ASCENT

ENVIRONMENTAL CHECKLIST

1170 Sonora Court Project

Prepared for:

Sunnyvale

City of Sunnyvale

OCTOBER 2023

ENVIRONMENTAL CHECKLIST

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LIST OF ABBREVIATIONS

AB	Assembly Bill
ABAG	Association of Bay Area Governments
ADWF	average daily water flow
AFV	alternative fuel vehicle
bgs	below ground surface
BMP	best management practice
CAA	California Clean Air Act
CAAQS	California Ambient Air Quality Standards
CAFE	Corporate Average Fuel Economy Standards
CalEEMod	California Emissions Estimator Model
CAP	climate action plan
CDFW	California Department of Fish and Wildlife
CEQA	California Environmental Quality Act
City	City of Sunnyvale
dB	decibel
dBA	A-weighted decibels
du/ac	dwelling units per acre
EIR	environmental impact report
EO	Executive Order
EPA	US Environmental Protection Agency
EPAct	Energy Policy Act of 1992
ESA	Environmental Site Assessment
EV	electric vehicle
FAR	floor area ratio
FTA	Federal Transit Administration
GHG	greenhouse gas
gpd	gallons per day
ISI	Intuitive Surgical
lbs	pounds
L_{dn}	day-night average noise level
LID	Low Impact Development
LSAP	Lawrence Station Area Plan
MTC	Metropolitan Transportation Commissions
$MTCO_2e$	metric tons of carbon dioxide equivalent
NAAQS	National Ambient Air Quality Standards
NHTSA	National Highway Traffic Safety Administration
NPDES	National Pollutant Discharge Elimination System
NWIC	Northwest Information Center

OPR	Governor's Office of Planning and Research's
PDA	Priority Development Area
PG&E	Pacific Gas and Electric
Plan Bay Area 2050	Metropolitan Transportation Commission's Regional Transportation Plan/Sustainable Communities Strategy
Playbook	Climate Action Playbook
$PM_{2.5}$	particulate matter with an aerodynamic resistance diameter of 2.5 micrometers or less
ppm	parts per million
project	1170 Sonora Court Project
	Public Resources Code [PRC
R&D	research and development
ROG	reactive organic gases
RTP/SCS	Regional Transportation Plan/Sustainable Communities Strategy
RWQCB	regional water quality control board
SAFE	Safer Affordable Fuel-Efficient
SB	Senate Bill
SEIR	subsequent environmental impact report
sf	square feet
SFBAAB	San Francisco Bay Area Air Basin
SVCE	Silicon Valley Clean Energy
SWPPP	stormwater pollution prevention plan
TAC	toxic air contaminant
TPA	Transit Priority Area
TPP	Transit Priority Project
TRA	Transit Rich Area
UWMP	Urban Water Management Plan
VCP	vitrified clay pipe
VMT	vehicle miles travelled
VOC	volatile organic compound
VTA	Santa Clara Valley Transportation Authority
WPC Master Plan	Water Pollution Control Master Plan
WPCP	Water Pollution Control Plant
WSA	Water Supply Assessment
ZEV	zero emission vehicle

1 INTRODUCTION AND PROJECT HISTORY

On December 6, 2016, the Sunnyvale City Council adopted the 319-acre Lawrence Station Area Plan (LSAP) for development of up to 2,323 new residential units and 1.2 million square feet of new office/research and development (R&D) uses. The LSAP would result in mixed-use development and revitalization surrounding the existing Lawrence Caltrain Station. The City of Sunnyvale (City) prepared an environmental impact report (EIR) (State Clearinghouse No. 2013082030) for the LSAP that evaluated the environmental impacts associated with development of the entire plan area based on the land use and zoning designations established in the LSAP. Following LSAP adoption, the City Council directed staff to update the plan. The LSAP Update included an increase in housing potential within the LSAP, expansion of the western LSAP boundary, and a Sense of Place Plan that would function as a policy document for the LSAP area circulation, open space, and streetscape improvements. The LSAP Update was approved by the City Council on September 14, 2021, and a subsequent environmental impact report (SEIR) was prepared and certified for the LSAP Update (Sunnyvale 2021). As noted above, the 2016 LSAP buildout included 2,323 new residential units and 1,200,000 new net square feet of Office/R&D uses. The LSAP Update included an additional 3,612 new residential units, for a total LSAP residential development potential of 5,935 units.

The proposed 1170 Sonora Court Project (project) is located within the central portion of the LSAP. The project site is designated in the General Plan as Transit Mixed-Use, and the site is zoned MXD-I/S – Flexible Mixed-Use I/Sonora Court. This designation in the Transit Core West subarea of the LSAP permits high-density residential (54 dwelling units per acre [du/ac] with up to 11 du/ac density incentive points available through the LSAP Development Incentives Program). The project would remove an existing 14,902 square foot, one-story building and surface parking lot and develop a seven-story mixed-use office and residential building that would contain 107 residential dwelling units, 79,211 square feet (sf) of office space, 377 sf of station-serving retail, and a two-level subterranean parking facility. The majority of mature trees along the Sonora Court frontage would remain. The project is eligible for 11 density incentive points as provided for in the LSAP Development Incentives Program based on the community benefits proposed in the project. Therefore, the base density is 65 du/ac, or 70 units on a 1.088-acre site. Nineteen percent (14 units) of the base density would be deed-restricted affordable units for low-income households and five percent (four units) of the base density would be deed-restricted affordable units for very low-income households. The project was programmatically evaluated in the 2016 LSAP EIR and 2021 LSAP Update SEIR, is consistent with the LSAP, and is considered a subsequent project as part of the implementation of the LSAP.

The EIRs for the LSAP and LSAP Update were prepared at the program "first-tier" level of environmental review consistent with the requirements of the California Environmental Quality Act (CEQA) Sections 15152 and 15168 for the overall LSAP area with the exception of the Intuitive Surgical (ISI) site that was part of the western boundary expansion (evaluated at project level). The program-level analysis considered the broad environmental impacts of the overall LSAP. The 2016 LSAP EIR (LSAP EIR) and 2021 LSAP Update SEIR (LSAP Update SEIR) acknowledged that subsequent development of the LSAP area would occur in multiple years and phases. As those phases are proposed, such as the project, they are being evaluated to determine whether the entitlements/actions proposed fall within the scope of the approved EIR and incorporate all applicable performance standards and mitigation measures identified therein. Should the subsequent development phases not be consistent with the approved LSAP, additional environmental review through the subsequent review provisions of CEQA for changes to previously reviewed and approved projects may be warranted (CEQA Guidelines Sections 15162 and 15164).

Consistent with the process described, the City is evaluating the 1170 Sonora Court application to determine what type of additional environmental review would be required. This environmental checklist has been prepared to determine whether the environmental impacts of the project are within the scope of the LSAP EIR and LSAP Update SEIR, or if changed environmental conditions are of sufficient magnitude to result in new or substantially more severe environmental impacts, as compared to those considered in the LSAP EIR and LSAP Update SEIR. This analysis also considers whether there is new information of substantial importance showing that new or substantially more severe environmental impacts would occur compared to that evaluated in the LSAP EIR and LSAP Update SEIR.

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2 PROJECT DESCRIPTION

2.1 PROJECT OVERVIEW

The project would remove an existing one-story building and surface parking lot, located at 1170 Sonora Court, and develop a seven-story mixed-use building that would contain 107 residential dwelling units, 79,211 square feet (sf) of office space, 377 sf of station-serving retail, and a two-level subterranean parking facility. As part of the project, the majority of mature trees would be preserved along Sonora Court. The project would assist in implementing the vision of affordable urban living in the Lawrence Station Area and is consistent with the Lawrence Station Area Plan (LSAP), which was recently updated in 2021.

2.2 PROJECT LOCATION

The project site is within the City of Sunnyvale (Figure 2-1), on an approximately 1.1-acre site north of the Lawrence Caltrain Station, and west of Lawrence Expressway (Figure 2-2). The project site would be accessed from Sonora Court.

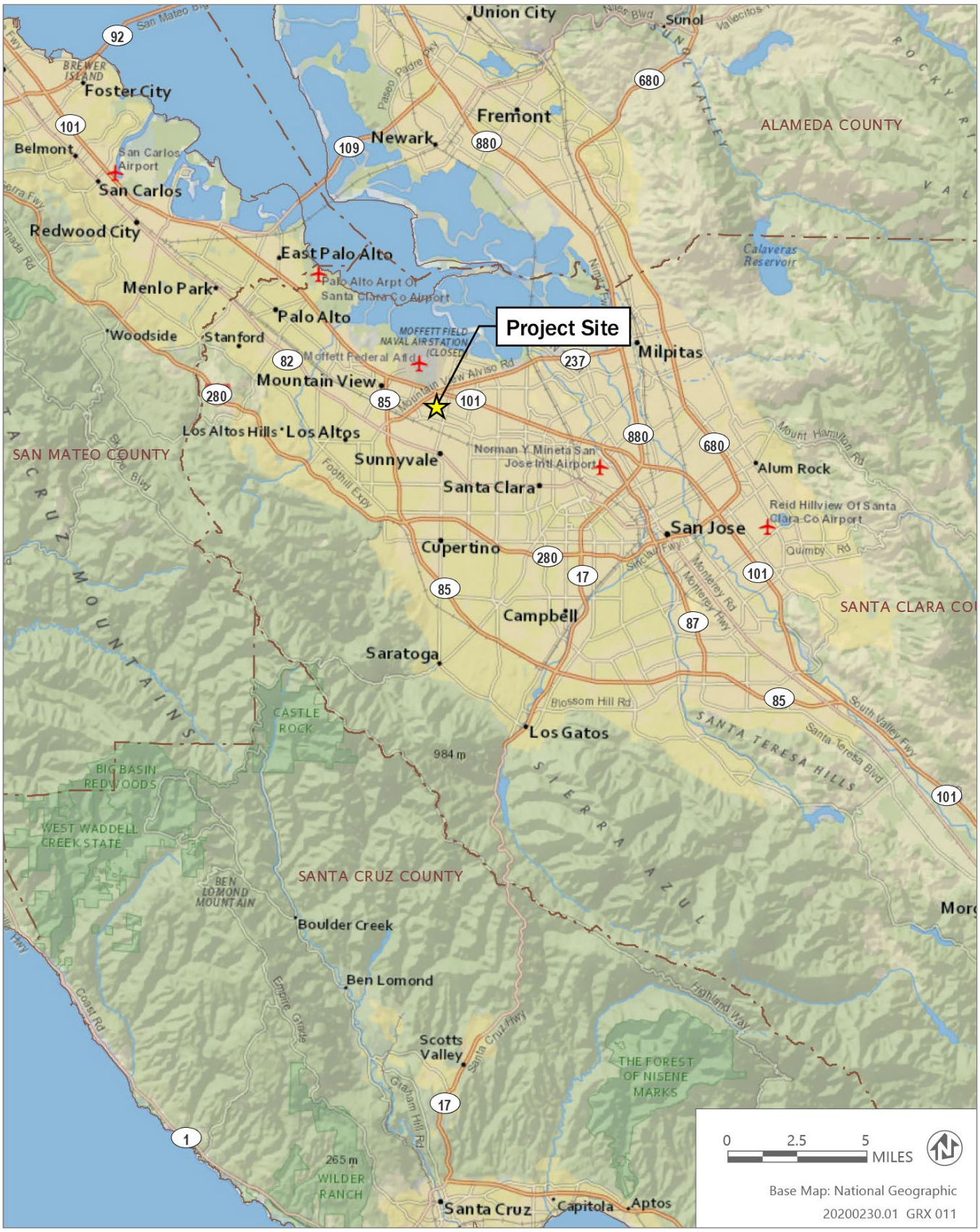
2.3 EXISTING SETTING

The project site contains one parcel (1170 Sonora Court) that is developed with an existing 14,902 sq ft, single-story industrial building with surface parking. No natural habitat or water features are present on the project site. Surrounding land uses consist of residential, office, and industrial uses. The site is within a Transit Priority Area (TPA) and Priority Development Area (PDA). As designated by the Metropolitan Transportation Commission's Regional Transportation Plan/Sustainable Communities Strategy (RTP/SCS) (Plan Bay Area 2050), a TPA is a geographic area that meets the requirements of a Transit Priority Project (TPP) under Senate Bill (SB) 375. SB 375 provides streamlining benefits for a TPP. The criteria for TPPs are:

- consistent with the general land use designation, density, building intensity, and applicable policies specified for the project area in the SCS;
- located within half a mile of a major transit stop or high-quality transit corridor;
- comprised of at least 50 percent residential use based on total building square footage, or as little as 26 percent residential use if the project has a floor area ratio of not less than 0.75; and
- built out with a minimum of 20 dwelling units per acre (Public Resources Code [PRC] Section 21155).

Under the RTP/SCS, a PDA is an area within an existing community that local city or county governments have identified and approved for future growth (MTC 2018). The General Plan land use designation for the site is Transit Mixed-Use, and the site is zoned MXD-I/S – Flexible Mixed-Use I, Sonora Court. Allowed uses under this land use designation and zoning include mixed-use (e.g., residential and office/R&D uses on a single site), high-density residential (54 dwelling units per acre [du/ac] base maximum density with an additional 11 du/ac incentive points available through the LSAP Development Incentives Program), and office/R&D up to 150% floor area ratio (FAR) with incentives. The MXD-I/S zoning district permits up to 100-foot maximum building heights. The project site is also within the Transit Core West urban design subarea, which includes guidelines specific to Sonora Court and the immediate LSAP area located north of the railroad tracks, west of Lawrence Expressway.

The LSAP allows for a base maximum residential density for the site of 54 dwelling units/acre (du/ac). The allowable density can be increased by up to 11 du/ac density incentive points through voluntary participation in the LSAP Development Incentives Program. In addition, projects can increase densities through participation in the California Density Bonus Law (Gov. Code Section 65915).



Source: Studio T Square, adapted by Ascent Environmental in 2022.

Figure 2-1 Project Vicinity

Source: Studio T Square, adapted by Ascent Environmental in 2022.

Figure 2-2 Project Site

2.4 PROJECT OBJECTIVES

The project's objectives are the following:

- Provide transit-oriented development with a mix of residential unit types, including below market-rate housing, within walking distance of the Lawrence Caltrain Station;
- Contribute to the development of the LSAP area as a regional and local urban hub, job center, and new neighborhood for urban living, served by a diverse, multi-modal transit system;
- Establish distinguish architectural design in the neighborhood;
- Preserve the tree-lined character of Sonora Court;
- Provide bike and pedestrian connectivity and public plazas with street furniture to facilitate community interaction and enjoyment; and
- Implement the LSAP policies and development objectives.

2.4.1 Proposed Project

The proposed project is a mixed-use development within the LSAP. The project applicant would demolish the existing industrial building. The site would be redeveloped into a seven-story mixed-use building that would contain 107 residential dwelling units, 79,211 square feet (sf) of office space, and 377 sf of station-serving retail. A two-level underground parking structure would provide 135 striped stalls, with up to 207 stalls including valet. The residential units would include 31 studio, 48 one-bedroom, and 28 two-bedroom apartments. Storage space would be provided for each unit and would consist of 200-sf lockers for the studio apartments. Storage space of 200-sf and 300-sf would be provided within one-bed and two-bedroom apartments, respectively. Of the 107 residential units, 18 would be dedicated for low-income tenants (14 for low-income households and four for very low-income households). The complex would be a maximum of 85 feet in height, which is within the 100-foot height limit. Parking spaces would include standard, electric vehicle (EV), and Americans with Disability Act compliant spaces. An additional 52 class I and II bicycle parking spaces would be built. An illustrative site plan of the project is depicted in Figure 2-3. A rendering of the project is depicted in Figure 2-4. Details related to project plans are provided in Appendix A.

The project would have a residential density of 98 du/ac, which is achieved through participation in the LSAP Development Incentives Program and the California Density Bonus Law (Gov. Code Section 65915). The project achieves 11 LSAP density points by providing the following incentives:

- Below-grade parking with surface parking at 10 percent or less of the total parking supply (7 points)
- Bicycle repair station (2 points)
- Street furniture for public use (2 points)

Source: Image produced and provided by WRNS Studio, 2022.

Figure 2-3 Project Site

Source: WRNS Studio, adapted by Ascent in 2022.

Figure 2-4 Conceptual Project Rendering

With inclusion of the 11 incentive points, the base maximum density of 54 du/ac is increased to 65 du/ac. Additionally, per California Density Bonus Law Section 65915 (f)(1), the project is entitled to a 50 percent state density bonus over the base maximum density with LSAP incentives due to the provision of 24 percent low-income units (18 units total).

The LSAP Development Incentives Program includes examples of how residential densities and allowable units are calculated. The base maximum density is the starting point for where density bonuses are added. The top row of Table 2-1, below starts at the base maximum density, then increases in each lower row depending on the LSAP incentives and State Density Bonus achieved.

Table 2-1 Project Density Calculations

Scenario	Density Calculation	Allowable Units
Base Maximum Density	1.088 (lot size in acres) x 54 (base max density)	59
Project achieves 11 LSAP incentive points	DU/AC: 54 (base max) + 11 (total incentive points) = 65 du/ac UNITS: 1.088 (lot size in acres) x 65 (density with incentives)	71
Project achieves a 50% State Density Bonus	DU/AC: 65 (density with incentives) x 0.5 (50% state density bonus, rounded up) = 33 + 65 = 98 du/ac UNITS: 1.088 (lot size in acres) x 98	107

[1] The City's affordable housing requirement is based on the number of units proposed under this provision.

With participation in the LSAP Development Incentives Program and State Density Bonus, the project's allowable density is 98 du/ac or 107 allowable units. The proposed density of 98 du/ac and 107 units is therefore deemed to be consistent with the LSAP.

The applicant is seeking a density bonus concession because the office floor area ratio (FAR) for the project is 167 percent, which exceeds the maximum FAR of 150 percent. In addition, FAR above 35 percent (or 45 percent with green building incentive) is subject to a Development Agreement with the City with negotiated community benefits/development incentives and subject to review by the Planning Commission and City Council. The applicant is seeking a concession or incentive from the Development Agreement requirement under the State Density Bonus Law.

2.4.2 Proposed Site Plan

The proposed project is a residential and office development within the LSAP composed of residential units and office space. The site would be accessible from Sonora Court. New sidewalks would be built along the Sonora Court frontage. Street trees and seating areas would be constructed in select locations around the perimeter of the site as well. The new sidewalks and streetscape amenities are part of pedestrian improvements on the site. Future bicycle lanes would be constructed along Sonora Court as a separate project. The proposed project would contribute LSAP Sense of Place fees toward this future improvement.

Consistent with the LSAP EIR, the project is subject to the City's Tree Replacement Preservation Ordinance and current Tree Replacement Policy. Approximately 32 trees would be removed during construction of the project. The City of Sunnyvale Municipal Code Section 19.94.030 defines a protected tree as any tree of 38 inches or greater in circumference measured four and one-half feet above ground for single-trunk trees. The City requires tree replacements to offset the loss of protected trees. An arborist report has been prepared that assesses the trees on the site and provides recommendations for replacement trees.

2.4.3 Building Height and Massing

The MXD-1/S zoning of the site has height restriction of up to 100 feet. The proposed building height for the project is 85 feet and is within the City's height restrictions. A 25-foot building setback would provide enough room for existing street tree canopies on Sonora Court, which is consistent with City Code requirements. Please see Appendix A for information related to building heights, setbacks, and other detailed information.

2.4.4 Utilities

The project site is currently served by utility providers for the existing uses. Natural gas and electricity are provided by Pacific Gas and Electric. Water and wastewater disposal and treatment are provided by the City of Sunnyvale. The project applicant would construct and maintain on-site utilities that connect to existing infrastructure for water, sewer, storm drain, electricity, telecommunications, and other services located adjacent to the site. A new electric line would be installed along the western border of the site to connect to an existing electric line in the northwest. A 6-inch sewer pipeline would be built on the east side of the project site to connect to the existing sewer pipeline that is located along the eastern boundary of the project site, parallel to San Zeno Way. Additionally, a 6-inch sewer pipeline would be built on the north side of the project site to connect to the existing sewer line that is located along the northern boundary of the project site, parallel to Sonora Court. The project would include connections to offsite utilities adjacent to the project site and some sidewalk repairs. No offsite infrastructure improvements are needed for the project. Please see Appendix A for more information related to project utilities.

STORMWATER

The project site would drain to onsite storm drain pipes, which would convey stormwater runoff to a new public storm drain pipe within Sonora Court, which extends from the existing manhole at the intersection with San Zeno Way. Rainwater from the building roof will enter bio-retention planters for treatment prior to being collected by the onsite storm drain. At-grade runoff from impervious surfaces would be collected by the onsite storm drain system and treatment flows pumped into bio-retention planters onsite before discharging to the City storm drain.

The project would include bioretention basins, self-retaining areas, and storm water filtration devices. The bioretention basins would consist of an 18-inch biotreatment soil mix above a 12-inch permeable drain rock mix. An overflow drain would be connected to the end of a 4-inch perforated pipe to prevent overflow in the basin during storm events. Self-retaining areas that retain stormwater runoff would be integrated into the landscaping along the southeastern and southwestern corners of the project site.

2.4.5 Open Space and Landscaping

Approximately 32 trees would be removed for construction of the project. Most of the existing trees around the perimeter of the project site would remain in place, and additional trees would be planted to meet site tree planting requirements and offset the loss of protected trees. Walkways would be installed along the eastern and western boundary. Additionally, seating areas would be constructed in several locations around the project boundary. The project would comply with the City's tree protection standards, as discussed above in Section 1.4.2. Protected trees removed during development of the project site would be replaced in accordance with the City's tree replacement requirements. Landscaping would feature native and low water use plants, trees, shrubs, and other ground cover. In addition, consistent with the City's Bird-Safe Design Guidelines, the City will incorporate into the conditions of approval bird-safe measures which include implementing bird-safe treatment of glazing as appropriate, and by shielding, directing, and programming proposed up-lighting to ensure that the project meets the intent of the bird-safe guidelines.

2.5 CONSTRUCTION ACTIVITIES

Construction activities associated with the project would include demolition activities, excavation, and relocation of soil on the site, backfilling and compaction of soils, construction of infrastructure improvements (water supply, wastewater, drainage facilities, electrical, roadway, and driveway improvements), and construction of the residential development. The project would include excavation and removal of soil to approximately 25 feet below grade to support development of the proposed two-level parking garage.

Construction equipment would vary day-to-day depending on the activities occurring, but could involve operation of demolition equipment, graders, dozers, scrapers, other tractors, cranes, forklifts, generator sets, curb equipment, pavers, paving equipment, rollers, welders, and air compressors. Construction would include connection to adjacent underground utilities and some sidewalk repairs. No pile driving is planned; however, jack hammering may occur during demolition.

Construction workers would access the site via Sonora Court. Construction would include the use of excavated soil from within the project site to be used as fill to raise building pad elevations (Table 2-1). Construction may also require the import of fill from off-site sources. A construction management plan will be required by the City. The City would review and approve construction truck routes. Construction staging for materials and equipment would occur on and off the project site, with occasional construction equipment access required from the adjacent parcel to the west.

Table 2-1 Estimated Construction Cut and Fill

Data Requested	Grading
Total cubic yards (CY) of excavated (cut) soil	30,110 CY (estimate)
Total CY of cut soil that will be used as fill	0 CY (estimate)
Total CY of soil imported from off-site sources	0 CY (estimate)
Total CY of soil exported	30,110 CY (estimate)
Haul truck capacities	10-18 CY (estimate)

Construction activities would occur between 7:00 a.m. and 6:00 p.m. on Monday through Friday, and 8:00 a.m. to 5:00 p.m. Saturdays. No construction work would occur on Sundays or holidays. No restrictions on construction seasons are expected. Development of the project site would occur in one phase over approximately 24 months.

2.6 REQUIRED ACTIONS

The project would require the following actions by the City.

- Approval of a Special Development Permit for site and architectural (i.e., design) review, removal of protected trees.
- Approval of a Development Agreement for office floor area above the base maximum FAR of 35 percent. The applicant is seeking a concession or incentive from the Development Agreement requirement under the State Density Bonus Law.

Other anticipated permits, approvals, and actions by the City associated with the project includes the following:

- Issuance of demolition permits for removal of existing buildings and parking lots and building permits for construction of the new project.

3 ENVIRONMENTAL CHECKLIST FOR SUPPLEMENTAL ENVIRONMENTAL REVIEW

EXPLANATION OF CHECKLIST EVALUATION CATEGORIES

The purpose of this checklist is to evaluate the categories in terms of any "changed condition" (i.e., changed circumstances, project changes, or new information of substantial importance) that may result in environmental impact significance conclusions different from those found in the 2016 LSAP EIR (referred to as "LSAP EIR") or the 2021 LSAP Update SEIR (referred to as "LSAP Update SEIR"). 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 CEQA Section 21166 and State CEQA Guidelines Section 15162. 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 LSAP EIR or LSAP Update SEIR. 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 LSAP EIR and LSAP Update SEIR, and the environmental impact significance conclusions of the LSAP EIR and LSAP Update SEIR 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 LSAP Draft and Final EIR where information and analysis may be found relative to the environmental issue listed under each topic.

Do Proposed Changes Involve New Significant Impacts?

The significance of the environmental impacts of the project-specific features not considered in the LSAP and its EIR or the LSAP Update SEIR, is indicated in the columns to the right of the environmental issues.

Any new Circumstances Involving New or Substantially More Severe Significant Impacts?

Pursuant to Section 15162(a)(2) of the CEQA Guidelines, this column indicates whether there have been changes to the project site or the vicinity (circumstances under which the project is undertaken) that have occurred subsequent to the prior environmental documents, which would result in the current project having new significant environmental impacts that were not considered in the prior environmental documents or having substantial increases in the severity of previously identified significant impacts.

Any New Information Requiring New Analysis or Verification?

Pursuant to Section 15162(a)(3)(A-D) of the CEQA Guidelines, this column indicates whether new information of substantial importance which was not known and could not have been known with the exercise of reasonable diligence at the time the previous environmental documents were certified as complete is available, requiring an update to the analysis of the previous environmental documents to verify that the environmental conclusions and mitigation measures remain valid. If the new information shows that: (A) the project will have one or more significant effects not discussed in the prior environmental documents; or (B) that significant effects previously examined will be substantially more severe than shown in the prior environmental documents; or (C) that mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects or the project, but the project proponents decline to adopt the Mitigation Measure or alternative; or (D) that mitigation measures or alternatives which are considerably different from those analyzed in the prior environmental documents would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the Mitigation Measure or alternative, the question would be answered "yes" requiring the preparation of a subsequent EIR or supplement to the EIR. However, if the additional analysis completed as part of this Environmental Checklist Review finds that the conclusions of the prior environmental

documents remain the same and no new significant impacts are identified, or identified significant environmental impacts are not found to be substantially more severe, the question would be answered "no" and no additional EIR documentation (supplement to the EIR or subsequent EIR) would be required.

Do Prior Environmental Documents Mitigations Address/Resolve Impacts?

This column indicates whether the prior environmental documents 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. A "yes" response will be provided in either instance. If "NA" is indicated, this Environmental Checklist Review concludes that there was no impact, or the impact was less-than-significant and, therefore, no mitigation measures are needed.

DISCUSSION AND MITIGATION SECTIONS

Discussion

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

Mitigation Measures

Applicable mitigation measures from the prior environmental review that would apply to the project are listed under each environmental category. New mitigation measures are included, if needed.

Conclusions

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

3.1 AESTHETICS

Environmental Issue Area	Where Impact Was Analyzed in the LSAP Draft and Final EIR or the LSAP Update Draft and Final SEIR.	Do Any New Circumstances Involve New or Substantially More Severe Significant Impacts?	Any New Information Requiring New Analysis or Verification?	Do Prior Environmental Documents Mitigations Address/Resolve Impacts?
1. Aesthetics. Would the project:				
a. Have a substantial adverse effect on a scenic vista?	Draft EIR Setting pp. 3.12-1 to 3.12-5 No Impact Draft and Final SEIR identified no change in impact conclusion (Draft SEIR page 3.1-6)	No	No	NA, no impact would occur.
b. Substantially damage scenic resources, including but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	Draft EIR Setting pp. 3.12-1 to 3.12-5 No Impact Draft and Final SEIR identified no change in impact conclusion (Draft SEIR page 3.1-6)	No	No	NA, no impact would occur.
c. In non-urbanized areas, 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 points.) 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 Impacts 3.12.1, 3.12.3 and 3.12.4 Draft and Final SEIR identified no change in impact conclusion (Draft SEIR Impact 3.1-1)	No	No	NA, impact would be 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 Impacts 3.12.2 and 3.12.4 Draft and Final SEIR identified no change in impact conclusion (Draft SEIR Impact 3.1-2)	No	No	NA, impact would be less than significant.

3.1.1 Discussion

No substantial change in the environmental and regulatory settings related to aesthetics, described in the LSAP Draft EIR Section 3.12, Visual Resources and Aesthetics, has occurred since certification of the EIR in December 2016 or since certification of the LSAP Update SEIR in September 2021. Construction has started for the approved 1155-1175 Aster Avenue residential project south of the project site across the railroad tracks.

a) Have a substantial adverse effect on a scenic vista?

As described in the LSAP Draft EIR Section 3.12, Visual Resources and Aesthetics, there are no scenic vistas within the plan area, and the plan area is not located near any officially designated state or county scenic highway. The LSAP SEIR also made this determination. Therefore, no impact to scenic vistas would occur for the project.

b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?

Impact 3.12.1 of the LSAP EIR describes permanent changes to the visual character of the LSAP area from development, while Impact 3.12.3 addressed potential shadow impacts of new buildings in the plan area. Impact 3.12.4 addresses whether the LSAP would contribute to cumulative aesthetic impacts. The LSAP Update SEIR determined that implementation of the LSAP Update and ISI project would not result in a new significant effect on visual character or quality of public views and the impact is not more severe than the impact identified in the LSAP EIR.

No officially designated scenic vistas or resources, designated roadways, or prominent rock outcroppings are located on or adjacent to the project site. Thirty-two trees would be removed during construction of the project, six of which are protected. Tree removal would be subject to the City's Tree Preservation Ordinance, current Tree Replacement Policy, and LSAP policies pertaining to street design and streetscape amenities such as street trees. Project impacts to the visual character at and surrounding the project site would not be substantial or outside the scope of impacts analyzed in the LSAP EIR. Therefore, no impact would occur.

c) Substantially degrade the existing visual character or quality of the site and its surroundings or conflict with applicable zoning and other regulations governing scenic quality?

Impact 3.12.1 of the LSAP EIR describes permanent changes to the visual character of the LSAP area from development, while Impact 3.12.3 addressed potential shadow impacts of new buildings in the plan area. Impact 3.12.4 addresses whether the LSAP would contribute to cumulative aesthetic impacts. The LSAP Update SEIR determined that implementation of the LSAP Update and ISI project would not result in a new significant effect on visual character or quality of public views and the impact is not more severe than the impact identified in the LSAP EIR.

The LSAP Draft EIR identified that the LSAP would provide opportunities for new development and redevelopment, including higher densities, mixed use, and new urban living elements in areas generally occupied by industrial, office/research and development, and other nonresidential uses. Within the LSAP planning area, the Transit Core West, Transit Core East, and Peninsula subareas adjoining north and south sides of the Caltrain tracks would experience the greatest amount of land use change. The site is located within the Transit Core West urban design subarea. The changes would alter the visual characteristics of those subareas compared to existing conditions and may be visible from existing or future residential uses, depending on viewers' locations relative to the areas where the higher intensity land uses may develop around the Lawrence Caltrain Station (LSAP Update SEIR Impact 3.1-1).

The General Plan land use designation for the site is Transit Mixed-Use, and the site is zoned MXD-I/S – Flexible Mixed-Use I, Sonora Court. Zoning for the site establishes a maximum height restriction of 100 feet. The proposed project would construct a building with a maximum height of 85 feet and is therefore consistent with the designation in the LSAP, its associated zoning, and the impacts to visual character analyzed in the LSAP EIR. The highest portion of the building would be at the south-facing side of the building; the side directly adjacent to the Lawrence Caltrain Station. The LSAP EIR stated that the appearance of the height and mass of taller buildings and structures would be minimized through areawide design guidelines in the LSAP such as BH-UDG4, BMA-UDG1, BMA-UDG2, BO-UDG10, and PK-UDG14. These guidelines, along with other areawide and subarea-specific guidelines, encourage the greatest concentration of taller buildings where the elevated portion of the station creates an existing vertical element. The south-facing side of the proposed building would face the Caltrain tracks. Variations in height at different portions of the proposed building, along with modulation and articulation of building massing to reduce apparent scale to provide visual interest and variety, would avoid a blocky uniform appearance.

The MXD-I/S zoning requires a 25-foot setback for development on Sonora Court. A 25-foot setback is proposed for the project which is consistent with zoning requirements. As explained in the LSAP EIR, the LSAP measures would ensure that development of taller buildings would not be visually intrusive and would be consistent with surrounding urban form and context, both when viewed from within the plan area or when viewed from outside the plan area. The LSAP also contains guidelines to ensure appropriate open space and landscaping is included to provide visual interest and overall beautification of the subareas. The project would include a landscaped outdoor courtyard, street design and trees consistent with applicable City and LSAP guidelines. Although the visual appearance of the Transit Core West subarea would change, the plan area would retain Sunnyvale's established urban visual character. Project impacts to the visual character at and surrounding the project site would not be substantial or outside the scope of impacts analyzed in the LSAP EIR and LSAP Update SEIR. Therefore, the impact remains less than significant.

The project would not result in new significant impacts or substantially more severe impacts than were identified in the LSAP EIR or LSAP Update SEIR, nor would there be new feasible mitigation measures or alternatives that reduce impacts but that City declines to adopt. The findings of the LSAP EIR and LSAP Update SEIR remain valid.

d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?

As identified in Impact 3.12.3, there are existing sources of nighttime lighting and glare in the plan area because it is largely built out with residential and nonresidential uses. New development in the Transit Core West, Transit Core East, and Peninsula subareas would comprise the predominant potential sources of additional nighttime lighting and illumination in the plan area because those areas could experience the greatest amount of land use changes. Potential sources of nighttime lighting would be expected to include exterior lighting on new nonresidential and residential buildings, light emanating from building interiors, and additional street lighting on new street improvements. Additional nighttime illumination could also contribute to existing skyglow conditions. Glare could be created from reflective surfaces, such as vehicles in parking lots and windows on buildings. The LSAP Update SEIR identified that the update would expand urban uses in the project area that would include the potential for light and glare impacts, but development would be required to comply with City and LSAP-specific lighting and glare requirements to minimize the potential impacts (LSAP Update SEIR Impact 3.1-2).

The LSAP contains several areawide design guidelines that would help reduce the potential for spillover lighting and skyglow effects associated with nighttime illumination and to minimize glare from reflective surfaces. Guidelines address the use of luminaries with white, natural appearing light in pedestrian areas and requirements for pole heights that relate to the scale of the street and include shielding or directionality to avoid light spillover and glare. Potential glare effects from new buildings would be minimized through Guideline BO-UDG3 (clear, nonreflective glazing on all windows at street level) and avoiding highly reflective surfaces and materials (BM-UDG5). Additionally, compliance with Section 19.42.050 of the Sunnyvale Municipal Code would further minimize potential light and glare impacts by ensuring 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 LSAP EIR stated that implementation of the proposed lighting, building design, and landscaping guidelines, as well as continued compliance with the City's existing lighting regulations, would ensure that potential light and glare impacts are reduced to a level that would be less than significant for the LSAP under project and cumulative conditions. No changes in the proposed nighttime lighting conditions for the project site have occurred since approval of the LSAP. Project proposed lighting and compliance with City standards is provided in the project design plans. Therefore, no new significant impacts or substantially more severe impacts would occur. The findings of the LSAP EIR and LSAP Update EIR remain valid, and this impact would remain less than significant.

The project would not result in new significant impacts or substantially more severe impacts than were identified in the LSAP EIR or LSAP Update SEIR, nor would there be new feasible mitigation measures or alternatives that reduce impacts but that City declines to adopt. The findings of the LSAP EIR and LSAP Update SEIR remain valid.

Mitigation Measures

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

Conclusion

No new circumstances or project changes have occurred nor has any new information been found that would result in new significant or substantially more severe impacts than those identified in the LSAP EIR and LSAP Update SEIR. Therefore, the conclusions of the LSAP EIR remain valid and approval of the project would not result in new or substantially more severe significant impacts to aesthetics.

3.2 AGRICULTURE AND FOREST RESOURCES

Environmental Issue Area	Where Impact Was Analyzed in the LSAP Draft and Final EIR or the LSAP Update Draft and Final SEIR.	Any New Circumstances Involving New Significant Impacts or Substantially More Severe Impacts?	Any New Information Requiring New Analysis or Verification?	Do Prior Environmental Documents Mitigations Address/Resolve Impacts?
2. Agriculture and Forestry Resources. Would the project:				
a. Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	Scoped out at Notice of Preparation stage. Resources do not exist in the LSAP area. (Draft SEIR Section 1.3.1)	No	No	NA, no impact would occur.
b. Conflict with existing zoning for agricultural use, or a Williamson Act contract?	Scoped out at Notice of Preparation stage. No agricultural zoning or Williamson Act contracted lands exist in LSAP area. (Draft SEIR Section 1.3.1)	No	No	NA, no impact would occur.
c. Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?	Scoped out at Notice of Preparation stage. Resources do not exist in the LSAP area. (Draft SEIR Section 1.3.1)	No	No	NA, no impact would occur.
d. Result in the loss of forest land or conversion of forest land to non-forest land?	Scoped out at Notice of Preparation stage. Resources do not exist in the LSAP area. (Draft SEIR Section 1.3.1)	No	No	NA, no impact would occur.
e. Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?	Scoped out at Notice of Preparation stage. Resources do not exist in the LSAP area. (Draft SEIR Section 1.3.1)	No	No	NA, no impact would occur.

3.2.1 Discussion and Conclusion

a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?

b) Conflict with existing zoning for agricultural use or a Williamson Act contract?

c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?

d) Result in the loss of forest land or conversion of forest land to non-forest use?

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?

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

Mitigation Measures

No significant agriculture and forest resources impacts were identified in the LSAP EIR or the LSAP Update SEIR, and no mitigation measures were required.

Conclusion

No new circumstances or project changes have occurred nor has any new information been found that would result in new significant or substantially more severe impacts than those identified in the LSAP EIR and LSAP Update SEIR. Therefore, the conclusions of the LSAP EIR and LSAP Update SEIR remain valid and approval of the project would not result in new or substantially more severe significant impacts to agriculture and forest resources.

3.3 AIR QUALITY

Environmental Issue Area	Where Impact Was Analyzed in the LSAP Draft and Final EIR or the LSAP Update Draft and Final SEIR.	Any New Circumstances Involving New Significant Impacts or Substantially More Severe Impacts?	Any New Information Requiring New Analysis or Verification?	Do Prior Environmental Documents' Mitigations Address/Resolve Impacts?
3. Air Quality. Would the project:				
a. Conflict with or obstruct implementation of the applicable air quality plan?	Draft EIR Setting pp. 3.5-1 to 3.12-20 Impact 3.5.1 Draft and Final SEIR identified no change in impact conclusion (Draft SEIR Impact 3.2-2)	No	No	NA, impact would be 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 3.12-20 Impacts 3.5.2, 3.5.3, and 3.5.8 Draft and Final SEIR identified no change in impact conclusion (Draft SEIR Impact 3.2-1, 3.2-2, and 4-3)	No	No	Yes, but the LSAP EIR and LSAP Update SEIR impact would remain significant and unavoidable for construction, less than significant for operation, and cumulatively considerable. The project would not make a cumulatively considerable contribution to construction and operation air quality impacts.
c. Expose sensitive receptors to substantial pollutant concentrations?	Draft EIR Setting pp. 3.5-1 to 3.12-20 Impacts 3.5.4, 3.5.5, and 3.5.6 Draft and Final SEIR identified no change in impact conclusion (Draft SEIR Impact 3.2-3 and 3.2-4)	No	No	Yes, impacts would be 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 3.12-20 Impacts 3.5.4, 3.5.5, and 3.5.6 Draft and Final SEIR identified no change in impact conclusion (Draft SEIR Impact 3.2-5)	No	No	NA, impact would be less than significant.

3.3.1 Discussion

Since the original adoption of the LSAP in 2016, the City adopted an update to the City's General Plan LUTE which incorporates and integrates policy direction and land use patterns from other City of Sunnyvale planning documents, including the LSAP. Additional regulatory information has been provided which is relevant to the project's regulatory setting. These laws, regulations, plans, and guidelines are summarized below and are also included in the 2021 LSAP Update SEIR.

In 2023, the Bay Area Air Quality Management District updated its CEQA Air Quality Guidelines. These guidelines include a new component that provides lead agencies with best practices on centering Environmental Justice, health, and equity in the siting, design, and development of land use projects. The project is not located within or adjacent to a disadvantage community (City of Sunnyvale 2023). Therefore, issues pertaining to environmental justice are not discussed further.

Table 3.3-1 National and California Ambient Air Quality Standards

Pollutant	Averaging Time	CAAQS[a,b]	NAAQS[c] Primary[b,d]	NAAQS[c] Secondary[b,e]
Ozone	1-hour	0.09 ppm (180 µg/m^3)	–	Same as primary standard
	8-hour	0.070 ppm (137 µg/m^3)	0.070 ppm (147 µg/m^3)	Same as primary standard
Carbon monoxide (CO)	1-hour	20 ppm (23 mg/m^3)	35 ppm (40 mg/m^3)	Same as primary standard
	8-hour	9 ppm[f] (10 mg/m^3)	9 ppm (10 mg/m^3)	Same as primary standard
Nitrogen dioxide (NO_2)	Annual arithmetic mean	0.030 ppm (57 µg/m^3)	53 ppb (100 µg/m^3)	Same as primary standard
	1-hour	0.18 ppm (339 µg/m^3)	100 ppb (188 µg/m^3)	—
	24-hour	0.04 ppm (105 µg/m^3)	—	—
Sulfur dioxide (SO_2)	3-hour	—	—	0.5 ppm (1300 µg/m^3)
	1-hour	0.25 ppm (655 µg/m^3)	75 ppb (196 µg/m^3)	—
Respirable particulate matter (PM_{10})	Annual arithmetic mean	20 µg/m^3	—	Same as primary standard
	24-hour	50 µg/m^3	150 µg/m^3	Same as primary standard
Fine particulate matter ($PM_{2.5}$)	Annual arithmetic mean	12 µg/m^3	12.0 µg/m^3	15.0 µg/m^3
	24-hour	—	35 µg/m^3	Same as primary standard
Lead [f]	Calendar quarter	—	1.5 µg/m^3	Same as primary standard
	30-Day average	1.5 µg/m^3	—	—
	Rolling 3-Month Average	–	0.15 µg/m^3	Same as primary standard
Hydrogen sulfide	1-hour	0.03 ppm (42 µg/m^3)	No national Standards	No national Standards
Sulfates	24-hour	25 µg/m^3	No national Standards	No national Standards
Vinyl chloride [f]	24-hour	0.01 ppm (26 µg/m^3)	No national Standards	No national Standards
Visibility-reducing particulate matter	8-hour	Extinction of 0.23 per km	No national Standards	No national Standards

Notes: CAAQS = California ambient air quality standards; NAAQS = national ambient air quality standards; µg/m^3 = micrograms per cubic meter; km = kilometers; ppb = parts per billion; ppm = parts per million.

a. California standards for ozone, carbon monoxide, SO_2 (1- and 24-hour), NO_2, particulate matter, and visibility-reducing particles are values that are not to be exceeded. All others are not to be equaled or exceeded. California ambient air quality standards are listed in the Table of Standards in Section 70200 of Title 17 of the California Code of Regulations.

b. Concentration expressed first in units in which it was promulgated. Equivalent units given in parentheses are based on a reference temperature of 25 degrees Celsius (°C) and a reference pressure of 760 torr. Most measurements of air quality are to be corrected to a reference temperature of 25°C and a reference pressure of 760 torr; ppm in this table refers to ppm by volume, or micromoles of pollutant per mole of gas.

c. National standards (other than ozone, particulate matter, and those based on annual averages or annual arithmetic means) are not to be exceeded more than once a year. The ozone standard is attained when the fourth highest 8-hour concentration in a year, averaged over three

years, is equal to or less than the standard. The PM_{10} 24-hour standard is attained when the expected number of days per calendar year with a 24-hour average concentration above 150 µg/m^3 is equal to or less than one. The $PM_{2.5}$ 24-hour standard is attained when 98 percent of the daily concentrations, averaged over three years, are equal to or less than the standard. Contact the U.S. Environmental Protection Agency for further clarification and current federal policies.

d. National primary standards: The levels of air quality necessary, with an adequate margin of safety to protect the public health.

e. National secondary standards: The levels of air quality necessary to protect the public welfare from any known or anticipated adverse effects of a pollutant.

f. The California Air Resources Board has identified lead and vinyl chloride as toxic air contaminants with no threshold of exposure for adverse health effects determined. These actions allow for the implementation of control measures at levels below the ambient concentrations specified for these pollutants.

Source: EPA 2022b, CARB 2016.

In consideration of the regulatory changes that have occurred at the federal level, as well as new sources of criteria air pollutant and ozone precursor emissions associated with new stationary and land use development, mobile source emissions associated with statewide and regional population growth, the attainment status of Santa Clara County has changed since the certification of the LSAP EIR. Table 3.3-2 below summarizes the most recent attainment status of Santa Clara County.

Table 3.3-2 Attainment Status Designations for Santa Clara County

Pollutant	NAAQS	CAAQS
Ozone	Attainment (1-hour)[1]	Nonattainment (1-hour) Classification[2]
	Nonattainment (8-hour)[3] Classification – Marginal	Nonattainment (8-hour)
	Nonattainment (8-hour)[3] Classification – Marginal	Nonattainment (24-hour)
Respirable particulate matter (PM_{10})	Attainment (24-hour)	Nonattainment (24-hour)
	Attainment (24-hour)	Nonattainment (Annual)
Fine particulate matter ($PM_{2.5}$)	Attainment (24-hour)	(No State Standard for 24-Hour)
	Attainment (Annual)	Nonattainment (Annual)
Carbon monoxide (CO)	Attainment (Maintenance) (1-hour)	Attainment (1-hour)
	Attainment (Maintenance) (8-hour)	Attainment (8-hour)
Nitrogen dioxide (NO_2)	Attainment (Maintenance) (1-hour)	Attainment (1-hour)
	Attainment (Maintenance) (Annual)	Attainment (Annual)
Sulfur dioxide (SO_2)[4]	Attainment (1-Hour)	Attainment (1-hour)
	Attainment (3-month rolling avg.)	Attainment (24-hour)
Lead (Particulate)	Attainment (3-month rolling avg.)	Attainment (30-day average)
Hydrogen Sulfide	No Federal Standard	Unclassified (1-hour)
Sulfates		Attainment (24-hour)
Visibly Reducing Particles		Unclassified (8-hour)
Vinyl Chloride		Unclassified (24-hour)

Notes: NAAQS = national ambient air quality standards; CAAQS = California ambient air quality standards

[1] Air Quality meets federal 1-hour Ozone standard (77 FR 64036). EPA revoked this standard, but some associated requirements still apply.

[2] Per Health and Safety Code Section 40921.5(c), the classification is based on 1989–1991 data, and therefore does not change.

[3] 2015 Standard.

[4] 2010 Standard.

Source: EPA 2022c; CARB 2022a.

The National Highway Traffic Safety Administration (NHTSA) and EPA set the Corporate Average Fuel Economy Standards (CAFE) standards to improve the average fuel economy and reduce greenhouse gas (GHG) emissions generated by cars and light duty trucks. NHTSA and EPA adopted a rule in 2019 for the current fuel efficiency standards for passenger cars and light trucks and establish new standards covering model years 2021 through 2026 by maintaining the current model year 2020 standards through 2026 (Safer Affordable Fuel-Efficient [SAFE] Vehicles Rule). NHTSA and EPA also issued a regulation revoking California Clean Air Act (CAA) waiver, which allows California to set its own emissions standards, asserting that the waiver was preempted by federal law (SAFE Rule Part One, 84 *Federal Register* 51310, September 27, 2019). California, 22 other states, the District of Columbia, and two cities have filed suit against the SAFE Rule Part One (*California et al. v. United States Department of Transportation et al.*, 1:19-cv-02826, U.S. District Court for the District of Columbia). The lawsuit requests a "permanent injunction prohibiting Defendants from implementing or relying on the Preemption Regulation," but does not stay its implementation during legal proceedings. Part One of the SAFE Vehicles Rule went into effect on November 26, 2019. However, on April 26, 2021, EPA announced plans to reconsider Part One of the SAFE Rule as directed in Executive Order 13990, "Protecting Public Health and the Environment and Restoring Science to Tackle the Climate Crisis" (discussed below). Additionally, NHTSA announced its intent to prepare an environmental impact statement for model year 2027 and beyond new passenger cars and light trucks and establish new standards for model year 2029 and beyond for heavy-duty pickup trucks and vans and for model year 2030 and beyond medium- and heavy-duty trucks (EPA 2022d).

Since the certification of the LSAP EIR, new methodologies pertaining to the quantification of criteria air pollutants from land use projects have been developed. The California Emissions Estimator Model (CalEEMod) Version 2022.1.1.3 is the most recent modeling software approved for estimating emissions from land use projects. CalEEMod Version 2022.1.1.3 was used because it represents the most recent updates to modeling methodologies and emission factors.

The following discussion summarizes new air quality information as it relates to the proposed project and compares this information to the analysis presented in the LSAP EIR.

a) Conflict with or obstruct implementation of the applicable air quality plan?

As identified in Impact 3.5.1 of the LSAP EIR and Impact 3.2-2 of the LSAP Update SEIR, the LSAP supports is transit-oriented development near the Lawrence Caltrain Station. The LSAP has been developed to promote greater use of the existing Lawrence Station transit asset and guide the development of a diverse neighborhood for employment, residential, retail, and other support services. The LSAP includes policies which prioritize new residential development near transit stations, improve connections between the transit station and adjacent destinations, and densify and intensify the land uses at key locations within the plan area. The project is also located in a Transit Rich Area (TRA) and Priority Development Area (PDA) as part of the Metropolitan Transportation Commissions (MTC) and Association of Bay Area Governments (ABAG) Bay Area long-range plan, Plan Bay Area 2050. Plan Bay Area 2050 serves as MTC and ABAG's regional transportation plan, helping to identify transportation and land use strategies to guide long-term growth in the MTC and ABAG planning area.

The CAA requires air districts to create a Clean Air Plan that describes how the jurisdiction will meet air quality standards. These plans must be updated periodically. The most recently adopted air quality plan for the San Francisco Bay Area Air Basin (SFBAAB) is the 2017 Clean Air Plan. To fulfill State ozone planning requirements, the 2017 control strategy includes all feasible measures to reduce emissions of ozone precursors (reactive organic gases [ROG] and nitrogen oxides [NO_X]) and reduce the transport of ozone and its precursors to neighboring air basins. In addition, the 2017 Clean Air Plan builds upon and enhances BAAQMD's efforts to reduce emissions of fine particulate matter with an aerodynamic resistance diameter of 2.5 micrometers or less ($PM_{2.5}$) and toxic air contaminants (TACs). The 2017 Clean Air Plan does not include control measures that apply directly to individual development projects. Instead, the control strategy includes measures related to stationary sources, transportation, energy, buildings, agriculture, natural and working lands, waste management, water, and super-greenhouse gas pollutants (BAAQMD 2017a).

The 2017 Plan focuses on two paramount goals (BAAQMD 2017a):

- Protect air quality and health at the regional and local scale by attaining all state and national air quality standards and eliminating disparities among Bay Area communities in cancer health risk from TACs; and

- Protect the climate by reducing Bay Area GHG emissions to 40 percent below 1990 levels by 2030, and 80 percent below 1990 levels by 2050.

Under BAAQMD's methodology, a determination of consistency with the 2017 Plan should demonstrate that a project:

- Supports the primary goals of the 2017 Clean Air Plan,
- Includes applicable control measures from the 2017 Clean Air Plan, and
- Would not disrupt or hinder implementation of any control measures in the 2017 Clean Air Plan.

A project that would not support the 2017 Clean Air Plan's goals would not be considered consistent with the plan. On an individual project basis, consistency with BAAQMD's quantitative thresholds is interpreted as demonstrating support for the 2017 Clean Air Plan's goals. As shown in the discussion under impact discussion below, 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, as shown in Table 3.3-3, 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 proposed project would result in no impact related to consistency with the 2017 Clean Air Plan.

Table 3.3-3 Project Consistency with Applicable Control Strategies of 2017 Clean Air Plan

2017 Control Strategy	Evaluation
Direct new development to areas that are well served by transit, and conducive to bicycling and walking.	Consistent. The project would be a high-density infill residential development. The residential development would be within walking distance to the Lawrence Caltrain Station, which provides rail service between Gilroy and San Francisco. The project site is also located within walking and bicycling distance of various amenities, including commercial, retail, restaurant, and entertainment opportunities. Therefore, the project would be located in an area that is well-served by transit and conducive to bicycling and walking.
Accelerate the widespread adoption of electric vehicles.	Consistent. The project design would provide a parking garage that would include electric vehicle (EV) charging stations consistent with the City's Municipal Code, which would promote the adoption of electric vehicles by providing infrastructure to facilitate their use.
Expand the production of low-carbon, renewable energy by promoting on-site technologies such as rooftop solar, wind and ground-source heat pumps.	Consistent. The proposed project would include green building features required under CALGreen 2022. The project would also be all-electric, with no natural gas connection. Additionally, the project would be equipped with a solar PV system (capacity to be determined.
Promote energy and water efficiency in both new and existing buildings.	Consistent. The project would have building features that would promote energy and water efficiency in accordance with Title 24 requirements.

Source: BAAQMD 2017a.

Air quality conditions for the region have improved for $PM_{2.5}$ emissions, as the region is now designated as attainment for $PM_{2.5}$ NAAQS, while no other changes have occurred since approval of the LSAP. The project's land uses are consistent with the LSAP Update. The project would support a housing density within walking distance of the Lawrence Caltrain Station.

The project would not result in new significant impacts or substantially more severe impacts than were identified in the LSAP EIR or LSAP Update SEIR, nor would there be new feasible mitigation measures or alternatives that reduce impacts but that City declines to adopt. The findings of the LSAP EIR and LSAP Update SEIR remain valid.

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?

Under a project level analysis, the 2017 BAAQMD CEQA Guidelines were used to evaluate whether the project would violate any ambient air quality standard or contribute substantially to an existing or projected air quality violation through average pounds per day significance thresholds. The 2022 BAAQMD CEQA Guidelines use the same average pounds per day significance thresholds, so no update to the analysis is required. The project level thresholds were developed to bring the basin into attainment for the NAAQS and CAAQS and to be protective of human health. Construction and operational impacts are evaluated separately, below.

Construction Emissions of Criteria Pollutants and Precursor 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. Emissions were modeled in CalEEMod based on the project land uses, project size, construction length, and model defaults. See Appendix B for details regarding model inputs, defaults and output data Table 3.3-4 summarizes the estimated average daily emissions of ROG, NOx, CO, PM_{10}, and $PM_{2.5}$ during project construction. As shown in Table 3.3-4, project construction emissions for all criteria pollutants would be below the BAAQMD average daily thresholds of significance and therefore impacts would be less than significant and would not result in adverse health impacts.

Table 3.3-4 Summary of Average Daily Construction Emissions of Criteria Pollutants and Precursor Emissions

Construction Year	ROG (lbs/day)	NOx (lbs/day)	CO (lbs/day)	PM_{10} Exhaust (lbs/day)	$PM_{2.5}$ Exhaust (lbs/day)
2023	1.57	16.30	15.50	0.67	0.61
2024	1.45	11.20	16.20	0.44	0.41
2025	7.27	7.53	11.30	0.29	0.26
Maximum (Highest Daily Average)	7.27	16.30	16.20	0.67	0.61
BAAQMD Emissions Threshold	54	54	N/A	82	54
Exceeds Threshold?	No	No	N/A	No	No

Notes: ROG = Reactive Organic Gases; NOx = Oxides of Nitrogen; CO = Carbon Monoxide; PM_{10} = Particulate matter 10 micrometers or less in diameter; $PM_{2.5}$ = Fine particulate matter. N/A = not applicable; no BAAQMD threshold for CO.

Source: Modeled by Ascent 2022 (Appendix B).

As shown above in Table 3.3-4, average daily emission for all modeled criteria air pollutants and ozone precursors would not exceed established BAAQMD threshold of significance; therefore, project-generated emissions of ROG, NOx, and exhaust particulate matter would not result in a substantial contribution to the nonattainment status of the region. Regarding fugitive dust emissions, site preparation and grading activities could contribute particulate matter into the local atmosphere. The BAAQMD has not established a quantitative threshold for fugitive dust emissions; instead, the BAAQMD states that projects that incorporate best management practices (BMPs) for fugitive dust control during construction would have a less than significant impact related to fugitive dust emissions. The project includes implementation of these BMPs to comply with adopted LSAP Mitigation Measure 3.5.3a. Therefore, construction-related fugitive dust emissions would also not result in a substantial contribution to the nonattainment status of the region or exceed less than significant levels.

Operational Emissions of Criteria Pollutants and Precursor Emissions

Long-term emissions associated with project operation are shown in Table 3.3-5. Sources of these emissions include building electricity use (it is assumed that there will be no natural gas consumption associated with operation of the Project as the building will be all-electric), landscaping activities and mobile source emissions from transportation-related activities such as resident and worker commutes. CalEEMod was used to model emissions that would result from operation of the Project using project specific data provided by the client as well as model defaults. See

Appendix B for details regarding model inputs, defaults, and output data. As shown in Table 3.3-5, emissions would not exceed BAAQMD daily thresholds for any criteria pollutant. As project operational emissions would not exceed BAAQMD thresholds, the project would not violate any air quality standard or contribute substantially to an existing or projected air quality violation, and this impact would be less than significant.

Table 3.3-5 Summary of Average Daily Operational Emissions of Criteria Pollutants and Precursor Emissions

Emissions Source	ROG (lbs/day)	NOx (lbs/day)	CO (lbs/day)	PM_{10} Total (lbs/day)	$PM_{2.5}$ Total (lbs/day)
Mobile	4.41	3.47	31.80	2.83	0.54
Area	5.33	0.08	6.39	0.01	0.01
Energy (Natural Gas)[1]	-	-	-	-	-
Total Emissions	9.74	3.55	38.19	2.84	0.55
BAAQMD Emissions Threshold	54	54	N/A	82	54
Threshold Exceeded?	No	No	N/A	No	No

Notes: ROG = Reactive Organic Gases; NOx = Oxides of Nitrogen; CO = Carbon Monoxide; PM_{10} = Particulate matter 10 micrometers or less in diameter; $PM_{2.5}$ = Fine particulate matter. N/A = not applicable; no BAAQMD threshold for CO.

[1] There would be no energy-related criteria pollutant emissions because there would be no natural gas consumption.

Source: Modeled by Ascent 2022.

Conclusion

With the application of adopted LSAP Mitigation Measure 3.5.3a, no project level standard or substantial contribution to an existing or projected air quality violation for construction would occur. Similarly, no standard or substantial contribution would occur for project operational activities. This impact would be less than significant and no adverse impacts to public health would occur.

The project would not result in new significant impacts or substantially more severe impacts than were identified in the LSAP EIR or LSAP Update SEIR, nor would there be new feasible mitigation measures or alternatives that reduce impacts but that City declines to adopt. The findings of the LSAP EIR and LSAP Update SEIR remain valid.

c) Expose sensitive receptors to substantial pollutant concentrations?

Carbon Monoxide Concentrations

BAAQMD recommends comparing project's attributes with the following screening criteria as a first step to evaluating whether the project would result in the generation of carbon monoxide concentrations that would substantially contribute to an exceedance of the Thresholds of Significance. The project would result in a less than significant impact to localized carbon monoxide concentrations if:

1. The project is consistent with an applicable congestion management program for designated roads or highways, regional transportation plan, and local congestion management agency plans.
2. The project would not increase traffic volumes at affected intersections to more than 44,000 vehicles per hour
3. The project traffic would not increase traffic volumes at the affected intersections to more than 24,000 vehicles per hour where vertical and/or horizontal mixing is substantially limited (e.g., tunnel, parking garage).

According to the operational analysis conducted for the LSAP EIR, implementation of the LSAP would result in approximately 26,000 trips on a peak day. The proposed Project would result in approximately 3,500 trips on a peak day, which is a fraction (or approximately 13 percent) of the total trips evaluated in the LSAP DEIR. The LSAP DEIR found that none of the traffic volumes at any intersection, freeway segment, or freeway ramp would experience more than 44,000 vehicles per hour. Because the LSAP would not generate traffic volumes which exceed BAAQMD screening criteria, and the proposed Project would generate a small subset of this volume, it can be concluded that

the Project would not exceed BAAQMD screening thresholds for localized CO emissions. The LSAP Update SEIR Impact 3.2-3 also came to a less than significant conclusion.

The project would not result in new significant impacts or substantially more severe impacts than were identified in the LSAP EIR or LSAP Update SEIR, nor would there be new feasible mitigation measures or alternatives that reduce impacts but that City declines to adopt. The findings of the LSAP EIR and LSAP Update SEIR remain valid.

Toxic Air Contaminant Concentrations

Construction Impacts

As identified in Impact 3.5.5 of the LSAP EIR, sources of construction-related TACs potentially affecting sensitive receptors include off-road diesel-powered equipment. In the case of most construction projects allowed under the LSAP, duration would be short-term, lasting less than one year. According to BAAQMD (2017), construction-generated diesel PM emissions contribute to negative health impacts when construction is extended over lengthy periods of time. Projects under the LSAP would be subject to, and would comply with, California regulations limiting idling to no more than 5 minutes, which would further reduce nearby sensitive receptors exposure to temporary and variable diesel PM emissions. Additionally, concentrations of mobile-source diesel PM emissions are typically reduced by 70 percent at a distance of approximately 500 feet (CARB 2005). The LSAP Update SEIR concluded that the increased development potential in the LSAP Update would not result in a new or substantially more severe TAC emission-related air quality impact beyond what was identified in the LSAP EIR.

As discussed in Impact 3.5.5 of the LSAP EIR, the project would be required to implement adopted Mitigation Measure MM 3.5.3a which requires that BAAQMD basic construction mitigation measures are employed. Impact 3.5.5 of the LSAP EIR also includes adopted Mitigation Measure MM 3.5-5, which requires a site-specific analysis of large-scale construction projects (i.e., projects greater than five acres lasting longer than two years) for the potential of construction-generated air pollutant impacts based on specific project details of future development, and the development of adequate mitigation, in consultation of the BAAQMD, to address any such impacts. Under adopted LSAP Mitigation Measure MM 3.5-5, projects would be required to include appropriate mitigation measures to mitigate potential impacts on nearby sensitive receptors only if the BAAQMD risk threshold (i.e., probability of contracting cancer is greater than 10 in 1 million) (2022 BAAQMD risk threshold for cancer is now 100 in 1 million) would be exceeded during the project construction period. The proposed project site is approximately 1.1 acres. Since the proposed project is less than five acres, it does not meet the criteria to be considered a large-scale construction project, and Mitigation Measure MM 3.5-5 would not apply. Therefore, this impact would be less than significant.

The project would not result in new significant impacts or substantially more severe impacts than were identified in the LSAP EIR or LSAP Update SEIR, nor would there be new feasible mitigation measures or alternatives that reduce impacts but that City declines to adopt. The findings of the LSAP EIR and LSAP Update SEIR remain valid.

Operational Impacts

TAC impact could occur when new sources associated with a proposed project expose existing nearby sensitive receptors to pollution concentrations or when new sensitive receptors are located in close proximity to existing TAC sources. In accordance with BAAQMD guidance and LSAP EIR Impact 3.5.6, both scenarios were evaluated. However, regarding project-generated TAC sources, the proposed project is a residential development that would not include any new TAC sources; thus, this impact is focused on exposure from existing nearby sources to the proposed project. This assessment used BAAQMD's cumulative risk thresholds. The LSAP Update SEIR concluded that the update increased development potential would not result in a new or substantially more severe TAC emission-related air quality impact beyond what was identified in the LSAP EIR.

Potential Health Impacts Related to Air Emissions from the Project

As discussed in the Impact 3.5.6 of the LSAP EIR, future developments that include sensitive receptors may site these receptors in proximity to existing sources of TACs. To evaluate potential TAC exposure from existing TAC sources to the proposed sensitive receptors that would be constructed as part of the project, a review of existing TAC sources within 1,000 feet of the project site were evaluated using available data from the BAAQMD's Stationary Source

Screening Map (BAAQMD 2022a). Using the BAAQMD's Health Risk Calculator with Distance Multiplier, risk and emission levels for stationary sources were adjusted based on their distance to the project site (BAAQMD 2022b). For the nearby Lawrence Expressway and Caltrain rail line, risk and emissions levels available from the LSAP EIR were used and adjusted, using a straight-line interpolation calculation, to adjust risk and emissions levels based on the distance from these sources to the project site. Based on the review of existing TAC sources in the project vicinity, there are three sources located within 1,000 feet to the project, as described below:

1. Luminus Inc. (Source #22265) is located at 1145 Sonora Court, which is approximately 770 feet northwest of the project site's western boundary and has a cancer risk of 3.041 per million, a hazard index value of 0.001, and a $PM_{2.5}$ concentration of 0.004 µg/m^3.
2. Texas Instruments Inc. (Source #21132) is located at 2900 Semiconductor Dr, which is approximately 700 feet northeast of the project site's northeastern boundary and has a cancer risk of 14.24 per million, a hazard index value of 0.016, and a $PM_{2.5}$ concentration of 0.146 µg/m^3.

Other sources within 1,000 feet of the project property line include Lawrence Expressway, a major roadway with more than 10,000 average daily trips, and the Caltrain rail line. The Project shares its southern border with the Caltrain rail line with a small embankment between them. Lawrence Expressway is an eight-lane expressway running north and south and is approximately 545 feet east of the project. Cancer risk and PM2.5 concentrations from the Texas Instruments, Inc. and Luminus Inc. facilities were scaled using the BAAQMD's *Health Risk Calculator with Distance Multipliers* tool based on the distance from the project site.

Table 3.3-6 presents the sum of the emissions/risk data for all sources within 1,000 feet of the project's property-line and represents the potential cumulative impact on future residents. All combined risks and hazards are below the BAAQMD cumulative thresholds for health risks. Therefore, cumulative impacts would be less than significant.

The project would not result in new significant impacts or substantially more severe impacts than were identified in the LSAP EIR or LSAP Update SEIR, nor would there be new feasible mitigation measures or alternatives that reduce impacts but that City declines to adopt. The findings of the LSAP EIR and LSAP Update SEIR remain valid.

Table 3.3-6 Cumulative Cancer Risk and Particulate Matter Concentrations

Source ID[1]	Description	Distance to Project Site (feet)	Cancer Risk (per million)	$PM_{2.5}$ Concentration (µg/m^3)	Increased Non-Cancer Risk (Chronic Hazard Index)
N/A	Caltrain-Railroad[2]	55	20.93	0.08	0.01
N/A	Lawrence Expressway-Major Roadways	545	4.74	0.09	N/A
21132	Texas Instruments, Inc	700	3.28	0.03	0.02
22265	Luminus, Inc.	770	0.18	<0.01	<0.01
Combined Total	-	-	**29.13**	**0.20**	**0.03**
BAAQMD Cumulative Significance Threshold	-	-	100	0.8	10
Cumulative Significance Threshold Exceeded?	-	-	No	No	No

Notes: N/A = not applicable; data was not provided in the LSAP Environmental Impact Report (City of Sunnyvale 2016).

[1] Source IDs presented here are those used in the Stationary Source Screening Analysis Tool.

[2] The Caltrain health risks reported do not include the reduction effects from electrification of the rail line. However, these risks would be reduced over time as Caltrain electrifies more of their fleet. Full electrification is expected to occur by 2040.

Indoor Air Quality

Residents of buildings could be exposed to chemicals associated with buildings materials. The project would comply with mandatory and applicable regulatory requirements that address indoor air quality, including the following:

- The Composite Wood Products Regulation is a California Air Resources Board (CARB) regulation that reduces public exposure to formaldehyde through the establishment of strict emission performance standards on particleboard, medium density fiberboard and hardwood plywood (collectively known as composite wood products). The regulation, adopted in 2007, established two phases of emissions standards: an initial Phase I, and later, a more stringent Phase 2 that requires all finished goods, such as flooring, destined for sale or use in California to be made using complying composite wood products. As of January 2014 only Phase 2 products are legal for sale in California. Moreover, ASHRAE 62.2 ventilation and air filtration requirements have been incorporated into the California Title 24 Building Code. These requirements contain standards to achieve acceptable indoor air quality via dwelling-unit ventilation, local mechanical exhaust, and source control.
- On December 12, 2016, EPA published in the Federal Register a final rule to reduce exposure to formaldehyde emissions from certain wood products produced domestically or imported into the United States. EPA worked with CARB to help ensure the final national rule was consistent with California's requirements for similar composite wood products.

Because the project would comply with all requirements related to building materials no further analysis is required regarding the effects of the environment to residents of the project site.

d) Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?

The LSAP EIR and LSAP Update SEIR determined that construction within the plan area is not anticipated to expose nearby receptors to objectionable odors. As noted in Impact 3.5.7 in the LSAP EIR, construction-generated odors are typically associated with exhaust emissions from diesel-fueled equipment and the application of architectural coatings and paving materials, which may be considered objectionable to some individuals. However, because construction-related odors would be intermittent, temporary, and would disperse rapidly with distance from the source, construction-related odors would not result in the frequent exposure of a substantial number of individuals to objectionable odors. It is also important to note that the project would be required to comply with BAAQMD Regulation 8, Rule 3, Architectural Coatings, and Rule 15, Emulsified Asphalt, which establish volatile organic compound (VOC) content limits for these construction materials. VOCs are the main sources of odors from these sources. Therefore, compliance with these regulatory requirements would further reduce odor impacts associated with these sources. Short-term exposure to odorous emissions would therefore be considered less than significant. For these reasons, odorous emissions generated during construction under the project would also be less than significant.

The project would generate oil and diesel fuel odors during construction from equipment use as well as odors related to asphalt paving. The odors would be limited to the construction period and would be temporary. With respect to operation, the BAAQMD's CEQA Air Quality Guidelines (2017) identifies land uses associated with odor complaints to include, but not limited to, wastewater treatment plants, landfills, confined animal facilities, composting stations, food manufacturing plants, refineries, and chemical plants. Residential uses are not identified on this list. Therefore, the proposed project would not generate objectionable odors affecting a substantial number of people, and impacts would be less than significant.

The project would not result in new significant impacts or substantially more severe impacts than were identified in the LSAP EIR or LSAP Update SEIR, nor would there be new feasible mitigation measures or alternatives that reduce impacts but that City declines to adopt. The findings of the LSAP EIR and LSAP Update SEIR remain valid.

Mitigation Measures

The following adopted mitigation measures were referenced in the LSAP EIR and LSAP Update SEIR analysis and would be implemented if the project were approved based on the analysis above.

Mitigation Measure MM 3.5.3a

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

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 miles per hour (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.
6) All construction equipment shall be maintained and properly tuned in accordance with manufacturers' specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation.
7) A publicly visible sign shall be posted 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 BAAQMD's phone number shall also be visible to ensure compliance with applicable regulations.

Conclusion

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

3.4 BIOLOGICAL RESOURCES

Environmental Issue Area	Where Impact Was Analyzed in the LSAP Draft and Final EIR or the LSAP Update Draft and Final SEIR.	Any New Circumstances Involving New Significant Impacts or Substantially More Severe Impacts?	Any New Information Requiring New Analysis or Verification?	Do Prior Environmental Documents Mitigations Address/Resolve Impacts?
4. Biological Resources. Would the project:				
a. Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?	Draft EIR Setting pp. 3.9-1 to 3.9-14 Impacts 3.9.1, 3.9.2, 3.9.10, and 3.9.11 Draft and Final SEIR identified no change in impact conclusion (Draft SEIR Impact 3.4-1 and 3.4-2)	No	No	Yes, impacts to special-status bats, nesting raptors, and migratory birds would remain less than significant with application of adopted mitigation measures. Impact on other special-status species would be less than significant
b. Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, and regulations or by the California Department of Fish and Game or US Fish and Wildlife Service?	Draft EIR Setting pp. 3.9-1 to 3.9-14 Impacts 3.9.5 and 3.9.6 Draft and Final SEIR identified no change in impact conclusion (Draft SEIR page 3.4-14)	No	No	NA, impact would be 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 3.9-14 Impact 3.9.6 Draft and Final SEIR identified no change in impact conclusion (Draft SEIR page 3.4-15	No	No	NA, impact would be 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 3.9-14 Impact 3.9.7 Draft and Final SEIR identified no change in impact conclusion (Draft SEIR page 3.4-15)	No	No	NA, impact would be 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 3.9-14 Impact 3.9.8 Draft and Final SEIR identified no change in impact conclusion (Draft SEIR Impact 3.4-3)	No	No	NA, impact would be less than significant.
f. Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	Draft EIR Setting pp. 3.9-1 to 3.9-14 Impact 3.9.9 Draft and Final SEIR identified no change in impact conclusion (Draft SER page 3.4-15)	No	No	NA, no impact would occur.

3.4.1 Discussion

Biological resources are discussed in Chapter 3.9, "Biological Resources," of the LSAP EIR as well as in the LSAP Update SEIR. The analysis below utilizes updated and site-specific results of California Natural Diversity Database and California Native Plant Society Rare Plant Inventory records searches of the Mountain View, Milpitas, Calaveras Reservoir, Cupertino, San Jose West, San Jose East, Castle Rock Ridge, Los Gatos, and Santa Teresa Hills U.S. Geological Survey 7.5-minute quadrangles, as well as review of recent aerial imagery of the site (CNDDB 2023, CNPS 2023). It also incorporates results of *1154 and 1170 Sonora Court Biological Resources Report* prepared for the project (H. T. Harvey & Associates 2023) and the *Arborist Report for 1170 Sonora Court, Sunnyvale CA* prepared for the project (Panoramic Design Group 2022). The project site contains an existing office building surrounded by paved parking areas, other buildings, roads, the eight-lane Lawrence Expressway, a Caltrain station, and railroad tracks. The arborist report identified 48 ornamental and native trees of varying size and quality surrounding the building, consisting of Japanese maple (*Acer palmatum*), fern pine (*Afrocarpus gracilior),* Marina strawberry (*Arbutus marina*), blue atlas cedar (*Cedrus atlantica* 'Glauca'), deodar cedar (*Cedrus deodara*), California black walnut (*Juglans hindsii*), sweetgum *(Liquidambar styraciflua),* Chinese pistache (*Pistacia chinensis*), valley oak (*Quercus lobata*), and coast redwood (*Sequoia sempervirens*) (Panoramic Design Group 2022). There are no native plant communities present on the project site.

a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or the U.S. Fish and Wildlife Service?

As described above, the project site consists of existing development (e.g., buildings, parking lots, roads) and landscaping (e.g., shrubs, trees). The wildlife most often associated with developed and landscaped areas are those that are tolerant of periodic human disturbances, including introduced species such as the European starling (*Sturnus vulgaris*), rock pigeon (*Columba livia*), eastern gray squirrel (*Sciurus carolinensis*), house mouse (*Mus musculus*), and Norway rat (*Rattus norvegicus*). Several common native species are also able to utilize these habitats, especially the buildings and landscaped areas, including western fence lizard (*Sceloporus occidentalis*), striped skunk (*Mephitis mephitis*), and a variety of birds. In addition, eaves, gutters, or crevices on the existing building may be attractive to other nesting and/or roosting birds in the area, such as the house finch (*Haemorhous mexicanus*), black phoebe (*Sayornis nigricans*), barn swallow (*Hirundo rustica*), and American robin (*Turdus migratorius*). Species observed during the field survey conducted by H. T. Harvey & Associates biologist in July 2022 include some of those previously listed as well as American crow (*Corvus brachyrhynchus*), Bewick's wren (*Thryomanes bewickii*), Anna's hummingbird (*Calypte anna*), brown creeper (*Certhia americana*), dark-eyed junco (*Junco hyemalis*), and red-tailed hawk (*Buteo jamaicensis*; H.T. Harvey and Associates 2022).

A number of special-status animal species are known to occur (or to have occurred historically) in the project region including American peregrine falcon (*Falco peregrinus anatum*), burrowing owl (*Athene cunicularia*), white-tailed kite (*Elanus leucurus*), pallid bat (*Antrozous pallidus*), Townsend's big-eared bat (*Corynorchinus townsendii)*, Crotch's bumble bee (*Bombus crotchii*), and western bumble bee (*Bomsbus occidentalis*) (CNDDB 2023).

American peregrine falcon, a California fully protected species, nests on tall cliffs, bridges, and buildings, and forages in many habitats. No suitable nesting habitat for peregrine falcons is located on or near the project site, and the nearest areas of reported nesting activity are located at least 4.5 miles to the north on tall poles and towers at the Don Edwards National Wildlife Refuge and approximately 6.6 miles to the southeast at San José City Hall. In addition, a pair of peregrine falcons has been observed on the Santa Clara Marriott 1.9 miles to the northeast, though nesting has not been confirmed at this location. Because there is no suitable nesting habitat for this species, it is not expected to occur on the project site (H.T. Harvey and Associates 2022).

Suitable burrowing owl (*Athene cunicularia*) habitat within the LSAP area, as described in Impact 3.9.1 in the LSAP EIR, is present only on the Corn Palace property located approximately 0.5 mile south of the project site. The project site

does not contain any suitable habitat for burrowing owl, as it is completely developed and does not contain grassland habitat.

White-tailed kite, a California fully protected species, nests in tall shrubs and trees and forages in grasslands, marshes, croplands, and ruderal habitats. Mature trees on and adjacent to the site provide ostensibly suitable nesting sites for white-tailed kites; however, sufficient open foraging habitat to support a nesting pair of this species is not present in the site vicinity, and the nearest areas of reported nesting activity of white-tailed kites is located approximately 2.7 miles to the north at the Sunnyvale Baylands Park. Therefore, this species is not expected to occur on the project site. (H.T. Harvey and Associates 2022).

As identified in Impact 3.9.2 of the LSAP EIR, four special-status bat species, including western red bat (*Lasiurus blossevillii*), Townsend's big-eared bat, pallid bat, and western mastiff bat (*Eumops perotis*) are known to occur near the LSAP area. Potential maternity and night-roosting habitat includes snags, sloughing tree bark, and human structures in the LSAP area. The LSAP EIR determined that, during the summer, large numbers of bats may be present at maternity roosts, and young bats that are unable to fly also may be present. Removal of roost sites could cause direct mortality of bats. Noise and dust from construction could result in indirect impacts, such as disturbance to roosting bats during construction. Potentially suitable roost habitat for special-status bats within the project site includes large ornamental trees and the existing buildings. The potential for substantial adverse effects to special-status bat is identified as a potentially significant impact in the LSAP EIR. LSAP Mitigation Measure MM 3.9.2 would reduce potentially significant impacts through requirements for pre-construction surveys and protection of bats and active roosts.

All native breeding birds, regardless of their listing status, are protected under the Migratory Bird Treaty Act as well as California Fish and Game Code sections 3503 and 3513. As noted in Impact 3.9.3, the LSAP contains several guidelines intended to protect trees, but recognizes that some trees may need to be removed to accommodate new projects. If construction occurs during the nesting season and trees are removed or substantially pruned, this could result in direct impacts on nesting birds and raptors if present. Additionally, noise and other human activity may result in nest abandonment. The project site contains many large ornamental trees which could provide suitable habitat for nesting birds and raptors, and removal of these trees may result in loss of active nests, destruction of eggs, or death of young that are not capable of flight. Adopted LSAP Mitigation Measure MM 3.9.3 would mitigate this impact by requiring preconstruction surveys and avoidance of active nest sites during construction.

Crotch's bumble bee (*Bombus crotchii*), and western bumble bee (*Bombus occidentalis*) listing status has changed since the certification of the LSAP EIR and LSAP Update SEIR and are now candidates for endangered status under the California Endangered Species Act (CNDDB 2023). However, due to recent range contractions (in the case of western bumble bee) and, in the case of Crotch's bumble bee, due to the absence of undeveloped grassland or scrub habitat in the project vicinity, these species are not expected to occur on the project site (H.T. Harvey and Associates 2022).

The project would not result in new significant impacts or substantially more severe impacts than were identified in the LSAP EIR or LSAP Update SEIR, nor would there be new feasible mitigation measures or alternatives that reduce impacts but that City declines to adopt. The findings of the LSAP EIR and LSAP Update SEIR remain valid.

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

The two waterways in the LSAP area, the El Camino Storm Drain Channel and Calabazas Creek, are concrete lined and do not support riparian or wetland vegetation. All other portions of the plan area are completely developed or disturbed and no longer support natural communities. No riparian habitat or other sensitive natural communities occur in the LSAP area. The project site is completely developed and is surrounded by roads, railroad tracks, and other urban and suburban development. The LSAP EIR identified indirect impacts from the construction of new projects due to nitrogen oxide emissions from newly generated vehicle trips. However, the LSAP EIR concluded that emissions from new projects would be limited to the vicinity of the project site and would have a less-than-significant impact on sensitive communities (such as serpentine habitats) in the region (H.T. Harvey and Associates 2022).

The project would not result in new significant impacts or substantially more severe impacts than were identified in the LSAP EIR or LSAP Update SEIR, nor would there be new feasible mitigation measures or alternatives that reduce impacts but that City declines to adopt. The findings of the LSAP EIR and LSAP Update SEIR remain valid.

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?

The LSAP EIR stated that the aquatic habitat within the LSAP area, Calabazas Creek and the El Camino Storm Drain Channel, are federally protected waters of the United States. No direct fill or loss of these waters is proposed as part of the LSAP. The project site is completely developed and does not contain any wetland or other aquatic habitat. No habitat on the project site possesses the field characteristics used by the federal and state resource/regulatory agencies in defining their jurisdiction (i.e., waters of the United States under the Clean Water Act, or waters of the State under the Porter-Cologne Water Quality Control Act). Therefore, no state or federally would be adversely affected by project implementation.

The project would not result in new significant impacts or substantially more severe impacts than were identified in the LSAP EIR or LSAP Update SEIR, nor would there be new feasible mitigation measures or alternatives that reduce impacts but that City declines to adopt. The findings of the LSAP EIR and LSAP Update SEIR remain valid.

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?

As stated in the LSAP EIR, the LSAP area does not overlap with an Essential Connectivity Area as defined by California Department of Fish and Wildlife (CDFW). The project site is already developed and does not provide an important habitat link or wildlife movement corridor; therefore, project implementation would not alter the movements of wildlife currently utilizing the LSAP area. The entire LSAP area and surrounding lands are either developed or disturbed and provide very limited wildlife movement opportunities. The project is located within an existing developed area and provides no wildlife movement corridors.

The project would not result in new significant impacts or substantially more severe impacts than were identified in the LSAP EIR or LSAP Update SEIR, nor would there be new feasible mitigation measures or alternatives that reduce impacts but that City declines to adopt. The findings of the LSAP EIR and LSAP Update SEIR remain valid.

e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?

The LSAP EIR stated that implementation of LSAP Policy OSP-6 and Guideline STP-UDG6 would ensure the protection and enhancement of existing trees throughout the plan area wherever possible. Municipal Code Chapters 13.16 and 19.94 dictate the limited circumstances under which protected trees may be removed and require implementation of protection measures for these trees during construction activities. If any protected trees are affected by future development, the project applicant will be required to comply with Chapter 19.94. The LSAP would implement this standard through guideline STP-UDG8, which requires that replacement trees be provided where tree removal is unavoidable. In addition, the LSAP has identified a policy to enhance the urban forest in the plan area to provide shade and shelter, add scale to pedestrian and vehicular streets, beautify the area, and provide wildlife habitat (LSAP Goal STP-P1). This would be accomplished through guidelines that require planting street trees on all streets, using medium- to large-canopy trees on large streets, and ensuring new tree plantings are appropriate for an urban environment.

The project would be subject to LSAP policy provisions and Municipal Code Chapters 13.16 and 19.94. The *Arborist Report for 1170 Sonora Court, Sunnyvale, CA* outlines the trees present on the project site (Panoramic Design Group 2022). Project plans include the removal of 32 trees, 6 of which are protected. and one of which is of a protected size. The LSAP EIR requires the project to comply with the City of Sunnyvale's Municipal Code (which includes the City's Tree Preservation Ordinance), as well as following policies and guidelines to reduce potential impacts due to the

removal of protected trees to less-than-significant. The project proponent would submit a permit application for the tree removals. Standard permit conditions in accordance with Chapter 19.94 of the Municipal Code may require replacement of trees as a condition of issuance of a protected tree removal permit. If it is not possible to plant replacement trees on the site, the applicant would pay an in-lieu fee for additional trees to be planted on City property. For those trees that do not require removal but are in close proximity to construction activities, the City or approving body may require a tree bond from the project proponent for any tree required to remain as a condition of permit approval during development activities as described in Chapter 19.94.

The 1154 and 1170 Sonora Court Biological Resources Report includes analysis of the project proposed design and landscaping and how the project proposes to comply with Option 2 of the City's Bird-Safe Design Guidelines, as well as LSAP policies and guidelines (relate to building massing and height), to reduce bird collisions (Impact 3.9.4 in the LSAP EIR). The City has incorporated into the conditions of approval the project's proposed design and landscaping (to avoid situations that result in a high collision risk), which include implementing bird-safe treatment of glazing as appropriate, and by shielding, directing, and programming proposed up lighting to ensure that the project meets the City's intent of designing bird-safe buildings and addresses high-risk collision hazards. By incorporating the project's recommendations into the conditions of approval, the project would meet the intent of the City's Bird-Safe Guidelines and thus there would be no conflict with local policies. Through implementation of LSAP policies and guidelines, compliance with the City's municipal code and conditions of approval, the project would not conflict with local policies or ordinances protecting biological resources and impacts would be less than significant.

The project would not result in new significant impacts or substantially more severe impacts than were identified in the LSAP EIR or LSAP Update SEIR, nor would there be new feasible mitigation measures or alternatives that reduce impacts but that City declines to adopt. The findings of the LSAP EIR and LSAP Update SEIR remain valid.

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?

The LSAP EIR determined that the LSAP area is not located in a habitat conservation plan area. As a result, no conflict with an adopted habitat conservation plan would occur, and no impact would result. No new conservation plans have been adopted since approval of the LSAP. Therefore, there are no new significant impacts or substantially more severe impacts that would occur pertaining to conflicts with adopted conservation plans. The findings of the certified LSAP EIR and LSAP Update SEIR remain valid, and no further analysis is required.

Mitigation Measures

The following adopted mitigation measures were referenced in the LSAP EIR analysis and would be implemented if the project were approved.

Mitigation Measure MM 3.9.2

- Prior to the removal of trees or the demolition of buildings, a bat survey shall be performed by a qualified biologist no more than 3 days before the start of construction activities. If bat roosts are identified, the City shall require that the bats be safely flushed from the sites where roosting habitat is planned to be removed. If maternity roosts are identified during the maternity roosting season (typically May to September), they must remain undisturbed until a qualified biologist has determined the young bats are no longer roosting. If roosting is found to occur onsite, replacement roost habitat (e.g., bat boxes) shall be provided to offset roosting sites removed. If no bat roosts are detected, no further action is required if the trees and buildings are removed before the next breeding season.
- If a female or maternity colony of bats is found on the project site, and the project can be constructed without the elimination or disturbance of the roosting colony (e.g., if the colony roosts in a large oak tree not planned for removal), a qualified biologist shall determine what buffer zones shall be employed to ensure the continued success of the colony. Such buffer zones may include a construction-free barrier of 200 feet from the roost and/or the timing of the construction activities outside of the maternity roost season (after July 31 and before March 1).

- If an active nursery roost is documented onsite and the project cannot be conducted outside of the maternity roosting season, bats shall be excluded from the site after July 31 and before March 1 to prevent the formation of maternity colonies. Nonbreeding bats shall be safely evicted under the direction of a bat specialist.

Mitigation Measure MM 3.9.3

- All construction and clearing activities shall be conducted outside of the avian nesting season (January 15–August 31), when feasible. If clearing and/or construction activities occur during the nesting season, preconstruction surveys for nesting raptors, special-status resident birds, and other migratory birds protected by the Migratory Bird Treaty Act shall be conducted by a qualified biologist, up to 3 days before initiation of construction activities. The qualified biologist shall survey the construction zone and a 250-foot radius surrounding the construction zone to determine whether the activities taking place have the potential to disturb or otherwise harm nesting birds.
- If an active nest is located within 100 feet (250 feet for raptors) of construction activities, the project applicant shall establish an exclusion zone (no ingress of personnel or equipment at a minimum radius of 100 feet or 250 feet, as appropriate, around the nest). Alternative exclusion zones may be established through consultation with the CDFW and the U.S. Fish and Wildlife Service (USFWS), as necessary. The City shall be notified if altered exclusion zone widths are authorized by these agencies before the initiation of work. The exclusion zones shall remain in force until all young have fledged.

Conclusion

No new significant or substantially more severe biological impacts would occur with the project. Therefore, the findings of the certified LSAP EIR and LSAP Update SEIR remain valid, and no further analysis is required.

3.5 CULTURAL RESOURCES

Environmental Issue Area	Where Impact Was Analyzed in the LSAP Draft and Final EIR or the LSAP Update Draft and Final SEIR.	Any New Circumstances Involving New Significant Impacts or Substantially More Severe Impacts?	Any New Information Requiring New Analysis or Verification?	Do Prior Environmental Documents Mitigations Address/Resolve Impacts?
5. Cultural Resources. Would the project:				
a. Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5?	Draft EIR Setting pp. 3.10-1 to 3.10-8 Impacts 3.10.1 and 3.10.3 Draft and Final SEIR identified no change in impact conclusion (Draft SEIR page 3.3-4)	No	No	NA, no impact would occur
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 3.10-8 Impacts 3.10.2 and 3.10.3 Draft and Final SEIR identified no change in impact conclusion (Draft SEIR Impact 3.3-1)	No	No	Yes, impacts would be less than significant with the application of the adopted mitigation measure
c. Substantially disturb human remains, including those interred outside of formal cemeteries?	Draft EIR Setting pp. 3.10-1 to 3.10-8 Impacts 3.10.2 and 3.10.3 Draft and Final SEIR identified no change in impact conclusion (Draft SEIR Impact 3.3-1)	No	No	Yes, impacts would be less than significant with the application of the adopted mitigation measure

3.5.1 Discussion

A search of the Northwest Information Center (NWIC) on March 18, 2022 (NWIC File No. 21-1289) revealed that no resources had previously been recorded within or adjacent the project site. The NWIC search also identified that two cultural resource reports have covered portions of the project site. These cultural resource reports contained no recorded archaeological resources or recorded buildings or structures. The findings of the records search are consistent with the EIR and SEIR analysis. The single-story commercial building located on the project site was constructed in 1974. The structure is less than 50 years old and not considered of historic age. Evaluation under the California Register of Historical Resources is not required, and therefore the building is not a resource under CEQA.

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

As identified under Impact 3.10.1 of the LSAP EIR, Sunnyvale has numerous buildings that may have historical value. However, none of the structures or sites identified in the City's Heritage Resources Inventory is located within or immediately adjacent to the LSAP area. As described above, no historic structures are located within the project site; thus, no new significant impacts or substantially more severe impacts would occur. The findings of the certified LSAP EIR and LSAP Update SEIR remain valid.

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

As discussed in Impact 3.10.2 in the LSAP, while the LSAP would not directly affect archaeological resources, implementation of the LSAP would allow new development, redevelopment, and infrastructure improvements that could involve subsurface disturbance for installation of foundations, utilities, or subterranean building features. As identified in Impact 3.10.2, subsequent actions have the potential to impact undiscovered archaeological resources. If such resources were to represent "unique archaeological resources" as defined by CEQA in State CEQA Guidelines Section 15064.5 and Public Resources Code Section 21083.2(g), any substantial change to or destruction of these resources would be a significant impact. Implementation of adopted LSAP Mitigation Measure MM 3.10.2 would require halting of construction activities and protection of any discovered archaeological resources.

As previously described, the project site contains no recorded archaeological resources. Further, the project would be subject to adopted LSAP Mitigation Measure MM 3.10.2. The project would not result in new significant impacts or substantially more severe impacts than were identified in the LSAP EIR or LSAP Update SEIR, nor would there be new feasible mitigation measures or alternatives that reduce impacts but that City declines to adopt. The findings of the LSAP EIR and LSAP Update SEIR remain valid.

c) Substantially disturb human remains, including those interred outside of formal cemeteries ?

While the LSAP would not directly affect human remains, implementation of the LSAP would allow new development, redevelopment, and infrastructure improvements that could involve subsurface disturbance for installation of foundations, utilities, or subterranean building features. As identified in Impact 3.10.2, subsequent actions have the potential to impact unrecorded human remains. California Health and Safety Code Section 7050.5, State CEQA Guidelines Section 15064.5, and California Public Resources Code Section 5097.98 mandate the process to be followed in the event of accidental discovery of human remains in a location other than a dedicated cemetery. These sections also provide guidance if the remains are determined to be Native American. The actions required under these sections would ensure a less than significant impact to human remains.

The project would not result in new significant impacts or substantially more severe impacts than were identified in the LSAP EIR or LSAP Update SEIR, nor would there be new feasible mitigation measures or alternatives that reduce impacts but that City declines to adopt. The findings of the LSAP EIR and LSAP Update SEIR remain valid.

Mitigation Measures

The following adopted mitigation measures were adopted with the LSAP and would continue to remain applicable if the project was approved.

Mitigation Measure MM 3.10.2

All subsequent projects within the LSAP plan area shall be required to include information on the improvement plans that if, during the course of grading or construction cultural resources (i.e., prehistoric or historic sites) are discovered, work will stop in that area and within 100 feet of the find until a qualified archaeologist can access the significance of the find and, if necessary, develop appropriate treatment measures as part of a treatment plan in consultation with the City and all other appropriate agencies. The treatment plan shall include measures to document and protect the discovered resource. Consistent with CEQA Guidelines Section 15126.4 (b)(3), preservation in place will be the preferred method of mitigating impacts to the discovered resource. Pursuant to Government Code Section 6254.10, information on the discovered resource shall be confidential.

Conclusion

No new circumstances or project changes have occurred nor has any new information been found that would result in new significant or substantially more severe impacts than those identified in the LSAP EIR. Therefore, the conclusions of the LSAP EIR and the LSAP Update SEIR remain valid, and approval of the project would not result in new or substantially more severe significant impacts to cultural resources.

3.6 ENERGY

Environmental Issue Area	Where Impact Was Analyzed in the LSAP Draft and Final EIR or the LSAP Update Draft and Final SEIR.	Any New Circumstances Involving New Significant Impacts or Substantially More Severe Impacts?	Any New Information Requiring New Analysis or Verification?	Do Prior Environmental Documents' Mitigations Address/Resolve Impacts?
6. Energy. Would the project:				
a. Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?	Draft EIR Setting pp. 3.11-44 to 3.11-47 Impact 3.11.8.1 Draft and Final SEIR identified no change in impact conclusion Draft SEIR Impact 3.5-1)	No	No	NA, impact would be less than significant
b. Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?	Draft EIR Setting pp. 3.11-44 to 3.11-47 Impact 3.11.8.1 Draft and Final SEIR identified no change in impact conclusion (Draft SEIR Impact 3.5-2)	No	No	NA, impact would be less than significant

3.6.1 Discussion

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 are members of Silicon Valley Clean Energy (SVCE), which serves as the CCA for its member jurisdictions. SVCE was established in March 2016 following the adoption of the 2014 Climate Action Plan (CAP) and works in partnership with Pacific Gas and Electric (PG&E) to deliver GHG-efficient electricity to customers within its member jurisdictions. Consistent with state law, all electricity customers in the city of Sunnyvale were automatically enrolled in SVCE; however, customers can choose to opt out and be served by PG&E. SVCE offers two levels of service: all customers are automatically enrolled in GreenStart, which provides at a minimum 50 percent of its energy from carbon-free sources, while accounts can upgrade to GreenPrime, which delivers 100 percent renewable and 100 percent carbon-free electricity for an additional charge (SVCE 2022). According to the Sunnyvale Climate Action Plan Biennial Progress Report released in 2019, 98 percent of residential and commercial accounts received clean electricity from SVCE and 100 percent of City facilities were powered by renewable energy (City of Sunnyvale 2018). PG&E supplies natural gas service to the City of Sunnyvale through state-regulated public utility contacts. The project would construct all-electric buildings and no natural gas connections would be provided.

On August 13, 2019, the City adopted the Climate Action Playbook (Playbook) which builds upon the City's previous CAP 1.0 prepared in 2014. Through implementation of measures in the CAP 1.0, the City experienced a 12 percent decrease below 1990 emissions levels in 2016. In 2016, the City emitted 880,000 metric tons of carbon dioxide equivalent ($MTCO_2e$). To demonstrate compliance with the state's long-term climate change reduction goals, the City must achieve an interim target of a 56 percent reduction below 1990 levels by 2030 (Senate Bill [SB] 32) with the goal of meeting the state's target of 80 percent below 1990 emissions by 2050 (Executive Order [EO] S-3-05). The Playbook includes a Game Plan 2020 which contains the "next moves" for the City and contains 46 actions that are planned for implementation over 3 years (2019–2022). Several Playbook next moves are directly applicable to land use development projects. The City requires land use development projects to adhere to the CAP as a condition of approval.

The regulatory setting provided in the LSAP EIR remains applicable to this analysis. The regulatory information provided on pages 3.11-45 through 3.11-47 of the LSAP EIR includes a description of building efficiency standards; green building standards; applicable policies of the City's CAP; and approved LSAP policies. Since certification of the LSAP EIR, various State and federal policies have been updated. These are identified below as well as in the LSAP Update SEIR.

- Energy Policy and Conservation Act, and CAFE Standards: The Energy Policy and Conservation Act of 1975 established nationwide fuel economy standards to conserve oil. Under this act, the National Highway Traffic and Safety Administration, is responsible for revising existing fuel economy standards and establishing new vehicle economy standards. The Corporate Average Fuel Economy program was established to determine vehicle manufacturer compliance with the government's fuel economy standards. Three Energy Policy Acts have been passed, in 1992, 2005, and 2007, to reduce dependence on foreign petroleum, provide tax incentives for alternative fuels, and support energy conservation.
- Energy Policy Act of 1992 and 2005: The Energy Policy Act of 1992 (EPAct) was passed to reduce the country's dependence on foreign petroleum and improve air quality. EPAct includes several parts intended to build an inventory of alternative fuel vehicles (AFVs) in large, centrally fueled fleets in metropolitan areas. EPAct requires certain federal, state, and local government and private fleets to purchase a percentage of light-duty AFVs capable of running on alternative fuels each year. In addition, financial incentives are also included in EPAct. Federal tax deductions are allowed for businesses and individuals to cover the incremental cost of AFVs. States are also required by the act to consider a variety of incentive programs to help promote AFVs. The Energy Policy Act of 2005 provides renewed and expanded tax credits for electricity generated by qualified energy sources, such as landfill gas; provides bond financing, tax incentives, grants, and loan guarantees for clean renewable energy and rural community electrification; and establishes a federal purchase requirement for renewable energy.
- State of California Energy Efficiency Action Plan: The 2019 California Energy Efficiency Action Plan has three primary goals for the state: double energy efficiency savings by 2030 relative to a 2015 base year (per SB 350), expand energy efficiency in low-income and disadvantaged communities, and reduce greenhouse gas emissions from buildings. This plan provides guiding principles and recommendations on how the state would achieve those goals. These recommendations include:
  - identifying funding sources that support energy efficiency programs,
  - identifying opportunities to improve energy efficiency through data analysis,
  - using program designs as a way to encourage increased energy efficiency on the consumer end,
  - improving energy efficiency through workforce education and training, and
  - supporting rulemaking and programs that incorporate energy demand flexibility and building decarbonization (CEC 2019).
- 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 2022 (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 2022 Building Energy Efficiency Standards, which were recently adopted on August 11, 2021, will go into effect starting January 1, 2023.
- 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 2022 standards will become effective on January 1, 2023 and replace the 2019 standards that are current as of the writing of this analysis. Each iteration of the CALGreen standards improves the energy efficiency and sustainability of new development from the prior iteration.

- AB 2076 (Chapter 936, Statutes of 2000): The CEC and CARB prepared and adopted a joint agency report in 2003, Reducing California's Petroleum Dependence. Included in this report are recommendations to increase the use of alternative fuels to 20 percent of on-road transportation fuel use by 2020 and 30 percent by 2030, significantly increase the efficiency of motor vehicles, and reduce per capita VMT (CEC and CARB 2003).
- AB 1007 (Chapter 371, Statues of 2005): required CEC to prepare the State Alternative Fuels Plan to increase the use of alternative fuels in California.
- Advanced Clean Cars program: In January 2012, CARB approved the Advanced Clean Cars program which combines the control of GHG emissions and criteria air pollutants, as well as requirements for greater numbers of zero-emission vehicles, into a single package of standards for vehicle model years 2017 through 2025. The program's zero-emission vehicle regulation requires battery, fuel cell, and/or plug-in hybrid electric vehicles to account for up to 15 percent of California's new vehicle sales by 2025. In August 2022, CARB adopted the Advanced Clean Cars II program, which sets sales requirements for zero emission vehicles (ZEVs) to ultimately reach the goal of 100 percent ZEV sales in the state by 2035.
- CARB adopted the *2017 Climate Change Scoping Plan* (2017 Scoping Plan), which outlines the main strategies California will implement to achieve the legislated GHG emission target for 2030 and "substantially advance toward our 2050 climate goals" (CARB 2017). It identifies the reductions needed by each GHG emission sector (e.g., transportation, industry, electricity generation, agriculture, commercial and residential, pollutants with high global warming potential, and recycling and waste). CARB released the *Final 2022 Scoping Plan for Achieving Carbon Neutrality* (2022 Scoping Plan) on November 16, 2022 (CARB 2022b). The 2022 Scoping Plan traces the pathway for the state to achieve its carbon neutrality goal by 2045 using a combined top down, bottoms up approach using various scenarios. CARB adopted the 2022 Scoping Plan on December 16, 2022.
- SB X1-2: All California utilities are to generate 33 percent of their electricity from renewables by 2020. SB X1-2 also requires the renewable electricity standard to be met increasingly with renewable energy that is supplied to the California grid from sources within, or directly proximate to, California. SB X1-2 mandates that renewables from these sources make up at least 50 percent of the total renewable energy for the 2011-2013 compliance period, at least 65 percent for the 2014-2016 compliance period, and at least 75 percent for 2016 and beyond.
- SB 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.
- The Energy Independence and Security Act of 2007 is designed to improve vehicle fuel economy and help reduce U.S. dependence on oil. It represents a major step forward in expanding the production of renewable fuels, reducing dependence on oil, and confronting global climate change. The Energy Independence and Security Act of 2007 increases the supply of alternative fuel sources by setting a mandatory Renewable Fuel Standard requiring fuel producers to use at least 36 billion gallons of biofuel in 2022, which represents a nearly five-fold increase over current levels; and reduces U.S. demand for oil by setting a national fuel economy standard of 35 miles per gallon by 2020—an increase in fuel economy standards of 40 percent. By addressing renewable fuels and the CAFE standards, the Energy Independence and Security Act of 2007 builds upon progress made by the Energy Policy Act of 2005 in setting out a comprehensive national energy strategy for the 21st century.

a) Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?

As described in Impact 3.11.8.1 of the LSAP EIR, buildout of the LSAP would increase the consumption of energy. However, projects developed under the LSAP would need 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. Implementation of the LSAP would also result in an improvement in VMT per capita as compared to

citywide VMT under the existing General Plan and the proposed Land Use and Transportation Element update (see LSAP Draft EIR Table 3.4-1 in Section 3.4, Transportation and Circulation). This is consistent with the intent of the LSAP to improve the use of alternative modes of transportation and reduce vehicle use and associated VMT. Construction and operational energy use associated with the project are discussed separately, below. Construction and operational energy use was also evaluated in LSAP Update Impact 3.5-1.

Construction

Energy would be required to operate and maintain construction equipment and transport construction materials. The one-time energy expenditure required to construct the physical buildings and infrastructure associated with the Project would be nonrecoverable. Most energy consumption would result from operation of off-road construction equipment and on-road vehicle trips associated with commutes by construction workers and haul trucks trips.

Table 3.6-1 summarizes the levels of energy consumption associated with the construction of the project by phase. Most of the construction-related energy consumption would be associated with off-road equipment and the transport of equipment and waste using on-road haul trucks for all phases of construction. An estimated 73,294 gallons of gasoline and 67,663 gallons of diesel fuel would be used during construction of the project (see Appendix C).

Table 3.6-1 Construction Energy Consumption

Construction Phase	Diesel (Gallons)	Gasoline (Gallons)
Off-Road Equipment	47,568	—
On-Road Trucks	20,095	—
Worker Commute Vehicles	—	73,294
Total	**67,663**	**73,294**

Notes: Gasoline gallons include on-road gallons from worker trips. Diesel gallons include off-road equipment and on-road gallons from worker and vendor trips.

Source: Calculations by Ascent Environmental in 2022.

The energy needs for project construction would be temporary and are not anticipated to require additional capacity or substantially increase peak or base period demands for electricity and other forms of energy. Associated energy consumption would be typical of that associated with residential projects of this size in an urban setting. Automotive fuels would be consumed to transport people to and from the project site. Energy would be required for construction elements and transport construction materials. The one-time energy expenditure required to construct the physical infrastructure associated with the project would be nonrecoverable. There is no atypical construction related energy demand associated with the proposed project. Non-renewable energy would not be consumed in a wasteful, inefficient, and unnecessary manner when compared to other construction activity in the region.

The project would not result in new significant impacts or substantially more severe impacts than were identified in the LSAP EIR or LSAP Update SEIR, nor would there be new feasible mitigation measures or alternatives that reduce impacts but that City declines to adopt. The findings of the LSAP EIR and LSAP Update SEIR remain valid.

Operational

The project would increase electricity consumption in the region relative to existing conditions. However, the new facilities would, at a minimum, be built to 2022 Title 24 Building Energy Efficiency Standards, which are more efficient than 2019 Standards, as the 2022 Energy Code encourages efficient electric heat pumps, establishes electric-ready requirements for new homes, expands solar photovoltaic and battery storage standards, and strengthens ventilation standards (CEC 2022). The project would have no natural gas use and would be all electric. Off-model adjustments were made to electricity consumption for each land use to account for increased electricity demand resulting from the absence of natural gas use. See Appendix C for calculation details. Table 3.6-2 summarizes the levels of energy consumption associated with the operation of the project for the first full year (2027) of operations.

Table 3.6-2 Operational Energy Consumption

Energy Type	Energy Consumption	Units
Electricity	3,179,252	kWh/year
Gasoline	89,170,903	gal/year
Diesel	3,015,194	gal/year

Notes: kWh/year = kilowatt-hours per year; gal/year = gallons per year.

Source: Calculations by Ascent Environmental in 2022.

Operation of the project would be typical of residential uses requiring electricity for lighting, climate control, kitchen facilities, and miscellaneous appliances. Title 24 Building Energy Efficiency Standards would be integrated into the project to reduce the project's energy demands.

The net fuel consumption associated with project-related vehicle trips would not be considered wasteful, inefficient, or unnecessary in comparison to other similar developments in the region. State and federal regulations regarding fuel efficiency standards for vehicles in California are designed to reduce wasteful, inefficient, and unnecessary use of energy for transportation. Additionally, the project site is also located near the Lawrence Caltrain Station which will reduce fuel use from vehicle trips and from increased ridership. For these reasons, the project would not result in wasteful, inefficient, or unnecessary consumption of energy.

The project would not result in new significant impacts or substantially more severe impacts than were identified in the LSAP EIR or LSAP Update SEIR, nor would there be new feasible mitigation measures or alternatives that reduce impacts but that City declines to adopt. The findings of the LSAP EIR and LSAP Update SEIR remain valid.

b) Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?

As noted above, new land uses developed as part of project implementation would comply with the Title 24 2022 Building Energy Efficiency Standards, which are intended to increase the energy efficiency of new development projects in the state and move the State closer to its zero-net energy goals. The project would be automatically enrolled as a member of the SVCE, which serves as the CCA for the County. SVCE works in partnership with PG&E to deliver GHG-efficient electricity to customers within its member jurisdictions. According to the Sunnyvale Climate Action Plan Biennial Progress Report released in 2018, 98 percent of residential and commercial accounts received electricity from SVCE, and 100 percent of City facilities were powered by renewable energy (City of Sunnyvale 2018). Complying with Title 24 2022 Building Energy Efficiency Standards and participating in the CCA complies with the State's 2017 Scoping Plan Update and the City's local Climate Action Plan Playbook to increase energy efficiency and reduce energy use from fossil fuel sources. Implementation of the project would not conflict with or obstruct a State or local plan for renewable energy or energy efficiency.

The project would not result in new significant impacts or substantially more severe impacts than were identified in the LSAP EIR or LSAP Update SEIR, nor would there be new feasible mitigation measures or alternatives that reduce impacts but that City declines to adopt. The findings of the LSAP EIR and LSAP Update SEIR remain valid.

Mitigation Measures

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

Conclusion

No new circumstances or project changes have occurred nor has any new information been identified requiring new analysis or verification. Therefore, the conclusions of the LSAP EIR and the LSAP Update SEIR remain valid, and approval of project would not result in new or substantially more severe significant impacts to energy.

3.7 GEOLOGY AND SOILS

Environmental Issue Area	Where Impact Was Analyzed in the LSAP Draft and Final EIR or the LSAP Update Draft and Final SEIR.	Any New Circumstances Involving New Significant Impacts or Substantially More Severe Impacts?	Any New Information Requiring New Analysis or Verification?	Do Prior Environmental Documents Mitigations Address/Resolve Impacts?
7. Geology and Soils. Would the project:				
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? (Refer to California Geological Survey Special Publication 42.)	Draft EIR Setting pp. 3.7-1 to 3.7-8 Impact not evaluated Draft and Final SEIR identified no change in impact conclusion (Draft SEIR page 3.6-2)	No	No	NA, no impact would occur.
ii) Strong seismic ground shaking?	Draft EIR Setting pp. 3.7-1 to 3.7-8 Impacts 3.7.1 and 3.7.5 Draft and Final SEIR identified no change in impact conclusion (Draft SEIR page 3.6-2)	No	No	NA, impact would be less than significant.
iii) Seismic-related ground failure, including liquefaction?	Draft EIR Setting pp. 3.7-1 to 3.7-8 Impacts 3.7.1 and 3.7.5 Draft and Final SEIR identified no change in impact conclusion (Draft SEIR page 3.6-2)	No	No	NA, impact would be less than significant.
iv) Landslides?	Draft EIR Setting pp. 3.7-1 to 3.7-8 Impact not evaluated Draft and Final SEIR identified no change in impact conclusion	No	No	NA, no impact would occur.
b) Result in substantial soil erosion or the loss of topsoil?	Draft EIR Setting pp. 3.7-1 to 3.7-8 Impacts 3.7.2 and 3.7.6 Draft and Final SEIR identified no change in impact conclusion (Draft SEIR page 3.6-2 through 3.6-3)	No	No	NA, impact would be 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 3.7-8 Impacts 3.7.3, 3.7.5, and 3.7.6 Draft and Final SEIR identified no change in	No	No	NA, impact would be less than significant.

Environmental Issue Area	Where Impact Was Analyzed in the LSAP Draft and Final EIR or the LSAP Update Draft and Final SEIR.	Any New Circumstances Involving New Significant Impacts or Substantially More Severe Impacts?	Any New Information Requiring New Analysis or Verification?	Do Prior Environmental Documents Mitigations Address/Resolve Impacts?
	impact conclusion (Draft SEIR page 3.6-3)			
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994, as updated), creating substantial direct or indirect risks to life or property?	Draft EIR Setting pp. 3.7-1 to 3.7-8 Impacts 3.7.3 and 3.7.6 Draft and Final SEIR identified no change in impact conclusion (Draft SEIR page 3.6-3)	No	No	NA, impact would be less than significant.
e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?	Draft EIR Setting pp. 3.7-1 to 3.7-8 Impact not analyzed. Draft and Final SEIR identified no change in impact conclusion (Draft SEIR page 3.6-3)	No	No	NA, no impact would occur.
f) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	Draft EIR page 3.7-11 Impacts 3.7.4 and 3.7.6 Draft and Final SEIR identified no change in impact conclusion (Draft SEIR Impact 3.6-1)	No	No	Yes, impacts would be less than significant with the application of the adopted mitigation measure.

3.7.1 Discussion

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

The California Supreme Court decision in California Building Industry Association v. Bay Area Air Quality Management District has resulted in changes to 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, as concluded by the California Supreme Court (see [2015] 62 Cal.4th 369, 377 ["we conclude that agencies generally subject to CEQA are not required to analyze the impact of existing environmental conditions on a project's future users or residents. But when a project risks exacerbating those environmental hazards or conditions that already exist, an agency must analyze the potential impact of such hazards on future residents or users."]). Changes to the State CEQA Guidelines to reflect this decision were adopted on December 28, 2018. 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 on future residents are included herein for disclosure purposes.

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? (Refer to California Geological Survey Special Publication 42.)

On page 3.7-8 of the LSAP Draft EIR, it is noted that the Plan Area is not located within an Alquist-Priolo Earthquake Fault Zone and would therefore not be subject to hazards associated with substantial fault-rupture. Impacts associated with fault-rupture were not evaluated in the LSAP EIR and no impact was identified in the LSAP Update SEIR.

The proposed project is located within the Plan Area evaluated in the LSAP Draft EIR, which was determined not to be subject to hazards associated with fault-rupture. The project would not result in any new or more severe impacts relating to fault rupture. The project would not result in new significant impacts or substantially more severe impacts than were identified in the LSAP EIR or LSAP Update SEIR, nor would there be new feasible mitigation measures or alternatives that reduce impacts but that City declines to adopt. The findings of the LSAP EIR and LSAP Update SEIR remain valid.

ii) Strong seismic ground shaking?

See section a- III) below.

iii) Seismic-related ground failure, including liquefaction?

As noted in Impact 3.7.1 of the LSAP Draft EIR, the LSAP area, including the project area, is located in a seismically active area and could experience strong seismic ground shaking and seismic-related ground failure from earthquakes on active faults located outside of the plan area (City of Sunnyvale 2016). The anticipated increase in population and development under the LSAP could result in the exposure of people, structures, and infrastructure to seismic-related hazards such as ground shaking, and seismic-related ground failure such as liquefaction and settlement.

A geotechnical investigation report was prepared for the project. The report states that the project site is located in the Coast Ranges geomorphic province of California that is characterized by northwest-trending valleys and ridges (Rockridge 2022). These topographic features are controlled by folds and faults that resulted from the collision of the Farallon plate and North American plate and subsequent strike-slip faulting along the San Andreas Fault system. The San Andreas Fault is more than 600 miles long from Point Arena in the north to the Gulf of California in the south. The major active faults in the area are the San Andreas, Monte Vista-Shannon, and Hayward Faults. The report states that during a major earthquake on a segment of one of the nearby faults, very strong shaking could occur at the project site. Strong shaking during an earthquake can result in ground failure such as that associated with soil liquefaction. The report states that intensity of earthquake ground motion at the site will depend on the characteristics of the generating fault, distance to earthquake epicenter, and magnitude and duration of the earthquake.

Soil susceptible to liquefaction includes loose to medium dense sand and gravel, low-plasticity silt, and some low-plasticity clay deposits. The report states that the project site has been mapped within a zone of liquefaction potential (CGS 2002), an evaluation of the liquefaction potential of soil encountered below groundwater at the site. The analysis identified potentially liquefiable soils at depths between 13 to 20 feet below ground surface (bgs). However, because the proposed basement would be founded about 25 feet bgs, there are no potentially liquefiable layers in proximity to the bottom of the proposed building foundations and the likelihood of liquefaction-induced events are low (Rockridge 2022).

The LSAP Draft EIR concluded that implementation of existing regulations and building standards, such as the CBC implemented through Chapter 16.16 of the City's Municipal Code, would address seismic hazards, and result in a less than significant impact. The CBC includes design criteria for seismic loading and other geologic hazards to minimize impacts of ground shaking on buildings. The project would be subject to applicable requirements from the CBC, as well as recommendations made by the geotechnical investigation for the project. The project would not result in new

significant impacts or substantially more severe impacts than were identified in the LSAP EIR or LSAP Update SEIR, nor would there be new feasible mitigation measures or alternatives that reduce impacts but that City declines to adopt. The findings of the LSAP EIR and LSAP Update SEIR remain valid.

iv) Landslides?

On page 3.7-8 of the LSAP Draft EIR, it is noted that the Plan Area is not located within a landslide hazard zone and would therefore not be subject to hazards associated with landslides. Impacts associated with landslides were not evaluated in the LSAP EIR.

The proposed project is located within the Plan Area evaluated in the LSAP EIR, which was determined not to be subject to hazards associated with fault-rupture or landslides. The project would result in no impacts pertaining to landslides. The project would not result in new significant impacts or substantially more severe impacts than were identified in the LSAP EIR or LSAP Update SEIR, nor would there be new feasible mitigation measures or alternatives that reduce impacts but that City declines to adopt. The findings of the LSAP EIR and LSAP Update SEIR remain valid.

b) Result in substantial soil erosion or the loss of topsoil?

Impact 3.7.2 of the LSAP Draft EIR identifies that implementation of the project could include development of new uses, redevelopment, and infrastructure improvements. Grading and site preparation activities associated with such development could temporarily remove buildings and pavement potentially disturbing the soils, which could result in additional potential for wind and water erosion. However, construction within the LSAP area would be required to comply with CBC Chapter 70 standards, which would ensure implementation of appropriate site-specific measures during grading and other construction activities to reduce and minimize the potential for soil erosion to a less than significant level. Additionally, any development involving clearing, grading, or excavation that causes soil disturbance of one or more acres would be required to prepare and implement a stormwater pollution prevention plan (SWPPP), which includes specific requirements related to the installation and maintenance of erosion control measures.

The project area is approximately 1.1 acres and would require the preparation of a SWPPP. 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 LSAP Draft EIR Section 3.9, "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.

Compliance with existing standards and BMPs would minimize potential project impacts to a less-than-significant level. The project would not result in new significant impacts or substantially more severe impacts than were identified in the LSAP EIR or LSAP Update SEIR, nor would there be new feasible mitigation measures or alternatives that reduce impacts but that City declines to adopt. The findings of the LSAP EIR and LSAP Update SEIR 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 LSAP EIR stated that future structures and improvements that could be developed under the LSAP 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 (LSAP Draft EIR 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 provide recommendations for design and construction methods to reduce potential impacts, as necessary.

The preliminary geotechnical investigation prepared for the project identified potential geotechnical issues related to shallow groundwater, suitable lateral support to the sides of excavations to limit deflections and to protect surrounding improvements, and dewatering-induced settlement of surrounding improvements. The report provided recommended specific construction activities including installation of a mat foundation, soil anchors, and the need to identify a suitable shoring system. In addition, the report provided considerations for construction dewatering systems (Rockridge 2022: 11-18).

In addition to the above, the CBC requires the incorporation of special design and construction methods to reduce potential site conditions related to expansive soil and settlement. Compliance with recommendations in the geotechnical report and with CBC regulations and standards would ensure the adequate design and construction of building foundations, and ground preparation to resist soil movement.

For a discussion of impacts relating to landslides, see analyses under section a-IV) above.

The project would not result in new significant impacts or substantially more severe impacts than were identified in the LSAP EIR or LSAP Update SEIR, nor would there be new feasible mitigation measures or alternatives that reduce impacts but that City declines to adopt. The findings of the LSAP EIR and LSAP Update SEIR 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 analyses under item c) above.

e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?

As described in the LSAP and consistent with the analyses in the LSAP EIR, the project would use the City's existing wastewater conveyance and treatment systems. Septic systems would not be required and therefore no impact pertaining to alterative wastewater disposal would occur. This condition has not changed, and no new significant impacts or substantially more severe impacts would occur. Therefore, the findings of the certified LSAP EIR and the LSAP Update SEIR remain valid, and no further analysis is required.

f) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?

The underlying geology of the LSAP area consists of basin and alluvial deposits that have the potential to contain fossils, based on previously reported finds in similar materials in other locations in the Bay Area. New development and redevelopment activities in the LSAP area could involve the installation of footings and foundations and/or excavations. Because the plan area is developed, it is likely that a substantial amount of ground disturbance and placement of fill has altered the subsurface soils and underlying geologic materials at varying depths. However, if a large area were excavated to depths greater than 10 feet, it is possible the excavation could be within Holocene age deposits or older Pleistocene alluvial materials, which could contain fossils. Paleontological resources are classified as nonrenewable scientific resources. The inadvertent damage or destruction during excavation and grading activities at construction sites could further reduce this finite resource base. This is a potentially significant impact for the LSAP. Implementation of Mitigation Measure MM 3.7.4 that would require halting of construction activities and protection of any discovered paleontological resources would reduce this impact to a less-than-significant level.

The project would be subject to adopted LSAP Mitigation Measure MM 3.7.4. The project would not result in new significant impacts or substantially more severe impacts than were identified in the LSAP EIR or LSAP Update SEIR, nor would there be new feasible mitigation measures or alternatives that reduce impacts but that City declines to adopt. The findings of the LSAP EIR and LSAP Update SEIR remain valid.

Mitigation Measures

The following adopted mitigation measures were adopted with the LSAP and would continue to remain applicable if the project was approved.

Mitigation Measure MM 3.7.4

All subsequent projects within the LSAP plan area shall be required to include information on the improvement plans that if, during the course of grading or construction fossils are discovered, work shall be halted immediately within 50 feet of the discovery, the Sunnyvale Community Development Department shall be notified, and the significance of the find and recommended actions must be determined by a qualified paleontologist. In addition, before the commencement of project site preparation, all construction personnel shall be informed of the potential to discover fossils and the procedures to follow.

Conclusion

No new circumstances or project changes have occurred nor has any new information been found requiring new analysis or verification. Therefore, the conclusions of the LSAP EIR and the LSAP Update SEIR remain valid, and approval of the project would not result in new or substantially more severe significant impacts to geology and soils.

3.8 GREENHOUSE GAS EMISSIONS

Environmental Issue Area	Where Impact Was Analyzed in the LSAP Draft and Final EIR or the LSAP Update Draft and Final SEIR.	Any New Circumstances Involving New Significant Impacts or Substantially More Severe Impacts?	Any New Information Requiring New Analysis or Verification?	Do Prior Environmental Documents' Mitigations Address/Resolve Impacts?
8. Greenhouse Gas Emissions. Would the project:				
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 3.13-10 Impact 3.13.1 Draft and Final SEIR identified no change in impact conclusion (Draft SEIR Impact 3.7-1)	No	No	NA, impact would be less than significant
b. Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	Draft EIR Setting pp. 3.13-1 to 3.13-10 Impact 3.13.1 Draft and Final SEIR identified no change in impact conclusion (Draft SEIR Impact 3.7-1)	No	No	NA, impact would be less than significant

3.8.1 Discussion

On August 13, 2019, the City adopted the Climate Action Playbook (Playbook) which builds upon the City's previous CAP 1.0 in 2014. Through implementation of measures in the CAP 1.0, the City experienced a 12 percent decrease below 1990 emissions levels in 2016. In 2016, the City emitted 880,000 $MTCO_2e$. To demonstrate compliance with the state's long-term climate change reduction goals, the City must achieve an interim target of a 56 percent reduction below 1990 levels by 2030 (SB 32) with the goal of meeting the state's target of 80 percent below 1990 emissions by 2050 (EO S-3-05). The Playbook includes a Game Plan 2020 which contains the "next moves" for the City and contains 46 actions that are planned for implementation over 3 years (2019–2022). Several Playbook next moves are directly applicable to land use development projects. The City requires land use development projects to adhere to the CAP as a condition of approval.

In April 2017, the City Council adopted the LUTE of the General Plan which incorporates and integrates policy direction and land use patterns from other City of Sunnyvale planning documents, including the LSAP. Since the adoption of the LSAP EIR there have been several new or updated GHG executive orders, plans, policies, or regulations issued since certification of the LSAP 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 LSAP EIR. The LSAP Update SEIR determined that the regulatory setting of the 2016 LSAP EIR remained applicable to the LSAP Update SEIR analysis. Several new laws, plans, regulations, and guidelines have been introduced that related to GHGs and have become effective since the writing of the LSAP Update SEIR. These laws, regulations, plans, and guidelines are summarized below:

- Scoping Plan Update: EO B-30-15 and SB 32 require CARB to prepare updates 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. CARB released the *Final 2022 Scoping Plan for Achieving Carbon Neutrality* (2022 Scoping Plan) on November 16, 2022, pursuant to AB 1279 (summarized below). The 2022 Scoping Plan traces the pathway for the state to achieve its carbon neutrality goal by 2045 using a combined top down, bottoms up approach using various scenarios. CARB adopted the 2022 Scoping Plan on December 16, 2022. The 2022

Scoping Plan readjusted the previous SB 32 target of reducing statewide GHG emissions by 40 percent below a 1990 inventory to 48 percent in consideration of the more aggressive targets established by AB 1279.

- AB 1279: On September 16, 2022, the State legislature passed AB 1279 which codified stringent emissions targets for the State of achieving carbon neutrality and an 85 percent reduction in 1990 emissions level by no later than 2045 (this superseded the previous GHG emissions reduction target set forth by EO S-3-05 and SB 32).
- SB 379: SB 379 was passed by the State on September 16, 2022. This bill requires every city and county to implement an online permitting platform that verifies code compliance and issues permits in real time for a residential solar system. The bill would require the Energy Commission to set guidelines, adopted through a specified public process to report the number of permits issued for residential solar energy system and residential energy storage systems paired with residential solar energy systems and the relevant characteristics of those systems.
- California Renewables Portfolio Standard: SB X1-2 of 2011 requires all California utilities to generate 33 percent of their electricity from renewables by 2020. SB 100 of 2018 sets a three-stage compliance period requiring all California utilities, including independently owned utilities, energy service providers, and community choice aggregators, to generate 52 percent of their electricity from renewables by December 31, 2027; 60 percent by December 31, 2030; and 100 percent carbon-free electricity by December 31, 2045. On September 16, 2022, SB 1020 was signed into law. This bill supersedes the goals of SB 100 by requiring that eligible renewable energy resources and zero-carbon resources supply 90 percent of all retail sales of electricity to California end-use customers by December 31, 2035, 95 percent of all retail sales of electricity to California end-use customers by December 31, 2040, 100 percent of all retail sales of electricity to California end-use customers by December 31, 2045, and 100 percent of electricity procured to serve all state agencies by December 31, 2035.
- Bay Area Air Quality Management District Justification Report: In April 2022, the BAAQMD released the *Justification Report: CEQA Thresholds for Evaluating the Significance of Climate Impacts* (Justification Report). This report includes guidance for determining a project's consistency with California's long-term climate goal of achieving carbon neutrality by 2045. The report recommends using the approach endorsed by the *California Supreme Court in Center for Biological Diversity v. Department of Fish & Wildlife* (2015) (62 Cal.4th 204), which evaluates a project based on its effect on California's efforts to meet the State's long term climate goals. As the Supreme Court held in that case, a project that would be consistent with meeting those goals can be found to have a less-than-significant impact on climate change under CEQA. If a project would contribute its "fair share" of what will be required to achieve those long-term climate goals, then a reviewing agency can find that the impact will not be significant because the project will help to mitigate the effects of global climate change (62 Cal.4th 220–223) (BAAQMD 2022).
- Bay Area Air Quality Management District 2022 CEQA Guidelines: In April 2023, the Bay Area Air Quality Management District release the 2022 CEQA Thresholds and Guidelines Update. The 2022 CEQA Guidelines include a new chapter with best practices for centering Environmental Justice, health, and equity; a new appendix with the rationale for the recommended climate impacts thresholds of significance; a new appendix to assist with developing community-scale greenhouse gas reduction strategies aligned with the State CEQA Guidelines and the Air District's plan-level thresholds; an appendix with guidance on using the California Emissions Estimator Model (CalEEMod 2022) for Bay Area projects; and a new criteria pollutants and precursors screening tool for mixed land use projects. In addition, the 2022 CEQA Guidelines include updated chapters on thresholds of significance, air quality and climate impacts, and mitigating impacts; updated criteria air pollutant and precursor impacts screening tables for single land use projects; updated basic and enhanced best management practices for construction-related fugitive dust; and an updated appendix with guidance for conducting individual project and cumulative cancer risk and hazards analysis.
- 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 2022 (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 2022 Building Energy Efficiency Standards, which were recently adopted on August 11, 2021, became effective on January 1, 2023.

- 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 2022 standards became effective on January 1, 2023 and replace the 2019 standards that are current as of the writing of this analysis. Each iteration of the CALGreen standards improves the energy efficiency and sustainability of new development from the prior iteration.
- Advanced Clean Cars program: In January 2012, CARB approved the Advanced Clean Cars program which combines the control of GHG emissions and criteria air pollutants, as well as requirements for greater numbers of zero-emission vehicles, into a single package of standards for vehicle model years 2017 through 2025. The program's zero-emission vehicle regulation requires battery, fuel cell, and/or plug-in hybrid electric vehicles to account for up to 15 percent of California's new vehicle sales by 2025. In August 2022, CARB adopted the Advanced Clean Cars II program, which sets sales requirements for zero emission vehicles (ZEVs) to ultimately reach the goal of 100 percent ZEV sales in the state by 2035.

City of Sunnyvale 2020 Greenhouse Gas Emissions Inventory

- The City of Sunnyvale tracks and reports its sources of GHG emissions through a regularly updated emissions inventory. The most recent inventory was created for the year 2020. Table 3.8-1 summarizes Sunnyvale's GHG emissions by sector in 2020.

Table 3.8-1 City of Sunnyvale 2020 Greenhouse Gas Emissions Inventory

Sector	$MTCO_2e$	Percent
Transportation	268,180	47
Commercial/Industrial Gas	130,080	23
Residential Gas	101,838	18
Commercial/Industrial Electric	2,259	<1
Residential Electric	678	<1
Solid Waste	41,684	7
Off Road Equipment	18,244	3
Total[1]	564,827	100

[1] Total may not sum due to rounding.

Notes: $MTCO_2e$ = metric tons of carbon dioxide-equivalent

Source: City of Sunnyvale 2019.

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

See response in item (b) below.

b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?

The LSAP EIR determined significance by comparing the 2016 LSAP's emissions to the City's efficiency metric threshold of GHG emissions per service population based on the City's GHG emissions inventory and emissions targets at that time, and whether the LSAP policies are consistent with those in the City's original CAP. The LSAP Update was evaluated using a similar methodology; however, based on the updated GHG emissions inventory and GHG reduction targets in the City's Playbook (City of Sunnyvale 2019). Because the Playbook did not provide a GHG

emissions per service population threshold, one was calculated based on the revised GHG emission targets and service population also provided in the City's Playbook (City of Sunnyvale 2019).

As indicated in Section 3.3, "Air Quality" of this checklist, the project would need to comply with adopted Mitigation Measures 3.5.3a, which requires that BAAQMD basic construction mitigation measures are employed. Project-related construction emissions are confined to a relatively short period in relation to the overall life of the project. The project construction would result in a total of approximately 1,771 $MTCO_2e$. Construction emissions presented in Table 3.8-2 are for informational purposes only and are not considered in the project's efficiency metric.

Table 3.8-2 Estimated Construction GHG Emissions

Construction Year	Project Emissions ($MTCO_2e$)
2023	674
2024	656
2025	441
Total	**1,771**

Notes: $MTCO_2e$ = metric tons of carbon dioxide equivalent

Source: Modeled by Ascent 2022.

Operational-related GHG emissions were estimated to be 1,663 $MTCO_2e$/year at opening year from the proposed project and are presented in Table 3.8-3.

Table 3.8-3 Estimated Operational GHG Emissions

Emissions Source	Project Emissions ($MTCO_2e$/year)
Mobile	1,261
Area	9
Energy	297
Water	35
Waste	48
Refrigerants	13
Total	**1,663**

Notes: $MTCO_2e$ = metric tons of carbon dioxide equivalent

Source: Modeled by Ascent 2022.

This project's land use is a subset of the LSAP that was recently updated and adopted in 2021. The LSAP Update SEIR was certified with the determination that the land uses proposed would not exceed a city-specific efficiency metric threshold of 1.27 $MTCO_2e$ per year per service population (residents and employees) based on the GHG emission targets of the Playbook. The GHG reduction targets in the City's Playbook are consistent with CARB's reduction goals for 2030 and 2050. Because this project's land uses are a subset of the LSAP Update, the project's construction and operational GHG emissions were already included and evaluated in the SEIR. As such, the project would be consistent with the LSAP Update SEIR and would not exceed the City's updated GHG efficiency metric threshold of 1.27 $MTCO_2e$ per year per service population (see Impact 3.7-1 in the LSAP Update EIR) and demonstrates consistency with the City's 2019 Climate Action Playbook to meet updated City and State targets.

The City's Playbook identifies GHG reduction strategies that set the foundation for bold climate action and Plays that identify opportunities for action to achieve the City's overall GHG reduction targets. The Playbook lays out six strategies that outline the overarching approach to achieve 80 percent GHG emissions reductions below 1990 levels by 2050. Within each strategy, there are several Plays that identify areas for action and measurable targets to define progress. Consistency with the Playbook and the City's long-term goal of carbon neutrality are being demonstrated through multiple project features, namely by developing the project as all-electric, without a natural gas connection.

Table 3.8-4 below provides a detailed summary of the project's consistency with the Playbook (strategies and plays which are not applicable to the project were not included in the consistency analysis). As a result, the project would be consistent with applicable regional and local plans and policies to reduce GHG emissions.

The project would not result in new significant impacts or substantially more severe impacts than were identified in the LSAP EIR or LSAP Update SEIR, nor would there be new feasible mitigation measures or alternatives that reduce impacts but that City declines to adopt. The findings of the LSAP EIR and LSAP Update SEIR remain valid.

Table 3.8-4 Project Consistency with the 2019 Sunnyvale Climate Action Playbook

Strategies and Play	Project Consistency
Strategy 1: Promoting Clean Electricity	Consistent. The proposed project would support the goals of Strategy 1 by using SVCE's carbon-free electricity and installing a rooftop solar PV system (size of system to be determined).
Play 1.1: Promote 100 percent clean electricity. The City is committed to working with SVCE to expand 100 percent clean energy services to 100 percent of our community. Supporting and protecting this clean electricity supply is critical to other Strategies from this Playbook that rely on decarbonization (namely, Strategies 2 and 3).	Consistent. SVCE, the area's electricity provider, delivers 100 percent carbon-free electricity. As a result, the project would operate on clean energy at initiation.
Play 1.2: Increase local solar photovoltaics (PV). Targeted incentives, regulations and educational resources will be essential to increasing adoption of distributed solar resources in Sunnyvale. These will help ensure local supply but also help to offset demands on the electricity grid during peak demand periods.	Consistent. The project would be equipped with a solar PV system consistent with the City of Sunnyvale Municipal Code.
Strategy 2: Decarbonizing Buildings	Consistent. This all-electric building development meets decarbonizing goals years in advance of the City's target date.
Play 2.3: Achieve all-electric new construction. While the state requires moving toward Zero Net Energy (ZNE) for new construction, the City will work towards also incentivizing and promoting all-electric new construction options for deep decarbonization.	Consistent. The proposed project would be developed as an all-electric powered building.
Strategy 3: Decarbonizing Transportation and Sustainable Land Use	Consistent. The project is near the Lawrence Caltrain Station. The walking distance to the platforms is approximately 450 feet. Station adjacency would promote public transit use, leading to a healthier lifestyle, improved local air quality, and reduced GHG emissions. Furthermore, the project would include bicycle parking spaces and dedicated EV parking stalls with charging stations. The latter promote the use of electric vehicles and further supports the push for increased zero-emission vehicles in the area.
Play 3.1: Increase opportunities for and encourage development of mixed-use sites to reduce vehicle miles per person. The City is committed to creating places to live that are less dependent on automobiles, through ensuring access to nearby services and activity centers. Furthermore, Sunnyvale seeks to provide housing options for all incomes and lifestyles, particularly near transit corridors and Caltrain stations, to support alternative modes of transportation.	Consistent. The project would provide residential uses in an area identified as a transit priority area, with Lawrence Caltrain Station located within walking distance, and a bus stop located adjacent to the project site.
Play 3.2: Increase transportation options and support shared mobility. Multimodal transportation choices need to be enhanced to offer a variety of travel options in and around the city that are connected to regional transportation systems and destinations. Advocating for and increasing transportation options and shared mobility will create safer, healthier, and more convenient movement throughout Sunnyvale.	Consistent. The project would include dedicated bike parking to encourage bike transportation per City of Sunnyvale requirements for new development. Additionally, the project is in a major transit corridor and near the Lawrence Caltrain Station, located within walking distance.

Strategies and Play	Project Consistency
Play 3.3: Increase zero-emission vehicles. Shifting to electric or alternatively fueled (e.g., hydrogen) vehicles has significant potential to reduce GHG emissions related to transportation. Since SVCE provides 100 percent carbon-free electricity, promoting a shift to electric vehicles away from fossil fuels would significantly reduce emissions. Other priorities include electrification of public transportation, car sharing, and electric bikes and scooters, and also improving availability of alternative fueling stations (e.g., EV charging facilities, hydrogen fueling stations). Currently (as of October 1, 2018) 2.4 percent of vehicles registered in Sunnyvale are battery-electric vehicles and 1.3 percent are plug-in hybrid electric vehicles. a. 2030 Target: 20 percent of all vehicles on road are zero-emission vehicles by 2030 and 75 percent of all vehicles on road are zero-emission by 2050	Consistent. The proposed project would include electric vehicle (EV) charging stations, EV ready circuits, and CalGREEN EV spaces. These project features would promote the adoption of zero-emission vehicles.by providing infrastructure to facilitate their use.
Strategy 4: Managing Resources Sustainably	Consistent. This project would include the installation of on-site trees in the landscaping would enhance natural carbon sequestration at the site, aligning with the City's Urban Forest Management Plan and benefiting stormwater infiltration capacity.
Play 4.1: Achieve Zero Waste goals for solid waste. Diverting waste away from landfills, either to recycling, energy recovery or composting facilities, is critical for the City to realize its Zero Waste goals as outlined in its Zero Waste Strategic Plan. This can be accomplished by waste prevention – consuming and throwing away less – and being smarter about the items that must be thrown away. Expanding Sunnyvale's food scraps collection program (FoodCycle) will help to increase the amount of organic material diverted away from the landfill. However, state laws and policies limit access to diversion technologies so that 75 percent diversion is the current limit. Increasing diversion to 90 percent will require changes at the state level to allow use of technologies that recover energy from unrecyclable resident waste, primarily plastic and paper.	Consistent. The project would not conflict with implementation of the City's Zero Waste Strategic Plan. Although the project would generate additional waste the project would comply with City's Zero Waste goals and state laws and policies to reduce solid waste.
Play 4.2: Ensure resilience of water supply. As the region faces water supply challenges driven by recurring droughts and population growth, it will be critical to find ways to reduce the amount of water consumed and increase the sustainability of water supplies. Water conservation and water reuse, in the form of recycled and purified water, will help Sunnyvale reduce the stress placed on Northern California's water resources.	Consistent. This project would comply with all water conservation requirements.
Play 4.3: Enhance natural carbon sequestration capacity. The natural environment, including plants and soil, have an immense capacity to store carbon dioxide that would otherwise be released into the atmosphere. Through implementation of the City's Urban Forest Management Plan and Green Stormwater Infrastructure Plan, Sunnyvale can continue to capture carbon by expanding its urban tree canopy and designing landscape features to address stormwater pollution and flood risk.	Consistent. The landscape design for this project would incorporate new trees and shrubs to support carbon sequestration and reduce urban heat island effect.

Source: Ascent 2022.

Mitigation Measures

No mitigation is required.

Conclusion

As discussed, the proposed project would not result in a less efficient generation of GHG emissions compared to the City's Climate Action Playbook. The project also aligns with the City's goals of reducing GHG emissions through consistency with the Playbook's strategies and plays. This impact would be less than significant and the findings of the certified LSAP EIR and LSAP Update SEIR remain valid.

3.9 HAZARDS AND HAZARDOUS MATERIALS

Environmental Issue Area	Where Impact Was Analyzed in the LSAP Draft and Final EIR or the LSAP Update Draft and Final SEIR.	Any New Circumstances Involving New Significant Impacts or Substantially More Severe Impacts?	Any New Information Requiring New Analysis or Verification?	Do Prior Environmental Documents Mitigations Address/Resolve Impacts?
9. Hazards and Hazardous Materials. Would the project:				
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 3.3-8 Impacts 3.3.1 and 3.3.7 Draft and Final SEIR identified no change in impact conclusion (Draft SEIR Impact 3.8-1 and 3.8-2)	No	No	NA, impact would be 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 3.3-8 Impact 3.3.2 Draft and Final SEIR identified no change in impact conclusion (Draft SEIR Impact 3.8-1 and 3.8-2)	No	No	NA, impact would be 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 3.3-8 Impacts 3.3.3 and 3.3.7 Draft and Final SEIR identified no change in impact conclusion (Draft SEIR Impact 3.8-3)	No	No	NA, impact would be 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 3.3-8 Impacts 3.3.3 and 3.3.7 Draft and Final SEIR identified no change in impact conclusion (Draft SEIR Impact 3.8-4)	No	No	Yes. Impacts would be less than significant with application of the adopted mitigation measures.
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 page 3.3-9 No Impact Draft and Final SEIR identified no change in impact conclusion (Draft SEIR page 3.8-15)	No	No	NA, no impact would occur.
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 3.3-8 Impacts 3.3.5 and 3.3.8 Draft and Final SEIR identified no change in impact conclusion (Draft SEIR Impact 3.8-5)	No	No	Yes. Impacts would be less than significant with application of the adopted mitigation measure.

Environmental Issue Area	Where Impact Was Analyzed in the LSAP Draft and Final EIR or the LSAP Update Draft and Final SEIR.	Any New Circumstances Involving New Significant Impacts or Substantially More Severe Impacts?	Any New Information Requiring New Analysis or Verification?	Do Prior Environmental Documents Mitigations Address/Resolve Impacts?
9. Hazards and Hazardous Materials. Would the project:				
g. Expose people or structures, either directly or indirectly, to a significant risk of loss, injury, or death involving wildland fires?	Draft EIR page 3.3-9 No Impact Draft and Final SEIR identified no change in impact conclusion (Draft SEIR page 3.8-15)	No	No	NA, no impact would occur.

3.9.1 Discussion

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

A Phase I Environmental Site Assessment (ESA) was prepared for the project site in May 2022 (Ramboll 2022). The Phase I ESA identified agricultural land uses beginning in 1939 until it was developed in the mid-1970s. Developed land uses included an entertainment technology company, a chemical manufacturer, and various manufacturing businesses.

a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?

As identified in Impact 3.3.1 of the LSAP Draft EIR, hazardous materials are routinely used, stored, and transported throughout the plan area to businesses located north of the Caltrain tracks, and such operations are anticipated to continue into the future. Implementation of the LSAP allows for the development of additional land uses, including industrial uses and certain commercial uses (e.g., gas stations, dry cleaners, medical facilities,) that routinely store, use, and transport hazardous materials. LSAP goal LU-G2 provides that existing uses in the plan area may remain as legal, conforming uses with the ability to grow and expand, but that such uses would be discouraged from using hazardous materials in their operation, especially when located adjacent to residential uses.

New development, such as the proposed project, or redevelopment that involves construction, demolition, and landscaping activities would require the transport, use, and disposal of various building materials, including some hazardous materials (e.g., gasoline, fuels, demolition materials, asphalt, lubricants, toxic solvents, pesticides, and herbicides.) The transport, use, and disposal of such materials could pose a potential hazard to the public and the environment if not properly transported, used, stored, and disposed. However, the LSAP EIR determined that hazardous materials that may be associated with future development or redevelopment under the LSAP, including the proposed project, would be required to comply with all applicable local, state, and federal 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 waste releases. The City's Department of Public Safety is responsible for consolidating, coordinating, and making consistent the administrative requirements, permits, inspections, and enforcement activities of state standards regarding the transportation, use, and disposal of hazardous materials in the LSAP area.

The project would include construction, demolition, and landscaping activities that could result in the transport, use, and disposal of hazardous materials such as gasoline, fuels, demolition materials, asphalt, lubricants, toxic solvents, pesticides, and herbicides. The project would be subject to the same standards noted above. With continued compliance with all federal, state, and local regulations related to the transport, use, and disposal of hazardous materials, this impact would remain less than significant. The project would not result in new significant impacts or

substantially more severe impacts than were identified in the LSAP EIR or LSAP Update SEIR, nor would there be new feasible mitigation measures or alternatives that reduce impacts but that City declines to adopt. The findings of the LSAP EIR and LSAP Update SEIR remain valid

b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and/or accident conditions involving the release of hazardous materials into the environment?

The LSAP EIR stated that subsequent projects under the LSAP could involve the transportation, use, and disposal of hazardous materials in the LSAP area (see Impact 3.3.2 of the LSAP Draft EIR). These activities could result in the accidental release of hazardous materials into the environment and exposure of the public to hazardous materials. Redevelopment activities associated with the LSAP could result in exposure to hazardous materials that may be contained in building features.

The LSAP EIR stated that there is the potential for soil and/or groundwater contamination within the LSAP area, particularly in the area north of the Caltrain tracks where land uses have been dominated by industrial activities. The transport, storage, and use of hazardous materials by developers, contractors, business owners, residents, and others are required to follow local, state, and federal regulations during project construction and operation. Furthermore, facilities that use hazardous materials are required to obtain permits and comply with appropriate regulatory agency standards designed to avoid hazardous waste releases. As the LSAP is implemented, it is anticipated there would not be a substantial increase in the number of facilities or types of activities involving the use of hazardous materials compared to existing conditions, and the LSAP does not designate land for new heavy industrial or manufacturing.

Potential for existing contamination at the project site from previous land uses was determined to be low and is discussed in section d) below.

The project would include construction, demolition, and landscaping activities that could result in the transport, use, and disposal of hazardous materials such as gasoline, fuels, demolition materials, asphalt, lubricants, toxic solvents, pesticides, and herbicides. Project activities are subject to regulations described in Section 3.3.2 of the LSAP Draft EIR. Compliance with existing regulations would minimize risk of accidental upset or accidental release of hazardous materials into the environment to a level that is less than significant.

The project would not result in new significant impacts or substantially more severe impacts would occur. Therefore, the findings of the certified LSAP EIR and the LSAP Update SEIR remain valid.

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

Five schools or daycare facilities were identified by the LSAP EIR to be within ¼ mile of the entire LSAP planning area (City of Sunnyvale 2016); however, all of these institutions are located outside of a ¼ mile radius from the project site. The LSAP does not propose new school sites.

The LSAP EIR stated that subsequent projects under the LSAP could involve the transportation, use, and disposal of hazardous materials in the LSAP area (see Impact 3.3.2 of the LSAP Draft EIR). These activities could result in the accidental release of hazardous materials into the environment and exposure of the public to hazardous materials. Redevelopment activities associated with the LSAP could result in exposure to hazardous materials that may be contained in building features. The LSAP EIR stated that there is the potential for soil and/or groundwater contamination, particularly in the area north of the Caltrain tracks where land uses have been dominated by industrial activities. Potential for contamination at the project site was determined to be low and is discussed in section d) below.

The transport, storage, and use of hazardous materials by developers, contractors, business owners, residents, and others are required to follow local, state, and federal regulations during project construction and operation. Furthermore, facilities that use hazardous materials are required to obtain permits and comply with appropriate regulatory agency standards designed to avoid hazardous waste releases. As the LSAP is implemented, it is anticipated there would not be a substantial increase in the number of facilities or types of activities involving the use

of hazardous materials compared to existing conditions, and the LSAP does not designate any land for new heavy industrial or manufacturing.

The project would result in demolition, construction, and landscaping activities that may result in temporary and limited handling of hazardous materials. However, no schools are located within ¼ mile distance of the project and would not be impacted by project activities. All demolition, construction, and landscaping activities would be subject to applicable regulations described Section 3.3.2 of the LSAP Draft EIR. The project would not result in new significant impacts or substantially more severe impacts than were identified in the LSAP EIR or LSAP Update SEIR, nor would there be new feasible mitigation measures or alternatives that reduce impacts but that City declines to adopt. The findings of the LSAP EIR and LSAP Update SEIR remain valid.

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

As identified in Impact 3.3.3, future projects in the LSAP area could encounter contaminated soil, soil vapors, or groundwater, which could pose a risk to human health or the environment.

There are contaminated sites within the LSAP, but the known hazardous materials release sites in the LSAP area have undergone remediation and are no longer listed as active or open sites. Thus, this impact was identified as potentially significant and would be reduced to less than significant through implementation of Mitigation Measure MM 3.3.3 in the LSAP EIR, which requires preparation of a Phase I Environmental Site Assessment, among other provisions. The LSAP Update SEIR updated this mitigation with Mitigation Measure 3.8-1 (see the **Mitigation Measures** section) below.

A Phase I ESA was prepared for the project site in May 2022 (Ramboll 2022). The Phase I ESA identified land uses at the project since 1939 and found the site was used for agricultural land uses before being developed in the mid-1970s for industrial land uses including chemical, photovoltaic, and semi-conductor manufacturers.

The site is listed on state and federal environmental databases due to discovery of a leaking underground storage tank related to KTI Chemicals, Inc, a photochemical mixing and packaging company, in 1983. This leak consisted of odorless mineral spirits, which were distributed into the soil and groundwater. Subsequent remediation activities included groundwater monitoring wells, a groundwater extraction and treatment system, and excavation of contaminated soils. This site was granted closure by the regional water quality control board (RWQCB) in May of 1998, after concentrations of odorless mineral spirits reached concentrations below established cleanup goals of 200 micrograms per liter (Ramboll 2022).

In addition, the Phase I ESA indicated that releases of hazardous materials had occurred on properties near to the site, including the following:

- **Peninsula Building Materials, 1175 Aster Avenue**. The property is listed on the GeoTracker and LUST databases for gasoline impacts to groundwater and tetrachloroethene (PCE) impacts in soil vapor. This matter was granted regulatory closure in 1997.
- **Calstone Company, 1155 Aster Avenue**. This property is listed with active status on GeoTracker and the CPSSLIC database with open status for unspecified impacts. There are ongoing regulatory activities as part of the 1155 Aster Avenue development.
- **Texas Instruments/Former National Semiconductor Corporation, 2900 Semiconductor Drive and Surrounding areas.** The property is listed on the National Priorities List (EPA ID No. CAD041472986), Superfund Enterprise Management System, US Engineering and Institutional Controls, Hazardous Waste/Contaminated Sites (CalSites), Record of Decision, Potentially Responsible Party, CPS-SLIC, Deed Restriction, California Hazardous Material Incident Reporting System, and CORTESE databases This site is listed as open – remediation as of March 29, 2010. The database listing indicates that 1,1,1 – trichloroethane, benzene, VOCs, and xylene are the potential contaminants of concerns within groundwater and soil.

In March 2022, a subsurface investigation was conducted at the 1175 and 1155 Aster Avenue sites, including the collection and analysis of soils and groundwater from four locations. All constituents were below laboratory detection limits with the exception of minor detections of chloroform in three of the four locations, all of which were below applicable screening criteria. However, based on available groundwater data, including the lack of identified groundwater impacts on the project site and at the Aster property, this matter is not considered to constitute a vapor encroachment condition or Recognized Environmental Condition (Ramboll 2022).

The Phase I site assessment for 1170 Sonora Court did not find any Recognized Environmental Conditions and was prepared consistently with the requirements in adopted LSAP Mitigation Measure 3.3.3, which was replaced by LSAP Update SEIR Mitigation Measure 3.8-1. As outlined below under adopted LSAP Update SEIR Mitigation Measure 3.8-1, no further action is required because the Phase I ESA did not identify an existing REC.

This impact would remain less than significant with implementation of adopted LSAP Update SEIR Mitigation Measure 3.8-1. The project would not result in new significant impacts or substantially more severe impacts than were identified in the LSAP EIR or LSAP Update SEIR, nor would there be new feasible mitigation measures or alternatives that reduce impacts but that City declines to adopt. The findings of the LSAP EIR and LSAP Update SEIR remain valid.

e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?

The LSAP Draft EIR stated that the LSAP area is outside the Moffett Airfield's influence area and safety zones, and there are no private airstrips near the LSAP area. Therefore, impacts related to airport or private airfield safety were not discussed in the LSAP EIR. No new airports have been developed near the project area. The project would not result in new significant impacts or substantially more severe impacts than were identified in the LSAP EIR or LSAP Update SEIR, nor would there be new feasible mitigation measures or alternatives that reduce impacts but that City declines to adopt. The findings of the LSAP EIR and LSAP Update SEIR remain valid.

f) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?

As addressed in Impact 3.3.5 of the LSAP EIR, construction activities for individual projects in the LSAP could temporarily affect operating conditions on these roadways from movement of heavy equipment, worker vehicle parking, and materials delivery and storage, depending on the locations. Construction activities associated with the project would include demolition activities, excavation, and relocation of soil on the site, backfilling and compaction of soils, on-site facilities improvements and utilities connections (water supply, drainage facilities, electric connections, and driveway and small roadway improvements). These activities could involve work or construction staging in adjacent roadways; this may result in the need for temporary traffic lane narrowing or closures, which could affect emergency response or evacuation routes. This was identified as a potentially significant impact that would be mitigated to less than significant through implementation of Mitigation Measure MM 3.3.5, which requires the City to develop a construction traffic control plan if project activities could impair or inhibit emergency response or evacuation. The LSAP Update SEIR also concluded that this adopted mitigation measure would continue to address this impact.

The project site improvements are subject to compliance with adopted LSAP Mitigation Measure MM 3.3.5. No changes to the conditions of the site are known to have occurred. The project would not result in new significant impacts or substantially more severe impacts than were identified in the LSAP EIR or LSAP Update SEIR, nor would there be new feasible mitigation measures or alternatives that reduce impacts but that City declines to adopt. The findings of the LSAP EIR and LSAP Update SEIR remain valid.

g) Expose people or structures, either directly or indirectly, to a significant risk of loss, injury, or death involving wildland fires?

As identified on LSAP Draft EIR page 3.3-9, there are no Fire Hazard Severity Zones or state responsibility areas or Very High Fire Hazard Severity Zones for local responsibility areas within or adjacent to Sunnyvale. No changes to the location of the project have occurred and no changes to the risks from wildfires has occurred since approval of the LSAP. No new significant impacts or substantially more severe impacts would occur. Therefore, the findings of the certified LSAP EIR and LSAP Update SEIR remain valid, and no further analysis is required.

Mitigation Measures

Mitigation Measures 3.3.3 and 3.3.5 were adopted as part of the LSAP. Mitigation Measure 3.3.3 was replaced with LSAP Update SEIR Mitigation Measure 3.8-1 that requires preparation of a Phase I Environmental Site Assessment (ESA) and, if deemed necessary by the Phase I ESA, the preparation of a Phase II ESA. As noted above, a Phase I ESA has been completed for the project. Cleanup activities have already occurred on the project site, and water and soil vapor contaminant concentrations were considered low according to established safety guidelines. The project would comply with all federal, state, and local regulations related to the transport, use, and disposal of hazardous materials, which would be monitored and enforced by the City. Therefore, the portion of Mitigation Measure 3.8-1 associated with preparation of the Phase I ESA has been completed and is no longer required. The following mitigation measure would continue to be applicable if the project was approved.

LSAP Update SEIR Mitigation Measure MM 3.8-1 (Replaced Mitigation Measure MM 3.3.3 in LSAP EIR)

The City shall require that a Phase I ESA is prepared and submitted with any application for new development or redevelopment within the adopted LSAP boundary. The Phase I ESA shall be prepared by a qualified professional registered in California and in accordance with ASTM E1527-13 (or the most current version at the time a development application is submitted for the project). *[This portion of the mitigation measure has been completed and is no longer required.]*

If determined necessary by the Phase I ESA, a Phase II ESA shall be conducted to determine the lateral and vertical extent of soil, groundwater, and/or soil vapor contamination, as recommended by the Phase I ESA. *[This portion of the mitigation measure is not required.]*The City shall not issue a building permit for a site where contamination has been identified until remediation or effective site management controls appropriate for the use of the site have been completed, consistent with applicable regulations and to the satisfaction of the City of Sunnyvale, DTSC, or San Francisco Bay RWQCB (as appropriate) before initiation of construction activities. Deed restrictions, if appropriate, shall be recorded. If temporary dewatering is required during construction or if permanent dewatering is required for subterranean features, the City shall not issue an improvement permit or building permit until documentation has been provided to the City that the San Francisco Bay RWQCB has approved the discharge to the sewer. Discharge of any groundwater removed from a construction site within the adopted LSAP and to the El Camino Storm Drain Channel, Calabazas Creek, or storm drain shall be subject to Water Pollution Control Permit requirements.

If the Phase I ESA determines there are no RECs, no further action is required. However, the City shall ensure any grading or improvement plan or building permit includes a statement if hazardous materials contamination is discovered or suspected during construction activity, all work shall stop immediately until a qualified professional has determined an appropriate course of action.

Mitigation Measure MM 3.3.5

Prior to issuance of a permit for a specific development project or before approving a City-initiated roadway improvement identified in the LSAP, the City shall determine whether project construction activities have the potential to affect traffic conditions on roadways as a result of construction of the development project or roadway improvement(s). If there is the potential the activities could impair or inhibit emergency response or evacuation, a Construction Traffic Control Plan shall be prepared for City review and approval. The plan shall include, but not be limited to, schedule of construction and anticipated methods of handling traffic for each phase of construction to ensure the safe flow of traffic and adequate emergency access, including maintaining an open lane for vehicle travel

at all times. All traffic control measures shall conform to City of Sunnyvale, Santa Clara County, and/or Caltrans standards, as applicable. The City shall ensure final approved plans for private development projects specify the requirement, as appropriate, to implement the construction traffic control plan.

Conclusion

No new circumstances or project changes related to hazards and hazardous materials have occurred nor has any new information been identified requiring new analysis or verification. Therefore, the conclusions of the LSAP EIR and the LSAP Update SEIR remain valid, and approval of the project would not result in new or substantially more severe significant impacts. No additional analysis is required.

3.10 HYDROLOGY AND WATER QUALITY

Environmental Issue Area	Where Impact Was Analyzed in the LSAP Draft and Final EIR or the LSAP Update Draft and Final SEIR.	Any New Circumstances Involving New Significant Impacts or Substantially More Severe Impacts?	Any New Information Requiring New Analysis or Verification?	Do Prior Environmental Documents Mitigations Address/ Resolve Impacts?
10. Hydrology and Water Quality. Would the project:				
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 3.8-13 Impact 3.8.1 and 3.8.4 Draft and Final SEIR identified no change in impact conclusion (Draft SEIR Impact 3.9-1)	No	No	NA, impact would be 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 Setting pp. 3.8-1 to 3.8-13 Impact 3.8.2, 3.8.5, 3.11.5.1, and 3.11.5.3 Draft and Final SEIR identified no change in impact conclusion (Draft SEIR Impact 3.9-2)	No	No	NA, impact would be 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:				
i) Result in substantial on- or offsite erosion or siltation;	Draft EIR Setting pp. 3.8-17 to 3.8-18 Impact 3.8.3 and 3.8.4 Draft and Final SEIR identified no change in impact conclusion (Draft SEIR 3.9-1)	No	No	NA, impacts would be less than significant
ii) Substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite;	Draft EIR Setting pp. 3.8-17 to 3.8-18 Impact 3.8.3 and 3.8.4 Draft and Final SEIR identified no change in impact conclusion (Draft SEIR 3.9-1)	No	No	NA, impacts would be 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 3.8-13 Impact 3.8.1, 3.8.3 and 3.8.4 Draft and Final SEIR identified no change in impact conclusion (Draft SEIR page 3.9-5)	No	No	NA, impact would be less than significant.

Environmental Issue Area	Where Impact Was Analyzed in the LSAP Draft and Final EIR or the LSAP Update Draft and Final SEIR.	Any New Circumstances Involving New Significant Impacts or Substantially More Severe Impacts?	Any New Information Requiring New Analysis or Verification?	Do Prior Environmental Documents Mitigations Address/ Resolve Impacts?
iv) Impede or redirect flood flows?	Draft EIR Setting pp. 3.8-1 to 3.8-13 Impact 3.8.3 and 3.8.4 Draft and Final SEIR identified no change in impact conclusion (Draft SEIR page 3.9-5)	No	No	NA, impacts would be less than significant.
d) In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?	Draft EIR page 3.8-15 No Impact Draft and Final SEIR identified no change in impact conclusion (Draft SEIR page 3.9-5)	No	No	NA, no impact would occur.
e) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?	Draft EIR Impact 3.8.2 Draft and Final SEIR identified no change in impact conclusion (Draft SEIR Impact 3.9-2)	No	No	NA, impacts would be less than significant.

3.10.1 Discussion

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

a) Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or groundwater quality?

As addressed in Impact 3.8.1 of the LSAP EIR, construction activities associated with development of projects allowed under the LSAP may 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 on-site during construction could result in oil, grease, or related pollutant leaks and spills that may discharge into storm drains. Development under the LSAP Draft EIR was determined to result in water quality impacts resulting primarily from increasing intensity of land uses, not from new types of land uses. Urban runoff typically consists of pollutants such as heavy metals, oil, and grease, sediment, and other chemicals. Generally, the type and amounts of water quality pollutants in storm water runoff generated by subsequent activities under the LSAP EIR would not vary considerably from existing conditions.

Individual development projects under the LSAP EIR, like the project, would be subject to water quality requirements outlined in Hydrology and Water Quality Regulatory Framework Section (3.8.2) of the LSAP Draft EIR.

Chapter 12.60 of the Sunnyvale Municipal Code, Stormwater Management, provides regulations and gives legal effect to certain requirements of the National Pollutant Discharge Elimination System (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. Individual projects developed under the LSAP EIR would also be required to implement BMPs for preventing erosion and movement of unwanted material into waters within or outside the

plan area. All private development projects would be required to include appropriate features to meet applicable regional Municipal Regional Stormwater Permit (MRP) Provision C.3 requirements and implement low impact design (LID). Common LID strategies that would be appropriate for the plan area would include treatment methods such as bio-retention basins and flow-through planters, green roofs, media filtration devices, and pervious surfaces. These features would be included within individual sites on a project-by-project basis.

The project completed a stormwater management plan to document NDPES provision C.3 and identify BMPs to be incorporated into project design. The project was found to result in an increase decrease in impervious surface area over existing conditions at the project site (see Stormwater Management Plan). Also, the project would implement the following storm water control measures to reduce run off, and to decrease pollutant concentrations from site runoff: Site design measures such as a green roof, minimization of land disturbance, and self-retaining areas to reduce storm water; source controls such as labeling storm drains, covering dumpster areas, and including drainage to sanitary sewers; other site design measures would include media filters and bioretention through landscaping (see design plan sheets, C.B.4.00, L.B.0.04, and L.B.7.00).

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 and LSAP goal U-G1 and policies U-P1 through U-P4, would reduce surface water quality impacts associated with occupancy of projects in the LSAP to a less-than-significant level under project and cumulative conditions.

The project is subject to the water quality control requirements identified above. The project would not result in new significant impacts or substantially more severe impacts than were identified in the LSAP EIR or LSAP Update SEIR, nor would there be new feasible mitigation measures or alternatives that reduce impacts but that City declines to adopt. The findings of the LSAP EIR and LSAP Update SEIR remain valid.

b) Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?

Implementation of projects allowed by the LSAP would have little or no effect on groundwater recharge because the LSAP area is largely built out and would therefore neither increase nor decrease the amount of permeable surface. In addition, the area is underlain by soils with low percolation rates, which results in a muted effect from changes in the amount of permeable surface. The LSAP does not propose the installation of any wells in the plan area that could alter groundwater flows. As identified on Draft EIR page 3.11-28, city-wide groundwater withdrawal 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. No mitigation was required. The project is not located within an area subject to a sustainable groundwater plan.

If groundwater is encountered during construction, dewatering may be required. However, this activity would be temporary and limited and would not substantially deplete or interfere with recharge of groundwater at the local aquifer. The project would not substantially change development patterns nor the amount of impermeable surface from that approved in the LSAP, nor the amount of permeable surface on the project site. The project would be required to adhere to SWPPP and MRP provisions, General Plan policies, and City regulations described in section b) above. In addition, the project would also not include the construction or operation of a well facility. The project would not result in new significant impacts or substantially more severe impacts than were identified in the LSAP EIR or LSAP Update SEIR, nor would there be new feasible mitigation measures or alternatives that reduce impacts but that City declines to adopt. The findings of the LSAP EIR and LSAP Update SEIR remain valid.

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:

The LSAP EIR concluded that stormwater runoff in the LSAP area is not expected to increase and stated that individual development projects would be required, per Section 12.60.160(a) of the City's Municipal Code, to demonstrate that development of 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. The EIR concluded that 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.

The project area is located entirely within Zone X, which identifies areas with lower flood risk due to levees. The project applicant completed a Stormwater Management Plan form and determined that the project would decrease the total area of impermeable surface by 1,451 square feet (approximately 3 percent) compared to existing conditions.

The project is required to comply with Section 12.60.160 of the City's Municipal Code. Project design plans include water quality control and drainage features for the site (see design plan sheets C3.0, C5.0, and C3.1). The project would not result in new significant impacts or substantially more severe impacts than were identified in the LSAP EIR or LSAP Update SEIR, nor would there be new feasible mitigation measures or alternatives that reduce impacts but that City declines to adopt. The findings of the LSAP EIR and LSAP Update SEIR remain valid.

i) Result in substantial on- or offsite erosion or siltation;

See analysis under item c) above.

ii) Substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite;

See analysis under item c) above.

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

See analysis under item c) above.

iv) Impede or redirect flood flows?

Impact 3.8.3 in the LSAP EIR identified that there are some locations within the LSAP Plan Area that are within FEMA-designated 100-year flood hazard Zone AO. The LSAP EIR stated that projects within Zone AO could be subject to 100-year flood hazard. Areas that could be redeveloped under the LSAP (i.e., where new buildings could be constructed) would be limited to the Peninsula subarea (the current location of the Calstone/Peninsula Building Materials operations), the Lawrence/Reed/Willow subarea and a small part of the Southern Residential subarea north of the Lawrence/Reed Willow subarea, and the undeveloped part of the Southern Residential area at the southern boundary of the LSAP (i.e., Corn Palace parcel). The Southern Residential subarea was not part of the adopted LSAP boundary in 2016. The Southern Residential subarea was also excluded from the 2021 LSAP Update. There is also narrow band of Zone AO mapped just north of the Caltrain tracks at the southern parts of the Transit Core West and East subareas. The Zone AO also extends southwest of the Caltrain tracks within the LSAP and east and west of Calabazas Creek.

The project area is located entirely within Zone X, which identifies areas with lower flood risk due to levees. The project applicant completed a preliminary Stormwater Management Plan for the project that outlines the drainage areas and proposed treatment control measures (see design plan sheet 41 in Appendix A). Additionally, the project is required to comply with Section 12.60.160 of the City's Municipal Code to reduce risk of flood flows and offsite

drainage. Project design plans include water quality control and drainage features for the site to prevent impeding or redirecting flood flows (see design plan sheets page 41 in Appendix A). The project would not result in new significant impacts or substantially more severe impacts than were identified in the LSAP EIR or LSAP Update SEIR, nor would there be new feasible mitigation measures or alternatives that reduce impacts but that City declines to adopt. The findings of the LSAP EIR and LSAP Update SEIR remain valid.

d) In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?

See analysis under item c) above for impacts from flood hazards.

As discussed on LSAP Draft EIR page 3.8-15, seiches and tsunamis would not be expected to affect the LSAP area because it is more than 3 miles from San Francisco Bay. Mudflow would not present a hazard because there are no steep, erodible slopes near the LSAP area. The project would not alter these conditions.

As discussed on LSAP Draft EIR page 3.8-15, the LSAP area is located outside of the inundation area for Stevens Creek Reservoir and is not considered to be at risk of inundation in the event of a dam failure. The LSAP area is not in an area subject to flooding from levee failure or sea level rise. The project would not result in new significant impacts or substantially more severe impacts than were identified in the LSAP EIR or LSAP Update SEIR, nor would there be new feasible mitigation measures or alternatives that reduce impacts but that City declines to adopt. The findings of the LSAP EIR and LSAP Update SEIR remain valid.

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

See analysis under item b) above.

Mitigation Measures

Flooding impacts identified in the LSAP EIR that require application of Mitigation Measure MM 3.8.3 for subsequent projects in the Peninsula subarea and the agricultural parcel at the southernmost end of the LSAP area (the parcel was not part of the adopted LSAP boundary). The project is located outside of these areas and would not be subject to this mitigation measure.

Conclusion

No new circumstances or project changes have occurred nor has any new information been found requiring new analysis or verification. Therefore, the conclusions of the LSAP EIR and the LSAP Update SEIR remain valid, and approval of the project would not result in new or substantially more severe significant impacts to hydrology and water quality.

3.11 LAND USE AND PLANNING

Environmental Issue Area	Where Impact Was Analyzed in the LSAP Draft and Final EIR or the LSAP Update Draft and Final SEIR.	Any New Circumstances Involving New Significant Impacts or Substantially More Severe Impacts?	Any New Information Requiring New Analysis or Verification?	Do Prior Environmental Documents Mitigations Address/Resolve Impacts?
11. Land Use and Planning. Would the project:				
a. Physically divide an established community?	Draft EIR Setting p. 3.1-1 to 3.1-9 Impacts 3.1.1 and 3.1.4 Draft and Final SEIR identified no change in impact conclusion (Draft SEIR Impact 3.10-1)	No	No	NA, this impact would be 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 effect?	Draft EIR Setting p. 3.1-1 to 3.1-9 Impacts 3.1.2 and 3.1.4 Draft and Final SEIR identified no change in impact conclusion (Draft SEIR Impact 3.10-2)	No	No	NA, this impact would be less than significant.

3.11.1 Discussion

No substantial change in the environmental and regulatory settings related to land use and planning described in LSAP EIR Section 3.1, Land Use, has occurred since certification of the LSAP EIR and the LSAP Update SEIR. As previously noted, the City Council adopted an update to the City's LUTE of its General Plan in April 2017. The LUTE incorporates and integrates policy direction and land use patterns from other City of Sunnyvale planning documents, including the LSAP.

a) Physically divide an established community?

As noted in Impact 3.1.1 in the LSAP EIR, the LSAP area is developed with a combination of residential and non-residential uses. The EIR stated that the existing Caltrain tracks bisect the plan area, with Lawrence Expressway providing the only north-south connection between the areas to the north and to the south. The LSAP EIR stated that the conversion from non-residential to residential uses in the Peninsula subarea would result in development consistent with the adjoining residential areas, and no physical division would occur. This was identified as a less-than-significant impact in the LSAP EIR.

LSAP policy implementation would ensure that new land uses in the LSAP area would not divide any established communities and would enhance the project area's connectivity with the City as a whole. The LSAP includes several circulation network improvements to provide improved access through the plan area. In addition to providing new streets in the LSAP, improvements to existing streets would be implemented to ensure safety for all street users. Extensive bicycle and pedestrian facility enhancements would be implemented, including additional crosswalks, changes in signal timing, and two grade-separated pedestrian/bicycle crossings at the Caltrain tracks. Therefore, the EIR determined that the LSAP would have a less-than-significant impact regarding the division of an established community (see Impacts 3.1.1 and 3.1.4).

The existing land use on the project site consists of an office building with associated landscaping and parking. The project would result in the construction of mixed-use residential and office building on a parcel that is already developed. The project would therefore not divide an established community.

Project implementation would not physically divide an established community. Similar to the existing use, vehicle access to the proposed project would be provided on Sonora Court along the north side of the project site. The project would not conflict with transportation and circulation improvements proposed by the LUTE update (see Section 3.16 Transportation for discussion on project impacts to transportation). Pedestrian access would be provided at the Sonora court entrance, and walkways would be built along the east and west perimeters of the project site.

The project would not result in new significant impacts or substantially more severe impacts than were identified in the LSAP EIR or LSAP Update SEIR, nor would there be new feasible mitigation measures or alternatives that reduce impacts but that City declines to adopt. The findings of the LSAP EIR and LSAP Update SEIR remain valid.

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 effect?

The City of Sunnyvale General Plan provides the united vision meant to guide comprehensive development in the City. The LSAP establishes the development of a mixed-use, compact, and well-connected urban form that would further increase housing and employment opportunities in the City. The LSAP would change land use designations in certain areas of the plan area to accommodate future growth and to realize the City's vision. This impact for the LSAP was less than significant.

The City's General Plan designates the site as Transit Mixed-Use, and the site is zoned MXD-I/S – Flexible Mixed-Use I, Sonora Court. Allowed uses under this land use designation and zoning include mixed-use (e.g. residential and office/research and development (R&D) uses on a single site), high-density residential (54 dwelling units per acre [du/ac] base maximum density with an additional 11 du/ac incentive points available through the LSAP Development Incentives Program), and office/R&D up to 150 percent floor area ratio (FAR) with incentives. The MXD-I/S zoning district permits up to 100-foot maximum building heights. The project site is also within the Transit Core West urban design subarea, which includes guidelines specific to Sonora Court and the immediate LSAP area located north of the railroad tracks, west of Lawrence Expressway. As discussed in Section 3.4.1, the project would have a residential density of 98 du/ac, which is achieved through participation in the LSAP Development Incentives Program and the California Density Bonus Law (Gov. Code Section 65915). The proposed density is deemed to be consistent with the LSAP.

The applicant is seeking a density bonus concession because the office FAR for the project is 167 percent, which exceeds the maximum FAR of 150 percent. In addition, FAR above 35 percent (or 45 percent with green building incentive) is subject to a Development Agreement with the City with negotiated community benefits/development incentives and subject to review by the Planning Commission and City Council. The applicant is seeking a concession or incentive from the Development Agreement requirement under the State Density Bonus Law.

The LSAP, as updated in 2021, allows for development of up to 5,935 new residential units and 1,200,000 new net square feet of Office/R&D uses. As of March 2023, the approved and/or constructed development that has occurred since the LSAP adoption includes 1,437 residential units, leaving a remaining 4,498 units for buildout. The proposed project would build 107 units, which is within the remaining LSAP buildout capacity. The project remains consistent with LSAP goals and is subject to LSAP design guidelines and policies. The project would not result in new significant impacts or substantially more severe impacts than were identified in the LSAP EIR or LSAP Update SEIR, nor would there be new feasible mitigation measures or alternatives that reduce impacts but that City declines to adopt. The findings of the LSAP EIR and LSAP Update SEIR remain valid.

Mitigation Measures

No mitigation measured were needed for the LSAP regarding land use and planning. No mitigation measures pertaining to land use and planning would be required for the project.

Conclusion

No new circumstances or project changes have occurred nor has any new information been identified requiring new analysis or verification. Therefore, the conclusions of the LSAP EIR and the LSAP Update SEIR remain valid, and approval of the project would not result in new or substantially more severe significant impacts to land use and planning.

3.12 MINERAL RESOURCES

Environmental Issue Area	Where Impact Was Analyzed in the LSAP Draft and Final EIR or the LSAP Update Draft and Final SEIR.	Any New Circumstances Involving New Significant Impacts or Substantially More Severe Impacts?	Any New Information Requiring New Analysis or Verification?	Do Prior Environmental Documents Mitigations Address/Resolve Impacts?
12. Mineral Resources. Would the Project:				
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?	Scoped out at Notice of Preparation stage. Mineral resources do not exist in LSAP area. Draft and Final SEIR identified no change in impact conclusion (Draft SEIR Section 1.3.2)	No	No	NA, there would be no impact.
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?	Scoped out at Notice of Preparation stage. Mineral resources do not exist in LSAP area. Draft and Final SEIR identified no change in impact conclusion (Draft SEIR Section 1.3.2)	No	No	NA, there would be no impact.

3.12.1 Discussion and Conclusion

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?

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?

Mineral resource impacts were scoped out of the LSAP EIR at the Notice of Preparation stage because no mineral resources exist in the LSAP area, and because the area is already developed with urban land uses. The project site is developed with an office use and would be redeveloped with residential, office, and retail uses. The project site does not contain mineral resources any of these resources; therefore, the conclusions of the LSAP EIR and the LSAP Update SEIR remain valid, and no impact would occur.

Mitigation Measures

No significant mineral resources impacts were identified in the LSAP EIR or the LSAP Update SEIR, and no mitigation measures were required.

Conclusion

No new circumstances or project changes have occurred nor has any new information been found that would result in new significant or substantially more severe impacts than those identified in the LSAP EIR and LSAP Update SEIR. Therefore, the conclusions of the LSAP EIR and LSAP Update SEIR remain valid and approval of the project would not result in new or substantially more severe significant impacts to mineral resources.

3.13 NOISE

Environmental Issue Area	Where Impact Was Analyzed in the LSAP Draft and Final EIR or the LSAP Update Draft and Final SEIR.	Any New Circumstances Involving New or Substantially More Severe Significant Impacts?	Any Substantially Important New Information Requiring New Analysis or Verification?	Do Prior Environmental Documents' Mitigations Address/ Resolve Impacts?
13. Noise. Would the project result in:				
a. Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	Draft EIR Setting pp. 3.6-1 to 3.6-15 Impacts 3.6.1, 3.6.2, 3.6.4, and 3.6.5 Draft and Final SEIR identified no change in impact conclusion (Draft SEIR Impacts 3.11-1, 3.11-3, and 3.11-4)	No	No	Yes, impact would be less than significant with the application of the adopted mitigation measure.
b. Generation of excessive groundborne vibration or groundborne noise levels?	Draft EIR Setting pp. 3.6-1 to 3.6-15 Impact 3.6.3 Draft and Final SEIR identified no change in impact conclusion (Draft SEIR Impact 3.11-2)	No	No	NA, impact would be less than significant
c. For a project located within an airport land use plan or where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	Draft EIR p 3.6-16 No Impact Draft and Final SEIR identified no change in impact conclusion (Draft SEIR page 3.11-10)	No	No	NA, no impact would occur.

3.13.1 Discussion

No substantial change in the environmental and regulatory settings related to Noise, described in the LSAP Draft EIR Section 3.6, "Noise," has occurred since certification of the EIR in 2016 or the LSAP Update SEIR in September 2021. This analysis is primarily based on the Noise Study prepared for the proposed project (CSDA Design Group 2022).

Since preparation of the 2016 LSAP EIR, a California Supreme Court decision, and subsequent revisions to the CEQA Guidelines, resulted in changes to CEQA regarding 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, as concluded by the California Supreme Court (see California Building Industry Association v. Bay Area Air Quality Management District [2015] 62 Cal.4th 369, 377 ["we conclude that agencies generally subject to CEQA are not required to analyze the impact of existing environmental conditions on a project's future users or residents. But when a project risks exacerbating those environmental hazards or conditions that already exist, an agency must analyze the potential impact of such hazards on future residents or users."]). Changes to the State CEQA Guidelines to reflect this decision were adopted on December 28, 2018. As noted in the BAAQMD's revised CEQA thresholds of significance, 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 emissions specified. However,

previous, and updated discussions of effects of the environment related to noise on future residents are included herein for disclosure purposes.

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?

Long-Term Operational Noise

LSAP Draft EIR Table 3.6-5 shows General Plan standards for evaluating a project's contribution to ambient noise level increases. The primary factor contributing to the ambient noise environment as a result of the LSAP would be the increase of vehicular traffic from increased densities. Residential and mixed-use residential land uses in the LSAP area are located along major roadways including the Lawrence Expressway, which runs north-south through the LSAP area. The LSAP Draft EIR Tables 3.6-7 and 3.6-10 show the calculated roadway noise levels under existing and cumulative traffic levels compared to the buildout of the LSAP. The LSAP EIR stated that, in comparison to existing and cumulative traffic noise levels, the LSAP would result in a predicted increase in traffic noise levels below the applicable noise level thresholds. Therefore, predicted traffic noise levels would not result in a substantial permanent increase in traffic noise levels along other primarily affected roadways.

As discussed in the LSAP EIR, traffic noise levels along Lawrence Expressway directly east of the project site range from 72.8 to 74.1 A-weighted decibels (dBA) day-night average noise level (L_{dn}) under existing conditions with traffic from build out of the LSAP (see LSAP Draft EIR Table 3.6-6), a conditionally acceptable noise environment for all land uses according to City noise standards. Under the cumulative conditions, buildout of the Plan would not result in cumulatively considerable roadway noise level increases beyond noise level thresholds at all vicinity roadway segments (see LSAP Draft EIR Table 3.6-10). Under cumulative conditions, Lawrence Expressway between Kifer Road and Reed Avenue would exceed the 75 dBA L_{dn} threshold established in the City's General Plan noise standards for residential uses. However, the 2016 LSAP EIR determined that the LSAP's contribution to this noise level would not be perceptible, and future development in this area would be required to meet interior noise standards of 45 dBA L_{dn}. There are no stationary noise source issues within the LSAP, and future LSAP uses would be required to comply with City noise standards.

To evaluate the project's impact on applicable standards, noise modeling and analysis was conducted by CSDA Design Group (2022). The project site would be exposed to maximum instantaneous noise levels up to 104 dBA; however, the L_{dn}, which describes the continuous 24-hour noise environment, are up to 74 dBA at the portion of the site next to the railway and as low as 60 dBA on the north side of the site along Sonora Court.

Per Sunnyvale General Plan Policy SN-8.7, since the project is exposed to railroad noise, the project should attempt to achieve an outdoor L_{dn} of no greater than 70 dBA in common areas, backyards, patios and medium and large balconies. According to the Noise Study, sensitive receptors at the planned outdoor courtyard would be completely shielded from rail noise by the project building and would be exposed to noise levels no greater than 70 dBA L_{dn} (CSDA 2022). Additionally, the City's noise land use compatibility matrix identifies exterior noise levels from 60 dBA to 75 dBA and 70 dBA to 80 dBA for residential and commercial/office uses, respectively, as conditionally acceptable. Therefore, noise levels at exterior use areas of the project would not exceed the City's 75 dBA L_{dn} conditionally acceptable exterior noise standard for residential uses and would not conflict with the City's General Plan.

An additional exterior-to-interior noise level reduction of 24 dBA is typically provided by residential buildings with the windows closed (EPA 1978: 11). Therefore, if the project's building façade noise levels exceed 69 dBA L_{dn}, interior noise levels for the project would potentially exceed the City's interior noise standard of 45 dBA L_{dn} and potentially result in health impacts (e.g., sleep disturbance). Consistent with the assumptions of the LSAP EIR under Mitigation Measures 3.6.4, where exterior noise levels exceed 60 dBA L_{dn}, the City will require that a report be submitted with the building plans describing the noise control measures that have been incorporated into the design of the project to meet the noise limit.

As stated in the LSAP EIR,

> "the need for noise attenuation measures in building construction and project design from any noise source and for all land uses will be determined on a project-by-project basis at the time development is proposed. Where exterior noise levels exceed 60 dBA L_{dn}, a report must be submitted with the building plans describing the noise control measures that have been incorporated into the design of the project to meet the noise limit. Where exterior day-night average noise levels are 60 dBA to 70 dBA L_{dn}, interior noise levels can typically be maintained below 45 dBA L_{dn} with the incorporation of an adequate forced air mechanical ventilation system in the residential units to allow residents the option of controlling noise by keeping the windows closed. In all areas exceeding 70 dBA L_{dn}, the inclusion of windows and doors with high Sound Transmission Class (STC) ratings, and the incorporation of forced-air mechanical ventilation systems would most likely be necessary to meet 45 dBA."

Therefore, if interior noise levels would potentially conflict with the City's interior noise standard of 45 dBA L_{dn}, pursuant to the LSAP EIR, the required interior-to-exterior noise reduction analysis would incorporate noise insulation features necessary to ensure compliance with interior noise standards. Per Policy Sn-8.3, the project would attempt to achieve a maximum instantaneous noise level of 50 dBA in bedrooms and 55 dBA in other areas of residential units exposed to train or aircraft noise, where the exterior LDN exceeds 55 dBA. The project would be consistent with the City's interior noise level standards through implementation of existing regulations. Additionally, as discussed above, the LSAP EIR and LSAP Update SEIR addressed traffic noise from the buildout of the LSAP which encompasses the project. The project would not result in new significant impacts or substantially more severe impacts than were identified in the LSAP EIR or LSAP Update SEIR, nor would there be new feasible mitigation measures or alternatives that reduce impacts but that City declines to adopt. The findings of the LSAP EIR and LSAP Update SEIR remain valid

Temporary Short-Term Noise from Construction

As identified in Impact 3.6.4 of the LSAP DEIR, major noise-generating construction activities associated with development under the LSAP would include removal of existing pavement and structures, site grading and excavation, installation of utilities, the construction of building foundations, cores, and shells, paving, and landscaping. The highest noise levels would be generated during the demolition of existing structures when impact tools are used (e.g., jackhammers, hoe rams) and during the construction of building foundations. Site grading and excavation activities would also generate high noise levels, as these phases often require the simultaneous use of multiple pieces of heavy equipment such as dozers, excavators, scrapers, and loaders. Lower noise levels result from building construction activities when these activities move indoors, and less heavy equipment is required to complete the tasks. Construction equipment would typically include, but would not be limited to, earth-moving equipment and trucks, mobile cranes, compressors, pumps, generators, paving equipment, and pneumatic, hydraulic, and electric tools. As depicted in LSAP Draft EIR Table 3.6-9, noise levels generated by individual pieces of construction equipment typically range from approximately 74 dBA to 89 dBA maximum noise level (the maximum instantaneous noise level during a specific period at 50 feet). This impact was identified in the LSAP EIR as potentially significant and was mitigated by Mitigation Measure 3.6.4. This mitigation measure requires that subsequent projects in the LSAP shall employ site-specific noise attenuation measures during construction to reduce the generation of construction noise.

As stated in the LSAP EIR,

> "The City of Sunnyvale does not establish quantitative noise limits for demolition or construction activities occurring in the city. According to Municipal Code Chapter 16.08, the legal hours of construction are between the hours of 7:00 a.m. and 6:00 p.m. Monday through Friday, and between 8:00 a.m. and 5:00 p.m. on Saturdays. These hours are intended to mitigate temporary noise impacts by avoiding construction during nighttime periods that would disturb noise-sensitive land uses (residential). Noise generated by small infill projects would likely have relatively short overall construction durations, with the noisiest phases of construction (e.g., demolition, foundations, project infrastructure, building core and shell) limited to a time frame of one year or less. These phases of construction are not anticipated to generate noise levels in excess of 60 dBA L_{eq} and would not increase the ambient noise environment by 5 dBA L_{eq} or more at sensitive land uses in the area over extended periods of time (beyond one construction season). Interior construction, landscaping, and finishing

activities would not be expected to result in noise levels in excess of 60 dBA Leq. The following mitigation measures are identified to ensure that temporary construction noise impacts are minimized (Mitigation Measure 3.6.4 is presented below)."

As detailed in Chapter 2, "Project Description," the project would comply with City Municipal Code Chapter 16.08 which would limit construction activities to less sensitive times of day. No nighttime construction would occur. Therefore, construction activities would not result in sleep disturbance, and on-site project construction would not have an adverse effect on humans due to sleep awakenings at the nearest sensitive receptor located approximately 300 feet north of the project site. Additionally, to be in compliance with adopted LSAP Mitigation Measure 3.6.4, the project would include noise attenuation measures to reduce the generation of construction noise. Thus, the project would be consistent with, and within the scope of what was analyzed under the LSAP Draft EIR as well as the LSAP Update SEIR.

Summary

As detailed above, the project would be consistent with the analysis conducted under the LSAP EIR. The project would be required to meet the City's interior noise level standards through implementation of existing regulations. Additionally, the LSAP EIR and LSAP Update SEIR addressed traffic noise from the buildout of the LSAP which encompasses the project. Finally, the project would comply with the City's Municipal Code which establishes allowable hours of construction. Implementation of LSAP Mitigation Measure 3.6.4 requires noise attenuation measures to reduce the generation of construction noise. The project would not result in new significant impacts or substantially more severe impacts than were identified in the LSAP EIR or LSAP Update SEIR, nor would there be new feasible mitigation measures or alternatives that reduce impacts but that City declines to adopt. The findings of the LSAP EIR and LSAP Update SEIR remain valid.

b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?

As discussed in Impact 3.6.3 of the LSAP EIR, the LSAP includes sensitive land uses in portions of the city adjacent to the existing Caltrain corridors. Ground vibration from conventional railroad trains or light rail trains passing could exceed the guidelines set forth by the Federal Transit Administration (FTA) if new buildings with sensitive uses such as residences are constructed within approximately 100 feet of the tracks. Such uses located in these areas could be exposed to ground vibration levels exceeding FTA guidelines. As identified in the LSAP Draft EIR, 85 vibration decibels is the level considered by the FTA to be acceptable, though only if there are an infrequent number of events per day. The LSAP includes policies and guidelines specific to each subarea within the plan area that are intended to highlight overall design considerations and address potential noise impacts at a programmatic level. Additionally, the LSAP EIR details vibration levels from typical construction equipment. As identified in the LSAP Draft EIR, FTA's threshold of 85 vibration decibels can be applied to construction activities if there are an infrequent number of events per day.

Construction activities known to generate excessive ground-borne vibration, such as pile driving, would not be conducted by the project. The greatest anticipated source of vibration during general project construction activities would be from a roller, which would create approximately 94 vibration decibels at 25 feet or 85 vibration decibels at 50 feet (FTA 2018: 184). As described in the LSAP EIR, the Municipal Code Chapter 16.08 limits hours of construction between 7:00 a.m. and 6:00 p.m. Monday through Friday, and between 8:00 a.m. and 5:00 p.m. on Saturdays to mitigate potential noise and vibration impacts during hours of the day that would disturb noise-sensitive land uses. As detailed in Chapter 2, "Project Description," the project would comply with the requirements for when construction activities would take place. As detailed in impact a), no nighttime construction would occur. Thus, construction activities would not result in sleep disturbance, and on-site project construction would not have an adverse effect on humans due to sleep awakenings at the nearest sensitive receptor. The project would not result in new significant impacts or substantially more severe impacts than were identified in the LSAP EIR or LSAP Update SEIR, nor would there be new feasible mitigation measures or alternatives that reduce impacts but that City declines to adopt. The findings of the LSAP EIR and LSAP Update SEIR remain valid.

c) 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?

As identified on LSAP Draft EIR page 3.6-16, the Moffett Federal Airfield Comprehensive Land Use Plan (City of Sunnyvale 2016) shows the LSAP area outside of the Moffett Federal Airfield noise contours. The LSAP is not located near a private airstrip.

The Moffett Federal Airfield Comprehensive Land Use Plan has been amended since the LSAP Draft EIR was approved; however, the project remains outside of the Moffett Federal Airfield noise contours (Santa Clara County ALUC 2018: Figure 5). Additionally, no new private airstrips have been developed within the LSAP area at the time the project application was completed, and this environmental checklist was prepared. There are no new circumstances or new information requiring new analysis or verification. The project would not result in new significant impacts or substantially more severe impacts than were identified in the LSAP EIR or LSAP Update SEIR, nor would there be new feasible mitigation measures or alternatives that reduce impacts but that City declines to adopt. The findings of the LSAP EIR and LSAP Update SEIR remain valid.

Mitigation Measures

The following adopted mitigation measure was identified in the LSAP EIR and would continue to remain applicable if the project were approved. Measures that are not applicable to the project (such as for pile driving) would not be required.

Mitigation Measure 3.6.4

Subsequent projects in the LSAP shall employ site-specific noise attenuation measures during construction to reduce the generation of construction noise. These measures shall be included in a Noise Control Plan that shall be submitted for review and approval by the City of Sunnyvale Building Services Division. 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., jack hammers, 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. Where use of pneumatic tools is unavoidable, an exhaust muffler on the compressed air exhaust shall be used; this muffler can lower noise levels from the exhaust by up to about 10 dBA. External jackets on the tools themselves shall be used where feasible; this could achieve a reduction of 5 dBA. Quieter procedures, such as use of drills rather than impact tools, shall be used; 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 reducing pile-driving techniques shall be employed during Project construction. 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;
  - Implement "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 before pile-driving activities, the applicant shall notify 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, the conclusions of the LSAP EIR and the LSAP Update SEIR remain valid and project approval would not result in new or substantially more severe significant noise impacts. No further analysis is required.

3.14 POPULATION AND HOUSING

Environmental Issue Area	Where Impact Was Analyzed in the LSAP Draft and Final EIR or the LSAP Update Draft and Final SEIR.	Any New Circumstances Involving New Significant Impacts or Substantially More Severe Impacts?	Any New Information Requiring New Analysis or Verification?	Do Prior Environmental Documents Mitigations Address/Resolve Impacts?
14. Population and Housing. Would the project:				
a. Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	Draft EIR Setting pp. 3.2-1 to 3.2-6 Impacts 3.2.1 and 3.2.3 Draft and Final SEIR identified no change in impact conclusion (Draft SEIR Impact 3.12-1)	No	No	NA, impact would be 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 3.2-6 Impacts 3.2.2 and 3.2.4 Draft and Final SEIR identified no change in impact conclusion (Draft SEIR page 3.12-5)	No	No	NA, no impact would occur.

3.14.1 Discussion

No substantial change in the environmental and regulatory settings related to population and housing described in LSAP EIR Section 3.1, Population and Housing, has occurred since certification of the LSAP EIR. The LSAP's adopted buildout, as updated in 2021, is 5,935 new residential units and 1,200,000 net new square feet of Office/R&D uses. As of March 2023, the approved and/or constructed development that has occurred since the LSAP adoption include 1,437 residential units, leaving a remaining 4,498 units for buildout.

a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?

As identified in Impact 3.2.1, the LSAP provides for approximately 1.2 million square feet of additional office/R&D/industrial uses. This would further increase employment opportunities in the City. Some of the new jobs would likely be filled by those already residing in the City and the surrounding area where commute times and distances are relatively short. However, for those wishing to relocate into the City, the potential increase in housing demand in the City and the plan area, specifically, could be accommodated by the new residential units. Table 3.2-3 in the 2016 LSAP EIR lists the net increase in housing units from the LSAP as 2,323. Of these units, 1,437 units have been approved. The 2021 LSAP Update included an additional 3,612 new residential units, for a total LSAP development potential of 5,935 units. The 107 units proposed as part of the project would be within the projected net increase in the LSAP EIR and the LSAP Update SEIR. The physical environmental effects of this growth are addressed in the LSAP EIR.

The project is consistent with the land use designations and anticipated residential and employment growth set forth in the LSAP. The project would not result in new significant impacts or substantially more severe impacts than were identified in the LSAP EIR or LSAP Update SEIR, nor would there be new feasible mitigation measures or alternatives that reduce impacts but that City declines to adopt. The findings of the LSAP EIR and LSAP Update SEIR remain valid.

b) Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?

As discussed in Impact 3.2.2, the LSAP land use designations allow a broad and flexible mix of land uses that would support both residential and commercial growth and would provide a wider range of housing choices to complement Sunnyvale's existing range of residential densities. The areas for new residential development are in locations that contain non-residential uses. As such, projects developed under the LSAP would not displace housing. The LSAP also addresses affordable housing through LSAP policies H-P1, H-P2, and H-P3. Further, the LSAP also includes an "Anti-Displacement" component. As stated in the LSAP, to avoid displacement of lower-income residents, no upzoning or increases in allowable densities on sites currently occupied by housing would occur. Retaining existing density allowances would minimize the financial incentive to demolish and replace existing units to achieve higher property values, thus minimizing the concern that existing residents would be physically displaced by new development. Because subsequent projects that could be developed under the LSAP would not displace substantial numbers of housing units or people and would not necessitate the construction of replacement housing elsewhere, there would be no impact under existing or cumulative conditions.

The project would consist of development of 107 housing units on a parcel that currently supports mixed-use, including residential and office/research and development. The project would have a residential density of 98 du/ac, which is achieved through the LSAP Development Incentives Program and the California Density Bonus Law (Gov. Code Section 65915). The density is therefore deemed to be consistent with the LSAP. Additionally, the project would not result in the removal of existing housing. The project would not result in new significant impacts or substantially more severe impacts than were identified in the LSAP EIR or LSAP Update SEIR, nor would there be new feasible mitigation measures or alternatives that reduce impacts but that City declines to adopt. The findings of the LSAP EIR and LSAP Update SEIR remain valid.

Mitigation Measures

No mitigation measures were needed for the certified LSAP 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 conclusions of the LSAP EIR and the LSAP Update SEIR remain valid, and approval of the project would not result in new or substantially more severe significant impacts to population and housing.

3.15 PUBLIC SERVICES

Environmental Issue Area	Where Impact Was Analyzed in the LSAP Draft and Final EIR or the LSAP Update Draft and Final SEIR.	Any New Circumstances Involving New Significant Impacts or Substantially More Severe Impacts?	Any New Information Requiring New Analysis or Verification?	Do Prior Environmental Documents Mitigations Address/Resolve Impacts?
15. Public Services				
a. Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, to maintain acceptable service ratios, response times or other performance objectives for any public services:				
i. Fire protection?	Draft EIR Setting pp. 3.11-1 to 3.11-3 Impacts 3.11.1.1 and 3.11.1.2 Draft and Final SEIR identified no change in impact conclusion (Draft SEIR Impact 3.13-1)	No	No	NA, impact remains less than significant
ii. Police protection?	Draft EIR Setting pp. 3.11-5 to 3.11-6 Impacts 3.11.2.1 and 3.11.2.2 Draft and Final SEIR identified no change in impact conclusion (Draft SEIR Impact 3.13-1)	No	No	NA, impact remains less than significant
iii. Schools?	Draft EIR Setting pp. 3.11-7 to 3.11-9 Impacts 3.11.3.1 and 3.11.3.2 Draft and Final SEIR identified no change in impact conclusion (Draft SEIR Impact 3.13-2)	No	No	NA, impact remains less than significant
iv. Parks?	See below in Section 3.15, Recreation Draft and Final SEIR identified no change in impact conclusion (Draft SEIR Impact 3.13-3)	See below in Section 3.15, Recreation	See below in Section 3.15, Recreation	See below in Section 3.15, Recreation

3.15.1 Discussion

No significant changes in the environmental setting regarding public services have occurred since release of the LSAP Update Final SEIR that would alter the LUTE EIR and LUTE Update SEIR impact analysis.

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

Fire protection?

As identified in Impact 3.11.1.1 and 3.11.1.2 of the LSAP EIR, additional residents and retail, commercial, and office/research and development (R&D) uses in the LSAP would increase the need for fire protection services, including equipment, additional inspectors, permit issuance staff, etc., to serve the City under 2035 conditions. However, it is currently expected that implementation of the LSAP would not necessitate construction of a fire station or emergency medical facility. The Fire Bureau does not maintain a staffing ratio goal based directly on population or employment; staffing levels are instead identified based on service demand and other factors. There are two City of Sunnyvale Fire Department stations within approximately half a mile west and southwest of the plan area boundary, and the City of Santa Clara has a fire station on Corvin Drive, just north of the plan area boundary along Kifer Road.

The LSAP recognizes that a variety of public facilities would be needed to serve the area as development proceeds. Some of these would be provided through mandatory fees and assessments consistent with existing City of Sunnyvale policy. Sunnyvale's Fire Code, Section 16.52 of the City's Municipal Code, prescribes regulations governing conditions hazardous to life and property from fire or explosion through adoption of the 2022 California Fire Code. The LSAP does not contain any policies regarding the provision of fire protection services, but public uses such as a fire station or emergency medical facility would be a permitted use in all land use classifications, subject to review and City approval. The LSAP EIR programmatically evaluated the construction impacts of such a potential facility in regard to air quality, noise, and water quality (see Sections 3.5, 3.6, and 3.8, of the LSAP Draft EIR, respectively). As subsequent development projects are proposed in the LSAP area, the City would ensure that equipment and facilities (e.g., fire trucks and new or modified fire stations) are provided and maintained to meet reasonable standards of safety, dependability, and compatibility with fire service operations and that rapid emergency response times are met. Therefore, fire protection and emergency medical services impacts would be less than significant for the LSAP under project and cumulative conditions.

A Comprehensive Risk Assessment of the City's fire response services found that the City's average response times were consistent with or exceeded national best practices and recommended test response times of 7 minutes and 30 seconds (Citygate 2018: 86) for four out of five stations serving the City and the Plan Area. The project would be served by existing fire protection facilities and would not require construction of additional facilities. City of Santa Clara Fire Department Station 9 is located approximately 0.9 miles from the project site, at 3011 Corvin Drive. The City's Station 2 is located at 795 Arques Avenue, approximately 2.0 miles from the project site. The project would be required to meet all City requirements regarding fire protection, including fire access (see project design plans – sheet G.B.003 and G.B.004), and provision of City services through mandatory applicable fees and assessments. The project would not result in new significant impacts or substantially more severe impacts than were identified in the LSAP EIR or LSAP Update SEIR, nor would there be new feasible mitigation measures or alternatives that reduce impacts but that City declines to adopt. The findings of the LSAP EIR and LSAP Update SEIR remain valid.

Police protection?

Additional residents and retail, commercial, and office/R&D uses in the LSAP would increase the need for law enforcement protection services (Impact 3.11.2.1 and 3.11.2.2). The LSAP recognizes that a variety of public facilities such as law enforcement would be needed to serve the area as development proceeds. Some of these would be

provided through mandatory fees and assessments consistent with existing City policy. Sunnyvale General Plan Policy SN-3.1 directs that rapid and timely response to all emergencies be provided, and Policy SN-5.1 requires that equipment and facilities are provided and maintained to meet reasonable standards for law enforcement. It is currently not expected that the LSAP itself would necessitate the need to construct a law enforcement facility. The LSAP does not contain any policies regarding the provision of law enforcement services, but public uses such as a police station would be a permitted use in all land use designations, subject to review and City approval. Therefore, law enforcement services impacts would be less than significant under project and cumulative conditions.

The project is required to meet all City site design requirements regarding public safety. The LSAP's adopted buildout, as updated in 2021, is 5,935 new residential units and 1,200,000 new net square feet of Office/R&D uses. As of March 2023, the approved and/or constructed development that has occurred since the LSAP adoption include 1,437 residential units, leaving a remaining 4,498 units for buildout. The proposed project would build 107 units, which is within the remaining LSAP buildout capacity. The project would not result in new significant impacts or substantially more severe impacts than were identified in the LSAP EIR or LSAP Update SEIR, nor would there be new feasible mitigation measures or alternatives that reduce impacts but that City declines to adopt. The findings of the LSAP EIR and LSAP Update SEIR remain valid.

Schools?

The LSAP EIR stated that projected growth under the LSAP would increase student enrollment in the Sunnyvale, Santa Clara Unified, and Fremont Union High school districts (see Impact 3.11.3.1 and 3.11.3.2). Buildout of the 2016 LSAP's 2,323 housing units would result in 114 elementary and middle school students attending Ellis Elementary School and/or Sunnyvale Middle School and 52 high school students attending Fremont High School. The 2021 LSAP Update SEIR determined that allowance of 3,612 additional dwelling units within the adopted LSAP boundaries could result in approximately 795 elementary and middle school students and 371 high school students beyond the number anticipated in Impact 3.11.3.1 of the LSAP EIR. The LSAP EIR discussed the potential for enrollment capacity at these schools to be exceeded and concluded that exceeding school capacity is not considered a physical impact under CEQA. The EIR stated that subsequent projects developed under the LSAP would be required to pay applicable school impact fees in accordance with state law. The school districts would address the need for expansion of school facilities or development of new school facilities, and such development would be subject to the appropriate CEQA environmental review. The LSAP impacts were determined to be less than significant.

The project would not result in new significant impacts or substantially more severe impacts than were identified in the LSAP EIR or LSAP Update SEIR, nor would there be new feasible mitigation measures or alternatives that reduce impacts but that City declines to adopt. The findings of the LSAP EIR and LSAP Update SEIR remain valid.

Parks?

See the discussion, below, under checklist item in Section 3.15, "Recreation."

Mitigation Measures

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

Conclusion

The conclusions of the LSAP EIR and the LSAP Update SEIR remain valid, and approval of the project would not result in new or substantially more severe significant impacts to public services.

3.16 RECREATION

Environmental Issue Area	Where Impact Was Analyzed in the LSAP Draft and Final EIR or the LSAP Update Draft and Final SEIR.	Any New Circumstances Involving New Significant Impacts or Substantially More Severe Impacts?	Any New Information Requiring New Analysis or Verification?	Do Prior Environmental Documents Mitigations Address/Resolve Impacts?
16. Recreation				
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 pp. 3.0-2 and 3.11-11 to 3.11-12 Impacts 3.11.4.1 and 3.11.4.2 Draft and Final SEIR identified no change in impact conclusion (Draft SEIR Impact 3.13-3)	No	No	NA, impact would be less than significant
b. Include recreational facilities or require the construction or expansion of recreational facilities that might have an adverse physical effect on the environment?	Draft EIR Setting pp. 3.11-11 to 3.11-12 Impacts 3.11.4.1 and 3.11.4.2 Draft and Final SEIR identified no change in impact conclusion (Draft SEIR Impact 3.13-3)	No	No	NA, impact would be less than significant

3.16.1 Discussion

No substantial change in the regulatory settings related to recreation, described in the LSAP Draft EIR Section 3.11.4, Parks and Community Services, has occurred since certification of the LSAP EIR and the LSAP Update SEIR.

a) Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?

See item b) below

b) Include recreational facilities or require the construction or expansion of recreational facilities that might have an adverse physical effect on the environment?

As addressed in Impact 3.11.4.1 and 3.11.4.2, the additional population associated with the 2016 LSAP (5,622) would generate a demand for approximately 28 acres of park and recreation facilities. With the proposed LUTE the city-wide demand for parkland would be approximately 698 acres in year 2035. This demand would not occur immediately, but over time as subsequent projects are developed. As required under the City's Municipal Code Chapter 19.74, subsequent projects, such as the proposed project at Sonora Court, would be required to dedicate land, pay a fee in lieu thereof, or both, for park and recreational purposes at a ratio of 5 acres per 1,000 residents. The LSAP has identified measures that could be used to meet the need generated by future development projects and proposes an open space framework illustrating key elements of a parks and open space system for the plan area at a conceptual level (LSAP Draft EIR Figure 2.0-4; see Section 2.0, Project Description). Under the LSAP, approximately 32.5 to 39.0 acres of new open spaces and plazas open to the public throughout the plan area could be established. Per the City's

Municipal Code, subsequent projects would also be required to dedicate land, pay a fee in lieu thereof, or both, for park and recreational purposes at a ratio of 5 acres per 1,000 residents.

The project is a mixed-use residential and commercial project and would generate direct demand for recreation facilities. The project would construct 107 units. The LSAP assumes 2.42 people per unit of housing (City of Sunnyvale 2016: 3.15). This would result in an approximate addition of 254 people to the Plan Area from the proposed project and a demand for 0.95 acres of park and recreational space per City requirements. The project would comply with requirements and pay the fees required to meet the required ratio of 5 acres of park or recreational space per 1,000 residents.

Typical environmental effects regarding improvements to and use of parks and recreational facilities may involve issues with noise (during construction and with use of playfields and playgrounds), air quality (during the construction of the facility), biological resources (depending on location), historic/cultural resources (depending on location), public services and utilities (demand for police and fire protection, electric, water, and wastewater service), and traffic on a local neighborhood level. The environmental effects of construction and operation of such facilities in the plan area have been considered programmatically in the technical analyses of the LSAP Draft EIR as part of overall development of projects anticipated under the LSAP. Impacts on existing facilities and the development of new facilities within the LSAP area would be less than significant under project and cumulative conditions. The project would not result in new significant impacts or substantially more severe impacts than were identified in the LSAP EIR or LSAP Update SEIR, nor would there be new feasible mitigation measures or alternatives that reduce impacts but that City declines to adopt. The findings of the LSAP EIR and LSAP Update SEIR remain valid.

Mitigation Measures

No mitigation measures were identified in for the certified LSAP EIR and the LSAP Update SEIR regarding recreation, 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, the conclusions of the LSAP EIR and the LSAP Update SEIR remain valid, and approval of project would not result in new or substantially more severe significant impacts to recreation.

3.17 TRANSPORTATION

Environmental Issue Area	Where Impact Was Analyzed in the LSAP Draft and Final EIR or the LSAP Update Draft and Final SEIR.	Any New Circumstances Involving New Significant Impacts or Substantially More Severe Impacts?	Any New Information Requiring New Analysis or Verification?	Do Prior Environmental Documents Mitigations Address/Resolve Impacts?
17. Transportation. Would the project:				
a. Conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle, and pedestrian facilities?	Draft SEIR pp. 3.14-28 through 3.14-32 Impact 3.14-2, 3.14-3, 3.14-4	No	No	NA, impact would be less than significant
b. Conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b)?	Draft SEIR pp. 3.14-22 through 3.14-27 Impact 3.14-1	No	No	NA, impact would be less than significant
c. 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 3.4-23 Impact 3.4.4 Draft and Final SEIR identified no change in impact conclusion (Draft SEIR Impact 3.14-5)	No	No	NA, impact would be less than significant
d. Result in inadequate emergency access?	Draft EIR Setting pp. 3.4-1 to 3.4-23 Impact 3.4.5 Draft and Final SEIR identified no change in impact conclusion (Draft SEIR Impact 3.14-6)	No	No	NA, impact would be less than significant

3.17.1 Regulatory Setting

The Federal and State regulatory setting for transportation provided on pages 3.4-18 through 3.4-21 of the certified LSAP EIR remain applicable to this analysis. However, an updated description of the adopted changes to the State CEQA Guidelines pursuant to SB 743 that have occurred subsequent to the approval of the LSAP EIR are described below. Additionally, since certification of the LSAP EIR, changes to the City of Sunnyvale and Santa Clara Valley Transportation Authority (VTA) regulatory setting have occurred. These changes are described in detail below. The LSAP Update SEIR evaluated VMT impacts consistent with the 2018 update of the State CEQA Guidelines and City policies regarding VMT.

SENATE BILL 743

SB 743, passed in 2013, required OPR to develop new State CEQA guidelines that address traffic metrics under CEQA. As stated in the legislation, upon adoption of the new guidelines, "automobile delay, as described solely by level of service (LOS) or similar measures of vehicular capacity or traffic congestion shall not be considered a significant impact on the environment pursuant to this division, except in locations specifically identified in the guidelines, if any." The change in the focus of transportation analysis is intended to shift the emphasis from congestion to reducing greenhouse gas emissions, promoting a diversity of land uses, and developing multimodal transportation networks.

In December of 2018, OPR published the most recent version of the *Technical Advisory on Evaluating Transportation Impacts in CEQA* (OPR 2018) which provides guidance for VMT analysis. The Office of Administrative Law approved the updated State CEQA Guidelines and lead agencies had an opt-in period until July 1, 2020 to implement the updated guidelines regarding VMT. As of July 1, 2020, implementation of Section 15064.3 of the updated CEQA Guidelines apply statewide.

CITY OF SUNNYVALE COUNCIL POLICY MANUAL

Sunnyvale City Council adopted Council Policy 1.2.8, "Transportation Analysis Policy," on June 30, 2020; thus, establishing VMT as the primary threshold of significance for analysis of transportation impacts under CEQA. This policy is designed to provide guidance in the preparation of transportation analysis for land use and transportation projects as part of the environmental review process to comply with CEQA (City of Sunnyvale 2020).

Council Policy 1.2.8 requires that all projects evaluate and disclose transportation-related environmental impacts using VMT as the primary metric, as required by CEQA. Additionally, the policy establishes LOS as an operational measurement of intersection efficiency that is also required to be addressed for all projects. However, because a project's effect on automobile delay no longer constitutes a significant impact under CEQA, LOS is not analyzed here-in.

The following policy requirements related to VMT are applicable to the project:

1. Land Use Projects. For residential and employment projects, projects will use the Countywide Average VMT as the baseline with a VMT reduction threshold set at 15 percent below the baseline to identify potential transportation impacts and propose mitigations.
2. Exemptions. The requirement to prepare a detailed VMT analysis applies to all projects except the following types as these projects will further the City's goals and policies and will not result in significant transportation impacts.
   A. Small Infill Projects (110 daily trips or less).
   B. Neighborhood-Serving Retail/Service Development uses (maximum 100,000 square feet total for entire commercial development), similar to uses permitted by right or with a Miscellaneous Planning Permit (MPP) in the C-1 (Neighborhood Business Zoning District) subject to evaluation by the Director of Community Development. Such uses not considered neighborhood-serving include auto dealerships, car wash/repair facilities, drive-thru restaurants/services, restaurants with banquet halls, hotels, and similar uses that have a regional draw.
   C. City Facilities such as fire stations, parks, community centers, branch libraries.
   D. Restricted Affordable Housing Projects that meet the following:
      (I) For rental developments: At least 25 percent of the proposed residential units dedicated as affordable to households up to 80 percent area median income (AMI). The developer shall meet the requirements for the City's Rental Inclusionary (SMC Ch. 19.77), and then may provide the remainder of the required units at low income.
      (II) For ownership developments: At least 25 percent of the proposed residential units dedicated as affordable to households up to 120 percent AMI. The developer shall meet the requirements for the City's Below Market Rate Ownership Inclusionary (SMC Ch. 19.67).
      (III) For either type of development: The development may utilize the State Density Bonus, however 25 percent of the total constructed units on site must be deed restricted. Prior to the issuance of any building permit for the project, an Affordable Housing Regulatory Agreement shall be recorded against the parcel(s) which sets rent and occupancy restrictions for fifty-five years and shall run with the land through any change of ownership.
   E. Transportation Projects that reduce or do not increase VMT including, but not limited to:
      (I) Roadway maintenance, rehabilitation, and safety improvements;

(II) Installation or reconfigured traffic lanes to provide left-turns, right-turns, etc.;

(III) Conversion of existing lanes to managed or transit lanes;

(IV) Multimodal improvements that promote walking, bicycling and transit;

(V) Technology projects that optimize intersection operations, and traffic metering systems, detection, cameras, and other electronics designed to optimize traffic flow;

(VII) Installation of traffic control devices and roundabouts;

(VIII) Relocation or removal of parking; and

(IX) Installation of publicly available alternative fuel/charging infrastructure.

F. Transit Supportive Projects (office/R&D projects with a floor area ratio of more than 75 percent or a residential project of at least 35 dwelling units/acre) within ½ mile of an existing major bus stop or existing stop along a high quality transit corridor that meet all of the following requirements:

(I) Support the multimodal transportation network by facilitating access to multimodal transportation with improved pedestrian facilities, bike lanes, transit stops; does not harm or hinder access to multimodal transportation;

(II) Does not exceed maximum parking requirements or propose higher than what is allowed per the development standards;

(III) Is transit oriented in design:

a. Has a walkable design that prioritizes pedestrians;

b. Is sustainable, and compact;

c. Facilitates ease of bicycle use;

d. Is focused or centered around transit; and

(IV) Redevelopment of a site which provides at least as many affordable units as previously existed.

3. Transportation Projects. Project types that would likely lead to a measurable and substantial increase in vehicle travel generally include addition of through lanes on existing or new highways, including general purpose lanes, high occupancy vehicle (HOV) lanes, peak period lanes, auxiliary lanes, or lanes through grade-separated interchanges Transportation projects that add vehicle capacity to the roadway network will be required to analyze:

A. Direct, indirect, and cumulative effects of the transportation project

B. Near term and long term induced vehicle travel in total VMT

C. Consistency with state and local greenhouse gas reduction goals

D. Impacts on the development of multimodal transportation networks

E. Impacts on the development of diversity of land uses

4. Regional Projects. For projects such as regional retail, hospitals, stadium, sports complexes, or schools that are not regulated by a Public School District or that require permits from a local jurisdiction, a net increase in total VMT may indicate a significant transportation impact.

In October of 2021, the City of Sunnyvale Department of Public Works adopted the *City of Sunnyvale Transportation Analysis Guideline for Vehicle Miles Traveled and Local Transportation Analysis*. This document provides the significance criteria, exemption screening criteria, thresholds of significance, and methodologies of the analysis for VMT; along with the operation analyses required and methodologies in a Local Transportation Analysis for development projects. This document incorporates Council Policy 1.2.8 by reference; and thus, the policy

requirements associated with Council Policy 1.2.8 detailed above are consistent the guidance and direction provided in the *City of Sunnyvale Transportation Analysis Guideline for Vehicle Miles Traveled and Local Transportation Analysis*.

CITY OF SUNNYVALE ACTIVE TRANSPORTATION PLAN

The purpose of the *2020 Sunnyvale Active Transportation Plan* is to create a safe, connected, and efficient citywide active transportation network. This plan updates Sunnyvale's 2006 Bicycle Plan, 2007 Pedestrian Safety and Opportunities Study, and 2012 Comprehensive School Traffic Study. The Plan lays out policies, infrastructure projects, and supporting programs, as well as identifies funding sources and implementation priorities; and includes various proposed bicycle and pedestrian improvements that may be used to reduce VMT.

PEDESTRIAN ACCESS TO TRANSIT PLAN

VTA adopted the Pedestrian Access to Transit Plan in fall 2017, which "is the first-ever look at pedestrian conditions for VTA's customers in Santa Clara County and is one component of a larger effort to strengthen and expand VTA's pedestrian program." The Pedestrian Access to Transit Plan identifies Focus Areas with high bus ridership and the opportunity for pedestrian facility improvements. It also identifies 165 potential capital projects that would improve safety and the quality of the walk to transit, which could potentially increase ridership. VTA staff updated the geographic analysis done for the Pedestrian Access to Transit Pan using 2018 data, which can be used by member agencies, developers, and others to determine the need for pedestrian improvements across Santa Clara County.

3.17.2 Discussion

a) Conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle, and pedestrian facilities?

Public Transit

Diversifying land uses and increasing densities envisioned under the LSAP would support the long-term viability of the Lawrence Caltrain station. This could increase the demand for transit services and related facilities. Caltrain is in the process of implementing the Caltrain Modernization Program (CalMod) which includes electrification and other projects that will upgrade the performance, efficiency, capacity, safety, and reliability of Caltrain's service. The LSAP Update includes the Lawrence Station Sense of Place Plan. The Lawrence Station Sense of Place Plan requires new development in the area to implement a variety of transit and automobile circulation improvements and develop associated design standards and guidelines. It will result in improving transit connections and circulation to and from the Lawrence Caltrain Station.

The project would likely increase the demand for transit in the area, primarily on Caltrain. However, consistent with guidance provided in the *Technical Advisory on Evaluating Transportation Impacts in CEQA*, when evaluating impacts to multimodal transportation networks, lead agencies generally should not treat the addition of new transit users as an adverse impact. An infill development (such as the project in question) may add riders to transit systems and the additional boarding and alighting may slow transit vehicles, but it also adds destinations, improving proximity and accessibility (OPR 2018). Additionally, the project design would comply with LSAP policies regarding site design and would not conflict with any transit service in the area and all existing transit services have sufficient capacity to serve the project. Finally, the project would provide the benefit of direct pedestrian access to the Lawrence Caltrain Station via the proposed sliding gate and crossing. The project would not result in new significant impacts or substantially more severe impacts than were identified in the LSAP EIR or LSAP Update SEIR, nor would there be new feasible mitigation measures or alternatives that reduce impacts but that City declines to adopt. The findings of the LSAP EIR and LSAP Update SEIR remain valid.

Pedestrian and Bicycle

As identified in Impacts 3.4.2 and 3.4.3 of the LSAP EIR, the LSAP identifies various bicycle and pedestrian facility improvements to close the gaps in the existing and planned network. The planned bicycle network would provide a continuous system of Class I and Class II facilities that would allow improved and safe connections throughout the plan area. The LSAP and the 2020 Sunnyvale Active Transportation Plan identifies two new bicycle/pedestrian crossings at the Caltrain tracks, one in the vicinity of Calabazas Creek on the east and one in the west side of the plan area connecting Sonora Court to Aster Avenue southwest of the project site. These grade-separated crossings would increase north-south connectivity for bicyclists, as well as pedestrians, and would provide increased safety. The LSAP Update includes the Lawrence Station Sense of Place Plan. The Lawrence Station Sense of Place Plan requires new development in the area to implement a variety of pedestrian, bicycle, and automobile circulation improvements and develop associated design standards and guidelines. It will result in improving bicycle, and pedestrian connections and circulation to and from the Lawrence Caltrain Station.

The project would comply with LSAP policies regarding site design, which require development under the LSAP to be compatible with their surroundings. The LSAP also includes policies regarding street design to create safe and comfortable movement on foot, including streetscape amenities like street trees, and street furniture. As detailed in Chapter 2 "Project Description," new sidewalks would be built along the east perimeter of the project site and would extend south to provide direct access to the Lawrence Caltrain Station, and north to provide access to Sonora Court. Street trees, precast planters, and seating areas would be constructed in select locations around the perimeter of the site as well. The new sidewalks and streetscape amenities are part of pedestrian improvements on the site. Future bicycle lanes would be constructed along Sonora Court as a separate project. The project would pay the LSAP sense of place fee toward these future bicycle facility improvements along Sonora Court, and 52 class I and II bicycle parking spaces would be installed.

Thus, due to the proposed and planned pedestrian and bicycle improvements and project consistency with LSAP design policies, no new significant impacts or substantially more severe impacts would occur. The project would not result in new significant impacts or substantially more severe impacts than were identified in the LSAP EIR or LSAP Update SEIR, nor would there be new feasible mitigation measures or alternatives that reduce impacts but that City declines to adopt. The findings of the LSAP EIR and LSAP Update SEIR remain valid.

b) Conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b)?

Introduction

The LSAP Draft EIR concluded that impacts related to traffic operational impacts would be significant and unavoidable with implementation of all feasible mitigation measures. However, pursuant to SB 743, PRC Section 21099, and California Code of Regulations Section 15064.3(a), generally, VMT is the most appropriate measure of transportation impacts and a project's effect on automobile delay shall no longer constitute a significant impact under CEQA. Additionally, on June 30, 2020, Sunnyvale City Council adopted a resolution and Council Policy (Policy 1.2.8, "Transportation Analysis Policy") establishing VMT as the primary threshold of significance for analysis of transportation impacts under CEQA. Policy 1.2.8, "Transportation Analysis Policy" notes that the City of Sunnyvale will retain LOS as an operational measurement of intersection efficiency but reiterates that a project's effect on LOS (i.e., automobile delay) is no longer considered an environmental impact under CEQA. Therefore, the transportation analysis here-in evaluates impacts using VMT and does not include LOS analysis. The LSAP Update SEIR addressed VMT impacts under Impact 3.14-1 and concluded that the LSAP Update would result in no new significant effect to VMT, and the impact is not more severe than what the impact in the 2016 LSAP EIR would have been, if analyzed.

VMT Methodology

The City of Sunnyvale has developed and adopted VMT guidelines and thresholds (i.e., Council Policy 1.2.8 and *City of Sunnyvale Transportation Analysis Guideline for Vehicle Miles Traveled and Local Transportation Analysis*) to meet the State requirements set by SB 743 and address CEQA Guidelines Section 15064.3. Therefore, the VMT analysis here-in primarily relies on the guidance provided in Council Policy 1.2.8, City of Sunnyvale Transportation Analysis Guideline for Vehicle Miles Traveled and Local Transportation Analysis, and CEQA Guidelines Section 15064.3.

State CEQA Guidelines Section 15064.3(b) identifies four criteria for analyzing the transportation impacts of a project. To determine how the project should be considered, a discussion of the applicable criteria is provided below.

Section 15064.3(b)(1) addresses land use projects. The LSAP is a land use plan that was prepared to guide future development of the area surrounding the Lawrence Caltrain Station. The project would be considered a land use project. Section 15064.3(b)(1) describes that projects with specified proximity to "major" or "high quality" transit should be presumed to cause a less than significant transportation impact. As defined in PRC Section 21064.3, a "major transit stop" means a site containing an existing rail transit station, a ferry terminal served by either a bus or rail transit service, or the intersection of two or more major bus routes with a frequency of service interval of 15 minutes or less during the morning and afternoon peak commute periods. PRC Section 21155(b) defines a high-quality transit corridor as a corridor with fixed route bus service with service intervals no longer than 15 minutes during peak commute hours. Additionally, Section 15064.3(b)(1) also describes that projects resulting in a decrease VMT in the project area as compared to existing conditions should also be presumed to have a less than significant effect. Section 15064.3(b)(4), Methodology, explains that the lead agency, (in this case, City of Sunnyvale) has discretion to choose the most appropriate methodology to evaluate VMT subject to other applicable standards, such as CEQA Guidelines Section 15151 (standards of adequacy for EIR analyses).

Sunnyvale Council Policy 1.2.8 defines the requirements for VMT analysis by project type, the criteria under which projects are presumed to result in a less than significant VMT impact and are not required to analyze it, and the thresholds of significance for determining VMT-based transportation impacts under CEQA. As detailed in Council Policy 1.2.8, the VMT analysis for residential and employment projects shall use the Countywide Average VMT as the baseline, and the VMT significance threshold shall be set at 15 percent below the baseline to identify potential transportation impacts and any resulting mitigation.

Additionally, Council Policy 1.2.8 includes a set of criteria under which conforming projects are assumed to be exempt from preparing a detailed VMT analysis. By virtue of conforming to the exemption criteria, a project would further the City of Sunnyvale's goals and policies and would be presumed to result in a less-than-significant impact to VMT.

As detailed in State CEQA Guidelines Section 15064.3(b)(1) and Section 2, "Exemptions," of Council Policy 1.2.8, "Transportation Analysis Policy," projects within one-half mile of either an existing major transit stop or a stop along an existing high-quality transit corridor should generally be presumed to cause a less than significant transportation impact. Additionally, this exemption criterion is generally consistent with the guidance in the OPR *Technical Advisory on Evaluating Transportation Impacts* which states that projects within one-half mile of either an existing major transit stop or a stop along an existing high-quality transit corridor should generally be presumed to cause a less than significant transportation impact.

Analysis

The 2016 LSAP EIR did not include an impact analysis or significance determination related to VMT as it was not required under CEQA at the time. However, the LSAP EIR did disclose the results of a VMT assessment which determined that implementation of the LSAP would result in a net increase in total VMT as compared to existing conditions, but a lower citywide VMT per capita as compared to the citywide existing and 2035 no-project scenarios.

As detailed above, the stated intent of SB 743 is to promote the reduction of greenhouse gas emissions, the development of multimodal transportation networks, and a diversity of land uses. The stated purpose of the LSAP is to promote greater use of the existing major transit stop of Lawrence Caltrain Station and guide the development of a diverse neighborhood of employment, residential, retail, other support services and open space. The area covered by the adopted LSAP is generally defined by a one-half-mile radius from the Lawrence Caltrain Station. Therefore, by virtue of being part of, and adhering to the LSAP and its associated policies, the project would be consistent the intent of the SB 743. Additionally, the LSAP area analyzed in the LSAP EIR would conform to the criteria set forth in Council Policy 1.2.8, "Transportation Analysis Policy," for the presumption of a less-than-significant VMT impact due to a project's transit supportive nature and its proximity to a high-quality transit corridor and/or major transit stop.

The project would be located directly north of, and adjacent to the Lawrence Caltrain Station; and thus, is within one-half mile of a major transit stop. Additionally, Council Policy 1.2.8 requires that a project meet the following criteria to

presume a less-than-significant VMT impact for a project based on proximity to a major transit stop or high-quality transit corridor:

- Transit Supportive Projects (office/R&D projects with a floor area ratio of more than 75 percent or a residential project of at least 35 dwelling units/acre) within ½ mile of an existing major bus stop or existing stop along a high-quality transit corridor that meet all of the following requirements:
  - I. Support the multimodal transportation network by facilitating access to multimodal transportation with improved pedestrian facilities, bike lanes, transit stops; does not harm or hinder access to multimodal transportation.
  - II. Does not exceed maximum parking requirements or propose higher than what is allowed per the development standards.
  - III. Is transit oriented in design:
    - a. has a walkable design that prioritizes pedestrians;
    - b. is sustainable, and compact;
    - c. facilitates ease of bicycle use;
    - d. is focused or centered around transit; and
  - IV. Redevelopment of a site which provides at least as many affordable units as previously existed.

The LSAP allows a base maximum residential density for the site of 54 dwelling units/acre (du/ac), which can be increased through voluntary participation in the LSAP Development Incentives Program and California Density Bonus Law (Gov. Code Section 65915) The project's proposed density of 98 du/ac is achieved through 11 density points in the LSAP Development Incentives Program and a 50 percent state density bonus due to the provision of 24 percent low-income units (18 units total). Additionally, as detailed in *Appendix E: VMT Mitigation Strategies* of the *City of Sunnyvale Transportation Analysis Guideline for Vehicle Miles Traveled and Local Transportation Analysis*, City approved tier 1 mitigation strategies include the following:

- PC01 Increase Residential Density: Where allowed (by zoning and GP) design the project with increased residential densities compared to existing conditions.

As detailed in Chapter 2, "Project Description," the project would increase residential density compared to existing and the maximum density limit currently included in the LSAP. However, the increased residential density associated with the project meets the City-approved tier 1 mitigation strategy detailed above; and thus, would likely result in a decrease in VMT.

The project would include multimodal frontage improvements along both the north and east project site. The project would also provide new sidewalks along the east boundary of the project site which would extended south providing direct access to the Lawrence Caltrain Station. Additionally, the project would include 52 Class I and II bicycle parking spaces. Therefore, the project would support the multimodal transportation network by facilitating access to multimodal transportation with improved pedestrian facilities; and would not harm or hinder access to multimodal transportation.

The LSAP allows for reduced parking requirements as compared to the off-street parking requirements in the City of Sunnyvale Municipal Code Chapter 19.46. The parking study prepared for the project indicates that a total of 266 parking spaces are required for the site. The project would construct a parking garage that would accommodate 207 vehicle parking spaces, which would not exceed the parking standard as a Density Bonus project. These spaces include electric vehicle charging stations (EVCS) and Americans with Disability Act compliant spaces.

The increase in density associated with implementation of the project would serve to further enhance the transit-oriented nature of the LSAP plan area by locating a greater number of residents in a multimodal environment, and in close proximity to the Lawrence Caltrain Station. Additionally, as detailed above, the project would enhance the

bicycle and pedestrian facilities in the area and connect to the Lawrence Caltrain Station. Therefore, the project is transit-oriented in nature.

Additionally, of the 107 residential units, 18 would be dedicated for low-income tenants; and thus, would assist in implementing the vision of affordable urban living in the Lawrence Station Area and is consistent with the LSAP land use designations and zoning, including the recent LSAP Update and the VMT impact conclusions in the SEIR.

For the reasons detailed above, the project would conform to the criteria set forth in Council Policy 1.2.8 for the presumption of a less-than-significant VMT impact because of a project's proximity to a high-quality transit corridor or major transit stop. The project would not result in new significant impacts or substantially more severe impacts than were identified in the LSAP EIR or LSAP Update SEIR, nor would there be new feasible mitigation measures or alternatives that reduce impacts but that City declines to adopt. The findings of the LSAP EIR and LSAP Update SEIR remain valid.

c) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?

As identified in Impact 3.4.4, the LSAP incorporates a "complete streets" approach for circulation planning that accommodates all travel modes. Complete streets are designed and operated to enable safe and convenient access for all users, including pedestrians, bicyclists, and motorists. The LSAP includes several circulation network improvements to provide improved access through the plan area. In addition to providing new streets in the LSAP, improvements to existing streets would be implemented to ensure safety for all street users. Extensive bicycle and pedestrian facility enhancements would be implemented, including additional crosswalks, changes in signal timing, and two grade-separated pedestrian/bicycle crossings at the Caltrain tracks. All of the proposed improvements would help reduce the potential for pedestrian/bicycle and vehicle conflicts. All roadway and pedestrian/bicycle facilities would be designed in accordance with City of Sunnyvale standards.

Access to the project would be provided via one full-access driveway along Sonora Court. New sidewalks would be built around the north and east perimeter of the project site extending south to provide direct access to the Lawrence Caltrain Station and north to provide access to Sonora Court. The new sidewalks and streetscape amenities are part of pedestrian improvements on the site. Bicycle parking would be provided. Future bicycle lanes would be constructed along Sonora Court as a separate project. The proposed project would contribute LSAP sense of place fees toward this future improvement. The project would comply with LSAP policies regarding site design, which require development under the LSAP to be compatible with their surroundings. Additionally, in accordance with City of Sunnyvale standards, the project would provide adequate sight distance at all access points. The project would not result in new significant impacts or substantially more severe impacts than were identified in the LSAP EIR or LSAP Update SEIR, nor would there be new feasible mitigation measures or alternatives that reduce impacts but that City declines to adopt. The findings of the LSAP EIR and LSAP Update SEIR remain valid.

Caltrain Tracks

As identified in Impact 3.4.4, results of the traffic modeling show that intersection conditions near roadway crossings of the tracks would not worsen as a result of the LSAP, indicating the LSAP-generated traffic volumes at the at-grade crossing would not substantially increase. As such, no substantial increased risk of vehicle/train conflicts is anticipated due to LSAP traffic. The LSAP proposes two new grade-separated crossings at the Caltrain tracks, one on the east side of the plan area and one on the west side. These crossings would be for non-vehicular travel only and would provide two new options for pedestrians and bicyclists traveling between the north and south sides of the plan area to safely cross the tracks. Design and construction of the track crossings would need to be coordinated with Caltrain. Thus, this impact would be less than significant under project and cumulative conditions.

The project would provide direct pedestrian access to the adjacent Caltrain station through the construction of new sidewalks along the eastern boundary and extending south of the project site. Vehicular access to the Caltrain Station is provided from Sonora Court via San Zeno Way east of the project site. The project would not result in new significant impacts or substantially more severe impacts than were identified in the LSAP EIR or LSAP Update SEIR,

nor would there be new feasible mitigation measures or alternatives that reduce impacts but that City declines to adopt. The findings of the LSAP EIR and LSAP Update SEIR remain valid.

d) Result in inadequate emergency access?

As identified in Impact 3.4.5, the LSAP includes several circulation network improvements to provide improved access through the LSAP area. The loop road would provide an additional full access point to Central Expressway west of Lawrence Expressway, which could reduce traffic volumes on Lawrence Expressway. Extending the connectivity of Sonora Court to both Kifer Road and the east side of the Lawrence Expressway overcrossing could reduce traffic volumes on Kifer Road. These improvements would provide additional access through and around the LSAP. All improvements would be required to meet City of Sunnyvale roadway design standards. Because the LSAP would provide adequate access for emergency vehicles, impacts would be less than significant for the LSAP.

The project is required to meet all City of Sunnyvale requirements regarding emergency access, including fire access. The project is required to attain the minimum 20-foot width requirement for emergency vehicle access and circulation. The project would not result in new significant impacts or substantially more severe impacts than were identified in the LSAP EIR or LSAP Update SEIR, nor would there be new feasible mitigation measures or alternatives that reduce impacts but that City declines to adopt. The findings of the LSAP EIR and LSAP Update SEIR remain valid.

Mitigation Measures

No additional mitigation measures are required for the project.

Conclusion

No new circumstances or project changes have occurred nor has any new information been identified requiring new analysis or verification. Therefore, the conclusions of the LSAP EIR and the LSAP Update SEIR remain valid, and approval of project would not result in new or substantially more severe significant impacts to transportation.

3.18 TRIBAL CULTURAL RESOURCES

ENVIRONMENTAL ISSUES	Where Impact Was Analyzed in the LSAP Draft and Final EIR or the LSAP Update Draft and Final SEIR.	Any New Circumstances Involving New Significant Impacts or Substantially More Severe Impacts?	Any New Information Requiring New Analysis or Verification?	Do Prior Environmental Documents Mitigations Address/Resolve Impacts?
18. Tribal Cultural Resources.				
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:				
a) 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)?	Draft SEIR pp. 3.3-3 through 3.3-5	No	No	NA, there would be no impact
b) 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 SEIR pp. 3.3-3 through 3.3-5	No	No	NA, there would be not impact.

3.18.1 Discussion

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:

a) 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)?

The LSAP was not subject to AB 52 when the 2016 LSAP EIR was published. Because no potential tribal cultural resources were identified, the 2016 LSAP EIR did not evaluate impacts related to tribal cultural resources. Amendments to the LSAP evaluated in the SEIR were subject to AB 52 and SB 18. Letters were mailed to 12 tribes on January 11, 2019, inviting them to request consultation under SB 18 or AB 52. Two responses were received, but the responding tribes declined consultation and did not have any comments. The LSAP SEIR concluded that because the LSAP Plan Area is already developed, it is unlikely that tribal cultural resources are present. Adopted LSAP Mitigation Measure 3.10.2 requires text to be included on project plans regarding the steps to be taken should construction crews discover archaeological resources or human remains during project. construction. These steps would also protect previously undiscovered tribal cultural resources during construction, though the presence of tribal cultural resources in the area is unlikely.

The project would occur within the area as analyzed in the LSAP. The project site contains no recorded archaeological resources and would be subject to adopted LSAP Mitigation Measure MM 3.10.2 The project would not result in new significant impacts or substantially more severe impacts than were identified in the LSAP EIR or LSAP Update SEIR,

nor would there be new feasible mitigation measures or alternatives that reduce impacts but that City declines to adopt. The findings of the LSAP EIR and LSAP Update SEIR remain valid.

b) 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?

See analysis under item a) above.

Mitigation Measures

The following adopted mitigation measure was adopted with the LSAP and would continue to remain applicable if the project was approved.

Mitigation Measure MM 3.10.2

All subsequent projects within the LSAP plan area shall be required to include information on the improvement plans that if, during the course of grading or construction cultural resources (i.e., prehistoric or historic sites) are discovered, work will stop in that area and within 100 feet of the find until a qualified archaeologist can access the significance of the find and, if necessary, develop appropriate treatment measures as part of a treatment plan in consultation with the City and all other appropriate agencies. The treatment plan shall include measures to document and protect the discovered resource. Consistent with CEQA Guidelines Section 15126.4 (b)(3), preservation in place will be the preferred method of mitigating impacts to the discovered resource. Pursuant to Government Code Section 6254.10, information on the discovered resource shall be confidential.

Conclusion

No new circumstances or project changes have occurred nor has any new information been found that would result in new significant or substantially more severe impacts than those identified in the LSAP EIR and LSAP Update SEIR. Therefore, the conclusions of the LSAP EIR and the LSAP Update SEIR remain valid, and approval of the project would not result in new or substantially more severe significant impacts to tribal cultural resources.

3.19 UTILITIES AND SERVICE SYSTEMS

Environmental Issue Area	Where Impact Was Analyzed in the LSAP Draft and Final EIR or the LSAP Update Draft and Final SEIR.	Any New Circumstances Involving New Significant Impacts or Substantially More Severe Impacts?	Any New Information Requiring New Analysis or Verification?	Do Prior Environmental Documents Mitigations Address/Resolve Impacts?
19. Utilities and Service Systems. Would the project:				
a) Require or result in the relocation or construction of construction of new or expanded water, wastewater treatment or stormwater drainage, electric power, natural gas, or telecommunication facilities, the construction or relocation of which could cause significant environmental effects?	Draft EIR Setting pp. 3.11-14 to 3.11-34, and pp. 3.11-44 to 3.11-47. Impact 3.11.5.2, 3.11.5.4, 3.11.6.1, 3.11.6.2, 3.11.6.3, and 3.11.8.1 Draft and Final SEIR identified no change in impact conclusion (Draft SEIR Impacts 3.15-2, 3.15-4, 3.15-5, and 3.15-7)	No	No	NA, impact would be less than significant
b) Have insufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?	Draft EIR Setting pp. 3.11-14 to 3.11-24 Impact 3.11.5.1 and 3.11.5.3 Draft and Final SEIR identified no change in impact conclusion (Draft SEIR Impact 3.15-1)	No	No	NA, impact would be less than significant
c) Result in a determination by the wastewater treatment provider that serves or may serve the project that it has inadequate capacity to serve the project's projected demand, in addition to the provider's existing commitments?	Draft EIR Setting pp. 3.11-30 to 3.11-34 Impact 3.11.6.1, 3.11.6.2, and 3.11.6.3 Draft and Final SEIR identified no change in impact conclusion (Draft SEIR Impact 3.15-3 and 3.15-4)	No	No	NA, impact would be 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 Setting pp. 3.11-37 to 3.11-41 Impact 3.11.7.1 and 3.11.7.3 Draft and Final SEIR identified no change in impact conclusion (Draft SEIR Impact 3.15-6)	No	No	NA, impact would be less than significant
e) Fail to comply with federal, state, and local management and reduction statutes and regulations related to solid waste?	Draft EIR Setting pp. 3.11-37 to 3.11-41 Impact 3.11.7.2 Draft and Final SEIR identified no change in impact conclusion (Draft SEIR Impact 3.15-6)	No	No	NA, impact would be less than significant

3.19.1 Discussion

Since completion of the LSAP Draft EIR, the City of Sunnyvale has adopted a 2020 Urban Water Management Plan (UWMP). The LSAP Water Supply Assessment (WSA) was based in part on information from the City's 2010 UWMP. While there is some variation between the WSA and 2020 UWMP in the estimates of water supply and demand for build out of the City, both the WSA and 2020 UWMP conclude that there is adequate water supply available to meet normal, single-dry, and multiple-dry year conditions. Thus, the 2020 UWMP does not substantially change the water supply impact analysis provided in the LSAP EIR. The LSAP Update SEIR included an update to the WSA that concluded there would be adequate water supply available to meet normal, single-dry, and multiple-dry year conditions.

The City's NDPES permit was updated in February 2020; effluent amount and requirements are regulated by the San Francisco Bay Regional Water Quality Control Board under Order No. R2-2020-0002 (NPDES permit number CA0037621). The permitted values contained in the new permit are similar to those in the prior permit which expired in 2019.

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

<u>Wastewater and Water Treatment Facilities</u>

As addressed in Impacts 3.11.5.2, 3.11.5.4, 3.11.6.1, 3.11.6.2, and 3.11.6.3 in the LSAP EIR and in the LSAP Update and its SEIR, LSAP contributions to water demand and wastewater are anticipated to be accommodated with existing infrastructure facilities. The LSAP Draft EIR acknowledges that there may be some future need to upgrade infrastructure within the LSAP area. The LSAP EIR programmatically evaluates the potential environmental impacts of such improvements, including potential impacts ranging from traffic control and emergency access (Section 3.4-Transportation and Circulation), air quality ((Section 3.5 - Air Quality), noise (Section 3.6), biological resources (3.9 Biological Resources), hazardous materials (Section 3.3 Hazards and Human Health), and cultural impacts (Section 3.10 Cultural Resources) that may result from construction of future subsequent facilities within the LSAP Area. Mitigation measures discussed in these sections would apply to any potential significant impacts from subsequent infrastructure improvements that occur within the LSAP planning area.

The LSAP Update identified the following wastewater facility improvements as part of a sewer impact fee for the area:

- upsizing of the existing 10-inch vitrified clay pipe (VCP) sewer main in San Zeno Way to a 12-inch PVC sewer main;
- upsizing of the existing 10-inch VCP sewer main at the intersection of Willow Avenue and Aster Avenue to an 18-inch PVC sewer main; and
- upsizing of the existing 27-inch VCP sewer main in Lawrence Expressway to a 30-inch PVC sewer main.

The LSAP Update SEIR evaluated the environmental impacts of these improvements.

The project would construct a seven-story mixed-use building containing 107 apartment units and other supporting facilities such as on-site parking, a courtyard and landscaping, and space for solid waste disposal and collections. On site facilities improvements for connections to existing utilities such as water, sewage, gas, electricity, solid waste, telecommunication, and driveway improvements would be constructed (See Planning Application sheet C.B.6.00). New storm drainage would be constructed parallel along the base of the north face of the building and along the southeast corner, and then connected to existing storm drain lines to be diverted through bioretention landscaping before flowing into off-site stormwater conveyance. Bioretention landscaping would be constructed along all sides of the building except the south facing portion.

The project would result in an increase in water demand and wastewater generation relative to existing conditions on the project site. Refer to the discussion under item a) above for analyses on wastewater generation impacts resulting

from the proposed project. Water demand for the LSAP Update is estimated to be 1,501 acre-feet per year and would be able to be accommodated by existing water supplies and facilities per the analysis provided in LSAP Update WSA. The project consists of 107 residential units, 79,211 sf of office space, and 377 sf of station-serving retail. Because water demand rates would be the same for the proposed project as assumed in the LSAP Update, water demand and associated facilities would be consistent with the analysis in the LSAP Update SEIR. Refer to the discussion under item a) above for analyses on wastewater generation impacts resulting from the proposed project. On-site improvements would consist of utility connections to existing water and wastewater conveyance facilities. No new wastewater treatment or conveyance facilities would need to be constructed or expanded off site. Potable water demand would be met with existing water supplies. On-site improvements would consist of utility connections to existing water and wastewater conveyance facilities. No new wastewater treatment or conveyance facilities would need to be constructed or expanded off site.

The demand generated by the project would fall within the development estimates analyzed by the LSAP EIR and the LSAP Update SEIR. The project would not result in a significant new demand for water or wastewater treatment facilities beyond existing City capacity. Additionally, the project is required to pay impact fees to contribute towards the wastewater facility improvements identified in the LSAP Update SEIR. The project would not result in new significant impacts or substantially more severe impacts than were identified in the LSAP EIR or LSAP Update SEIR, nor would there be new feasible mitigation measures or alternatives that reduce impacts but that City declines to adopt. The findings of the LSAP EIR and LSAP Update SEIR remain valid.

<u>Electrical and Natural Gas Facilities</u>

Impact 3.11.8.1 in the LSAP EIR identifies that PG&E currently provides electrical and natural gas services to Sunnyvale and would continue to provide these services to future development resulting from projects developed in the LSAP. PG&E is required by the California Public Utilities Commission to update the existing systems to meet any additional demand. PG&E builds new infrastructure on an as-needed basis. Any electrical and natural gas distribution lines, substations, transmission lines, delivery facilities, and easements required to serve buildout of the Lawrence Station Area Plan would be subject to CEQA review by PG&E. However, it is expected that much of the distribution infrastructure would be collocated with other utilities underground within roadway rights-of-way to minimize the extent of environmental effects. The LSAP EIR and the LSAP Update SEIR determined that buildout of the LSAP would not specifically trigger the need for off-site energy facility improvements, and no large-scale plan area improvements are anticipated.

The project would demolish an existing office building on the 1.1-acre project site and would construct a seven-story story residential building containing 107 apartment units, 79,211 square feet (sf) of office space, 377 sf of station-serving retail, and a two-level subterranean parking facility. Other supporting facilities would also be constructed such as an on-site plaza, landscaping and bioretention, and space for solid waste disposal and collections. Onsite facilities improvements for connections to existing utilities such as water, sewage, electricity, solid waste, and driveway improvements would be constructed (See Planning Application Submittal sheet C.B.5.00). Existing telecommunications lines would be used. As noted in the project description, the proposed building would be developed as an all-electric energy structure with no natural gas connection. Connections to municipal storm drains would be located along the southeast corner and north face of the building, a new electric line would be installed along the western border of the site to connect to an existing electric line in the northwest, and two sanitary sewer lines would connect to existing municipal facilities along Sonora Court and San Zero Way. Existing gas, communication, and electricity lines are also located just outside of the north ends of the property boundary.

Project operation would increase electricity consumption at the project site relative to existing conditions. The project's electricity demands would be served by PG&E. The project's land use and development intensities are consistent with the LSAP and what was assumed in the energy consumption analysis of the LSAP EIR. The project would not result in new significant impacts or substantially more severe impacts than were identified in the LSAP EIR or LSAP Update SEIR, nor would there be new feasible mitigation measures or alternatives that reduce impacts but that City declines to adopt. The findings of the LSAP EIR and LSAP Update SEIR remain valid.

Stormwater Drainage Facilities

See analysis under 3.9, Hydrology and Water Quality. The project includes on-site drainage improvements. No offsite drainage improvements are proposed for the project. The project would not result in new significant impacts or substantially more severe impacts than were identified in the LSAP EIR or LSAP Update SEIR, nor would there be new feasible mitigation measures or alternatives that reduce impacts but that City declines to adopt. The findings of the LSAP EIR and LSAP Update SEIR remain valid.

b) Have insufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?

As described in LSAP EIR Impact 3.11.5.1 and 3.11.5.3, cumulative development in Sunnyvale, including in the LSAP, would result in a net additional water demand of 2,274 acre-feet per year (AFY). The LSAP Update WSA identified that the LSAP Update would increase water demand to 1,501 AFY, an increase of 688 AFY over the 813 AFY assumed in the LSAP EIR. The LSAP Update Draft SEIR tables 3.15-3, 3.15-4, and 3.15-5 identify LSAP Update water demands as well as the proposed Downtown Specific Plan Amendment Project water demands on City water supplies under normal, single dry, multiple dry year conditions between 2020 and 2040. Under all scenarios, the City has adequate water supply to accommodate the increase in demand from the LSAP Update.

Water demand for the LSAP area was estimated to be 1,501 acre-feet per year and would be able to be accommodated by existing water supplies and facilities. The project consists of 107 residential units, 79,211 sf of office space, and 377 sf of station-serving retail. The LSAP Update WSA used a water demand ratio of 170 gallons per day (gpd) per high density residential unit and 270 gallons per day per thousand square feet of industrial, office and R&D, and commercial use. Development of the project would not exceed the number of units or area of office space assumed in the LSAP Update; thus, potable water demand would be met with existing water supplies and is assumed within the demand of the LSAP Update WSA. The project is consistent with LSAP land use designations and population growth that were utilized in the LSAP Update WSA and the City 2020 Urban Water Management Plan. The project would not result in new significant impacts or substantially more severe impacts than were identified in the LSAP EIR or LSAP Update SEIR, nor would there be new feasible mitigation measures or alternatives that reduce impacts but that City declines to adopt. The findings of the LSAP EIR and LSAP Update SEIR remain valid.

c) Result in a determination by the wastewater treatment provider that serves or may serve the project that it has inadequate capacity to serve the project's projected demand, in addition to the provider's existing commitments?

As addressed in Impact 3.11.6.1 (Exceedance of wastewater discharge requirements), 3.11.6.2 (Wastewater conveyance and Treatment) and 3.11.6.3 (Cumulative Wastewater Service Impacts), increased population associated with the LSAP would result in an additional approximately 0.62 million gallons per day (mgd) of wastewater flows. The maximum permitted dry weather flow capacity for the City's water treatment facility is 29.5 mgd, and 40 mgd for peak wet weather flow capacity, according to the City's NDPES permit (San Francisco Bay RWQCB under Order No. R2-2020-0002 [NPDES permit number CA0037621]). A report prepared for the City in 2013 to support the Water Pollution Control Master Plan (WPC Master Plan) estimated that buildout conditions through 2035 would result in and average daily water flow (ADWF) of 19.5 mgd. ADWF treated by the Water Pollution Control Plant (WPCP) when the LSAP EIR was certified was approximately 11.4 mgd. Existing land uses within the LSAP plan area boundary are estimated to generate approximately 0.35 mgd of wastewater flows. The increased population anticipated from LSAP overall would result in an additional approximately 0.62 mgd of wastewater flows. With the addition of anticipated flows from the LSAP, total wastewater flows handled by the WPCP would be approximately 12 mgd, which is under the within the 19.5-mgd ADWF design flow capacity assumed under the WPCP Master Plan, and under the 29.5 mgd capacity permitted. The LSAP Update SEIR identified an additional increase of 0.96 mgd from the LSAP Update in daily flows to the WPCP that would still be well below permitted capacity (LSAP Update Draft SEIR page 3.15-23). Further, compliance with water conservation efforts (e.g., General Plan Policy EM-2.1 and CAP Measure WC-2) would help reduce indoor water use and the amount of wastewater requiring treatment. In the LSAP Draft EIR, the City identified that wastewater flows actually declined from 2006-2015, representing a 10-year trend despite increases in population and an influx of daytime workers.

No increase in industrial or commercial land uses or other types of land uses typically associated with hazardous pollutant discharges to the sewer system are proposed. Moreover, the LSAP Draft EIR mentions that approximately 10 percent of the WPCP flow is treated to a higher level than required for discharge to meet the requirements for disinfected tertiary recycled water as specified in Title 22 of the California Code of Regulations and then delivered to customers for non-potable uses, primarily irrigation. The project would not violate RWQB standards permitted in volume, or in pollutant type of concentration.

The project consists of office, residential, retail uses and associated landscaping and is not expected to generate constituents for wastewater services and additional wastewater beyond what is produced at the site compared to existing conditions. The 2013 report from the WPC Master Plan estimated a factor of 148 gallons per day per unit (gpd/unit) of waste water flow generation for each residential unit constructed. The project would construct 107 residential units, 79,211 sf of office space, and 377 sf of station-serving retail, which is within the development potential contemplated in the LSAP Update EIR. Because the wastewater generation rates associated with the land use types included in the project would be the same as under the LSAP Update EIR, wastewater flow would not exceed estimates assumed in the LSAP Update under project conditions. Therefore, the project would not conflict with Regional Water Quality Control Board Standards.

The project would not result in new significant impacts or substantially more severe impacts than were identified in the LSAP EIR or LSAP Update SEIR, nor would there be new feasible mitigation measures or alternatives that reduce impacts but that City declines to adopt. The findings of the LSAP EIR and LSAP Update SEIR remain valid.

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 3.11.7.1 and 3.11.7.3, the LSAP would generate approximately 19.6 tons per day of solid waste, which would represent approximately 2 percent of the SMaRT Station throughput (or 1.3 percent of maximum permitted throughput) and less than 1 percent of the permitted daily throughput for the Kirby Canyon Landfill. The LSAP EIR stated that, on an annual basis, the LSAP would generate approximately 7,154 tons of solid waste that would be disposed of at the Kirby Canyon Landfill or at the Monterey Peninsula Landfill. Additional growth in surrounding communities, such as Mountain View, Santa Clara, and Cupertino, would also generate solid waste. New development estimated to occur under the proposed LUTE update and the LSAP would increase the generation of solid waste in Sunnyvale. By 2035, approximately 412,979 pounds (206.49 tons) of solid waste would be generated per day in Sunnyvale (including the contribution from the LSAP). 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. Therefore, regional landfill facilities would be able to serve the growth expected to occur in the region as well as under the LSAP. The LSAP Update Draft SEIR identified that the additional residential units under LSAP Update would generate approximately 14 tons of solid waste per day beyond what was identified in the LSAP EIR (LSAP Update Draft SEIR page 3.15-28). While the LSAP Update would increase solid waste generation in the City, the LSAP Update Draft SEIR identified that there is adequate capacity at the SMaRT Station, Kirby Canyon Landfill, and Monterey Peninsula Landfill to accommodate the total generated (LSAP Update Draft SEIR page 3.15-29).

Project demolition would require a demolition permit. As explained in the LSAP EIR, as part of the demolition permitting process, applicants are required to follow a list of general requirements based on the California Green Building Code and the Sunnyvale Municipal Code. A portion of the requirements includes consideration of deconstructing and/or salvage of reusable building materials to minimize the amount of demolition materials disposed of at landfills. The project is consistent with LSAP land use designations and population growth estimates that were utilized in the LSAP EIR and the LSAP Update SEIR solid waste analysis The project would not result in new significant impacts or substantially more severe impacts than were identified in the LSAP EIR or LSAP Update SEIR, nor would there be new feasible mitigation measures or alternatives that reduce impacts but that City declines to adopt. The findings of the LSAP EIR and LSAP Update SEIR remain valid.

e) Fail to comply with federal, state, and local management and reduction statutes and regulations related to solid waste?

As discussed in Impact 3.11.7.2, 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 Zero Waste Strategic Plan, intended to identify the new policies, programs, and infrastructure that are intended to move the City toward its Zero Waste goals of 75 percent diversion by 2020 and 90 percent diversion by 2030. According to the latest Sunnyvale Materials Recovery and Transfer Station (SMaRT Station) report from 2018-2019, approximately 67,734 pounds (lbs) out of 149,245 lbs of solid waste from Sunnyvale residents was diverted from landfills, which represents a diversion rate of approximately 60 percent (City of Sunnyvale, et al. 2020).

Additionally, the City of Sunnyvale committed to the waste reduction programs, plans, and policies that would apply to new development in the LSAP. Construction of subsequent projects under the LSAP 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, the LSAP would not conflict with a federal, state, or local statute or regulation related to solid waste disposal.

The project would not generate solid waste more than what was evaluated in the LSAP EIR and LSAP Update SEIR and is required to comply with solid waste reduction standards The project would not result in new significant impacts or substantially more severe impacts than were identified in the LSAP EIR or LSAP Update SEIR, nor would there be new feasible mitigation measures or alternatives that reduce impacts but that City declines to adopt. The findings of the LSAP EIR and LSAP Update SEIR remain valid.

Mitigation Measures

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

Conclusion

No new circumstances or project changes have occurred nor has any new information been identified requiring new analysis or verification. Therefore, the conclusions of the LSAP EIR and LSAP Update SEIR remain valid, and approval of project would not result in new or substantially more severe significant impacts to utilities or energy.

3.20 WILDFIRE

ENVIRONMENTAL ISSUES	Where Impact Was Analyzed in the LSAP Draft and Final EIR or the LSAP Update Draft and Final SEIR.	Any New Circumstances Involving New Significant Impacts or Substantially More Severe Impacts?	Any New Information Requiring New Analysis or Verification?	Do Prior Environmental Documents Mitigations Address/Resolve Impacts?
20. Wildfire.				
Is the project located in or near state responsibility areas or lands classified as high fire hazard severity zones? If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project:				
a) Substantially impair an adopted emergency response plan or emergency evacuation plan?	Draft SEIR Section 1.3.3	No	No	NA, no impact would occur.
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?	Draft SEIR Section 1.3.3	No	No	NA, no impact would occur.
c) Require the installation 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?	Draft SEIR Section 1.3.3	No	No	NA, no impact would occur.
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?	Draft SEIR Section 1.3.3	No	No	NA, no impact would occur.

3.20.1 Discussion

The LSAP SEIR analyzed wildfire impacts in Section 1.3, "Effects Found Not to be Significant." As described on page 1-3 of the Draft SEIR, No Fire Hazard Severity Zones, state responsibility areas, Very High Fire Hazard Severity Zones, or local responsibility areas are located in or adjacent to Sunnyvale. Given that the city is urbanized and not adjacent to large areas of open space or agricultural lands that are subject to wildland fire hazards, no impacts associated with exposure to wildland fire would occur.

a) Substantially impair an adopted emergency response plan or emergency evacuation plan?

See Section 3.9, "Hazards and Hazardous Materials", item f).

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?

As described on page 1-3 of the LSAP Draft SEIR, No Fire Hazard Severity Zones, state responsibility areas, Very High Fire Hazard Severity Zones, or local responsibility areas are located in or adjacent to Sunnyvale. Given that the city is urbanized and not adjacent to large areas of open space or agricultural lands that are subject to wildland fire hazards, no impacts associated with exposure to wildland fire would occur.

The project site is surrounded by urbanized uses and would not be subject to wildland fire risks. No impact would occur. No changes to the location of the project have occurred and no changes to the risks from wildfires have occurred since approval of the LUTE. Therefore, no impact would occur.

c) Require the installation 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?

See analysis for item b) above.

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?

See Section 3.9, "Hazards and Hazardous Materials", item g).

Mitigation Measures

No mitigation measures were identified in the certified LSAP EIR and LSAP Update SEIR regarding wildfire, nor are any additional mitigation measures required for the project.

Conclusion

No new circumstances or project changes have occurred nor has any new information been found requiring new analysis or verification. Therefore, the conclusions of the LSAP EIR and the LSAP Update SEIR remain valid, and approval of the project would not result in new or substantially more severe significant wildfire impacts.

3.21 MANDATORY FINDINGS OF SIGNIFICANCE

Environmental Issue Area	Where Impact Was Analyzed in the LSAP Draft and Final EIR or the LSAP Update Draft and Final SEIR.	Any New Circumstances Involving New Significant Impacts or Substantially More Severe Impacts?	Any New Information Requiring New Analysis or Verification?	Do Prior Environmental Documents Mitigations Address/Resolve Impacts?
20. Mandatory Findings of Significance.				
a. Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of an endangered, rare or threatened species or eliminate important examples of the major periods of California history or prehistory?	Draft EIR Sections 3.9, Biological Resources, and 3.10, Cultural Resources Draft and Final SEIR identified no change in impact conclusion	No	No	Yes, impacts would remain less than significant with the application of the adopted mitigation measure.
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 view 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 Draft SEIR pp. 4-21 and 4-22 Draft SEIR Impact 4-3 and 4-22	No	No	Yes, impacts would remain less than significant with the application of the adopted mitigation measure except for Impact 4-3 (Cumulative Air Quality Impacts) and Impact 4-22 (Cumulative Wastewater Service Impacts) that would remain cumulatively considerable and 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 Draft and Final SEIR identified no change in impact conclusion	No	No	Yes, impacts would remain less than significant with the application of the adopted mitigation measure.

3.21.1 Discussion

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 an endangered, rare, or threatened species, or eliminate important examples of the major periods of California history or prehistory?

As discussed in Section 3.4, "Biological Resources," ground disturbance associated with the project would occur within previously developed land, and as explained in Section 3.4, "Biological Resources," the project has potential to adversely affect bat roosting bats and nesting birds. Potentially significant impacts would be reduced to a less-than-significant level with implementation of adopted LSAP Mitigation Measures 3.9-2 and 3.9-3 because they require preconstruction surveys and provide standards for avoidance of a roosting bat colony and/or nesting birds, if necessary. Biological resource impacts would remain less than significant with the application of these adopted mitigation measures. The project would not result in new significant impacts or substantially more severe impacts than were identified in the LSAP EIR or LSAP Update SEIR, nor would there be new feasible mitigation measures or alternatives that reduce impacts but that City declines to adopt. The findings of the LSAP EIR and LSAP Update SEIR remain valid.

As discussed in Section 3.5, "Cultural Resources," no historic or archaeological resources occur on the project site. However, there is potential for accidental discovery of archaeological materials that could be encountered during construction-related ground disturbing activities. Adopted LSAP Mitigation Measure 3.10-2 would reduce potential impacts to archaeological resources discovered during project construction activities to a less-than-significant level because the measures would require the performance of professionally accepted and legally compliant procedures for the discovery of previously undocumented significant archaeological resources. Cultural resource impacts would remain less than significant with the application of these adopted mitigation measures. The project would not result in new significant impacts or substantially more severe impacts than were identified in the LSAP EIR or LSAP Update SEIR, nor would there be new feasible mitigation measures or alternatives that reduce impacts but that City declines to adopt. The findings of the LSAP EIR and LSAP Update SEIR remain valid.

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.)

Sections 3.1 through 3.13 of the LSAP EIR addressed the potential for the LSAP to result in a cumulatively considerable condition when combined with local and regional adopted plans, proposed projects in the City, and the existing regional conditions. The LSAP EIR identified significant cumulative impacts to criteria air pollutant emissions and transportation operations (note that traffic operational impacts are no longer subject to CEQA analysis). Chapter 4 of the LSAP Update SEIR contains the analysis of cumulative impacts of the LSAP Update and the ISI project. The LSAP Update SEIR identified two new cumulatively considerable and significant and unavoidable impact that was not identified in the LSAP EIR associated with air quality and wastewater services. The City will be updating the WPCP Master Plan in the near future to include sufficient wastewater treatment capacity for existing and planned development and additional growth, including the City's amended Downtown Specific Plan and the LSAP Update, and subsequent environmental review for the WPCP Master Plan update shall be completed by the City. The specific design and improvements needed are unknown at this time.

As addressed in Sections 4.1 through 4.20 of this document, the project would not result in new significant impacts or substantially more severe impacts than were identified in the LSAP EIR or LSAP Update SEIR, nor would there be new feasible mitigation measures or alternatives that reduce impacts but that City declines to adopt. This would include

cumulative impacts because the project is within the development potential anticipated in the cumulative impact analyses in the LSAP EIR and LSAP Update SEIR. The findings of the LSAP EIR and LSAP Update SEIR remain valid.

c) Does the project have environmental effects that will cause substantial adverse effects on human beings, either directly or indirectly?

The project would have potential environmental effects that would cause substantial adverse effects on human beings related to air quality, hazards and hazardous materials, and noise. Upon implementation of the adopted mitigation measures identified in this document, these impacts would be reduced to a less-than-significant level, except for cumulative impacts to air quality, which would remain significant and unavoidable. The project would not result in new significant impacts or substantially more severe impacts on human beings than were identified in the LSAP EIR or LSAP Update SEIR, nor would there be new feasible mitigation measures or alternatives that reduce impacts but that City declines to adopt. The findings of the LSAP EIR and LSAP Update SEIR remain valid.

Conclusion

No new circumstances or project changes have occurred nor has any new information been found requiring new analysis or verification. Therefore, the conclusions of the LSAP EIR and the LSAP Update SEIR remain valid, and approval of the project would not result in new or substantially more sever environmental impacts.

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4 LIST OF PREPARERS

4.1 LIST OF PREPARERS

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