit apartment building, demolition of an existing 32 unit apartment building and construction of a 93 unit, six story apartment building resulting in a total on 123 affordable residential units on a 1.7 acre lot. The Orchard Gardens Redevelopment will be a 123-unit property providing homes for families and individuals earning between 30% and 60% of the local area median income (AMI). The project has a particular focus on providing healthy, quality places to call home for families and individuals currently or at risk of experiencing homelessness and individuals with intellectual/developmental disabilities. The proposed unit mix includes 47 units restricted to maximum 30% AMI (1 SRO, 27 1brs, 15 2brs, and 4 3brs), up to 15 1br units for individuals with intellectual/developmental disabilities at 40% AMI, 26 units at the 50% AMI tier (22 1br, 4 3br), and 33 units at 60% AMI (15 1br, 12 2br, 6 3br). Two 2br units will be set-aside for manager's and maintenance supervisor's units. The applicant is utilizing State Density Bonus (AB 1763) that allows an 80% Density Bonus increase for 100% affordable housing projects. The permitted density for the R-4 zone is 36 units to acre. The Sunnyvale Zoning code (Municipal Code Section 19.18.025) grants density bonuses pursuant to California Government Code Sections 65915 through 65918.

Under the state density bonus law, the granting of a density bonus and incentives or concessions, in and of themselves, are not discretionary approvals, so those actions are not subject to CEQA as ministerial acts. In *Wollmer v. Berkeley* (2011) 193 Cal.App.4th 1329 ("Wollmer I"), the city waived a number of development standards and approved the CEQA categorical exemption for infill projects (CEQA Guideline Section 15332). That exemption requires compliance with applicable general plan and zoning code designations, policies and regulations. The Court noted that the density bonus law specifically states that a granting of a density bonus does not require any discretionary approval and that the city is prohibited by state density bonus law from applying any development standard that physically precludes the construction of a density bonus development. Accordingly, the court found that the waived development standards were not applicable general plan and zoning designations, policies, and regulations, and so the use of the infill exemption was not precluded by use of state density bonus law. Therefore, the project will not induce substantial population growth in a way that is inconsistent with the General Plan or Zoning.

- b. Displace substantial numbers of existing people or housing, 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 proposed project entails rehabilitation of an existing 30 unit apartment building, demolition of an existing 32 unit apartment building and construction of a 93 unit six story, apartment building resulting in a total on 123 affordable residential units on a 1.7 acre lot and does not necessitate the construction of replacement housing elsewhere. Additionally, proposed housing project provides 100% affordable units that consist of 47 units restricted to maximum 30% AMI (1 SRO, 27 1brs, 15 2brs, and 4 3brs), up to 15 1br units for individuals with intellectual/developmental disabilities at 40% AMI, 26 units at the 50% AMI tier (22 1br, 4 3br), and 33 units at 60% AMI (15 1br, 12 2br, 6 3br). Two 2br units will be set-aside for manager's and maintenance supervisor's units. 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.

XIV. PUBLIC SERVICES

		<i>Where Impact was Analyzed in the LUTE EIR</i>	<i>Any Peculiar Impacts?</i>	<i>Any Impact Not Analyzed as Significant Effect in LUTE EIR?</i>	<i>Any Significant Off-Site or Cumulative Impact Not Analyzed?</i>	<i>Any Adverse Impact More Severe Based on Substantial New Information?</i>	<i>Do EIR Mitigation Measures or Uniformly Applied Development Policies or Standards Address/Resolve Impacts?</i>
a)	Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:						
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	N/A, 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	N/A, 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	N/A, 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	N/A, impact remains less than significant
v)	Other public facilities?	Draft EIR Setting pp. 4.0-15 Impact 4.4.1 and 4.4.2	No	No	No	No	N/A, impact remains less than significant

Background

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.

Discussion

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

LUTE Draft EIR evaluated the following public services:

i. 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 proposed project entails rehabilitation of an existing 30 unit apartment building, demolition of an existing 32 unit apartment building and construction of a 93 unit, six story apartment building resulting in a total on 123 affordable residential units on a 1.7 acre lot. 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.

ii. 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)

iii. 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).

iv. Parks

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 5.34 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).

v. Other public facilities

The Project is consistent with development assumptions analyzed in the LUTE Draft EIR. The proposed project entails rehabilitation of an existing 30 unit apartment building, demolition of an existing 32 unit apartment building and construction of a 93 unit, six story apartment building resulting in a total on 123 affordable residential units on a 1.7 acre lot and will not result in a significant demand for other facilities. Therefore, the findings of the certified LUTE EIR 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 public services and recreation remain valid and no further analysis is required.

XV. RECREATION

		<i>Where Impact was Analyzed in the LUTE EIR</i>	<i>Any Peculiar Impacts?</i>	<i>Any Impact Not Analyzed as Significant Effect in LUTE EIR?</i>	<i>Any Significant Off-Site or Cumulative Impact Not Analyzed?</i>	<i>Any Adverse Impact More Severe Based on Substantial New Information?</i>	<i>Do EIR Mitigation Measures or Uniformly Applied Development Policies or Standards Address/Resolve Impacts?</i>
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	N/A, 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	N/A, impact remains less than significant

Background

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.

Discussion

- 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?
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 5.34 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 is consistent with development assumptions analyzed in the LUTE Draft EIR. The proposed project entails rehabilitation of an existing 30 unit apartment building, demolition of an existing 32 unit apartment building and the construction of a 93 unit, six story apartment building resulting in a total of 123 affordable residential units on a 1.7 acre lot. The increased demand is within that considered by the LUTE EIR and therefore does not result in additional employees or residents above those already

envisioned for this project. Therefore, the findings of the certified LUTE EIR pertaining to recreation remain valid and no further analysis is required.

- 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?
See discussion a. above.

Mitigation Measures

No mitigation measures were identified in for the certified LUTE EIR regarding recreation, nor are any additional mitigation measures required for 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 public services and recreation remain valid and no further analysis is required.

XVI. TRANSPORTATION AND TRAFFIC

		Where Impact was Analyzed in the LUTE EIR	Any Peculiar Impacts?	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)	Would the project conflict with a program, plan, ordinance or policy addressing the circulation system, including transit roadway, bicycle and pedestrian facilities?	Draft EIR Setting pp. 3.4-1 to 3.4-40 Impact 3.4.2 and 3.4.7	No	No	No	No	N/A, impact remains less than significant
b-1)	<u>For projects deemed complete before July 1, 2020 (LOS):</u> Would the project 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 highway?	Draft EIR Setting pp. 3.4-1 to 3.4-40 Impact 3.4.7	No	No	No	No	N/A, impact remains less than significant
b-2)	<u>For projects deemed complete on or after July 1, 2020 (VMT):</u> Would the project conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b)?	List EIR sections	No	No	No	No	N/A, impact remains less than significant
c)	Would the project substantially increase hazards due to a geometric 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	N/A, impact remains less than significant

		<i>Where Impact was Analyzed in the LUTE EIR</i>	<i>Any Peculiar Impacts?</i>	<i>Any Impact Not Analyzed as Significant Effect in LUTE EIR?</i>	<i>Any Significant Off-Site or Cumulative Impact Not Analyzed?</i>	<i>Any Adverse Impact More Severe Based on Substantial New Information?</i>	<i>Do EIR Mitigation Measures or Uniformly Applied Development Policies or Standards Address/Resolve Impacts?</i>
d)	Would the project result in inadequate emergency access?	Draft EIR Setting pp. 3.4- 1 to 3.4-40 Impact 3.4.6	No	No	No	No	N/A, impact remains less than significant

Background

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.

Senate Bill 743 (SB 743) establishes criteria for determining the significance of transportation impacts using metrics intended to promote the reduction of GHG emissions, the development of multimodal transportation networks, and a diversity of land uses to a greater extent than relying on level of service (LOS) accomplishes those goals. Specifically, SB 743 requires the replacement of automobile delay – as described solely by LOS or similar measures of vehicular capacity or traffic congestion – with metrics such as VMT or per capita VMT for determining the significance of transportation impacts. VMT is the sum of all of the vehicle trips generated by a project multiplied by the lengths of their trips to and from the site on an average weekday. A vehicle driven one mile is one VMT. Therefore, a project with a higher VMT would have a greater environmental effect than a project with a low VMT.

OPR approved the CEQA Guidelines implementing SB 743 on December 28, 2018. Local jurisdictions are required to implement a VMT policy by July 1, 2020. SB 743 did not authorize the Governor’s Office of Planning and Research (OPR) to set specific VMT impact thresholds, but it did direct OPR to develop guidelines for jurisdictions to utilize. CEQA Guidelines Section 15064.3(b)(1) describes factors that might indicate whether a development project’s VMT may be significant, or not. Notably, projects located within one half mile of transit should be considered to have a less than significant transportation impact based on OPR guidance.

The City adopted Council Policy 1.2.8 Transportation Policy that changes how transportation impacts are analyzed to comply with California Environmental Quality Act (CEQA). The new policy established Vehicles Miles Traveled (VMT) to identify potential environmental impacts related to transportation of a proposed project.

Based on the City Council Policy, the Project is exempted from VMT analysis because it meets the exemption criteria Policy 1.2.8 (2) (D) for Restricted Affordable Housing Projects. The Policy exempts rental or for sale developments when it utilizes the State Density Bonus in which a minimum of 25% of the total constructed units are deed restricted as affordable housing and an Affordable Housing Regulatory Agreement is recorded against the parcel(s) which sets rent and occupancy restrictions for fifty- five years that runs with the land through any change of ownership. The proposed project entails, rehabilitation of an existing 30 unit apartment building, demolition of an existing 32 unit apartment building and construction of a 93 unit, six story apartment building resulting in a total on 123 affordable residential units on a 1.7 acre lot. The project will include an Affordable Housing Regulatory Agreement and deed restriction.

Per CEQA Guidelines Section 15064.3(b)(1), projects within 0.5-mile of either an existing major transit stop 152 or a stop along an existing high quality transit corridor should be presumed to cause a less than significant transportation impact. The project site is within 1-mile of the Moffett Park VTA Light Rail Station. Therefore, the project would be presumed to have a less than significant impact, and would advance SB 743's stated goals to promote the reduction of greenhouse gas emissions, through the development of multimodal transportation networks, and a diversity of land uses.

Discussion

- a. Would the project conflict with a program, plan, ordinance or policy addressing the circulation system, including transit roadway, bicycle and pedestrian 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 proposed project entails rehabilitation of an existing 30 unit apartment building, demolition of an existing 32 unit apartment building and construction of a 93 unit apartment building resulting in a total on 123 affordable residential units on a 1.7 acre lot. The project would not result in a significant increase in demand already accounted for in the LUTE DEIR for transit use that are 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 substantially increase bicycle use for commuting and the demand for bicycle facilities such that the performance or safety of existing bicycle facilities would be adversely affected. The project is required to provide bicycle parking for the residential use. The project provides a total of 126 secured and

unsecure bicycle parking where 31 spaces are required by the zoning ordinance. 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 is not expected to increase pedestrian traffic beyond that considered for this site in the LUTE DEIR. 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 require replacement of the existing curb and public sidewalk. This requirement will meet the City's standards. The Project maintains safe and efficient pedestrian and vehicular circulation and is not expected to increase the risk of vehicle/bicycle/pedestrian conflicts. 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.

- b-1. Would the project 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 highway?
Not applicable.

- b-2. Would the project conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b)?
LUTE EIR Section 3.4.3 disclosed the potential for implementation of the LUTE to increase VMT. The LUTE EIR determined that implementation of the LUTE would improve the City of Sunnyvale and Santa Clara County VMT per capita conditions as compared to the current LUTE in 2035.

The Project provides bike parking, shuttle service and within proximity of public transit that would encourage multi-modal transportation options for the future guests and employees. Therefore, the project would have no (1) peculiar impacts, (2) impacts not analyzed in the LUTE EIR (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.

- c. Would the project substantially increase hazards due to a geometric 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 impact 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 proposed project entails rehabilitation of an existing 30 unit apartment building, demolition of an existing 32 unit apartment building and construction of a 93 unit apartment building resulting in a total on 123 affordable residential units on a 1.7 acre lot. The Project will not require modifications to the roadway configuration and 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.

d. Would the project 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. Therefore, the findings of the certified LUTE EIR pertaining to adequate emergency access 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.

Environmental Checklist for Orchard Garden Affordable Housing Project at 245 W. Weddell Drive
2020-7620

XVII. TRIBAL CULTURAL RESOURCES

		<i>Do EIR Mitigation Measures or Uniformly Applied Development Policies or Standards Address/Resolve Impacts?</i>					
<i>Would the project:</i>		<i>Where Impact was Analyzed in the LUTE EIR</i>	<i>Any Peculiar Impacts?</i>	<i>Any Impact Not Analyzed as Significant Effect in LUTE EIR?</i>	<i>Any Significant Off-Site or Cumulative Impact Not Analyzed?</i>	<i>Any Adverse Impact More Severe Based on Substantial New Information?</i>	
a)	Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code Section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:						
i)	Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k), or	Draft EIR Section 3.10, Impact 3.10.1 and 3.10.3.	No	No	No	No	N/A, impact remains less than significant
ii)	A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resource Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.	Draft EIR Setting pp. 3.10-11	No	No	No	No	N/A, impact remains less than significant

Background

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 June 13, 2019. The project area contains no 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 or adjacent to the proposed project area. In addition to these inventories, the NWIC base maps show no recorded buildings or structures within the proposed project area.

The report also notes that there is moderate potential of unrecorded Native American resources; and a low potential of unrecorded historic-period archeological resources at the project site. The report also notes that the two or more structures at the site meet the Office of Historic Preservation's minimum age standards of 45 years or older that may be of historical significance. The site or structures are not listed on Sunnyvale's Heritage List Resources and so 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. Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code Section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is
 - i) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k), or
 - ii) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resource Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.

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).

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).

The archaeological report and historic resource evaluation was prepared by AECOM, dated August 2021 indicated that the Project site does not include any known archaeological or historic resources. Based on an evaluation of Orchard Gardens Apartments under the National Register of Historic Places (NRHP) and California Register of Historical Resources (CRHR) criteria for preservation, the resource does not meet eligibility for the NRHP or CRHR and does not meet the qualifications for a historical resource under CEQA. Therefore, the findings of the certified LUTE EIR regarding historical resources remain valid 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.

Mitigation Measures

No significant tribal 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 tribal cultural resources remain valid and no further analysis is required.

XVIII. UTILITIES AND SERVICE SYSTEMS

Would the project:		Where Impact was Analyzed in the LUTE EIR	Any Peculiar Impacts?	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)	Require or result in the relocation or construction of new or expanded water, wastewater treatment or stormwater drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?	Draft EIR Section 3.8 and 3.11, Impacts 3.8.1, 3.11.1.2, 3.11.2.2, and 3.11.4.1	No	No	No	No	N/A, impact remains less than significant
b)	Have sufficient water supplies available to serve the project and reasonable foreseeable future development during normal, dry and multiple dry years?	Draft EIR Section 3.11, Impacts 3.11.1.1 and 3.11.1.3	No	No	No	No	N/A, impact remains less than significant
c)	Result in a determination by the waste water treatment provider, which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	Draft EIR 3.11, Impacts 3.11.2.2 and 3.11.2.3	No	No	No	No	N/A, impact remains less than significant
d)	Generate solid waste in excess of state or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?	Draft EIR Section 3.11, Impacts 3.11.3.1 and 3.11.3.3	No	No	No	No	N/A, impact remains less than significant
e)	Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?	Draft EIR Section 3.11, Impact 3.11.3.2	No	No	No	No	N/A, impact remains less than significant

Background

No substantial change in the settings related to water supply, described in LUTE EIR Section 3.11, "Utilities and Service Systems", has occurred since certification of the LUTE EIR.

Since completion of the water supply assessment (WSA) prepared to address the LUTE, 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 California Community Choice Provider (CCA) for its member communities. SVCE works in partnership with 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.

Discussion

- a. Require or result in the relocation or construction of new or expanded water, wastewater treatment or stormwater drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?

LUTE Impact 3.11.1.2 and 3.11.2.2 determined 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 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). LUTE EIR Impact 3.8.1 determined 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). With respect to utility services, LUTE EIR Impact 3.11.4.1 determined that 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 impact was identified as less than significant under project and cumulative conditions.

The Project will remove 32 units and construct 93 new affordable units. 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. Have sufficient water supplies available to serve the project and reasonable foreseeable future development during normal, dry and multiple dry years?

As described in LUTE EIR 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 replacing 32 units with 93 new affordable units in a six-story apartment building 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 and the findings of the certified LUTE EIR pertaining to water supplies remain valid and no further analysis is required.

- c. Result in a determination by the wastewater treatment provider, which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments? 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 LUTE EIR analyzed wastewater impacts based on land use designations and zoning development standards for the Manufacturing and Services zoning designation. The proposed project will not result in a significant increase for wastewater capacity. Therefore, the findings of the certified LUTE EIR pertaining to wastewater treatment capacity remain valid and no further analysis is required.

- d. Generate solid waste in excess of state or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals? 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 replacing 32 units with 93 new affordable units in a six-story apartment building and is not expected result in a significant increase to solid waste generation from what was previously analyzed by the LUTE EIR. Therefore, the findings of the certified LUTE EIR pertaining to landfill capacity remain valid and no further analysis is required.

- e. Comply with federal, state, and local management and reduction 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 percent 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 replaces 32 units with 93 new affordable units in a six-story apartment building 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.

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.

XIX. WILDFIRE

If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project:		Where Impact was Analyzed in the LUTE EIR	Any Peculiar Impacts?	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)	Substantially impair an adopted emergency response plan or emergency evacuation plan?	EIR Section 3.3, Scoped out of impact analysis.	No	No	No	No	N/A
b)	Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?	EIR Section 3.3, Scoped out of impact analysis.	No	No	No	No	N/A
c)	Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?	EIR Section 3.3, Scoped out of impact analysis.	No	No	No	No	N/A
d)	Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?	EIR Section 3.3, Scoped out of impact analysis.	No	No	No	No	N/A

Discussion and Conclusion

As discussed in Section 3.3, there are No Fire Hazard Severity Zones or state responsibility areas or Very High Fire Hazard Severity Zones or local responsibility areas located in or adjacent to Sunnyvale (CAL FIRE 2012). The city is urbanized and not adjacent to large areas of open space or agricultural lands that are subject to wildland fire hazards. The LUTE EIR determined that no impacts associated with exposure to wildland fire would result. Therefore, the project would have no (1) peculiar impacts, (2) impacts not analyzed in the LUTE EIR, (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 wildfire risk remain valid and no further analysis is required.

XX. MANDATORY FINDINGS OF SIGNIFICANCE

		Where Impact was Analyzed in the LUTE EIR	Any Peculiar Impacts?	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)	Does the project have the potential to substantially 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 a rare or endangered plant or animal 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

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

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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.