

# Notice of Exemption

## California Environmental Quality Act



Sunnyvale

**TO:** ☑ **COUNTY CLERK**

Santa Clara County  
70 West Hedding Street  
San Jose, CA 95110

☑ **OFFICE OF PLANNING AND RESEARCH**

1400 Tenth Street, Room 121  
Sacramento, CA 95814

**FROM:** Planning Division

City of Sunnyvale  
P.O. Box 3707  
Sunnyvale, CA 94088

<b>PROJECT TITLE</b> <b>De Guigne Drive Residential Project</b>		
<b>PROJECT LOCATION – SPECIFIC</b> 510 and 920 De Guigne Drive (APNs: 205-22-022 and 205-22-023)		
<b>PROJECT LOCATION – CITY, COUNTY</b> <b>CITY OF SUNNYVALE, SANTA CLARA COUNTY</b>		
<b>PROJECT DESCRIPTION</b> <b>USE PERMIT:</b> to demolish six industrial office buildings and construct 329 three-story townhomes and detached dwelling units which includes 41 Accessory Dwelling Units; and, <b>VESTING TENTATIVE MAP:</b> to subdivide the existing two lots into 151 single family lots, 23 lots with 178 condominium units, and 30 common parcels.		
<b>NAME OF PUBLIC AGENCY APPROVING PROJECT</b> <b>CITY OF SUNNYVALE</b> <b>Planning Commission</b>	<b>NAME OF PERSON OR AGENCY CARRYING OUT PROJECT</b> <b>TC III SPP NORTH LLC (Kyle Winkler)</b>	
<b>EXEMPT STATUS (Check One)</b> <input type="checkbox"/> Ministerial (Sec. 21080(b)(3); 15269(a)) <input type="checkbox"/> Declared Emergency (Sec. 21080(b)(3); 15269(b)(c)) <input type="checkbox"/> Emergency Project (Sec. 21080(b)(4); 15269(b)(c)) <input checked="" type="checkbox"/> Statutory Exemption – <u>Sec. Choose an item. 21083.3(e); 15138</u> <input type="checkbox"/> Categorical Exemption – <u>Class</u>		
<b>REASON WHY PROJECT IS EXEMPT</b> A program-level Environmental Impact Report (EIR) was prepared for the General Plan Land Use and Transportation Element (LUTE) Update (State Clearinghouse No. 2012032002), which was certified by the City Council on April 11, 2017 (the "LUTE EIR"). The environmental impacts of the proposed project are within the scope of the LUTE EIR, and there were no new impacts that warranted further environmental review pursuant to Section 15183 of the CEQA Guidelines (consistency with the General Plan). The proposed total 370 residential units (with ADUs) are consistent with the residential density studied in the LUTE EIR.		
<b>LEAD AGENCY CONTACT PERSON, TITLE</b> Momoko Ishijima, Senior Planner	<b>TELEPHONE</b> (408)730-7532	<b>EMAIL</b> mishijima@sunnyvale.ca.gov

**This notice shall be filed only after approval of an exempt project.**

# Notice of Exemption

SIGNED BY LEAD AGENCY <i>Noren Caliva-Lepe</i> _____ Noren Caliva Lepe, Principal Planner	DATE 2/25/2026
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Sunnyvale

City Hall  
456 West Olive Avenue  
Sunnyvale, CA 94088-3707  
TDD/TYY 408-730-7501  
sunnyvale.ca.gov

### **Project was considered under the City of Sunnyvale Land Use and Transportation Element (LUTE) Program EIR**

- The project is consistent with the development density established by the Sunnyvale Land Use and Transportation Element (LUTE) of the City's General Plan. There are no project specific significant effects that are peculiar to the project or its site or which cannot be substantially mitigated through uniformly applied development standards or policies. There are no environmental effects that were not analyzed as significant effects in the LUTE EIR, no potentially significant off-site impacts or cumulative impacts that were not discussed in the LUTE EIR, and no previously identified significant effects that will have a more severe adverse impact than discussed in the LUTE EIR.
- The project is exempt from additional CEQA review per CEQA Guidelines section 15183 and Public Resources Code Section 21083.3.
- The LUTE Program EIR was approved and NOD was filed as shown in Attachment I.
- As per Fish and Wildlife and California Code sections:  
Only **one filing is required** for each project, even if **multiple notices of determination are filed for a project**, unless the project is tiered or phased or separate environmental documents are required [(Fish and Wildlife 711.4 (g); 14 California Code of Regulations 753.5 (e)(3)]. The fee must be paid with the **first notice of determination that is filed; the applicant must attach copies of the receipt** to any additional notices of determination required for the project [(14 California Code of Regulations 753.5 (e)(4)]. The County Clerks and Office of Planning and Research are required to maintain records of all environmental documents received, and remit the filing fees monthly to the Department of Fish and Wildlife [(Fish and Wildlife 7411.4 (e)(1)].

**County of Santa Clara**  
Office of the County Clerk-Recorder  
Business Division



County Government Center  
70 West Hedding Street, E. Wing, 1<sup>st</sup> Floor  
San Jose, California 95110 (408) 299-5688

Santa Clara County - Clerk-Recorder Office  
State of California

**File Number: ENV20770**

ENVIRONMENTAL FILING

No. of Pages: 2

Total Fees: \$3128.25

File Date: 04/14/2017

Expires: 05/14/2017

**REGINA ALCOMENDRAS**, Clerk-Recorder  
By: Mike Louie, Deputy Clerk-Recorder

**CEQA DOCUMENT DECLARATION**

ENVIRONMENTAL FILING FEE RECEIPT

PLEASE COMPLETE THE FOLLOWING:

1. LEAD AGENCY: CITY OF SUNNYVALE
2. PROJECT TITLE: LAND USE AND TRANSPORTATION ELEMENT (#2016-7708)
3. APPLICANT NAME: CITY OF SUNNYVALE PHONE: 408-730-7440
4. APPLICANT ADDRESS: 456 W Olive Ave. Sunnyvale, CA 94088-3707
5. PROJECT APPLICANT IS A:  Local Public Agency  School District  Other Special District  State Agency  Private Entity
6. NOTICE TO BE POSTED FOR 30 DAYS.

7. CLASSIFICATION OF ENVIRONMENTAL DOCUMENT

a. PROJECTS THAT ARE SUBJECT TO DFG FEES

<input checked="" type="checkbox"/> 1. <u>ENVIRONMENTAL IMPACT REPORT</u> (PUBLIC RESOURCES CODE §21152)	\$ 3,078.25	\$ <u>3,078.25</u>
<input type="checkbox"/> 2. <u>NEGATIVE DECLARATION</u> (PUBLIC RESOURCES CODE §21080(C))	\$ 2,216.25	\$ <u>0.00</u>
<input type="checkbox"/> 3. <u>APPLICATION FEE WATER DIVERSION</u> (STATE WATER RESOURCES CONTROL BOARD ONLY)	\$ 850.00	\$ <u>0.00</u>
<input type="checkbox"/> 4. <u>PROJECTS SUBJECT TO CERTIFIED REGULATORY PROGRAMS</u>	\$ 1,046.50	\$ <u>0.00</u>
<input checked="" type="checkbox"/> 5. <u>COUNTY ADMINISTRATIVE FEE</u> (REQUIRED FOR a-1 THROUGH a-4 ABOVE) Fish & Game Code §711.4(e)	\$ 50.00	\$ <u>50.00</u>

b. PROJECTS THAT ARE EXEMPT FROM DFG FEES

<input type="checkbox"/> 1. NOTICE OF EXEMPTION (\$50.00 COUNTY ADMINISTRATIVE FEE REQUIRED)	\$ 50.00	\$ <u>0.00</u>
<input type="checkbox"/> 2. A COMPLETED "CEQA FILING FEE NO EFFECT DETERMINATION FORM" FROM THE DEPARTMENT OF FISH & GAME, DOCUMENTING THE DFG'S DETERMINATION THAT THE PROJECT WILL HAVE NO EFFECT ON FISH, WILDLIFE AND HABITAT, OR AN OFFICIAL, DATED RECEIPT / PROOF OF PAYMENT SHOWING PREVIOUS PAYMENT OF THE DFG FILING FEE FOR THE *SAME PROJECT IS ATTACHED (\$50.00 COUNTY ADMINISTRATIVE FEE REQUIRED)		
DOCUMENT TYPE: <input type="checkbox"/> ENVIRONMENTAL IMPACT REPORT <input type="checkbox"/> NEGATIVE DECLARATION	\$ 50.00	\$ <u>0.00</u>

c. NOTICES THAT ARE NOT SUBJECT TO DFG FEES OR COUNTY ADMINISTRATIVE FEES

<input type="checkbox"/> NOTICE OF PREPARATION	<input type="checkbox"/> NOTICE OF INTENT	NO FEE	\$ <u>NO FEE</u>
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8. OTHER: \_\_\_\_\_ FEE (IF APPLICABLE): \$ \_\_\_\_\_

9. TOTAL RECEIVED..... \$ 3,128.25

\*NOTE: \*SAME PROJECT\* MEANS NO CHANGES. IF THE DOCUMENT SUBMITTED IS NOT THE SAME (OTHER THAN DATES), A "NO EFFECT DETERMINATION" LETTER FROM THE DEPARTMENT OF FISH AND GAME FOR THE SUBSEQUENT FILING OR THE APPROPRIATE FEES ARE REQUIRED.

THIS FORM MUST BE COMPLETED AND ATTACHED TO THE FRONT OF ALL CEQA DOCUMENTS LISTED ABOVE (INCLUDING COPIES) SUBMITTED FOR FILING. WE WILL NEED AN ORIGINAL (WET SIGNATURE) AND TWO (2) COPIES. (YOUR ORIGINAL WILL BE RETURNED TO YOU AT THE TIME OF FILING.)

CHECKS FOR ALL FEES SHOULD BE MADE PAYABLE TO: SANTA CLARA COUNTY CLERK-RECORDER

PLEASE NOTE: FEES ARE ANNUALLY ADJUSTED (Fish & Game Code §711.4(b)); PLEASE CHECK WITH THIS OFFICE AND THE DEPARTMENT OF FISH AND GAME FOR THE LATEST FEE INFORMATION.

\*... NO PROJECT SHALL BE OPERATIVE, VESTED, OR FINAL, NOR SHALL LOCAL GOVERNMENT PERMITS FOR THE PROJECT BE VALID, UNTIL THE FILING FEES REQUIRED PURSUANT TO THIS SECTION ARE PAID.\* Fish & Game Code §711.4(c)(3)

(Fees Effective 01-01-2017)

Notice of Determination

Appendix D

To:  Office of Planning and Research  
U.S. Mail: P.O. Box 3044  
Sacramento, CA 95812-3044  
Street Address: 1400 Tenth St., Rm 113  
Sacramento, CA 95814

County Clerk  
County of: Santa Clara  
Address: 70 W. Hedding St., East Wing, 1st Floor  
San Jose, CA 95110

From: Public Agency: City of Sunnyvale  
Address: 456 W. Olive Ave.  
Sunnyvale, CA 94086  
Contact: Andrew Miner, Planning Officer  
Phone: (408) 730-7440

Lead Agency (if different from above):  
Address: \_\_\_\_\_  
Contact: \_\_\_\_\_  
Phone: \_\_\_\_\_

SUBJECT: Filing of Notice of Determination in compliance with Section 21108 or 21152 of the Public Resources Code.

State Clearinghouse Number (if submitted to State Clearinghouse): 2012032003  
Project Title: Land Use and Transportation Element (#2016-7708)  
Project Applicant: City of Sunnyvale  
Project Location (include county): Sunnyvale, Santa Clara County, CA

Project Description:  
Land Use and Transportation Element  
The Land Use component of the LUTE addresses how much and where various categories of land use (e.g., housing, commercial, industrial, etc.) can be placed within the City. Note that the Housing Element (Chapter 5), which was updated in 2015, addresses housing affordability. Transportation policies in the draft LUTE focus on a regional approach to reducing vehicle miles traveled, complete streets, alternative transportation modes, and supporting mixed-use development that allows for carlight and car-free living in Sunnyvale. The LUTE accommodates land use and transportation changes in the City of Sunnyvale.

This is to advise that the City of Sunnyvale City Council has approved the above (input checked) Lead Agency or (input unchecked) Responsible Agency

described project on April 11, 2017 and has made the following determinations regarding the above (date)

- 1. The project (input checked) will (input unchecked) will not have a significant effect on the environment.
- 2. (input checked) An Environmental Impact Report was prepared for this project pursuant to the provisions of CEQA. (input unchecked) A Negative Declaration was prepared for this project pursuant to the provisions of CEQA.
- 3. Mitigation measures (input checked) were (input unchecked) were not made a condition of the approval of the project.
- 4. A mitigation reporting or monitoring plan (input checked) was (input unchecked) was not adopted for this project.
- 5. A statement of Overriding Considerations (input checked) was (input unchecked) was not adopted for this project.
- 6. Findings (input checked) were (input unchecked) were not made pursuant to the provisions of CEQA.

This is to certify that the final EIR with comments and responses and record of project approval, or the negative Declaration, is available to the General Public at: City of Sunnyvale, Community Development Dept., 456 W. Olive Ave., Sunnyvale, CA 94086

Signature (Public Agency): [Signature] Title: Planning Officer

Date: April 13, 2017 Date Received for filing at OPR: \_\_\_\_\_



Regina Alcomendras  
Santa Clara County  
Clerk-Recorder  
(408) 299-5688  
<https://www.sccgov.org>

Receipt: 17-72624

Product	Name	Extended
CEQA	ENVIRONMENTAL FILING	\$3,128.25
	# Pages	2
	Document #	ENV20770
	Document Info:	CITY OF SUNNYVALE
	Filing Type	I
<b>Total</b>		<b>\$3,128.25</b>
Tender (Check)		\$3,128.25
Check #	100290588	
Paid By	CUSTOMER	

PLEASE KEEP FOR REFERENCE



2016 ENVIRONMENTAL FILING FEE CASH RECEIPT

DFW 753.5a (Rev. 12/15/15) Previously DFG 753.5a

RECEIPT NUMBER: ENV20770
STATE CLEARINGHOUSE NUMBER (if applicable)

SEE INSTRUCTIONS ON REVERSE. TYPE OR PRINT CLEARLY.

LEAD AGENCY: CITY OF SUNNYVALE
LEAD AGENCY EMAIL
DATE: 04/14/2017
COUNTY/STATE AGENCY OF FILING: SANTA CLARA
DOCUMENT NUMBER

PROJECT TITLE: LAND USE AND TRANSPORTATION ELEMENT (#2016-7708)

PROJECT APPLICANT NAME: CITY OF SUNNYVALE
PROJECT APPLICANT EMAIL
PHONE NUMBER: (408) 730-7440

PROJECT APPLICANT ADDRESS: 456 W OLIVE AVE
CITY: SUNNYVALE
STATE: CA
ZIP CODE: 94088

PROJECT APPLICANT (Check appropriate box)
[X] Local Public Agency
[ ] School District
[ ] Other Special District
[ ] State Agency
[ ] Private Entity

CHECK APPLICABLE FEES:

- [X] Environmental Impact Report (EIR) \$3,070.00 \$ 3,078.25
[ ] Mitigated/Negative Declaration (MND)(ND) \$2,210.25 \$
[ ] Certified Regulatory Program document (CRP) \$1,043.75 \$
[ ] Exempt from fee
[ ] Notice of Exemption (attach)
[ ] CDFW No Effect Determination (attach)
[ ] Fee previously paid (attach previously issued cash receipt copy)
[ ] Water Right Application or Petition Fee (State Water Resources Control Board only) \$850.00 \$
[X] County documentary handling fee \$ 50.00
[ ] Other \$

PAYMENT METHOD:

[ ] Cash [ ] Credit [X] Check [ ] Other TOTAL RECEIVED \$ 3,128.25

SIGNATURE: X Mike Louie
AGENCY OF FILING PRINTED NAME AND TITLE: Mike Louie, Deputy County Clerk-Recorder