



City of Sunnyvale Initial Study Checklist Butcher's Corner Project

INTRODUCTION

The proposed Butcher's Corner Project is a "Project" under the California Environmental Quality Act (CEQA). This Initial Study was prepared by PlaceWorks for the City of Sunnyvale (City), Community Development Department, Planning Division. This Initial Study was prepared pursuant to the CEQA (Public Resources Code Sections 21000 et seq.), CEQA Guidelines (Title 14, Section 15000 et seq. of the California Code of Regulations).

1. **Title:** Butcher's Corner Project
2. **Lead Agency Name and Address:** City of Sunnyvale
Community Development/Planning Division
456 W. Olive Avenue
Sunnyvale, CA 94086
(408) 730-7444
3. **Contact Person and Phone Number:** Noren Caliva-Lepe
Associate Planner
(408) 730-7444
4. **Location:** 871 E Fremont Ave
Sunnyvale, CA 94087
5. **Applicant's Name and Address:** De Anza Properties
960 N San Antonio Rd
Los Altos, CA 94022
6. **General Plan Land Use Designations:** Residential High Density (RHI)
7. **Zoning:** R-3 (Residential Medium Density)
ECR (Precise Plan for El Camino Real)
combining district (R-3/ECR)
8. **Description of Project:** See page four of this Initial Study.
9. **Surrounding Land Uses and Setting:** See page three of this Initial Study.
10. **Other Required Approvals:** City of Sunnyvale requires discretionary permits and approvals for the proposed Project. See page six of this Initial Study.

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED

The environmental factors checked below would be potentially affected by the proposed Project, involving at least one impact that is a Potentially Significant Impact, as indicated by the checklist on the following pages.

- | | | |
|--|---|--|
| <input checked="" type="checkbox"/> Aesthetics | <input type="checkbox"/> Agriculture & Forestry Resources | <input checked="" type="checkbox"/> Air Quality |
| <input checked="" type="checkbox"/> Biological Resources | <input checked="" type="checkbox"/> Cultural Resources | <input checked="" type="checkbox"/> Geology & Soils |
| <input checked="" type="checkbox"/> Greenhouse Gas Emissions | <input type="checkbox"/> Hazards & Hazardous Materials | <input checked="" type="checkbox"/> Hydrology & Water Quality |
| <input checked="" type="checkbox"/> Land Use | <input type="checkbox"/> Mineral Resources | <input checked="" type="checkbox"/> Noise |
| <input type="checkbox"/> Population & Housing | <input checked="" type="checkbox"/> Public Services | <input type="checkbox"/> Recreation |
| <input checked="" type="checkbox"/> Transportation/Traffic | <input checked="" type="checkbox"/> Utilities & Service Systems | <input checked="" type="checkbox"/> Mandatory Findings of Significance |

Determination:

On the basis of this initial evaluation:

- I find that the proposed Project COULD NOT have a significant effect on the environment and a NEGATIVE DECLARATION will be prepared.
- I find that, although the proposed Project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the Project have been made by or agreed to by the City. A MITIGATED NEGATIVE DECLARATION will be prepared.
- I find that the proposed Project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT (EIR) will be prepared.
- I find that the proposed Project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
- I find that although the proposed Project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed Project, nothing further is required.



Signature

3/20/15

Date

Noren Caliva-Lepe

Printed Name

Associate Planner

Title

OVERVIEW AND BACKGROUND

This Initial Study checklist was prepared to assess the environmental effects of the Butcher's Corner Project, herein referred to as the "proposed Project" or "Project." This Initial Study consists of a depiction of the existing environmental setting and the Project description followed by a description of various environmental effects that may result from construction and operation of the proposed Project.

LOCATION AND SETTING

A. REGIONAL LOCATION

Figure 1 shows the relationship of the Project site to the City of Sunnyvale. The Project site is located in an unincorporated "island" of Santa Clara County, surrounded by land under the jurisdiction of the City of Sunnyvale. Sunnyvale is approximately 40 miles southeast of San Francisco, and is one of the major cities that make up Silicon Valley. Sunnyvale is located east of the City of Mountain View, west of the City of Santa Clara, and north of the City of Cupertino. Regional access to the Project site is provided by El Camino Real/State Highway 82 (El Camino Real/SR 82), United State Highway 101 (US 101), State Route 237 (SR 237), State Route 85 (SR 85), Santa Clara Valley Transportation Authority (VTA) bus service, and by Caltrain via the Sunnyvale and Lawrence Caltrain Stations. Caltrain is operated by the Peninsula Corridor Joint Powers Board.

B. LOCAL SETTING

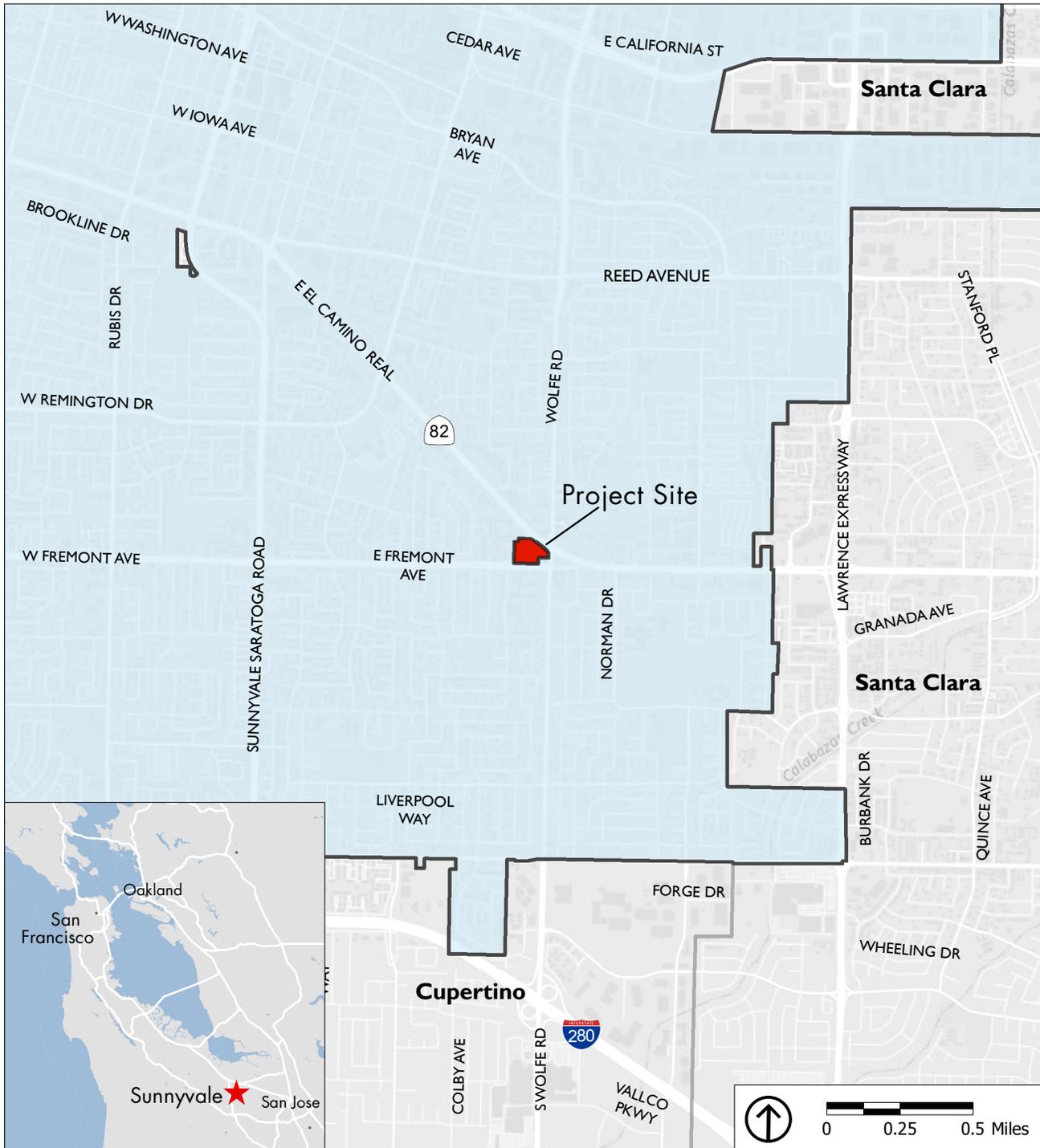
The Project site is located at 871 East Fremont Avenue. As shown on Figure 1, the site is generally bounded by three and a half-story multi-family housing (three stories of apartments over semi-submerged structured parking) to the northwest, El Camino Real and South Wolfe to the north and east, the Wolfe Medical Clinic, a two-story commercial office building and East Fremont Avenue to the southwest, and by a two-story multi-family residential development to the west.

C. EXISTING SITE CHARACTER

The 5.1-acre site is located on Assessor's Parcel Numbers (APNs) 211-25-011, -034, -038, and -039. The Project site, developed with two single-family homes, associated accessory structures and a small orchard, is rural residential in nature. The single-family residences, one of which is currently occupied, are accessible from East Fremont Avenue via an unpaved driveway.

The Project site is generally flat with ornamental landscaping surrounding the two residences. According to a preliminary tree inventory included in the arborist's report prepared by the Project Applicant, 66 mature trees including trees associated with the orchard are located on the Project site.¹

¹ The Tree Specialist, Don Araki, May 11, 2013, Pre-Construction Tree Inventory and Certified Arborist Report.



Source: Santa Clara County; PlaceWorks, 2014; ESRI 2013.

 Sunnyvale City Limits

Figure 1
Regional Location Map

D. PROJECT DESCRIPTION

The Project site is not within the Sunnyvale city limits, but rather is located in an unincorporated “island” of Santa Clara County that is surrounded by land under the jurisdiction of the City of Sunnyvale. The Project site is within the City’s Sphere of Influence (SOI) and Urban Service Area, which includes incorporated City lands and unincorporated County lands that may be considered for future annexation by the City. The Sunnyvale SOI is regulated by the Santa Clara County Local Agency Formation Commission (LAFCo). LAFCo determines the unincorporated land that would be best and most likely served by city agencies and hence, represents areas with the greatest potential for annexation by the City. Once property is annexed into the city, future development is subject to the standards prescribed by the City’s General Plan, Municipal Code, and other City regulations.

The Project site is designated as Residential High Density (RHI) on the 2011 General Plan Use Map. The RHI land use designation is primarily intended for the city’s conventional apartment complexes, with a permitted density of 27 to 45 dwelling units per acre (du/ac). Structures in this land use designation generally exceed two stories and often include onsite amenities such as recreational facilities, private balconies or patios, and common open space. According to the 2011 General Plan, the zoning district associated with the RHI designation is R-4 (High Density Residential). The Project site is also designated as a node in the 2007 Precise Plan for El Camino Real.

The Project site has been pre-zoned to R-3 (Medium Density Residential) residential district and ECR (Precise Plan for El Camino Real) combining district (R-3/ECR). Per Sunnyvale Municipal Code (SMC) Section 19.18.020,² the R-3 medium density residential zoning district is reserved for the construction, use and occupancy of not more than 24 du/ac or 1 unit per 1,800 square feet of the net lot area. Net lot area is the total lot area exclusive of any dedicated public right-of-way. The total lot area is 5.3 acres or 227,819 square feet in size. With required street dedication along El Camino Real and Wolfe Road, the net lot area is approximately 5.1 acres or 222,083 square feet. Based on the R-3 zoning district, a maximum of 123 units are permitted. The Project includes a request to Rezone the site to R-4 (High Density Residential). The R-4 zoning district allows up to 36 du/ac or 1 unit per 1,200 square feet. Under the R-4 zoning, a maximum of 185 units are permitted. Additional residential units are allowed through the State of California Affordable Housing Density Bonus provisions (a sliding scale based on the number of affordable units provided up to a 35 percent bonus) and through the City’s Green Building Incentive program where an additional five percent may be built for achieving higher levels of green.

The proposed Project includes the construction and operation of a mixed-use development on a 5.1-acre site. A total of 153 residential units are proposed, including 114 apartment units within two multi-story buildings (Fremont Building and El Camino Building) and 39 townhome units. The Project also includes 6,936 square feet of non-residential (office or retail) use within the first floor of the apartment building fronting El Camino Real. Development of the proposed Project would involve demolition of existing structures on site, clearing nearly all existing on-site vegetation with the exception of one oak tree near the center of the Project site, and construction of the Project components described below.

² Title 19, Zoning, Article 3, Zoning Districts, Uses and Related Development Regulations, Chapter 19.18, Residential Zoning Districts, Section 19.26.020, Planned development (PD) combining district created—Purpose.

The proposed Project's residential component consists of two (2) apartment buildings and five (5) townhome buildings for a total building footprint of 89,373 square feet. The density for the Project's 5.1-acre site would be approximately 30 units per acre. The residential area would include seven (7) one-bedroom units, 30 two-bedroom units, 77 three-bedroom units and 38 four-bedroom units and one (1) five-bedroom units. Based on an average household size of 2.61 persons,³ the proposed Project would accommodate up to 400 residents. The Project would include a courtyard area between the Fremont and El Camino buildings. The courtyard would include a pool, spa, outdoor fireplace, seating areas, paseos, landscaped open space, and an orchard planting. Other proposed resident amenities would include an athletic club, featuring both an exercise room and a yoga room. The El Camino Building would result in a total building area of 146,025 square feet, which includes 6,936 square feet of non-residential (office or retail) on the first floor. Based on an average of 1 job per 300 square feet for office/retail the proposed Project would generate up to 23 employees.

The proposed Project would include a total of 391 vehicular parking spaces and 47 bicycle parking spaces. Of the 391 vehicular spaces, 281 spaces consisting of 242 single and 39 tandem spaces would be located in the underground garages beneath the Fremont and El Camino buildings. A total of 78 spaces would be provided in fully enclosed 2-car garages for the townhomes and 30 spaces at-grade spaces would be assigned for non-residential uses (office or retail). The remaining two parking spaces would be located in a private garage on the first floor of the El Camino Building. Additionally, as required by the Americans with Disabilities Act (ADA), seven of the total non-townhome parking spaces would be ADA-accessible parking spaces. The proposed Project includes 47 bike parking spaces with 114 300-cubic feet lockable storage areas (one area per apartment unit) to accommodate cyclists.

E. REQUIRED PERMITS AND APPROVALS

As discussed above, the Project site is pre-zoned R-3/ ECR and is within the boundaries of the 2007 Precise Plan for El Camino Real. Based on the proposed density of 30 du/ac,⁴ the Project would include a Rezoning to R-4/ECR in accordance with SMC Section 19.92.060, General Plan and Zoning Amendments.⁵

In accordance with SMC Chapter 19.90, a Special Development Permit (SDP) as a result of the ECR Combining District assigned to the Project site is required.⁶ The purpose of an SDP is for use, site and architectural review, including removal of protected trees. An SDP also allows for consideration of deviations from specified development standards (siting, bulk, landscaping and parking) in exchange for superior design, environmental preservation or public benefit.

In addition, a Vesting Tentative Map (VTM) is required to create ownership opportunity parcels. The VTM (a form of Tentative Map) shows the location of the proposed lot lines, common lots, public and private streets and other improvements. A VTM vests the developer's right to build the project for the life of the map and secures the approved project against future SMC amendments that might otherwise affect the Project.

³ The Association of Bay Area Governments, Projections 2013, Subregional Study Area Table. Santa Clara County. Persons Per Household 2020.

⁵ City of Sunnyvale Municipal Code Title 19, Zoning, Article 6, Discretionary Permits and Procedures, Chapter 19.92, General Plan and Zoning Amendments Section 19.92.060, Zoning Amendment Proceedings.

⁶ City of Sunnyvale Municipal Code Title 19, Zoning, Article 6, Discretionary Permits and Procedures, Chapter 19.90, Special Development Permits.

In order for the Project to proceed, the proposed annexation would need to be approved by the Santa Clara LAFCo. As previously stated, once property is annexed into the city, future development is subject to the standards prescribed by the City's General Plan, Municipal Code, and other City regulations.

Accordingly, following certification of the EIR and approval of the Project including the Rezoning, SDP, and VTM (entitlements) by the City of Sunnyvale and annexation by Santa Clara LAFCo, permits for demolition, grading and building, and final map are required by the City. Other agency approvals, such as the San Francisco Regional Water Quality Control Board for permits related to water quality, may be required.

ENVIRONMENTAL CHECKLIST

I. AESTHETICS

Would the Project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less-Than-Significant Impact	No Impact
a) Have a substantial adverse effect on a scenic vista?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings and historic buildings within a State scenic highway?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Substantially degrade the existing visual character or quality of the site and its surroundings?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Create a new source of substantial light or glare that would adversely affect day or nighttime views in the area?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

DISCUSSION:

- a) The Sunnyvale General Plan does not officially designate any scenic views in the city. The Project site and the land surrounding it are relatively flat which significantly limits long range views. Looking from the site to the southwest, views of the Santa Cruz Mountains in the distance are possible. This view would continue to be available from the site with implementation of the proposed Project. Moreover, under existing conditions the vegetation on the site blocks nearly all potential views of the Santa Cruz Mountains from the intersection of East El Camino Real and South Wolfe Road which is the area with the greatest potential to be affected by the proposed Project with respect to scenic vistas. Nevertheless, due to the increased height of the proposed Project over existing conditions, any *potentially significant* impacts will be addressed in the EIR.
- b) The closest officially designated State scenic highway to the Project site is State Route 280 which is approximately 1.3 mile to the south. Due to the flat topography of the Project site and its surroundings, it is not visible from this State scenic highway. Therefore, *no impact* would result in this respect and this issue will not be discussed in the EIR.
- c) The existing visual character of the Project site represents a significant departure from its surroundings. As described above the site currently contains two single-family residences, several accessory structures and a small orchard. However, the uses surrounding the site primarily consist of multi-family residential, commercial, and some single-family residential uses. Implementation of the proposed Project would represent a noticeable change in the character of the site itself. Due to substantial intensification on the site, any *potentially significant* impacts will be addressed in the EIR.
- d) With development of the proposed Project, current sources of light associated with the existing homes would be replaced with new sources of interior and exterior lighting. In walkways and common areas, lighting would

meet or exceed levels needed to assure adequate orientation and safety. Lights near the property line of the Project site would be directed so as to minimize any spill-over lighting to the maximum extent practicable. Interior and exterior lighting provided by the Project would be consistent with the urbanized context of the Project site and would not be considered substantial. Moreover, in accordance with the requirements of the Special Development Permit necessary for the Project to be approved, the Project would be required to go through the City's design review process to assure compliance with the Citywide Design Guidelines. These guidelines contain numerous guidelines related to the provision and placement of lighting. Additionally, the Project would be required to comply with the provisions in SMC Section 19.42.050, Lights – Restrictions,⁷ which would prevent the deterioration of day or nighttime views in the area. Therefore, associated impacts would be *less than significant* and this issue will not be discussed in the EIR.

II. AGRICULTURE AND FORESTRY RESOURCES

Would the Project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less-Than-Significant Impact	No Impact
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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))?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Result in the loss of forest land or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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 of conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

DISCUSSION:

- a) The Project site is currently designated in the Sunnyvale General Plan for high density residential land uses and is currently developed with single-family residential uses with ancillary agriculture in the form of a small orchard. Although the Project site does contain land once used primarily for agricultural uses, it is classified as Urban and Built-Up Land by the Department of Conservation's Farmland Mapping and Monitoring Program.⁸ This means that the proposed Project would not convert Prime Farmland, Unique Farmland or Farmland of Statewide Importance to non-agricultural use. Therefore, there would be *no impact*, and this issue will not be discussed in the EIR.
- b) Neither the Project site, adjoining parcels, nor the immediately surrounding areas feature agricultural zoning designations or properties subject to Williamson Act contracts.⁹ Therefore the proposed Project would not

⁷ Title 19, Zoning, Article 4, General Development Standards, Chapter 19.42, Operating Standards, Section 19.42.050, Lights – Restrictions.

⁸ State of California Department of Conservation, Important Farmland Finder, <http://maps.conservation.ca.gov/ciff/ciff.html>, accessed on November 20, 2014.

⁹ Santa Clara County, Santa Clara County website, interactive map of Williamson Act Properties, <https://www.arcgis.com/home/webmap/viewer.html?webmap=328429a3701a444485f31982cbdd9c71&extent=-122.5019,36.6904,-120.9103,37.6838>, accessed December 3, 2014.

conflict with existing zoning for agricultural use or Williamson Act contracts, and there would be *no impact*, and this issue will not be discussed in the EIR.

- c) Neither the Project site, adjoining parcels, nor the immediately surrounding areas feature zoning designations for forest land, timberland, or timber production. Additionally, there are currently no lands within the City of Sunnyvale zoned for or currently featuring timberland or timber production. The proposed Project would therefore not conflict with existing zoning for, or cause rezoning of, forest land, timberland, or timberland zoned Timberland, and there would be *no impact*. This issue will not be discussed in the EIR.
- d) There is no forest land on the Project site or in close proximity to the Project site.¹⁰ The Project site and surrounding areas currently feature developed, urbanized land uses. Therefore, the Project would not result in the loss of forest land or conversion of forest land to non-forest use, and there would be *no impact*. This issue will not be discussed in the EIR.
- e) As detailed above, the Project site and surrounding areas do not include any zoning, land use designations, or existing land uses relating to forest land, timber production, or agriculture. The Project is to construct a multi-family residential structure in a highly urbanized area, and it would not impact any outlying agricultural or forest lands. Therefore, the proposed Project would not involve changes to the existing environment that would result in the conversion of forest or agricultural lands, and there would be *no impact* in this respect. This issue will not be discussed in the EIR.

III. AIR QUALITY

Would the Project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less-Than-Significant Impact	No Impact
a) Conflict with or obstruct implementation of the applicable air quality plan?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project area is in non-attainment under applicable federal or State ambient air quality standards (including releasing emissions which exceed quantitative thresholds for ozone precursors)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Expose sensitive receptors to substantial pollutant concentrations?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) Create objectionable odors affecting a substantial number of people?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

DISCUSSION:

- a)-c) The proposed Project would involve the construction and subsequent occupancy of 153 new housing units and 6,936 square feet of non-residential (office or retail). The maintenance and occupancy of residential uses do not typically directly result in the generation of criteria or other pollutants in such manner as to conflict with a regional air quality plan, violate air quality standards, or otherwise create an air quality impact. Nevertheless, vehicle trips associated with the construction of the Project and the vehicle trips of eventual residents could result in the generation of criteria or other pollutants in excess of pertinent federal and/or regional air quality standards. It is therefore necessary to perform a complete screening, as well as any subsequent analysis of Project air quality impacts. The impacts under criteria a) through c) would therefore be *potentially significant* and the EIR will perform a full analysis of these and other potential air quality impacts.

¹⁰ California Department of Forestry and Fire Protection, Fire and Resource Assessment Program, The Management Landscape, <http://frap.fire.ca.gov/data/frapgismaps/pdfs/landscapesmap.pdf>, accessed December 5, 2014.

- d) The Project site is located adjacent to East El Camino Real. The high volume of vehicular traffic on this roadway would result in the creation of substantial pollutant concentrations to which future residents of the proposed Project could potentially be exposed. Exposure of sensitive receptors (future Project residents) to substantial pollutant concentrations could thus result in a *potentially significant* impact, and it is therefore necessary to perform a full environmental evaluation and Health Risk Assessment to determine what if any mitigation measures would be necessary to protect residents from risks associated with the levels of pollution that would be experienced at the Project site. This issue will be addressed in the EIR.
- e) Construction and operation of the proposed residential and retail/office development would not generate substantial odors or be subject to odors that would affect a substantial number of people. The type of facilities that are considered to have objectionable odors from their operation include wastewater treatments plants, compost facilities, landfills, solid waste transfer stations, fiberglass manufacturing facilities, paint/coating operations (e.g. auto body shops), dairy farms, petroleum refineries, asphalt batch plants, chemical manufacturing, and food manufacturing facilities. Apartments, townhomes, and retail/office spaces are not associated with foul odors that constitute a public nuisance. Therefore, *no impact* would occur in this respect and this issue will not be discussed in the EIR.

IV. BIOLOGICAL RESOURCES

Would the Project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less-Than-Significant Impact	No Impact
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or US Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

DISCUSSION:

- a) The Project site is located in an urbanized area, has been completely altered by past agricultural and residential development, and essentially no longer supports any natural habitat. Special-status species are plants and animals that are legally protected under the State and/or federal Endangered Species Acts or other regulations, as well as other species that are considered rare enough by the scientific community and trustee agencies to warrant special consideration, particularly with regard to protection of isolated populations, nesting or denning locations, communal roosts and other essential habitat. Suitable habitat for most of the special-status species known or suspected to occur in the Sunnyvale vicinity is absent from the site. However, there is a remote possibility that one or more species of birds protected under the federal Migratory Bird Treaty Act could nest in the scattered trees on the site, or that one or more species of special-status bat species could roost in the trees or attic structures of the existing buildings on the site. Further assessment of the potential for presence of these special-status bird and bat species on the site will be conducted as part of the EIR, together with an assessment of potential impacts and recommended mitigation, if necessary. Therefore, this remains a *potentially significant* impact until the need and nature of any required mitigation has been identified as part of the EIR.
- b) The Project site is developed with residences and landscaping, and riparian habitat and other sensitive natural community types are absent. Therefore, there would be *no impact* on sensitive natural communities and this issue will not be discussed in the EIR.
- c) Jurisdictional wetlands and other regulated waters are absent from the site, which is developed with residences and landscaping. Typical best management practices would be utilized to prevent any construction-generated sediments or pollutants from entering the storm drain system and entering downgradient regulated waters. Therefore, there would be *no impact* on jurisdictional wetlands and waters and this issue will not be discussed in the EIR.
- d) The Project site is located in an urbanized area, bordered by existing roadways and other urban uses which preclude the presence of any important wildlife movement corridors across the site. The site contains no creeks or aquatic habitat that would support fish, and proposed development would not 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 nurseries. Wildlife species common in urban habitat would continue to move through the area, both during and after construction. Some species common in open grassland, savanna and suburban habitats would most likely be displaced with the elimination of much of the existing non-native grassland cover, scattered trees, and ornamental landscape trees and shrubs on the site, but these are species that are relatively abundant in urban areas, and their loss or displacement would not be considered a significant impact. Therefore, this would be considered a *less-than-significant* impact on wildlife movement and this issue will not be discussed in the EIR.
- e) The City of Sunnyvale General Plan has no specific goals or policies related to the protection of biological and wetland resources. However, the SMC includes provisions regulating development when it may affect “protected trees”. The City’s Tree Protection Ordinance (SMC Chapter 19.94)¹¹ serves to regulate the protection, installation, removal, and long-term management of significantly sized trees on private and public property within the city. Protected trees are considered to be trees with a trunk circumference of 38 inches or greater measures 4½ feet above grade for single-trunk trees. For multi-trunk trees, a protected tree is one that has at least one trunk with a circumference of 38 inches or greater or in which the collective measurement of all trunk circumferences is 113 inches or greater. Under SMC Section 19.94.110,¹² when site development is occurring, the Project applicant is required to provide details on existing tree resources, including: a tree survey showing the location, size and species of all trees (protected and unprotected); flexibility in plan modification where considered necessary to retain protected trees; replanting plans to be submitted as part of landscaping plans for the proposed project; a tree protection plan demonstrating how tree protection is to be provided both during and after construction; a tree bond for the value of any tree to be retained during development; and soil mitigation where required to provide suitable conditions for future or existing tree growth.

¹¹ Title 19, Zoning, Article 6, Discretionary Permits and Procedures, Chapter 19.94, Tree Preservation.

¹² Title 19, Zoning, Article 6, Discretionary Permits and Procedures, Chapter 19.94, Tree Preservation, Section 19.94.110, Requirements concerning protected trees during site development or modification.

The site contains a number of native oaks and ornamental tree species, many of which qualify as regulated trees under the City's Tree Protection Ordinance and would be affected by the proposed Project. A Preconstruction Tree Inventory and Certified Arborist's Report (dated May 11, 2013) was prepared by Don Araki for the Project Applicant, encompassing the majority of the site. Further review of the adequacy of the Inventory and Arborist's Report prepared for the applicant, together with an assessment of the potential impacts of the proposed Project on tree resources and conformance with the City's Tree Protection Ordinance will be conducted as part of the EIR. Therefore, this remains a *potentially significant* impact until the adequacy of the Inventory and Arborist's Report is determined, an assessment of potential impacts on tree resources is conducted, and the need and nature of any required mitigation has been identified as part of the EIR.

- f) The proposed Project site is located in the urbanized area of Sunnyvale. There are no habitat conservation plans or natural community conservation plans in force which would apply to the proposed Project, and therefore, there would be *no impact* with regard to conservation plan conflicts. This issue will not be discussed in the EIR.

V. CULTURAL RESOURCES

Would the Project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less-Than-Significant Impact	No Impact
a) Cause a substantial adverse change in the significance of a historical resource as defined in Section 15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Disturb any human remains, including those interred outside of formal cemeteries?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

DISCUSSION:

This discussion is based in part on the Cultural Resources Survey and Historical Evaluation for the Proposed Butcher's Corner Project, Sunnyvale, Santa Clara, dated June 3, 2014 was prepared by Tom Origer and Associates (TOA). A copy of this Survey is available at the City of Sunnyvale Planning Division. Archival research included examination of the library and project files at TOA. A review (Northwest Information Center [NWIC] File No. 13-1825) was completed of the archaeological site base maps and records, survey reports, and other materials on file at the NWIC, Sonoma State University, Rohnert Park. Sources of information included but were not limited to the current listings of properties on the National Register of Historic Places (National Register), California Historical Landmarks, California Register of Historical Resources (California Register), and California Points of Historical Interest as listed in the Office of Historic Preservation's Historic Property Directory (OHP 2012). TOA also contacted the Native American Heritage Commission (NAHC), and conducted a field inspection of the Project area.

- a) The OHP has determined that structures in excess of 45 years of age should be considered potentially important historical resources, and former building and structure locations could be potentially important historic archaeological sites. Archival research included an examination of historical maps to gain insight into the nature and extent of historical development in the general vicinity, and especially within the Project site. Maps ranged from hand-drawn maps from the 1800s to topographic maps issued by the United States Geological Survey (USGS).

The records search revealed that there are no listed National Register properties, California Historical Landmarks, or locally-designated historical landmarks on or adjacent to the Project site and that no ethnographic villages or camps are reported within or near the site.¹³ The Sunnyvale City Council recently authorized a study to consider relocating the Butcher House to the Heritage Garden Park, and a detailed timeline is expected to be

¹³ Tom Origer and Associates, A Cultural Resources Survey and Historical Evaluation for the proposed Butcher's Corner Project, page 6.

completed later in the year 2015.¹⁴ While the Butcher House and other buildings on the Project site are more than 50 years old, these buildings do not meet the criteria required for eligibility on the California Register. Therefore, impacts related to historical resources would be *less than significant* and this issue will not be discussed in the EIR.

- b) Field surveys found that no prehistoric resources exist on the Project site. A search of the archaeological base maps at the NWIC found no previous archaeological survey of the site and no recorded archaeological sites on the property.¹⁵ Nonetheless, the potential for yet undiscovered, buried archeological resources could be present and ground disturbing activities associated with construction of the proposed Project would have the potential to adversely affect these resources. Therefore, if an unknown archeological resource is discovered during the excavation and grading phase for the subterranean parking garage, construction of the proposed Project could result in a *potentially significant* impact. Accordingly, impacts to unknown archeological resources that may be found in the course of construction activities under the proposed Project will be evaluated in the EIR.
- c) The Project site is already almost entirely developed and contains no unique geological features. Geologically, this area consists of recent alluvium. The oldest of these deposits are thought to be between 5,000 and 7,000 years old. Soils mapped for the study area are of the Urban land-Flaskan complex. Urban lands consists of disturbed and human transported material. Although situated in an urban area, most of the study area has not been disturbed beyond agricultural activities and the soils are well-drained, fine loam of the Flaskan series. Flaskan soils are situated on alluvial fans and consist of alluvium derived from metamorphic and sedimentary rock, and alluvium derived from metavolcanics. The site contains no outcroppings or other exposure of the underlying bedrock or other geological strata.

While fossils are not expected to be discovered during Project construction, it is possible that significant fossils could be discovered during excavation activities, even in areas with a low likelihood of occurrence. Therefore, if an unknown unique archaeological resource is discovered during the excavation and grading phase of the proposed Project, adverse impacts to unknown archaeological resources could occur. The federal Paleontological Resources Preservation Act of 2002 limits the collection of vertebrate fossils and other rare and scientifically significant fossils to qualified researchers who have obtained a permit from the appropriate State or federal agency. Additionally, it specifies these researchers must agree to donate any materials recovered to recognized public institutions, where they will remain accessible to the public and to other researchers. Therefore, if an unknown unique paleontological resource is discovered during the excavation and grading phase for the subterranean parking garage, construction of the proposed Project could result in a *potentially significant* impact. Accordingly, impacts to unknown paleontological resources that may be found in the course of construction activities associated with the proposed Project will be evaluated in detail in the EIR.

- d) Human remains associated with pre-contact archaeological deposits could exist on the Project site, and could be encountered at the time potential future development occurs. The associated ground-disturbing activities, such as site grading and trenching for utilities, have the potential to disturb human remains interred outside of formal cemeteries. Descendant communities may ascribe religious or cultural significance to such remains, and may view their disturbance as an unmitigable impact. Disturbance of unknown human remains would be a significant impact.

However, any human remains encountered during ground-disturbing activities would be required to be treated in accordance with California Health and Safety Code Section 7050.5, Public Resources Code Section 5097.98 and the California Code of Regulations Section 15064.5(e) (CEQA), which state the mandated procedures of conduct following the discovery of human remains. According to the provisions in CEQA, if human remains are encountered at the site, all work in the immediate vicinity of the discovery shall cease and necessary steps to ensure the integrity of the immediate area shall be taken. The Santa Clara County Coroner shall be notified immediately. The Coroner shall then determine whether the remains are Native American. If the Coroner determines the remains are Native American, the Coroner shall notify the NAHC within 24 hours, who will, in

¹⁴ City of Sunnyvale, 2015 Council Study Issue – *Relocation of the Butcher House to Heritage Garden Park and Review of the Need for a Retaining Wall*, <http://sunnyvale.ca.gov/Portals/0/Sunnyvale/StudyIssues/Studies2015/DPW%2015-10.pdf>, accessed on March 2, 2015.

¹⁵ Tom Origer and Associates, A Cultural Resources Survey and Historical Evaluation for the proposed Butcher's Corner Project, page 6.

turn, notify the person the Native American Heritage Commission (NAHC) identifies as the Native American Most Likely Descendant (MLD)¹⁶ of any human remains. Further actions shall be determined, in part, by the desires of the MLD. The MLD has 48 hours to make recommendations regarding the disposition of the remains following notification from the NAHC of the discovery. If the MLD does not make recommendations within 48 hours, the owner shall, with appropriate dignity, reinter the remains in an area of the property secure from further disturbance. Alternatively, if the owner does not accept the MLD's recommendations, the owner or the descendent may request mediation by the NAHC. Through mandatory regulatory procedures described above impacts to human remains would be *less than significant* and this issue will not be discussed in the EIR.

VI. GEOLOGY AND SOILS

Would the Project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less-Than-Significant Impact	No Impact
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury or death involving: <ul style="list-style-type: none"> 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? ii) Strong seismic ground shaking? iii) Seismic-related ground failure, including liquefaction? iv) Landslides, mudslides or other similar hazards? 	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Result in substantial soil erosion or the loss of topsoil?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Be located on expansive soil, as defined in Section 1803.5.3 of the California Building Code, creating substantial risks to life or property?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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 wastewater?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

DISCUSSION:

- a) The Project site is situated in a region characterized by numerous active and potentially active faults, many of which have exhibited recurring seismic activity.

The site is not located within a State-designated Alquist-Priolo Earthquake Fault Zone and no mapped faults are known to traverse the site.¹⁷ As a consequence, the potential for earthquake-related ground rupture is considered low at the Project site. Nevertheless, the site could be subjected to strong ground shaking during an earthquake on a nearby fault and impacts could be *potentially significant*. A site-specific geotechnical report is cur-

¹⁶ "Native American Most Likely Descendant" is a term used in an official capacity in CEQA Guidelines Section 15064.5(e), and other places, to refer to Native American individuals assigned the responsibility/opportunity by NAHC to review and make recommendations for the treatment of Native American human remains discovered during project implementation. Section 5097.98 of the Public Resources Code and Section 7050.5 of the Health and Safety Code also reference Most Likely Descendants.

¹⁷ California Department of Conservation, Geologic Hazards and Mapping program, <http://www.quake.ca.gov/gmaps/WH/regulatorymaps.htm>, accessed on November 24, 2014.

rently being prepared for the proposed Project. The recommendations of the geotechnical report will be evaluated in detail in the EIR.

- b) In principle, development of the Project site could result in significant erosion and/or loss of topsoil thereby creating hazardous conditions. Surface drainage ditches and storm drains must be regularly maintained to continue functioning as designed. In addition, proper drainage and erosion control during grading is necessary to control erosion. Typically, erosion impacts are greatest in the first two years after construction, the time generally required to reestablish a good vegetation cover on areas of disturbed soil. During the construction phase of the proposed Project the existing buildings will be demolished and the site would be graded. Accordingly, the on-site soils are susceptible to erosion and loss of topsoil during construction, which could undermine structures and impacts would be *potentially significant*. A site-specific geotechnical report is currently being prepared for the proposed Project. The recommendations of the geotechnical report will be evaluated in detail in the EIR.
- c) The Project site is mapped as flatland, which are areas classified by the Association of Bay Area Governments (ABAG), Multi-Jurisdictional Local Hazards Mitigation Plan, as gentle slopes at low elevations that have little or no potential for the formation of slumps, translational slides, or earth flow except along stream banks and terrace margins; defined by the distribution of surficial deposits.¹⁸ Moreover, the Project site is mapped as having only a moderate potential for liquefaction.¹⁹ Finally, the Project is not located along a stream bank or terrace margin and therefore it is unlikely to become unstable as a result of the Project. However, as noted above, a site-specific geotechnical report is currently being prepared for the proposed Project. The recommendations of the geotechnical report will be evaluated in detail in the EIR.
- d) None of the maps in the Sunnyvale General Plan show the site as being within an area known to have expansive soils. However, as noted above, a site-specific geotechnical report is currently being prepared for the proposed Project. The recommendations of the geotechnical report will be evaluated in detail in the EIR.
- e) The development of the proposed Project would not require the construction or use of septic tanks or alternative wastewater disposal systems. Wastewater generated by the proposed Project would be conveyed to the existing municipal sanitary sewer system in Sunnyvale. As such, there will be *no impact* from the proposed Project associated with soils that are inadequate for the use of septic tanks or alternative wastewater disposal systems. This issue will not be discussed in the EIR.

VII. GREENHOUSE GAS EMISSIONS

Would the Project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less-Than-Significant Impact	No Impact
a) Generate greenhouse gas (GHG) emissions, either directly or indirectly, that may have a significant impact on the environment?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Conflict with an applicable plan, policy, or regulation of an agency adopted for the purpose of reducing the emissions of greenhouse gases?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

DISCUSSION:

- a), b) Construction of the proposed Project would allow for 153 new multi-family units and 6,936 square feet of non-residential uses (office or retail) in the city, and would create new vehicle trips, which would generate GHG emissions. Therefore, this is a *potentially-significant impact* and will be evaluated in detail in the EIR.

¹⁸ Association of Bay Area Governments, Multi-Jurisdictional Local Hazard Mitigation Plan: Appendix C: Natural Hazard Risk Assessment, page 38.

¹⁹ Association of Bay Area Governments, Earthquake, and Hazards Program Landslide Distribution Map, <http://gis.abag.ca.gov/website/Hazards/?hlyr=liqSusceptibility>, accessed on November 24, 2014.

VIII. HAZARDS AND HAZARDOUS MATERIALS

Would the Project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less-Than-Significant Impact	No Impact
a) Create a significant hazard to the public or the environment through the routine transport, use or disposal of hazardous materials?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances or waste within one-quarter mile of an existing or proposed school?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Be located on a site which is included on a list of hazardous material sites compiled pursuant to Government Code Section 65962.5 and, as a result, create a significant hazard to the public or the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

DISCUSSION:

- a) State-level agencies, in conjunction with the United States Environmental Protection Agency (USEPA) and Occupational Safety and Health Administration (OSHA) regulate removal, abatement, and transport procedures for asbestos-containing materials. Asbestos-containing materials (“ACM”) are materials that contain asbestos, a naturally-occurring fibrous mineral that has been mined for its useful thermal properties and tensile strength. Releases of asbestos from industrial, demolition, or construction activities are prohibited by these regulations and medical evaluation and monitoring is required for employees performing activities that could expose them to asbestos. Additionally, the regulations include warnings that must be heeded and practices that must be followed to reduce the risk of asbestos emissions and exposure. Finally, federal, State, and local agencies must be notified prior to the onset of demolition or construction activities with the potential to release asbestos.

Lead-based paint (“LBP”), which can result in lead poisoning when consumed or inhaled, was widely used in the past to coat and decorate buildings. Lead poisoning can cause anemia and damage to the brain and nervous system, particularly in children. Like ACM, LBP generally does not pose a health risk to building occupants when left undisturbed; however, deterioration, damage, or disturbance will result in hazardous exposure. In 1978, the use of LBP was federally banned by the Consumer Product Safety Commission. Therefore, only buildings built before 1978 are presumed to contain LBP, as well as buildings built shortly thereafter, as the phase-out of LBP was gradual.

The USEPA prohibited the use of Polychlorinated Biphenyls (PCBs) in the majority new electrical equipment starting in 1979, and initiated a phase-out for much of the existing PCB-containing equipment. The inclusion of PCBs in electrical equipment and the handling of those PCBs are regulated by the provisions of the Toxic Substances Control Act (TSCA), 15 United States Code Section 2601 et seq. Relevant regulations include labeling and periodic inspection requirements for certain types of PCB-containing equipment and outline highly specific safety procedures for their disposal. The State of California likewise regulates PCB-laden electrical equipment and materials contaminated above a certain threshold as hazardous waste; these regulations require that such materials be treated, transported, and disposed of accordingly. At lower concentrations for non-liquids, regional water quality control boards may exercise discretion over the classification of such wastes.

The California Division of Occupational Safety and Health's (Cal OSHA) Lead in Construction Standard is contained in Title 8, Section 1532.1 of the California Code of Regulations. The regulations address all of the following areas: permissible exposure limits (PELs); exposure assessment; compliance methods; respiratory protection; protective clothing and equipment; housekeeping; medical surveillance; medical removal protection (MRP); employee information, training, and certification; signage; record keeping; monitoring; and agency notification.

The Safety and Noise Chapter of the Sunnyvale General Plan contains the following policies and actions related to hazardous materials and emergency response.

- Policy SN-1.1 Evaluate and consider existing and potential hazards in developing land use policies. Make land use decisions based on an awareness of the hazards and potential hazards for the specific parcel of land.
- Policy SN-1.4 Promote a living and working environment safe from exposure to hazardous materials.
- Policy SN-1.6 Operate a response system that will provide effective control and investigation of hazardous materials emergencies.

During the demolition phase of the Project, potentially hazardous building materials (i.e. ACMs, LBPs, PCBs, mercury, household wastes) may be encountered. Removal of these types of hazardous materials (if present) by contractors licensed to remove and handle these materials in accordance with existing federal, State, and local regulations, including policies and actions related to hazardous materials and emergency response listed above, would insure that risks associated with the transport, storage, use, and disposal of such materials would be reduced to the maximum extent practical. Consequently, associated impacts from demolition phase of the Project would be less than significant.

Additionally, during the operational phase of the Project, common cleaning substances, building maintenance products, paints and solvents, and similar items would be stored, and used, in the buildings on-site. These potentially hazardous materials; however, would not be of a type or occur in sufficient quantities to pose a significant hazard to public health and safety or the environment. Thus, associated impacts from the operational and construction phase of the Project would be *less than significant* and this issue will not be discussed in the EIR.

- b) As described in Section VII.a above, operation of the Project would involve the storage and use of common cleaning substances, building maintenance products, paints and solvents in the proposed multiple family residential complex; however, these potentially hazardous substances would not be of a type or occur in sufficient quantities on-site to pose a significant hazard to public health and safety or the environment. The storage and use of these materials would be subject to existing federal, State, and local regulations. Compliance with these regulations would ensure that the risk of accidents and spills are minimized to the maximum extent practicable. Consequently, associated impacts would be *less than significant* and this issue will not be discussed in the EIR.
- c) The nearest educational facility to the Project site is Peterson Middle School, located within one-half mile of the site to the southeast. However, the Project would not involve the storage, handling, or disposal of hazardous materials in sufficient quantities to pose a significant risk to the public. Thus, there would be a *less-than-significant* impact related to hazardous emissions or hazardous material handling within one-quarter mile of a school. This issue will not be discussed in the EIR.

- d) The Project site is not included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5.²⁰ The nearest listed hazardous materials site is the former Sunnyvale Corn Palace located on Torrey Avenue, roughly two miles northeast of the Project site. This site identified as a school cleanup site that has a closed status. Development of proposed Project, therefore, would not create a significant hazard to the public or the environment by virtue of location in proximity to a known hazardous materials site. Impacts would be *less than significant* and this issue will not be discussed in the EIR.
- e) The Project site is not within an airport land use plan or within two miles of a public use airport. The nearest public use airport is Mineta San Jose International airport, less than five miles to the east, in the City of San Jose. Given the distance from the nearest public use airport, the Project would not be subject to any airport safety hazards. The Project would also not have an adverse effect on aviation safety or flight patterns. Thus, there would be *no impact* related to public airport hazards and this issue will not be discussed in the EIR.
- f) There are no private use airstrips or airports within two miles of the Project site. Therefore, there would be *no impact* related to private airstrip hazards as a result of implementing the proposed Project and this issue will not be discussed in the EIR.
- g) California Code of Regulations, Title 24, also known as the California Building Standards Code, contains the California Fire Code (CFC), included as Title 24, Part 9. Updated every three years, the CFC includes provisions and standards for emergency planning and preparedness, fire service features, fire protection systems, hazardous materials, fire flow requirements, and fire hydrant locations and distribution. The CFC has been adopted by the SMC Title 16, Building Code, Chapter 16.52, Fire Code.

Project plans would include approved fire and emergency access through all phases of construction and operation. Compliance with the provisions of the CFC and the CBC (described above), would ensure that development of the proposed Project would result in a *less-than-significant* impact with respect to interference with an adopted emergency response plan or emergency evacuation plan and this issue will not be discussed in the EIR.

- h) Wildland fire hazard is a product of several factors including weather, slope, fuel (vegetation, ground cover, building materials), access to fire suppression services, and water supply and water pressure. The California Department of Forestry and Fire Protection (CalFire) has mapped the relative fire risk in areas of significant population, based on development density and proximate fire threat. Levels of risk are indicated as "Little or No Threat," "Moderate," "High," "Very High" and "Extreme." The Project site is not located in an area designated by CDF as Extreme or Very High threat to people from wildland fire.²¹

The Project site is located in a highly urbanized area and is not surrounded by woodlands or vegetation which would provide fuel load for wildfires. The following General Plan policies and actions would protect people and structures from fire hazards:

- Policy SN 5.1 Assure that equipment and facilities are provided and maintained to meet reasonable standards of safety, defendability and compatibility with fire service operations.
- Policy SN-5.2 Provide training that is adequate for required duties.
- Policy SN-5.3 Respond to request for services.
- Policy SN-5.4 Conduct field operations and emergency scene management in a safe, effective and efficient manner.
- Policy SN-6.1 Provide immediate life support to those threatened by situations requiring emergency medical services or rescue.

In addition, the Santa Clara County Fire Protection District (SCCFD) conducts a brush-abatement program throughout its jurisdiction to minimize fire risk in wildland areas. Continuation of these initiatives and General Plan policies and actions would ensure that the risk of wildland fires is reduced to the maximum extent practi-

²⁰ Department of Toxic Substances Control, <http://www.envirostor.dtsc.ca.gov/public>, accessed December 12, 2014.

²¹ California Department of Forestry and Fire Protection, 2008, Very High Fire Hazard Severity Zones in LRA, http://frap.fire.ca.gov/webdata/maps/santa_clara/fhszl_map.43.pdf, accessed on December 5, 2014.

cable. As such, overall, the risk of loss, injury, or death resulting from wildland fire would be *less than significant* and this issue will not be discussed in the EIR.

IX. HYDROLOGY AND WATER QUALITY

Would the Project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less-Than-Significant Impact	No Impact
a) Violate any water quality standards or waste discharge requirements?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a significant lowering of the local groundwater table level?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
f) Otherwise substantially degrade water quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
j) Inundation by seiche, tsunami, or mudflow?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

DISCUSSION:

a), f) The National Pollutant Discharge Elimination System (NPDES) permit program was established by the federal Clean Water Act (CWA) to regulate municipal and industrial discharges to surface waters of the United States from their municipal separate storm sewer systems (MS4s). In California, the State Water Resources Control Board (SWRCB) has broad authority over water quality control issues for the State. The SWRCB is responsible for developing statewide water quality policy and exercises the powers delegated to the State by the federal government under the CWA. The City of Sunnyvale is within the jurisdiction of the RWQCB (Region 2). The RWQCB adopted a Water Quality Control Plan for the San Francisco Bay Basin (the Basin Plan) that designates beneficial uses, establishes water quality objectives, and contains implementation programs and policies to achieve those objectives for all waters addressed through the Basin Plan.²² Construction activities that disturb one or more acres of land that could impact hydrologic resources must comply with the requirements of the SWRCB Construction General Permit (99-08-DWQ).

²² San Francisco Bay RWQCB, 2007, *Water Quality Control Plan (Basin Plan) for the San Francisco Bay Basin*, http://www.swrcb.ca.gov/rwqcb2/basin_planning.shtml, accessed on November 10, 2011.

During construction, the Project applicant will be required to comply with the NPDES Permit and submit Permit Registration Documents (PRDs) to the SWRCB prior to the start of construction. The PRDs include a Notice of Intent (NOI) and a site-specific construction Stormwater Pollution Prevention Plan (SWPPP) since the proposed Project will disturb one or more acres. The SWPPP describes the incorporation of Best Management Practices (BMPs) to control sedimentation, erosion, and hazardous materials contamination of runoff during construction. New requirements by the SWRCB also require the construction SWPPP to include post construction treatment measures aimed at minimizing storm water runoff. With implementation of these measures, water quality impacts during construction will be *less than significant*.

In addition, all new development projects that disturb one or more acres are required to incorporate water quality improvements into the site design, as per the Santa Clara Valley Urban Runoff Pollution Prevention Program (SCVURPPP) C.3 requirements. The requirements include minimization of impervious surfaces, measures to detain or infiltrate runoff from peak flows to match pre-development conditions, and agreements to ensure that the stormwater treatment and flow control facilities are maintained in perpetuity. Also, SMC Section 12.60.140 requires preparation of a Stormwater Management Plan for any project that would create and/or replace ten thousand square feet of impervious surface over the entire project site. Additionally, SMC Section 12.60.155 requires Low Impact Development (LID) strategies to reduce runoff and mimic a site's predevelopment hydrology be implemented on regulated projects creating and/or replacing ten thousand feet or more of impervious surfaces. Implementation of these BMPs and LID measures will ensure that post-development impacts to water quality will be *less than significant* and this issue will not be discussed in the EIR.

- b) The Project would be connected to municipal water supplies and does not propose any wells and would not use any groundwater supplies. While the Project would include construction of impervious surfaces on the Project site which could limit groundwater recharge in the area, the size of the Project would preclude the potential for a net deficit in aquifer volume or a significant lowering of the local groundwater table level. Additionally, with the construction of subterranean parking, it is possible that seasonal groundwater could be encountered during grading, cut-and-fill activities, or building construction, which would require dewatering activities. Because the groundwater dewatering operations would be temporary and short term, the impact of construction activities or site development on groundwater supplies or groundwater recharge would be *less than significant* and this issue will not be discussed in the EIR.
- c), d) The Project site is currently developed with two residential homes and is generally comprised of impervious surface. Post-development will substantially increase impervious surface from existing conditions and impacts could be *potentially significant*. These issues will be discussed in the EIR.
- e) The SCVURPPP C.3 provisions require that developments creating or replacing one acre or more of impervious surface detain or infiltrate runoff so that peak flows and durations match pre-project conditions. While proposed Project would implement various design elements, BMPs and LID measures to ensure that these provisions are met, the evaluation of runoff that could exceed the capacity of existing stormwater drainage systems is *potentially significant* and this issue will be discussed in the EIR.
- g), h) The Project site is not located within a 100-year floodplain as mapped by FEMA.²³ Therefore, housing will not be constructed within a 100-year floodplain and no structures would be located within a 100-year floodplain that could impede flood flows. As a result, *no impact* would occur and this issue will not be discussed in the EIR.
- i) The Project site is not located within a dam inundation zone, as mapped by the California Emergency Management Agency (CalEMA).²⁴ In addition, there are no levees or water bodies in the direct vicinity of the Project site. Therefore, proposed Project residents would not be exposed to flooding resulting from the failure of a dam or levee and *no impact* would occur in this respect and this issue will not be discussed in the EIR.

²³ Federal Emergency Management Agency, Flood Hazard Map, <http://map1.msc.fema.gov/idms/IntraView.cgi?KEY=9819433&IFIT=1>, accessed December 5, 2014.

²⁴ California Emergency management Agency, 2007, Dam Inundation Maps.

- j) The Project site is not located in close proximity to the Pacific Ocean or San Francisco Bay and is outside of the tsunami inundation zone as mapped by ABAG.²⁵ There are no slopes with gradients of 15 percent or more adjacent to the site and the site is not in a debris flow source area, according to ABAG.²⁶ Therefore, development of the site would result in *no impact* related to inundation by seiche, tsunami, or mudflows and this issue will not be discussed in the EIR.

X. LAND USE AND PLANNING

Would the Project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less-Than-Significant Impact	No Impact
a) Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Conflict with any applicable habitat conservation plan or natural community conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

DISCUSSION:

- a) Construction of the proposed Project would have a significant environmental impact if it were sufficiently large or otherwise configured in such a way as to create a physical barrier or other physical division within an established community. A typical example would be a project which involved a continuous right-of-way, such as a roadway, which would divide a community and impede access between parts of the community.

As discussed above, the Project site currently contains two single-family residential buildings, several accessory structures, and a small orchard. All of the existing structures and vegetation on the Project site would be demolished as a part of the proposed Project. Since none of the components that currently exist on the site would remain in place, the Project would not physically divide any potential established community on site. Moreover, there is not currently any land occupied by public right of way on the site and implementation of the proposed Project would thereby serve to increase connectivity on the site with the installation of driveways and walkways. Therefore, a *less-than-significant* impact would result with respect to the division of an established community and this issue will not be discussed in the EIR.

- b) Construction of the Project would have a significant environmental impact if it would conflict with community goals as expressed in adopted plans, policies, or regulations. As previously stated, the proposed Project would require amendments to the Zoning Ordinance and impacts are considered *potentially significant*. Accordingly, the proposed Project's consistency with the adopted Sunnyvale General Plan, the 2007 Precise Plan for El Camino Real, the Sunnyvale Climate Action Plan, and the City's Zoning Ordinance and other applicable plans will be evaluated in detail in the EIR.
- c) The proposed Project site is located along El Camino Real and the areas surrounding the Project site are highly developed. There are no habitat conservation plans or natural community conservation plans in force which would apply to the proposed Project, and therefore, there would be *no impact* with regard to conservation plan conflicts and this issue will not be discussed in the EIR.

²⁵ Association of Bay Area Governments, Earthquakes and Hazards Program, Tsunami Evacuation Area Map, <http://gis.abag.ca.gov/website/Hazards/?hlyr=tsunami>, accessed on November 24, 2014.

²⁶ Association of Bay Area Governments, Earthquakes and Hazards Program, Landslide and Debris Flow Hazard Map, <http://gis.abag.ca.gov/website/Hazards/?hlyr=northSanAndreas&co=6081>, accessed on November 24, 2014.

XI. MINERAL RESOURCES

Would the Project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less-Than-Significant Impact	No Impact
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

DISCUSSION:

- a), b) The California Department of Conservation, Geological Survey (CGS) classifies lands into Aggregate and Mineral Resource Zones (MRZs) based on guidelines adopted by the California State Mining and Geology Board, as mandated by the Surface Mining and Reclamation Act of 1974. These MRZs identify whether known or inferred significant mineral resources are present in areas. Lead agencies are required to incorporate identified MRZs resource areas delineated by the State into their General Plans.²⁷ The City of Sunnyvale has no General Plan Land Use designation for mineral resources. Therefore, there would be *no impact* with regard to the loss of a valuable mineral resource and this issue will not be discussed in the EIR.

XII. NOISE

Would the Project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less-Than-Significant Impact	No Impact
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?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Exposure of persons to or generation of excessive groundborne vibration or ground borne noise levels?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

DISCUSSION:

- a) The Project site is located at the intersection of South Wolfe Road and East Fremont Avenue. Additionally, the site has frontage on East El Camino Real. All three of these roadways have average daily trip quantities in excess of 20,000.²⁸ These transportation rights-of-way, either alone or in combination, could result in the expo-

²⁷ Public Resources Code Section 2762(a)(1).

²⁸ State of California Department of Public Health, Environmental Health Investigations Branch, CEHTP Traffic Linkage Service Demonstration, http://www.ehib.org/traffic_tool.jsp, access December 4, 2014.

sure of future residents to levels of noise in excess of applicable State or local standards. Moreover, construction activities associated with the proposed Project would have the potential to be significant. Therefore, this impact would be *potentially significant* and will be addressed in detail in the EIR.

- b) Multi-family residential uses and small office/retail uses, such as what is proposed by the Project, are not typically associated with the ongoing generation of excessive levels of vibration or groundborne noise from operations. Nevertheless, construction activities associated with Project development have the potential to result in significant levels of vibration that may be perceptible at nearby sensitive receptors. Therefore the impact could be *potentially significant* and will be addressed in detail in the EIR.
- c) Multi-family residential uses and small office/retail uses, such as those proposed by the Project, are not typically associated with excessive, ongoing operations-related noise that would lead to substantial permanent increases in ambient noise levels. Nevertheless, since the project would result in an increase in vehicle trips and traffic on surrounding roadways, it could indirectly result in a substantial permanent increase to ambient noise levels, and the impact would therefore be *potentially significant* and will be addressed in detail in the EIR.
- d) Multi-family residential uses and small office/retail uses, such as those proposed by the Project, are not typically associated with excessive operations-related noise that would lead to substantial temporary or periodic increases in ambient noise levels. Nevertheless, construction associated with development of the project could lead to short-lived generation of excessive noise levels that could result in substantial temporary or periodic increases to ambient noise levels, and the impact could therefore be *potentially significant* and will be addressed in detail in the EIR.
- e) The Project site is not within an airport land use plan or within two miles of a public use airport. The nearest public use airport is Mineta San Jose International Airport, just under five miles to the east of the Project site. Given the distance from the Project site to the nearest airport, future residents at the site would not be exposed to excessive noise from aircraft using a public use airport and there would be *no impact* and this issue will not be discussed in the EIR.
- f) There are no private use airstrips or airports within two miles of the Project site. Therefore, future residents at the site would not be exposed to excessive noise from aircraft using a private airport in the vicinity and *no impact* would result in this respect. This issue will not be discussed in the EIR.

XIII. POPULATION AND HOUSING

Would the Project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less-Than-Significant Impact	No Impact
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)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

DISCUSSION:

- a) The Project would result in a substantial and unplanned level of growth if estimated development would exceed local or regional growth projections. The Project site is designated Residential High Density (RHI) on the 2011 General Plan Use Map and pre-zoned to R-3 (Medium Density Residential) residential district and ECR (Precise Plan for El Camino Real) combining district (R-3/ECR). While the Project would not require a General Plan, as described above, an amendment to the Zoning Code would be necessary to accommodate the Project's proposed 30 dwelling units per acre.

ABAG is the regional body charged with allocating regional housing requirements and projecting regional growth down to the local level. Since the proposed Project would include 153 residential units and ABAG's Projections 2013 indicate that the average household size in Sunnyvale for 2015, 2020, and 2025 would be 2.61;²⁹ the gross level of population growth associated with the proposed Project would be 400 new residents. However, as discussed above, the Project site currently contains two residential units that would be demolished with implementation of the proposed Project. Therefore, the net increase in residents on the Project site would be 394.

Given ABAG's Projections 2013 estimate a population growth of approximately 17,100 residents between 2015 and 2025 in Sunnyvale, the 394 new residents from the proposed Project would represent less than 3 percent of this expected growth and thus would not exceed regional projections. Similarly, the General Plan projected that between 2005 and 2025 the population of Sunnyvale would increase by 18,000 residents to a population of 150,725 in 2025.³⁰ The proposed Project would therefore also represent less than three percent of the total population increase anticipated for the city by 2025 in the General Plan. This shows that the amount of growth anticipated would not be substantial. Moreover, despite the fact that development of the proposed Project would require a Zoning Code Amendment, the density proposed would be in conformance with the site's General Plan designation. This shows that the level of growth anticipated has been planned for and would not exceed regional growth projections.

The developable area in Sunnyvale surrounding the Project site is already largely built out and the Project site is well served by utility and transportation infrastructure. The proposed Project would be infill development and while the proposed Project may require infrastructure improvements to correct existing deficiencies, these would be made to accommodate the proposed new development and would not accommodate additional growth beyond that need. Therefore, associated impacts would be *less than significant* and this issue will not be discussed in the EIR.

- b) In total, two single-family residential buildings currently exist on the Project site. Development of the proposed Project would necessitate that the two homes be demolished. However, the proposed Project would add 153 residential units, resulting in a net increase of 151 units. Since the Project would result in a net increase in housing units on the site, the proposed Project would not result in the displacement of a substantial number of existing housing units and there would be a *less-than-significant* impact in this respect and this issue will not be discussed in the EIR.
- c) The Project would require demolition of two single-family residential homes that currently exist on the Project site. Based on an average household size of 2.61 persons per unit, the Project would result in the temporary displacement of approximately six people. However, as discussed above the Project would result in a net increase of 151 residential units. Therefore, implementation of the proposed Project would not necessitate the construction of housing elsewhere and a *less-than-significant* impact would result in this respect. This issue will not be discussed in the EIR.

²⁹ Association of Bay Area Governments, Projections 2013, Subregional Study Area Table.

³⁰ City of Sunnyvale, Sunnyvale General Plan, page 2-44.

XIV. PUBLIC SERVICES

Would the Project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less-Than-Significant Impact	No Impact
a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:				
i. Fire protection?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
ii. Police protection?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
iii. Schools?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
iv. Parks?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
v. Libraries?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

DISCUSSION:

a),i-ii) The primary purpose of a public services impact analysis is to examine the impacts associated with physical improvements to public service facilities required to maintain acceptable service ratios, response times or other performance objectives. Public service facilities need improvements (i.e. construction, renovation or expansion) as demand for services increase. Increased demand is typically driven by increases in population. The proposed Project would have a significant environmental impact if it would exceed the ability of public service providers to adequately serve residents, thereby requiring construction of new facilities or modification of existing facilities. As discussed in Section XII, Population and Housing, above, the proposed Project would result in a net increase of 394 residents at the Project site. Given the proposed Project would represent less than three percent of the expected increase in population or housing foreseen in City and regional planning efforts, it is unlikely the proposed Project would warrant new construction of or expansion of an existing fire and police facility that would serve the Project site. Nevertheless, this is a *potentially significant* impact and will be discussed in further detail in the EIR.

iii. The Project site is within the boundaries of the Cupertino Union School District (CUSD) and the Fremont Union High School District (FUHSD). The proposed Project would have a significant environmental impact if development would exceed the ability of local schools to adequately serve the CUSD and FUHSD service areas, thereby requiring construction of new facilities or modification of existing facilities.

The introduction of new residents to the Project site could generate families with children that could attend these school districts, which could increase the demand for school services. Accordingly, impacts are *potentially significant* and will be discussed in further detail in the EIR.

iv. The City of Sunnyvale currently has an established parkland ratio of five acres of parkland for every 1,000 residents.³¹ According to the U.S. Census, as of 2013, the population of Sunnyvale was estimated to be 147,559.³² According to Sunnyvale's General Plan, as of 2011, including parks, school open space, special use areas and public grounds, there are a total of 745 acres of parkland. This means that the City has an existing parkland to residents ratio of 5.05 acres of parkland for every 1,000 residents. As discussed above in Section XIII, Population and Housing, the proposed Project would result in a net increase of 394 residents. The Project does not

³¹ City of Sunnyvale, Municipal Code, Title 18, Subdivisions, Chapter 18.10, Parks and Open Space Dedication, Section 18.10.030, Land Requirement.

³² United States Census Bureau, State and County QuickFacts, Population 2013 estimate.

include construction of recreational facilities which would count toward the City's parkland ratio. This means that the additional residential population resulting from the proposed Project would make the parkland ratio in Sunnyvale 5.04 acres of parkland for every 1,000 residents.³³ Since the City's parkland ratio would continue to meet its adopted standard after implementation of the proposed Project, development of the Project would not result in substantial adverse physical impacts associated with the provision of new or physically altered parks and associated impacts would be *less than significant* and will not be discussed in further detail in the EIR.

- v) The City of Sunnyvale is served by the Sunnyvale Public Library located at 655 West Olive Avenue, approximately two miles to the northwest of the Project site. As previously noted, the Project would result in a net increase of 394 residents, which may increase the use of library services within Sunnyvale. In June 2007, the Sunnyvale Library approved a conceptual plan for construction of a new 116,000 square foot library. A bond measure to construct the library was defeated on the November 2007 ballot.³⁴ Should the funding for this library become available in the future, related construction would not be directly attributable to the proposed Project and a separate environmental review process would be required. Furthermore, Sunnyvale residents have both physical and online access to several other libraries in Santa Clara County. Therefore, the impacts from the proposed Project would be *less than significant* and this issue will not be discussed in further detail in the EIR.

XV. RECREATION

Would the Project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less-Than-Significant Impact	No Impact
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

DISCUSSION:

- a), b) As discussed in the Project Description section above, the Project site would offer passive and active recreation facilities for its residents, including a workout room, pool and outdoor landscaped common areas. In addition to these facilities, new residents of the Project would also use existing local and regional parks and recreational facilities, including the San Francisco Bay Trail. Given the wide range of parks and recreational facilities available for public use in Sunnyvale and the surrounding area, the additional resident population resulting from development of the Project would not be expected to increase the use of recreational facilities to the extent that substantial deterioration would occur. Additionally, the Applicant would be required to pay park dedication fees to mitigate potential impacts to existing parkland and recreation facilities, in compliance with SMC Chapter 19.74. Fees collected under Chapter 19.74 could be applied to the acquisition of parkland or recreation facilities. The payment of these fees would serve to mitigate potential impacts to existing parklands and recreation facilities associated with growth allowed by the proposed Project. Therefore, a *less-than-significant* impact would occur and this issue will not be discussed in further detail in the EIR.

³³ Total population 147,559 + 394 new residents = 147,953 residents. The ratio of 745 acres of parkland to 147,953 residents is equal to 5.04 acres of parkland for every 1,000 residents.

³⁴ City of Sunnyvale, Sunnyvale Public Library Website, <http://sunnyvale.ca.gov/Departments/SunnyvalePublicLibrary/AbouttheLibrary/LibraryHistory.aspx>, accessed on December 3, 2014.

XVI. TRANSPORTATION/TRAFFIC

Would the Project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less-Than-Significant Impact	No Impact
a) Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Substantially increase hazards due to a design feature (e.g. sharp curves or dangerous intersections) or incompatible uses (e.g. farm equipment)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) Result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

DISCUSSION:

- a), b) The proposed Project includes 153 multi-family residential units ranging from two-bedroom units to four-bedroom units, 6,936 square feet of non-residential uses (office or retail) and 391 vehicular parking spaces and 47 bike parking spaces. The VTA Bus Stop 26 along South Wolfe Road and VTA Bus Stop 22 and 522 along East El Camino Real, which are located in the triangular-shaped roadway divider between East Fremont Avenue, East El Camino Real and South Wolfe Road to the east and across South Wolfe Road from the Project site, would serve the proposed Project. In addition, the site would continue to be accessible from the bike lanes on East Fremont Avenue and from South Wolfe Road, which is a designated bike route adjacent to the Project site. The increase in area residents could result in changes to transit services and subsequent vehicle trips caused by the proposed Project's residents could also result in changes to traffic volumes affecting bicycle and pedestrian circulation or vehicle levels of service for surrounding roadways, freeways, and intersections. Such changes could conflict with applicable plans, ordinances, or policies establishing measures of effectiveness for the performance of the circulation system, as well as with applicable congestion management programs. The proposed Project could therefore have a *potentially significant* impact in these areas and this impact will be analyzed in greater depth in the EIR.
- c) The proposed Project is not located within two miles of a public or a private use airport, nor is it within the land use compatibility plan for any airport. The nearest airports to the Project site are the Moffett Federal Airfield and the Mineta San Jose International Airport, which are both more than four miles from the site, to the north and east respectively. The proposed Project would be 82 feet, 6.5 inches at its highest point above the curb plane. Given that the Project would not be located in close proximity to any facilities used by aircraft and since it would not be of sufficient height to interfere with typical aircraft operations, the Project would not result in changes to aircraft patterns in terms of location. The Project would not itself generate air traffic, and the resulting increase in area residents would be insufficient to result in substantial changes to the volume of air-

craft in the proximity of the Project site; therefore, *no impact* would occur and this issue will not be discussed in further detail in the EIR.

- d) The proposed Project would be accessed by one access point on East Fremont Avenue. The increase in traffic and potential for vehicle queuing resulting from use of this access point could potentially result in hazardous conditions on East Fremont Avenue, or its intersection with South Wolfe Road. This impact could therefore be *potentially significant* and will be analyzed in greater depth in the EIR.
- e) Emergency response vehicles would access the Project site from the primary entrance off East Fremont Avenue. Emergency vehicle access is also provided where the end of the drive for the townhomes meets East Fremont Avenue. This is not a path of regular vehicle travel and removable bollard front this emergency vehicle access location. In addition, fire response vehicles would have the ability to extend hoses onto the site from points on East El Camino Real as well as from South Wolfe Road. The design of the driveways surrounding the townhomes would allow emergency response vehicles to turn around and considering a maximum hose length of 150 feet, all portions of the Project site would be accessible to the standards of the Fire Code for the City of Sunnyvale. All construction related to the proposed Project would be required to comply with the minimum specifications in SMC Chapter 16.52, which includes the California Fire Code, adopted by reference and local amendments.³⁵ Furthermore, the following General Plan Policy would ensure emergency vehicle access is adequately addressed in the final Project design:

Policy SN-5.1 Assure that equipment and facilities are provided and maintained to meet reasonable standards of safety, dependability and compatibility with fire service operations

Therefore, with implementation of the proposed Project's design features and compliance with General Plan policies, impacts to emergency access would be *less than significant* and this issue will not be discussed in further detail in the EIR.

- f) The Project site would be accessible to pedestrians from both East El Camino Real and East Fremont Avenue and on-site paths would provide pedestrian and bicycle circulation within the Project site. While the Project does not propose any new bicycle lanes or routes, the site would continue to be accessible from the bike lanes on East Fremont Avenue and from South Wolfe Road, which is a designated bike route adjacent to the Project site per the Sunnyvale Bicycle Plan. The Sunnyvale Bicycle Plan, adopted in 2006, provides a vision for the continued development of bicycle facilities in Sunnyvale. A part of this vision includes removal of street parking and construction of bike lanes through the entirety of El Camino Real in Sunnyvale. The Plan also recommends widening the South Wolf Road/East Fremont Avenue intersection, adjacent to the Project site. Additionally, the Plan contains various policies related to the development of bicycle facilities throughout the city. Since the proposed Project's components would be limited to the boundaries of the Project site, the Project would not be in conflict with these policies and a *less-than-significant* impact would result with respect to the Project being in conflict with the 2006 Bicycle Plan. Furthermore, the Project Applicant will be required to pay the City's developer impact fees that support roadway improvements, including implementing bike lane consistent with the 2006 Bicycle Plan. This issue will not be discussed in further detail in the EIR

The City's General Plan contains several policies related to public transit, bicycle, and pedestrian facilities. The following is a list of such policies most relevant to the proposed Project:

Policy LT-5.5 Support a variety of transportation modes.

Policy LT-5.8 Provide a safe and comfortable system of pedestrian and bicycle pathways.

Policy LT-5.10 All modes of transportation shall have safe access to city streets.

As stated above, the proposed Project's components would be limited to the boundaries of the Project site. Therefore, the Project would not be in conflict with these policies and a *less-than-significant* impact would result with respect to the Project being in conflict with the City's General Plan.

³⁵ Sunnyvale Municipal Code, Title 16, Buildings and Construction, Chapter 16.52, Fire Code.

In addition to the plans discussed above, in 2014 the City of Sunnyvale adopted a Climate Action Plan. This plan includes policies aimed at expanding the sustainable circulation and transportation options in Sunnyvale. Relevant policies from this plan include:

- Policy CTO-1 Bicycle, Pedestrian, and Transportation Design Elements. Create streets and connections that facilitate bicycling, walking, and transit use throughout the city.
- Policy CTO-2 Bicycle, Pedestrian, and Transportation travel Options. Prioritize safe, efficient, and convenient access for non-automotive travel to destinations in and outside of Sunnyvale.
- Policy CTO-3 Transit. Facilitate the use of public and private transit such as busses, Caltrain, Amtrack, and shuttles to and from Sunnyvale within the city.

As stated above, the proposed Project's components would be limited to the boundaries of the Project site. Therefore, the Project would not be in conflict with these policies and a *less-than-significant* impact would result with respect to the Project being in conflict with the City's Climate Action Plan.

This issue will not be discussed in further detail in the EIR.

XVII. UTILITIES AND SERVICE SYSTEMS

Would the Project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less-Than-Significant Impact	No Impact
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g) Comply with federal, state, and local statutes and regulations related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

DISCUSSION:

- a) The Project's land use type is residential and office/retail. Wastewater effluent associated with these land use would not substantially increase pollutant loads as there is no heavy industrial uses or agricultural processing where pollutant loads and wastewater volumes are heavy. Therefore, construction of the Project is not expected to exceed the discharge limits established by the RWQCB and impacts to sanitary wastewater quality would be *less than significant* and this issue will not be discussed in further detail in the EIR.
- b), e) The Project proposes to develop a site which is surrounded by existing development. The City of Sunnyvale is served by the Donald M. Somers Water Pollution Control Plant (WPCP) which is operated by the City of Sunnyvale Environmental Services Department and was originally constructed in 1955. Over the years, the WPCP has been upgraded and expanded to accommodate the growing residential population as well as the growing industrial community. The WPCP utilizes primary, secondary and tertiary processes to treat wastewater. Currently the WPCP has capacity to treat 29.5 million gallons per day (MGD).³⁶ On average, the plant receives approximately 15 mgd of influent. As the WPCP has served the City for over 50 years and facilities are reaching the end of their useful life, the City is undergoing a master planning effort to reduce potential risks caused by aging infrastructure and outdated equipment at the WPCP.

Figure 7-7, Sewer Collection Area Maps, in the Sunnyvale General Plan shows that the Project site is within the Lawrence 2 sewer collection area and directly adjacent to the main sewer trunk line which runs along Fremont Avenue. The Sunnyvale General Plan includes Goal EM-5, Minimal Pollution and Quantity of Wastewater, which calls for the City to ensure that the quantity and composition of wastewater generated in the city does not exceed the capabilities of the wastewater collection system or the water pollution control plant. Under this goal, Policy EM-5.1 calls for the City to ensure that improvements to the WPCP are designed, constructed and maintained so that the WPCP does not have to be expanded in excess of its existing capacity of 29.5 MGD. Additionally, the City's General Plan includes Policy EM-7, Effective Wastewater Treatment, which calls for the City to continue to operate and maintain the Plant using cost effective methods, so that all applicable waste generated in the city receives sufficient treatment to meet effluent discharge and receiving water standards of regulatory agencies. Also under this goal, Policy EM-7.1 calls for the City to monitor the Plant's operations and maintenance to meet regulatory standards.

As a result of the type, scale, and location of the proposed Project, it is not anticipated that it would result in a determination by the City of Sunnyvale that the Donald M. Somers Water Pollution Control Plant would have inadequate capacity and that an expansion of the Plant or construction of a new Plant would be necessary. Additionally, compliance with General Plan Policies under Goals EM-5 and EM-7 would ensure that the Donald M. Somers Water Pollution Control Plant would have adequate capacity with implementation of the proposed Project. If, in the future, expansion of the Plant becomes necessary, subsequent project-level review at the time of expansion would ensure that the potential environmental impacts of such an expansion would be mitigated to the extent feasible. Therefore, a *less-than-significant* impact would result in this respect and this issue will not be discussed in further detail in the EIR.

- c) The storm drain system in Sunnyvale is operated by the City of Sunnyvale Environmental Services Department in conjunction with the Sunnyvale Public Works Department. The system is designed for to control flooding only and does not treat the storm water runoff. Storm water entering drains flows directly into local creeks and the San Francisco Bay.³⁷ As seen on the Storm Drain System Map released by the City in January 2007, the Project site is surrounded by existing manholes and pipes ranging from 15 to 42 inches in diameter. The Sunnyvale General Plan includes Policy EM-10.1, which calls for the City to consider the impacts of surface runoff as a part of land use and development decisions and implement BMPs to minimize the total volume and rate of runoff of waste quality and quantity of surface runoff as a part of land use and development decisions.

³⁶ City of Sunnyvale, City of Sunnyvale website, <http://sunnyvale.ca.gov/Departments/EnvironmentalServices/WaterPollutionControlPlant.aspx>, accessed December 1, 2014.

³⁷ City of Sunnyvale, City of Sunnyvale website, <http://sunnyvale.ca.gov/Departments/EnvironmentalServices/SewerandStormDrainCollections/StormDrains.aspx>, accessed December 1, 2014.

These factors would lessen the potential for the proposed Project to require or result in the construction of new storm water drainage facilities or expansion of existing facilities.

The City of Sunnyvale is a member of the SCVURPPP, which is an association of 15 cities, towns, and governmental agencies who share a NPDES permit to discharge stormwater into water bodies flowing into the southern San Francisco Bay. The SCVURPPP's mission includes preventing pollutants generated by urban activities from entering into stormwater runoff. As a part of compliance with the NPDES permit, the requirements of Provision C.3, which applies to new development and redevelopment would need to be satisfied. These requirements allow the City of Sunnyvale, as a member of the SCVURPPP, to use their planning authority to include appropriate source control, site design, and stormwater treatment measures in new development and redevelopment projects to address both soluble and insoluble stormwater runoff pollutant discharges and prevent increases in runoff flows. This is to be accomplished primarily through implementation of low-impact development (LID) techniques. Therefore, the developed nature of the areas surrounding the Project site, adherence to General Plan Policies and Provision C.3 requirements would ensure that a *less-than-significant* impact would result with respect to stormwater drainage facilities and this issue will not be discussed in further detail in the EIR.

- d) The City of Sunnyvale Environmental Services Department, Water Section, supplies water to the majority of the City, potentially including the Project site. However, water supply may be provided by the California Water Service Company. The City obtains potable water from three different sources: purchased surface water from the San Francisco Public Utilities Commission (SFPUC), purchased treated water from the Santa Clara Valley Water District (SCVWD) and groundwater from seven wells owned and operated by the City of Sunnyvale as well as interagency connections with other local water suppliers which are to be used in the case of an emergency. During the last ten years, on average, in accordance with agreements between the City and water suppliers, SFPUC and SCVWD have together supplied approximately 90 percent of the total potable water used in the City.³⁸

The Sunnyvale General Plan includes Policy EM-1.3, which calls for the City to provide enough redundancy in the water supply system so the minimum potable water demand and fire suppression requirements can be met under both normal and emergency circumstances. Adherence to this General Plan Policy would help to ensure that the proposed Project would not require new or expanded entitlements. Moreover, the General Plan states that according to the annually updated 20 year water forecast, the City has supply commitments and facilities adequate to meet the projected water needs of its residents and businesses for the foreseeable future.³⁹ As discussed in Section XIII, Population and Housing, of this Initial Study the proposed Project would not result in growth that would exceed regional projections. However, given the current water supply conditions in the State of California and the water purveyor is unknown at this time, the impacts to water supply are *potentially significant* and will be evaluated in the EIR.

- f) The City contracts with Specialty Solid Waste and Recycling to provide solid waste collection services to the residents and businesses in the city. Collected waste is transported to the Sunnyvale Materials Recovery and Transfer Station (SMaRT Station) where it is sorted. The SMaRT Station is operated by Bay Counties Waste Services and also serves the cities of Mountain View and Palo Alto. Recyclable materials are diverted by the materials recovery facility and the unrecycled portion of the waste stream is transferred to the Kirby Canyon Class III Landfill, located in San Jose. In addition to the Kirby Canyon Landfill, some solid waste generated in Sunnyvale is disposed of at the Potrero Hills Landfill, the Zanker Road Landfill, and other disposal sites around the State.

In 2013, of the total 93,794.11 tons of solid waste generated in Sunnyvale, 89 percent of this waste was disposed of at the Kirby Canyon facility, operated by Waste Management of California.⁴⁰ According to the City's General Plan, the City of Sunnyvale has an existing agreement for solid waste disposal which requires that all municipal solid waste not segregated at the City's transfer facility, for recycling, be delivered to the Kirby Can-

³⁸ City of Sunnyvale, Sunnyvale General Plan, Chapter 7 Environmental Management, page 7-3.

³⁹ City of Sunnyvale, Sunnyvale General Plan, Chapter 7 Environmental Management, page 7-6.

⁴⁰ California Department of Resources Recycling and Recovery, 2013, Disposal Reporting System, <http://www.calrecycle.ca.gov/LGCENTRAL/Reports/DRS/Destination/JurDspFa.aspx>, accessed December 5, 2014.

yon landfill. The agreement also contains provisions for Waste Management to direct the City's waste to other locations under certain circumstances. This agreement is valid through 2021. For the period following 2021, the General Plan calls for the City to begin the process of arranging for post-2021 disposal no later than 2016.⁴¹

Solid waste generated by construction of the Project would largely consist of demolition waste from the two existing homes and accessory buildings, as well as construction debris, which is anticipated to be minimal. Prior to construction, the applicant would be required to obtain a demolition permit from the City's Building Division. The Building Division encourages applicants to include in their demolition plans provisions for deconstruction (i.e. building dismantling) and/or salvage of reusable building materials to minimize the amount of demolition materials disposed. For example, doors, lumber, fixtures, and mechanical units may be removed for reuse. Mixed waste from construction sites is collected by the City's franchised waste hauler. Construction and demolition loads are brought to the SMaRT Station, where approximately 75 percent of the material is recovered and recycled. Because a large portion of construction and demolition debris could be recovered for recycling, the volume of debris that would require disposal in local landfills would be relatively small, and the Project would be consistent with the City's local solid waste requirements. Additionally, because adequate landfill capacity exists to accept the Project's construction and demolition waste, impacts related to landfill capacity would not be substantial. For these reasons, construction-related impacts on landfill capacity and the potential for non-compliance with local and State waste regulations would be *less than significant*.

As discussed in Section XIII, Population and Housing, of this Initial Study the proposed Project would not result in growth that would exceed regional projections. CalRecycle reports numerous solid waste generation rates developed by a variety of jurisdictions throughout the State for both residential and office uses. Applying 4 pounds per dwelling unit per day rate for the proposed 153 residential units and 6 pounds per 1,000 square feet per day for the proposed 6,936 square feet of office/retail, the proposed Project would generate 117 tons per year or 0.321 tons per day. This represents 0.01 percent of the 2,600-ton permitted daily capacity of the Kirby Landfill. Therefore, Keller Canyon Landfill has sufficient capacity to accommodate the proposed Project's solid waste disposal needs. The impact would therefore be *less than significant* and this issue will not be discussed in further detail in the EIR.

- f) Upon approval the proposed Project would be required to comply with federal, State, and local statutes and regulations related to solid waste. Additionally, the Kirby Canyon facility, discussed above, operates under valid permits from federal, State, and local statutes and regulations. Therefore, a *less-than-significant* impact would result in this respect and this issue will not be discussed in further detail in the EIR.

⁴¹ City of Sunnyvale, Sunnyvale General Plan, Chapter 7 Environmental Management, page 7-40

MANDATORY FINDINGS OF SIGNIFICANCE

Would the Project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less-Than-Significant Impact	No Impact
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, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

DISCUSSION:

- a), c) Potential impacts to the environment related to the topics identified above as being potentially significant will be evaluated in detail in the EIR.
- b) Potential cumulative impacts related to the topics identified above as being potentially significant will be evaluated in detail in the EIR.

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