

April 29, 2016 | Initial Study and Mitigated Negative Declaration



The Marina Plaza Project

for the City of Cupertino



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April 29, 2016

Initial Study and Mitigated Negative Declaration

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1. Introduction

This document is an Initial Study for the Marina Plaza project (proposed project) prepared by the City of Cupertino (City) to determine if the project may have a significant effect on the environment as defined in the California Environmental Quality Act (CEQA) (Public Resources Code Sections 21000 et seq.). Pursuant to Sections 15050 and 15051 of the State CEQA Guidelines¹, the City is the Lead Agency for the proposed project.

The proposed project would be located on a 5.12-acre site at 10145 De Anza Boulevard and 10118 to 10122 Bandlely Drive. The project site is assigned Assessor's Parcel Numbers (APN) 326-34-066 (10118 to 10122 Bandlely Drive), which is 4.35 acres in size; and 326-34-043 (10145 De Anza Boulevard,) which is 0.77 acres in size. The project site is currently developed with two single-story commercial buildings and associated surface parking. The proposed project would involve demolishing two existing commercial buildings totaling approximately 49,140 square feet and redeveloping the project site with a 122-room hotel, and two mixed-use buildings, with 22,593 square-foot of commercial uses and 188 residential units. The project site is within the Commercial/Office/Retail (C/O/R) General Plan land use designation and is zoned Planned Development with General Commercial and Residential (P[CG, Res]). The C/O/R land use designation includes mixed-use areas that are primarily made up of commercial and office uses. The P[CG, Res) zone includes a mix of General Commercial and Residential uses. The residential uses within the P[CG, Res) zone are intended to support commercial development.

1.1 INITIAL STUDY

Pursuant to Section 15063 of the CEQA Guidelines, an Initial Study is a preliminary environmental analysis that is used by the Lead Agency as a basis for determining what form of environmental review is required for a project. The CEQA Guidelines require that an Initial Study contain a project description of the project, identification of environmental setting, identification of environmental effects by checklist or other similar form, explanation of the agency's conclusions about environmental effects, discussion of mitigation for any significant environmental effects, evaluation of the project's consistency with applicable plans and land use controls, and the name of persons who prepared the study.

1.2 TIERING PROCESS

The CEQA concept of "tiering" refers to the evaluation of general environmental matters in a broader program-level EIR, such as a general plan EIR, and preparation of subsequent focused environmental

¹ The CEQA Guidelines are found in California Code of Regulations, Title, 14, Sections 15000 et seq.

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documents for individual projects that implement the program. CEQA Guidelines Section 15152; see Pub. Resources Code Section 21094. Accordingly, the analysis in this Initial Study is tiered from and incorporates by reference the discussions in the City's 2014 General Plan Amendment, Housing Element Update, and Associated Rezoning EIR (State Clearinghouse Number 2014032007) ("2014 General Plan EIR") and the 2015 General Plan Amendment, Housing Element Update, and Associated Rezoning EIR Final Addendum (State Clearinghouse Number 2014032007 ("2015 General Plan Addendum"), both of which are incorporated by reference in Chapter 2, and concentrates on project-specific issues. The 2014 General Plan EIR and the 2015 General Plan EIR Addendum are referred together herein as the "General Plan EIR." CEQA and the CEQA Guidelines encourage the use of tiered environmental documents to reduce delays and excessive paperwork in the environmental review process. This is accomplished in tiered documents by eliminating repetitive analyses of issues that were adequately addressed in the Program EIR, in this case the General Plan EIR, and by incorporating those analyses by reference. (Pub. Resources Code Section 21093; CEQA Guidelines Section 15152[b].)

Section 15168(d) of the State CEQA Guidelines also provides for simplifying the preparation of environmental documents on individual parts of a program by incorporating by reference analyses and discussions that apply to the program as a whole. Where an EIR has been prepared or certified for a program or plan, the environmental review for a later activity consistent with the program or plan should be limited to effects that were not analyzed as significant in the prior EIR or that are susceptible to substantial reduction or avoidance (see also CEQA Guidelines Section 15152[d]).

This Initial Study is tiered from the City of Cupertino General Plan EIR in accordance with Sections 15152 and 15168 of the CEQA Guidelines and Public Resources Code Section 21094. The General Plan EIR is a Program EIR that was prepared pursuant to Section 15168 of the CEQA Guidelines. The General Plan (Community Vision 2015–2040, hereinafter "General Plan") is a comprehensive long-range plan for the physical development of the city and serves as the basis for all planning-related decisions made by City staff, the Planning Commission, and the City Council through the buildout horizon year 2040. The General Plan EIR analyzes full implementation of uses and physical development proposed under the General Plan, and it identifies measures to mitigate the significant adverse program-level and cumulative impacts associated with that growth. The proposed project is an element of the growth that was anticipated in the General Plan and evaluated in the General Plan EIR.

By tiering from the General Plan EIR, this Tiered Initial Study will rely on the General Plan EIR for the following:

- a discussion of general background and setting information for environmental topic areas;
- overall growth-related issues;
- issues that were evaluated in sufficient detail in the General Plan EIR for which there is no significant new information or change in circumstances that would require further analysis;
- assessment of cumulative impacts; and
- mitigation measures adopted and incorporated into the General Plan.

This Initial Study will evaluate the potential environmental impacts of the proposed project with respect to the General Plan EIR to determine what level of additional environmental review, if any, is appropriate.

1.3 REPORT ORGANIZATION

This Initial Study is organized into the following chapters:

- **Chapter 1: Introduction.** This chapter provides an introduction and overview of the Initial Study document.
- **Chapter 2: Initial Study Checklist.** This chapter summarizes pertinent details of the proposed project, including lead agency contact information, proposed project location, and General Plan and Zoning designations.
- **Chapter 3: Project Description.** This chapter describes the location and setting of the proposed project, along with its principal components, as well as a description of the policy setting and implementation process for the proposed project.
- **Chapter 4: Consistency with the General Plan EIR.** This chapter describes the consistency of the proposed project with the 2014 General Plan Amendment, Housing Element Update, and Associated Rezoning Project (General Plan EIR) that was certified by the Cupertino City Council in December 2014² and the addendum to the General Plan EIR that was approved by the City Council in October 2015.³
- **Chapter 5: Environmental Analysis.** Making use of the CEQA Guidelines Appendix G, Environmental Checklist, and Appendix F, Energy Conservation, this chapter identifies and discusses anticipated impacts of the proposed project, providing substantiation for the findings made.
- **Chapter 6: Mitigation Monitoring and Reporting Program.** This chapter identifies the recommended mitigation measures, categorized by impact area.
- **Chapter 7: Organizations and Persons Consulted.** This chapter presents a list of City and other agencies and consultant team members that contributed to the preparation of the Initial Study.

² City of Cupertino, certified General Plan Amendment, Housing Element Update, and Associated Rezoning EIR, State Clearinghouse Number 2014032007.

³ City of Cupertino, approved General Plan Amendment, Housing Element Update, and Associated Rezoning EIR Final Addendum, State Clearinghouse Number 2014032007.

INTRODUCTION

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2. *Initial Study Checklist*

1. **Project Title:** Marina Plaza Project
2. **Lead Agency Name and Address:** City of Cupertino
10300 Torre Avenue
Cupertino, CA 95014
3. **Contact Person and Phone Number:** Erick Serrano, Associate Planner
ErickS@cupertino.org
(408) 777-3205
4. **Project Location:** 10145 De Anza Boulevard,
10118 to 10122 Bandley Drive
Cupertino, CA 95014
5. **Project Applicant's Name and Address:** De Anza Venture, LLC
10122 Bandley Drive
Cupertino, CA 95014
6. **General Plan Land Use Designation:** Commercial/Office/Retail (C/O/R)
7. **Zoning:** Planned Development with General Commercial and Residential (P[CG, Res])
8. **Description of Project:** See Project Description in Chapter 3
9. **Surrounding Land Uses and Setting:** See Project Description in Chapter 3
10. **Other Public Agencies whose Approval is Required:** The City of Cupertino is the sole agency responsible for approving the proposed project and the Mitigated Negative Declaration.

INITIAL STUDY CHECKLIST

INCORPORATION BY REFERENCE

All documents cited in this report and used in its preparation are hereby incorporated by reference into this Initial Study. Copies of documents referenced herein are available for review at the City of Cupertino, Community Development Department, and 10300 Torre Avenue, Cupertino, CA 95014.

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 shown in Chapter 5 of this Initial Study.

- | | | |
|---|---|---|
| <input type="checkbox"/> Aesthetics | <input type="checkbox"/> Agriculture & Forestry Resources | <input type="checkbox"/> Air Quality |
| <input type="checkbox"/> Biological Resources | <input type="checkbox"/> Cultural Resources | <input type="checkbox"/> Geology & Soils |
| <input type="checkbox"/> Greenhouse Gas Emissions | <input type="checkbox"/> Hazards & Hazardous Materials | <input type="checkbox"/> Hydrology & Water Quality |
| <input type="checkbox"/> Land Use | <input type="checkbox"/> Mineral Resources | <input type="checkbox"/> Noise |
| <input type="checkbox"/> Population & Housing | <input type="checkbox"/> Public Services | <input type="checkbox"/> Recreation |
| <input type="checkbox"/> Transportation/Circulation | <input type="checkbox"/> Utilities & Service Systems | <input 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 project proponent. 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 is required.
- 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.

Approved by: _____

Aarti Shrivastava,
Community Development Director/Assistant City Manager
City of Cupertino Community Development Department

Date

3. Project Description

De Anza Venture, LLC, the project Applicant (Applicant), is proposing the Marina Plaza Project (herein referred to as the “proposed project”), which would involve demolishing two existing commercial buildings totaling approximately 49,140 square feet and redeveloping the project site with a 122-room hotel and two mixed-use buildings, with 22,593-square-foot of commercial uses and 188 residential units. This chapter provides a detailed description of the proposed project, including the location, characteristics of the project site, the project objectives, the principal project components, project site preparation and construction, and required permits and approvals.

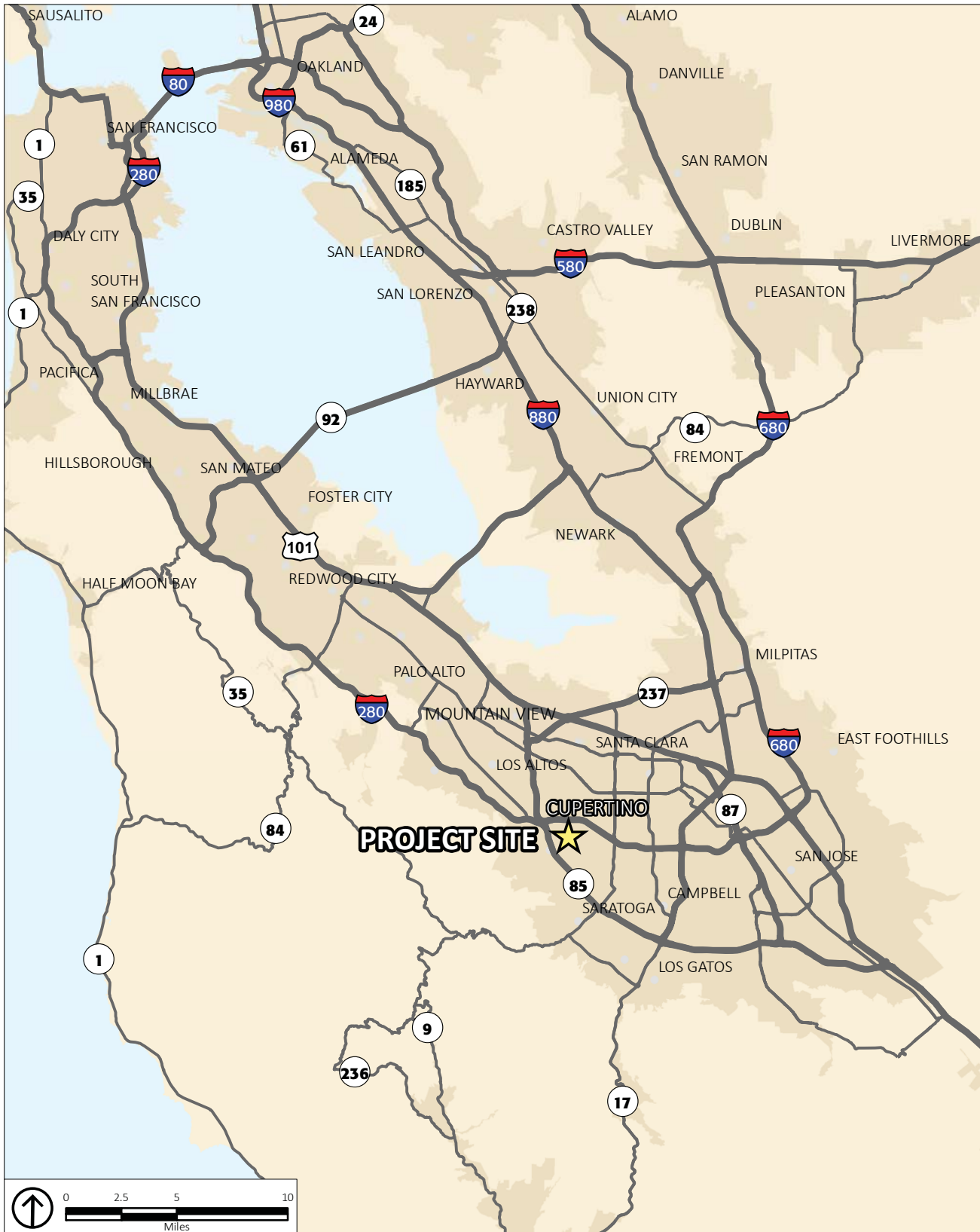
3.1 PROJECT LOCATION AND SITE CHARACTERISTICS

3.1.1 REGIONAL AND LOCAL LOCATION

The proposed project is in the City of Cupertino (City), approximately 38 miles southwest of San Francisco (see Figure 3-1). Cupertino is situated on the western edge of Santa Clara County and located west of the City of San Jose, south of the City of Sunnyvale, and north of the City of Los Gatos. The 5.12-acre project site is located at 10145 De Anza Boulevard and 10118 to 10122 Bandley Drive. Regional access is provided by Interstate 280 (I-280) via De Anza Boulevard to the north and Wolfe Road to the northwest; and by Highway 85 via Stevens Creek Boulevard to the west. The project site is located within a Valley Transportation Authority (VTA) Mixed-Use Corridor Priority Development Area (PDA) and is in close proximity to VTA bus routes along Alves Drive, Stevens Creek Boulevard, and De Anza Boulevard. The project site is bounded by North De Anza Boulevard, Stevens Creek Boulevard, Alves Drive, and Bandley Drive. The project site’s local location is illustrated on Figure 3-2.

3.1.2 GENERAL PLAN AND ZONING DESIGNATION

The project site consists of two parcels, Assessor’s Parcel Numbers (APN) 326-34-066 (10118 to 10122 Bandley Drive), which is 4.35 acres in size, and 326-34-043 (10145 De Anza Boulevard), which is 0.77 acres in size. The Applicant proposes to decrease the size of the Bandley Drive parcel to 3.98 acres and increase the size of the De Anza Boulevard parcel to 1.14 acres by means of a lot line adjustment. The project site is within the Commercial/Office/Retail (C/O/R) General Plan Land Use designation and is zoned Planned Development with General Commercial and Residential (P[CG, Res]) (see Figures 3-3 and 3-4). The C/O/R land use designation includes mixed-use areas that are primarily made up of commercial and office uses. Residential uses that are compatible with the non-residential character of the area may also be located within this designation to support and balance nearby commercial and office development. The P[CG, Res] zone includes a mix of General Commercial and Residential uses where the residential uses support the commercial development on the project site within a Planned Development zoning district.



Source: Placeworks, 2016.

Figure 3-1
Regional Context Map



Source: Placeworks, 2016.


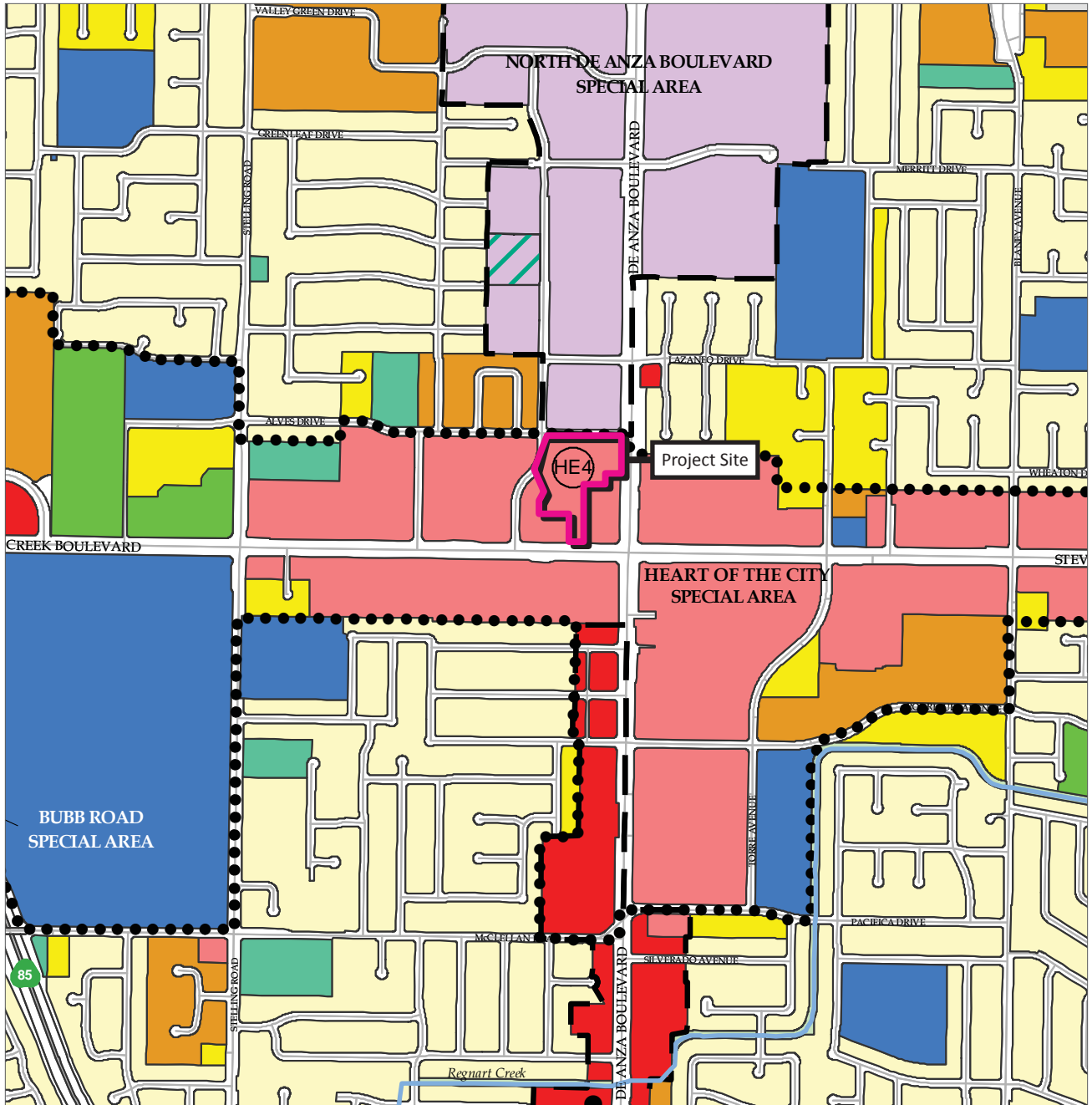
 Project Site

Figure 3-2
Local Context Map



Source: City of Cupertino, Community Development Department, 2015.

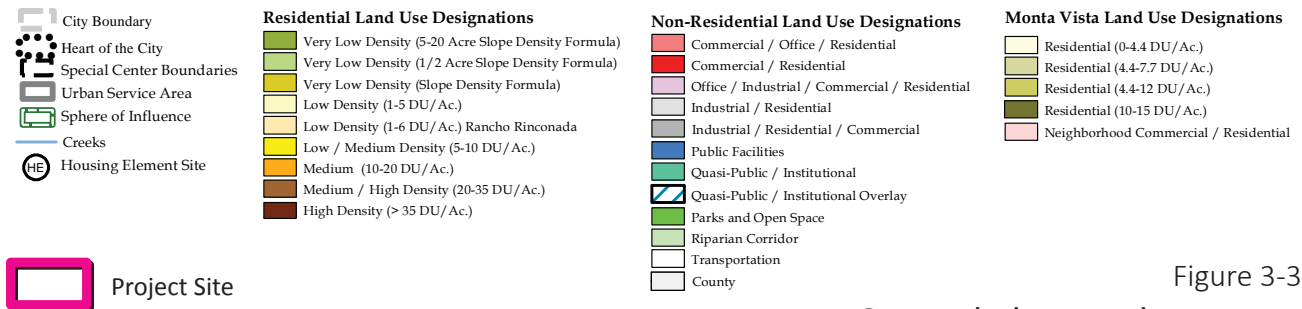
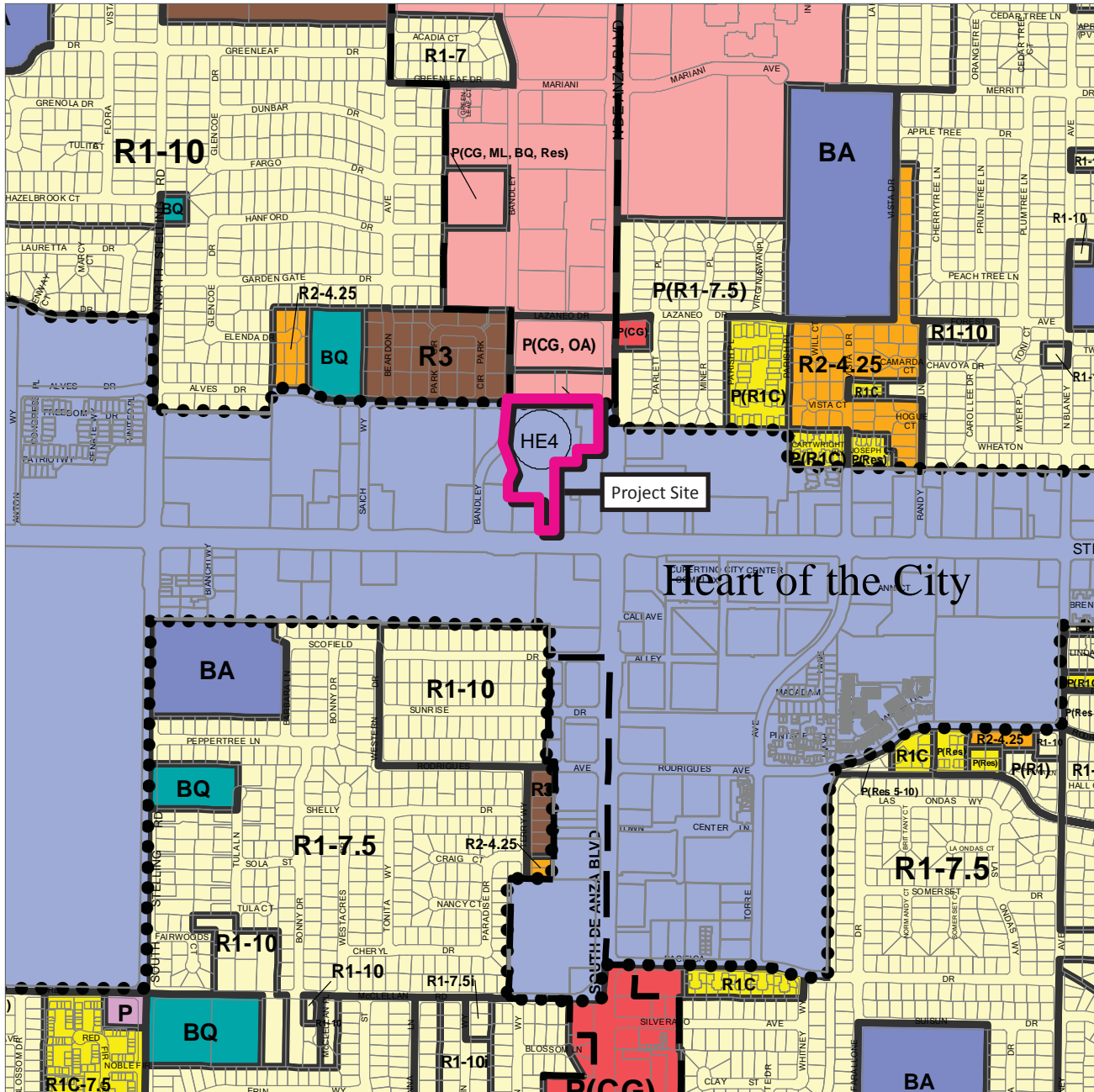


Figure 3-3
General Plan Land Use Map



PROJECT DESCRIPTION



Source: City of Cupertino, Community Development Department, 2014.



- | | | | | | |
|--|--|--|--|--|---|
| | - City Boundary | | - Light Industrial | | - CG-rg Adopted by Ordinance 436 |
| | - Heart of the City Specific Plan Area | | - Planned Industrial Zone | | - FP-o Adopted by Ordinance 1574 |
| | - Agricultural Residential | | - Mixed Use Planned Development | | - P-Hotel Adopted by Ordinance 1368 |
| | - Public Building | | - Office / Planned Office | | - ML-fa: Adopted by Ordinance 350 |
| | - Quasi- Public Building | | - Open Space / Public Park / Recreational Zone | | - See Master Plan/Specific Plan/
Conceptual Plan for details |
| | - General Commercial | | - Single Family Residential | | |
| | Project Site | | - Single Family Residential Cluster | | |
| | | | - Residential Duplex | | |
| | | | - Multiple Family Residential | | |
| | | | - Residential Hillside | | |
| | | | - Transportation | | |

Sites designated are Priority Housing Sites as identified in the adopted Housing Element

Figure 3-4
Zoning Map

PROJECT DESCRIPTION

The project site was included in the Cupertino General Plan Amendment, Housing Element Update, and Associated Rezoning Draft EIR (General Plan EIR) as Housing Element Site 14 (Marina Plaza), located in the North Crossroads Node within the Heart of the City Special Area's Crossroads subarea. The Heart of the City Special Area is situated along Stevens Creek Boulevard, with the North Crossroads Node to the west of De Anza Boulevard and north of Stevens Creek Boulevard. Development within the Heart of the City Special Area is guided by the Heart of the City Specific Plan.

The Heart of the City Specific Plan focuses on development along the Stevens Creek Boulevard commercial corridor to create a pedestrian-friendly and high-activity area. The Crossroads subarea is defined as a commercial shopping district within the historic core of Cupertino, with commercial and retail development as primary uses; commercial and office development above the ground level as secondary uses; and limited residential development as a supporting use. The Heart of the City Specific Plan Land Use map is shown on Figure 3-5.

The General Plan EIR evaluated the project site assuming a maximum residential density of 40 dwelling units per acre, which would allow up to 232 residential units on 6.86 acres within the block encompassing the larger of the two project parcels and four other parcels on the block, and a maximum building height of 60 feet, or 75 feet with retail development, which would allow four- to five-story buildings. The four smaller parcels on the block evaluated in the General Plan EIR were not included in the Housing Element as part of Housing Element Site 14, however.

Under the General Plan Housing Element, mixed-use residential development is permitted on the larger of the two project parcels at a density of 35 dwelling units per acre without a Conditional Use Permit. Commercial uses, including hotel development, are allowed on the second, smaller site if adequate General Plan hotel room allocation is available in the General Plan and a Conditional Use Permit is obtained. Alternatively, mixed-use commercial development with supporting residential uses at a density of 25 dwelling units per acre may be allowed on the smaller site if sufficient residential allocation is available and a Conditional Use Permit is obtained. The maximum allowable height is 45 feet for both parcels.

3.1.3 SURROUNDING LAND USES

The project site is surrounded by other parcels with C/O/R General Plan land use designations directly to the east, west, and south. To the north, on the other side of Alves Drive, there are properties with a General Plan land use designation of Office/Industrial/Commercial/Residential (O/I/C/R) and General Commercial Office P(CG,OA) zoning. Properties to the northwest of the project site have Low and Medium/High Density General Plan land use designations and are within the Single Family (R1) and Multiple Family (R3) Residential zoning districts. These surrounding land uses as well as land uses of other nearby properties are shown on Figure 3-3.

The project site is surrounded by other commercial and office uses, including several anchor stores such as Target, T.J. Maxx, Staples, and Whole Foods Market. Within the same block, there are several buildings proposed to remain, including a one-story office building that fronts onto Bandley Drive, three one-story banks that front onto Stevens Creek Boulevard, and two three-story office buildings that front onto North De Anza Boulevard. An existing hotel is located nearby at the northwest corner of Alves Drive and North

PROJECT DESCRIPTION

De Anza Boulevard. Two gas stations are located across the street from each other at the intersection of Stevens Creek Boulevard and De Anza Boulevard. The original Apple Campus (Infinite Loop) is located approximately 0.5-mile northeast along North De Anza Boulevard. Cupertino Memorial Park and De Anza College are located approximately 0.6-mile west along Stevens Creek Boulevard. Cali Mill Plaza is located approximately 0.2-mile southeast, on the opposite side of the Stevens Creek Boulevard and De Anza Boulevard intersection. The nearest residential neighborhoods are located along Alves Drive, northwest of the project site, and along Lazaneo Drive, northeast of the project site.

Garden Gate Elementary School is located approximately 0.4 mile to the northwest; William Faria Elementary School is located approximately 0.4 mile to the southwest; Lawson Middle School is approximately 0.5-mile to the northeast; and Monta Vista High School is approximately 1.3 miles to the southwest of the project site. These schools are all within 1.5 miles of the project site, south of I-280, and east of Highway 85.

3.1.4 EXISTING SITE CHARACTER

As shown on Figure 3-6, the project site is currently developed with two single-story commercial buildings and associated surface parking. The De Anza Boulevard parcel currently contains a free-standing building occupied by a 4,854 square-foot restaurant, while the Bandley Drive parcel contains a commercial building occupied by various uses, including a specialty grocery store as an anchor and other uses such medical offices, smaller retail tenants, and restaurants, totaling 43,870 square feet in tenant space. The existing De Anza Boulevard parcel has an area of 33,522 square feet and the existing Bandley Drive parcel has an area of 189,522 square feet.

The project site is generally flat with ornamental landscaping along the street and throughout the existing surface parking lot. The Applicant's Tree Removal Plan shows that 90 trees are currently located on the project site.

3.2 PROJECT COMPONENTS

The proposed project would involve the construction of three buildings. The buildings would be four stories each with two levels of underground parking at the basement levels. The maximum height of these buildings would be 45 feet, with the exception of architectural features and screens for mechanical equipment as allowed by the City's regulations. The three proposed buildings are labeled on the conceptual site plan as Buildings A, B, and C (see Figure 3-7). Detailed project plans referenced in this document are included in Appendix A.

3.2.1 LAND USE COMPONENTS

3.2.1.1 RESIDENTIAL

The proposed project would include 188 housing units, of which 16 units would be Below Market Rate (BMR) units affordable to very-low-income households. Residential development would be located in both Buildings B and C, as identified on Figure 3-7. Building B would contain 108 apartments. The units would range in size from 782 to 1,942 square feet. The gross residential area of Building B would be



Source: Placeworks, 2016.

- Project Site
- Building Footprint

Figure 3-6
Existing Project Site Conditions



Source: Dahlin Group, 2016.















-  HOTEL LOBBY / AMENITY
-  HOTEL ROOM
-  RETAIL
-  LIVE/LIVE UNITS
-  2-BEDROOM + DEN FLAT
-  2-BEDROOM FLAT
-  1-BEDROOM + DEN FLAT
-  1-BEDROOM FLAT
-  CIRCULATION / SUPPORT
-  APARTMENT AMENITY
-  BASEMENT RAMP
-  PARKING

Figure 3-7
Proposed Conceptual Site Plan

PROJECT DESCRIPTION

approximately 111,346 feet in size. Building C would contain 80 apartments. The units would range in size from 616 to 1,631 square feet. The gross residential area of Building C would be approximately 79,813 square feet. Buildings B and C would both be oriented around a central courtyard. Amenities for Building B would include a community room, exercise room, bike lounge, and swimming pool, comprising approximately 6,675 square feet. Amenities for Building C include a community room comprising approximately 882 square feet. The proposed project also would have residential common open space in the form of rooftop gardens, balconies, and an open courtyard. Building B would include 16,353 square feet of common open space and 6,480 square feet of private open space. Building C would include 12,297 square feet of common open space and 4,800 of private open space.

Based on an average household size of 2.88 persons per household,¹ the proposed project would house approximately 541 residents. Conceptual building floor plans and unit floor plans are included on Sheets A.27 through A.39 and Sheets A.41 through A.45C, respectively, in Appendix A. Building elevations are represented on Figures 3-8A to 3-8C.

The Applicant has proposed to reduce the size of the larger Housing Priority residential (Bandle Drive) parcel from the 4.35-acre site identified in the Housing Element to 3.98 acres. With this reduction in size, the residential yield of the site would allow the development of 139 units at a density of 35 units per acre. However, because the Applicant has proposed to include 16 very-low-income units (11 percent of maximum yield), the Applicant has requested, and the project is entitled to, a 35 percent density bonus of 49 units under State density bonus law and the City's density bonus ordinance (Chapter 19.56). With the bonus of 49 units, the project is entitled to 188 total units.

3.2.1.2 COMMERCIAL

The proposed project would include a total of 22,593 square feet of commercial space. Commercial development would be located at the ground level of both Buildings B and C. In Building B, there would be five restaurants totaling 17,864 square feet. In Building C, there would be retail uses totaling 4,729 square feet. Proposed uses include a bank, dentist, and jewelry store. It is projected that there would be ten employees for the large restaurants, five employees for the smaller restaurant, and 16 total employees for the remaining retail and commercial spaces, for a total of 41 commercial employees.² The non-residential portion of the project is also required to have common open space and this is provided at two and one half percent of the gross floor area of buildings of 20,000 square feet or more.

3.2.1.3 HOTEL

A hotel would be located in Building A and would contain a total of 122 rooms, ranging from 303 to 999 square feet each. Hotel amenities would include meeting rooms and a fitness area, lounge, café and bar, restaurant, and swimming pool, totaling 12,373 square feet. The hotel is expected to have 13 employees.³

¹ This analysis is based on the Association of Bay Area Governments (ABAG) 2013 projections of the average household size of 2.88 persons for Cupertino in 2020. This is the standard approach for population and housing analysis in Cupertino. As the majority of the proposed units would be one-bedroom units, it is likely that a resident population of 590 is high.

² Dahlin Group, 2016, Marina Plaza Planned Development Project Plans dated April 21, 2016, Sheet T.2.

³ Dahlin Group, 2016, Marina Plaza Planned Development Project Plans dated April 21, 2016, Sheet T.2.

PROJECT DESCRIPTION

Conceptual building floor plans and unit floor plans are included on Sheets A.20 through A.26 and Sheets A.40A through A.40C, respectively, in Appendix A. The hotel would also provide some open space along De Anza Boulevard with outdoor seating and terraces.

3.2.2 CIRCULATION

3.2.2.1 VEHICULAR ACCESS

Resident Access Point

Vehicular access to the project site would be provided via four access points. Two access points would be located along Alves Drive, each leading to the basement ramps of Buildings A and B's underground parking. Two existing access points are proposed to be retained: one access point along Bandley Drive and another along Stevens Creek Boulevard, both leading to the ground-level driveway and parking areas. Other shared ingress and egress easements would allow access off of both North De Anza Boulevard and Bandley Drive.

Internal Streets

As previously mentioned in the section above, vehicles would be able to access the project site from Bandley Drive and Stevens Creek Boulevard. These access points lead to internal streets within the project site. Off of Stevens Creek Boulevard, vehicles would drive along an internal street that is situated along the eastern perimeter of Building C. This internal street would lead to a surface parking lot located between Buildings B and C. The Bandley Drive access point also would lead to the same surface parking lot. The parking area would serve the retail and restaurants along Bandley Drive and the retail space at the northern end of Building C.

Emergency Responder Access

Emergency response vehicles would access the project site from Alves Drive to the north, North De Anza Boulevard to the east, and Stevens Creek Boulevard to the south. New fire lanes are proposed within the travel paths from these access roads at the northwest of Building B along Alves Drive; and at the east of Building C along the driveway from Stevens Creek Boulevard. A total of 13 new fire hydrants are proposed with the project. Four fire hydrants would surround the perimeter of Building C; one fire hydrant would be located along North De Anza Boulevard; three fire hydrants would be located at the south and west of Building A; two fire hydrants would be located at the northwest of Building B along Alves Drive; one fire hydrant would be located to the west of Building B along Bandley Drive; and two fire hydrants would be located northwest of building B along Alves Drive. The emergency response vehicle access plan is included on Sheet A.4 in Appendix A.

Solid Waste Service Access

Solid waste receptacles would be accessible at three locations for each of the three buildings at the ground level. Residential dumpsters would be stored in basement level trash rooms and retail dumpsters would be stored in ground level retail trash rooms. Dumpsters would be transported by lift to the surface



Source: De Anza Venture, LLC, 2016. Figure 3-8B Proposed Building B Elevations



Figure 3-8C
Proposed Building C Elevations

PROJECT DESCRIPTION

pickup location for pickup by the waste management company on scheduled days. Trucks would begin collection at the north side of Building B along Alves Drive and exit at Stevens Creek Boulevard.

Pedestrian and Bicycle Access

Pedestrian access to the project site would be available from two access points along Stevens Creek Boulevard; one access point along North De Anza Boulevard; one access point at the intersection of North De Anza Boulevard and Alves Drive; one access point at the intersection of Alves Drive and Bandlely Drive; and one access point along Bandlely Drive. Pedestrians would also be able to access the project site from neighboring properties. The proposed project also proposes a plaza between Buildings A and B, which provides interior pedestrian circulation throughout the site and between the three buildings. The site accessibility plan is included on Sheet A.3 in Appendix A.

While the proposed project does not propose any new bicycle lanes or routes, the site is accessible from the existing bicycle lanes on Stevens Creek Boulevard, De Anza Boulevard, and the bike route along Bandlely Drive. The proposed project is also in close proximity to a proposed bike route in the Updated Bicycle Transportation Plan along Alves Drive, west of Bandlely Drive.[†] Planned shared lane markings and signs along this proposed bike route and the existing route on Bandlely Drive have yet been installed.

3.2.2.2 PARKING

The proposed project would provide a total of 668 vehicular parking spaces, with 627 spaces in garages and 40 uncovered stalls on the proposed internal streets. The proposed project would include construction of two levels of parking for Buildings A and B and one level of parking for Building C. Building A (hotel) would have 61 stalls on the Basement 1 level and 60 stalls on the Basement 2 level. For retail parking, Building B would have 64 stalls on Level 1 and 58 stalls on the Basement level. For residential parking, Building B would have 101 stalls on the Basement 1 level and 178 stalls on the Basement 2 level. Building C would have 30 stalls for retail parking and 90 stalls for residential parking at the Basement level. The on-grade private road would provide 38 retail parking spaces. The project would have 25 parking stalls that meet the Americans with Disability Act (ADA) standards. The project would also provide 148 bicycling parking stalls. In exchange for providing BMR units, the proposed project is requesting a parking reduction, as allowed pursuant to the City's density bonus ordinance, to allow one parking space per one-bedroom BMR unit and two parking spaces per two-bedroom BMR unit.

3.2.3 CHARACTER

3.2.3.1 FORM, MASS, AND SCALE

As illustrated on Figures 3-9A through 3-9C, buildings are proposed to be four stories tall. Every façade would incorporate a mix of materials and a high amount of glazing. Building A would be setback 45 feet from the face of curb on Alves Drive (north side), 10 feet from the rear property line (south side), 40 feet from the face of curb on De Anza Boulevard (east side), and 20 feet from the property line on the west

[†] City of Cupertino, Bicycle Transportation Plan, 2011.

Perspective at corner of De Anza Boulevard/Alves Drive.



Perspective from Bandley Drive to Apartment Lobby Promenade.



Source: De Anza Venture, LLC, 2016.

Figure 3-9A
Renderings

Perspective at corner of Alves Drive/Bandley Drive.



Perspective from Bandley Drive to Building C's Lobby.



Source: De Anza Venture, LLC, 2016.

Figure 3-9B
Renderings

Perspective from Bandley Drive to Building B's retail corner.



Perspective from Internal Street to Project's Plaza.



Source: De Anza Venture, LLC, 2016.

Figure 3-9C
Renderings

PROJECT DESCRIPTION

side. Building B would be setback 35 feet from the face of curb along Alves Drive (north side), 92 feet from Building C (south side), 35 feet from the face of curb along Bandley Drive (west side), and 20 feet from the east side property line. Building C would be setback 54 feet from the front (east) side property line, 22.5 feet from the west side property line, 22.5 feet from the south side property line, and 92 feet from Building B (north side). The project applicant is applying for a Heart of the City Exception to reduce the side and rear setbacks for the hotel from 22.5 feet to ten (10) feet, and to reduce the required setback for architectural features from 31 feet to 16 feet.

3.2.3.2 LIGHTING

The source, intensity, and type of exterior lighting for the project site would be typical for orientation and safety needs. All on-site lighting would be low-level (project plans call for 1.8W to 105W) illumination and shielded to reduce light spill or glare. There would be three types of lighting: pole lights for the parking lots, aluminum profile luminaire landscape lighting for the promenade, and catenary lighting for above the promenade. The proposed lighting plan is shown on Sheets E-1 and E-2 in Appendix A.

3.2.3.3 LANDSCAPING

The tree removal plan for the proposed project shows that all but seven of the existing trees on the project site would be removed as part of the proposed project (see Sheet L0.02 in Appendix A).

Figure 3-10 illustrates the proposed landscaping plan at the ground level. A total of 198 trees of a 24-inch box size, including street trees, would be planted throughout the project site. The tree types proposed are Japanese maples, strawberry trees, eastern redbuds, maidenhair trees, fastigiated beech, coast live oak, crape myrtle, Chinese pistaches, and London planes. Street trees along Stevens Creek Boulevard would be flowering pears and street trees along Bandley Avenue would be Brisbane boxes. The proposed project's landscape planting plan also includes planting of shrubs, bamboo, stormwater landscape, and other groundcover.

3.3 SITE PREPARATION AND CONSTRUCTION

3.3.1 CONSTRUCTION PHASING

The proposed project would be constructed over a 38-month period. The Applicant proposes to begin construction in late 2016 and complete construction in late 2019.

The construction would be completed in six construction phases, some of which overlap. Grading would occur over an eight-month period and site preparation and underground installation would be simultaneous. Demolition would start two months prior to grading. During the grading phase, building construction would begin and occur over an 18-month period, ending in October 2019. Towards the end of the building construction phase, the paving and painting phases would occur simultaneously over a 15-month period.



Source: Bruce Jett Associates Landscape Architects, 2016.








-  EXISTING TREE TO REMAIN
-  NATIVE SPECIMEN TREE
-  ORNAMENTAL FLOWERING STREET TREE
-  EVERGREEN STREET TREE
-  DECIDUOUS INTERNAL STREET TREE
-  FLOWERING SPECIMEN TREE
-  SMALL OR MEDIUM ORNAMENTAL TREE

Figure 3-10
Proposed Landscape Planting Plan at Ground Level

PROJECT DESCRIPTION

3.3.2 GRADING

The proposed project would require approximately 105,000 cubic yards of soil export and no soil import. The 105,000 cubic yards of soil export would be hauled off-site to Zanker Road Landfill, located at 675 Los Esteros Road in San Jose, approximately 8.6 miles northeast of the project site. Haul trucks would have a capacity of 16 cubic yards per truck and soil export would involve approximately 40 trucks per day, resulting in approximately 6,500 total haul trips during the nine-month grading phase.

3.3.3 UTILITIES

The proposed project would include new utility infrastructure installations on the site to accommodate new development. The proposed utility infrastructure would connect to the existing water, sewer, storm drain system, and natural gas and electricity network in the area, and would be served by an existing solid waste landfill. The residential component of the proposed project has been designed to meet the Leadership in Energy and Environmental Design (LEED) 2009 for Home standards, and the non-residential component has been designed to meet LEED 2009 for Core and Shell Development. Proposed and upgraded facilities would have to be located underground.

3.3.4 PUBLIC SERVICES

3.3.4.1 FIRE PROTECTION

The City of Cupertino contracts with the Santa Clara County Fire District (SCCFD) for fire protection, emergency, medical, and hazardous material services. The SCCFD also serves unincorporated county areas, as well the cities of Campbell, Los Altos, Monte Sereno, Saratoga, and towns of Los Altos Hills and Los Gatos. Additionally, the SCCFD has an agreement with the cities of San Jose, Santa Clara, and Sunnyvale for mutual aid to the City of Cupertino in the event of a large emergency. The administrative headquarters of the SCCFD is located at 14700 Winchester Boulevard, Los Gatos; and the SCCFD service area is divided into four battalion districts with 17 fire stations.

3.3.4.2 POLICE PROTECTION

The City of Cupertino contracts with the Santa Clara County Sheriff's Office (Sheriff's Office) and West Valley Patrol Division for police protection services. The Sheriff's Office also provides police protection services to unincorporated areas of western Santa Clara County and other cities and towns, including Saratoga, Los Altos Hills, and the community of Moffett Field. The West Valley Division provides 24-hour uniformed law enforcement patrol services, as well as traffic functions, special enforcement details, and investigative services.

3.3.4.3 LIBRARY

The Santa Clara County Library District (SCCLD) governs and administers seven community libraries, one branch library, two bookmobiles, the Home Service Library, and the 24/7 online library for all library users. The SCCLD serves all unincorporated communities of Santa Clara County, as well as nine Santa Clara County cities, including Campbell, Cupertino, Gilroy, Los Altos, Los Altos Hills, Milpitas, Monte Sereno,

PROJECT DESCRIPTION

Morgan Hill, and Saratoga. Cupertino has a community library, Cupertino Library, located on 10800 Torre Avenue, immediately adjacent to its City Hall and approximately 0.5 mile southeast of the project site.

3.3.4.4 PARKS AND RECREATION

The City of Cupertino's parks range from small tot lots to neighborhood and community parks. Also, based on a 1991 agreement, the City of Cupertino and the Cupertino Union School District jointly use open space areas within certain school sites and therefore some school sites are included in the recreation acreage. Within the city limit, there is a total of approximately 157 acres of existing parks and recreational areas, comprised of 14 neighborhood parks, five community parks, one residential park/open space, and eight school sites.⁵ The nearest parks to the project site are Cali Mill Plaza, located approximately 0.2 mile southeast; and Cupertino Memorial Park, located approximately 0.6 mile west.

3.3.4.5 SCHOOLS

The project site is served by Cupertino Union School District (CUSD). The CUSD serves the majority of Cupertino and some neighboring cities, including Los Altos, San Jose, Santa Clara, Saratoga, and some unincorporated Santa Clara County areas. The project site is located within the existing school attendance boundaries of Garden Gate Elementary School, Lawson Middle School, and Monta Vista High School.

3.4 REQUIRED PERMITS AND APPROVALS

Following approval of this Initial Study, adoption of the Mitigated Negative Declaration (MND), and the approval of the proposed project by the City of Cupertino, the following discretionary permits and approvals from the City would be required for the proposed project:

- Development Permit
- Architectural and Site Approval Permit
- Conditional Use Permit
- Tree Removal Permit
- Heart of the City Exception

In addition, permits for demolition, grading and building, encroachment permits for work in the public right-of-way, and a certificate of occupancy would also be required from the City.

⁵ City of Cupertino General Plan 2000-2020, Land Use/Community Design Element, 2005, page 2-55.

4. *General Plan EIR Consistency Analysis*

On December 4, 2014, the City of Cupertino certified the Environmental Impact Report (EIR) for the General Plan Amendment, Housing Element Update, and associated Rezoning Project (2014 General Plan EIR)¹ and adopted an amended General Plan titled “Community Vision 2040.” Community Vision 2040 updated the goals, policies, and strategies of the City’s General Plan (2000 – 2020) adopted in 2005 (“2005 General Plan”); updated the General Plan’s Housing Element to accommodate the Regional Housing Needs Allocation (RHNA) for the 2014-2022 planning period and meet the City’s fair-share housing obligation; and amended the General Plan Land Use Map, Zoning Ordinance, and Zoning map for consistency as a result of changes to the General Plan policies.

On May 19, 2015, the City Council directed staff to prepare a comparison of the goals, policies, and strategies of the 2005 General Plan and Community Vision 2040, and work with community members and interested community groups. This resulted in revisions to Community Vision 2040 including text edits and corrections, reorganization of strategies, clarification of existing policies, new figures, and the renaming of Community Vision 2040 to “General Plan (Community Vision 2015–2040),” referred to in this Initial Study as “General Plan.” An addendum to the 2014 General Plan EIR was approved by the City Council in October 2015 prior to approval of these changes (2015 General Plan EIR Addendum).² The 2014 General Plan EIR and the 2015 General Plan EIR Addendum, are referred to together herein as the “General Plan EIR.”

The General Plan EIR analyses the potentially significant environmental effects of developing the project site for the types, density, and intensity of the proposed uses that are the subject of this Initial Study.

In order to determine the proposed project’s consistency with the General Plan and whether the project was part of the development analyzed in the General Plan EIR, the following questions must be answered:

- Is the proposed project consistent with the scope of the development projected in the General Plan?
- Is the proposed project consistent with the land use designations established in the General Plan?
- Are the changes to population associated with the proposed project included within the scope of the General Plan’s population projections?
- Is the proposed project within the scope of the cumulative analysis in the General Plan EIR?

¹ City of Cupertino, certified General Plan Amendment, Housing Element Update, and Associated Rezoning EIR, State Clearinghouse Number 2014032007. Certified on December 4, 2014.

² City of Cupertino, approved General Plan Amendment, Housing Element Update, and Associated Rezoning EIR Final Addendum, State Clearinghouse Number 2014032007. Adopted on December 4, 2015.

GENERAL PLAN EIR CONSISTENCY ANALYSIS

The following discussion describes the proposed project's relationship to and consistency with the scope of development, land use designations, population projections, and cumulative impacts analyses contained in the General Plan and the General Plan EIR.

4.1 GENERAL PLAN CONSISTENCY

4.1.1 SCOPE OF DEVELOPMENT

The General Plan EIR assessed the potential environmental impacts resulting from an increase in 4,421 residential units, 1,339 hotel rooms, 1,343,679 square feet of commercial development, and 4,040,231 square feet of office space within Cupertino by the 2040 horizon year.³ The General Plan EIR identified five Special Areas along major transportation corridors, seven Study Areas, and Other Special Areas where targeted development would occur. Marina Plaza (the proposed project site) is located in the North Crossroads Node, which is within the Heart of the City Special Area, and was included in the General Plan EIR analyses.⁴ Analysis of the project site was based on a maximum residential density of 40 dwelling units per acre, which would allow up to 232 residential units on 6.86 acres within the block encompassing the larger of the two project parcels and four other parcels on the block, and a maximum building height of 60 feet, or 75 feet with retail development, which would allow four- to five-story buildings.⁵ However, the General Plan development allocations within the Heart of the City Special Area are limited to 469 residential units, 122 hotel rooms, 793,270 square feet of commercial space, and 17,113 of office space.⁶ Residential development for the Marina Plaza site is limited to 200 units.⁷

Development under the proposed project would result in a 122-room hotel and two mixed-use buildings with 22,593 square feet of commercial uses, 188 residential units, both with a maximum height of 45 feet. Thus, the proposed project would be consistent with both the scope of development analyzed in the General Plan EIR and the scope of development permitted under the current General Plan for the project site.

4.1.2 LAND USE DESIGNATIONS

The project site is designated Commercial/Office/Retail (C/O/R) in the General Plan, and as analyzed in the General Plan EIR, which allows for mixed-use development primarily made up of commercial and office uses. Residential uses that are compatible with the non-residential character of the Heart of the City Special Area may also be located within this designation to support and balance nearby commercial and

³ City of Cupertino, certified General Plan Amendment, Housing Element Update, and Associated Rezoning EIR, State Clearinghouse Number 2014032007, page 2-5.

⁴ City of Cupertino, certified General Plan Amendment, Housing Element Update, and Associated Rezoning EIR, State Clearinghouse Number 2014032007, page 1-1.

⁵ City of Cupertino, certified General Plan Amendment, Housing Element Update, and Associated Rezoning EIR, State Clearinghouse Number 2014032007, page 3-98.

⁶ City of Cupertino, 2014, Community Vision 2015–2040 (General Plan), page LU-14.

⁷ City of Cupertino, 2014, Community Vision 2015–2040 (General Plan), page HE-18.

GENERAL PLAN EIR CONSISTENCY ANALYSIS

office development. The project site consists of two parcels – one larger parcel on De Anza Boulevard that is 4.35 acres in size and a smaller parcel on Bandle Drive that is 0.77 acres in size – totaling 5.12 acres. The 5.12-acre project site is located in the North Crossroads Node within the Heart of the City Special Area’s Crossroads subarea and is a key commercial/retail destination with many small-scale stores and restaurants. Mixed-use residential development within the project site is permitted on the larger of the two project parcels at a density of 35 dwelling units per acre pursuant to the City’s General Plan and Housing Element. Commercial uses, including hotel development, are allowed on the second, smaller site if adequate hotel rooms are allocated in the General Plan. The maximum allowable height is 45 feet for both parcels.

As described above, the proposed project is a mixed-use development project that consists of a 122-room hotel and two mixed-use buildings with commercial and residential uses. This type of development is consistent with the existing uses and land use designation in the Heart of the City Special Area and North Crossroads Node. Mixed-use residential/commercial buildings under the proposed project would be located on the larger parcel, which would be 3.98 acres in area with the proposed lot line adjustment, and the 122-room hotel building would be located on the smaller parcel, which would be 1.14 acres in area with the proposed lot line adjustment. The mixed-use parcel would be built to a residential density of approximately 47 dwelling units per acre,⁸ while the project site as a whole would have an overall residential density of approximately 37 dwelling units per acre.⁹ Although the overall density exceeds the density of 35 dwelling units per acre permitted under the City’s General Plan, the proposed number of housing units would be permitted under the State’s density bonus law. Because the Applicant has proposed to include 16 very-low-income units (11 percent of maximum yield), the Applicant has requested, and the project is entitled to, a 35 percent density bonus of 49 units under State density bonus law and the City’s density bonus ordinance (Chapter 19.56). With the bonus of 49 units, the project is entitled to 188 total units. In addition, as described above, permitted development within the Heart of the City Special Area, under the current General Plan, allows for 469 residential units, 122 hotel rooms, 793,270 square feet of commercial space, and 17,113 of office space;¹⁰ thus, adequate hotel rooms are available for the proposed project under the General Plan. Overall, development under the proposed project would be consistent the C/O/R land use designation, residential density, height limits, and existing character for the project site permitted under the General Plan and the City’s density bonus ordinance.

4.1.3 POPULATION PROJECTIONS

The 2040 horizon-year population and employment buildout estimates in the General Plan EIR and the General Plan differ slightly. A comparison of population and employment projections for the General Plan EIR, General Plan, and proposed project are shown below in Table 4-1.

⁸ 188 dwelling units/3.98 acres = 47.2 dwelling units per acre.

⁹ 188 dwelling units/5.12 acres = 36.7 dwelling units per acre.

¹⁰ City of Cupertino, 2014, Community Vision 2015–2040 (General Plan), page LU-14.

GENERAL PLAN EIR CONSISTENCY ANALYSIS

TABLE 4-1 POPULATION AND EMPLOYMENT PROJECTIONS

	General Plan EIR 2040	General Plan 2040	Proposed Project 2019
Population	71,300	71,200	541
Employment	44,242	33,110	53

Source: City of Cupertino, certified General Plan Amendment, Housing Element Update, and Associated Rezoning EIR, State Clearinghouse Number 2014032007; City of Cupertino, Community Vision 2015–2040 (General Plan).

As shown in Table 4-1, the General Plan EIR analyzed the potential environmental impacts resulting from a total of 71,300 residents and 44,242 jobs in the City of Cupertino by the 2040 horizon year. However, under the approved General Plan a total of 71,200 residents and 33,110 jobs are projected by the year 2040.

Construction of the proposed project is anticipated to occur over a 38-month period, ending in late 2019. As described above in Section 4.1.1, Scope of Development, the proposed project would result in a 122-room hotel and two mixed-use buildings containing a total of 188 residential units. Based on an average household size of 2.88 persons per household,¹¹ the 188 residential units would generate approximately 541 residents¹² by the anticipated completion date. In addition, the commercial space and the 122-room hotel are expected to generate a total of 53 permanent jobs. The 541 potential new residents generated by the proposed project represent 0.8 percent¹³ of the 71,300 residents anticipated under the General Plan EIR and the 71,200 resident anticipated under the General Plan City by the year 2040. The 53 potential permanent jobs generated by proposed project represents 0.12 percent¹⁴ of the 44,242 jobs anticipated under the General Plan EIR and 0.16 percent of the jobs anticipated under the General Plan by the year 2040. Thus, the 541 potential new residents and 53 potential permanent jobs under the proposed project would not exceed 2040 population and employment projections under the General Plan EIR and General Plan. Therefore, the proposed project is consistent with the population and employment projections evaluated in the General Plan EIR and adopted in the General Plan.

4.1.4 CUMULATIVE IMPACT ANALYSIS

In addition to evaluating the environmental effects directly associated with projected General Plan development, the General Plan EIR evaluated the cumulative effects using the summary of projections approach provided for in CEQA Guidelines Section 15130(b)(1)(B), and took into account projected growth

¹¹ This analysis is based on the Association of Bay Area Governments' 2013 projections of the average household size of 2.88 persons for Cupertino in 2020. This is the standard approach for population and housing analysis in Cupertino.

¹² 2.88 persons per household x 188 residential units = 541 residents.

¹³ (541 residents under the proposed project) divided by (71,300 residents anticipated by the General Plan EIR) x 100 = 0.75 percent.

(541 residents under the proposed project) divided by (71,200 residents anticipated by the General Plan) x 100 = 0.75 percent.

¹⁴ (53 jobs under the proposed project) divided by (44,242 jobs anticipated by the General Plan EIR) x 100 = 0.12 percent.

(53 jobs under the proposed project) divided by (33,110 jobs anticipated by the General Plan) x 100 = 0.16 percent.

GENERAL PLAN EIR CONSISTENCY ANALYSIS

from the General Plan within the Cupertino city boundary and Sphere of Influence (SOI), in combination with impacts from projected growth in the rest of Santa Clara County and the surrounding region, as forecast by the Association of Bay Area Governments (ABAG). As provided for by CEQA Guidelines Section 15130, the cumulative context considered in the General Plan EIR varies, depending on the nature of the issue being studied, to best assess each issue's geographic extent. For example, the cumulative impacts on water and air quality are best analyzed within the boundaries of the affected resources, such as water bodies and air basins. For other cumulative impacts, such as hazard risks, traffic, and the need for new public service facilities, the cumulative impacts are best analyzed within the context of the population growth and associated development that are expected to occur in the region or within the public service providers' jurisdiction. As discussed in Sections 4.1.1 through 4.1.3 above, the proposed project is within the scope of the proposed General Plan development analyzed in the General Plan EIR. In addition, no changes to local growth plans or other changes in the region have occurred since certification of the General Plan EIR that would substantially change the EIR's conclusions regarding cumulative impacts. Therefore, the proposed project would incrementally contribute to, but would not exceed, the cumulative impacts analyzed in the General Plan EIR.

GENERAL PLAN EIR CONSISTENCY ANALYSIS

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5. *Environmental Analysis*

DISCUSSION OF ENVIRONMENTAL EVALUATION

The 2014 Environmental Impact Report for the General Plan Amendment, Housing Element Update, and Associated Rezoning Project and 2015 Addendum (together, the “General Plan EIR”) included an analysis of the project site, identified for the purposes of analysis as Housing Element Site 14, with a proposed residential density of 40 dwelling units per acre (du/ac), up to 232 net residential units, and a maximum building height of 75 feet with retail development or 60 feet without retail development.¹ The cumulative impacts of developing the project site, in conjunction with overall General Plan buildout, were evaluated as part of the General Plan EIR. The proposed project is anticipated to be completed in 2019; therefore, this Initial Study evaluates the proposed project under existing and 2040 cumulative conditions.

Consistent with the analysis presented in the General Plan EIR, and due to the proposed project’s location in an urbanized city setting, the project would not have a significant effect on Agriculture and Forestry Resources or on Mineral Resources. Therefore, these topics are not discussed further in this Initial Study. Maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency categorize land within Cupertino as Urban and Built-Up Land.² In addition, according to 2006 mapping data from the California Department of Forestry and Fire Protection, the city does not contain any woodland or forestland cover.³ Finally, the city does not contain land zoned for farmland or timberland production.⁴ Consequently, there would be no impacts with regard to agriculture and forestry resources. While the city does have mineral resource zones (MRZ) MRZ-2, which are areas where adequate information indicates that significant mineral deposits are present, and MRZ-3, which are areas containing mineral deposits for which the significance of cannot be evaluated based on available data, the project site is within an MRZ-3 area; thus, it is not identified for protection or conservation with regard to mineral resources.⁵

Items identified in each section of the environmental checklist below are discussed following that section. Required mitigation measures are identified where necessary to lessen or avoid a potentially significant impact. All impacts were found to be either less than significant or less than significant with mitigation.

¹ City of Cupertino, 2014, General Plan Amendment, Housing Element Update, and Associated Rezoning Draft EIR, page 4.1-34.

² California Resources Agency, Farmland Mapping and Monitoring Program. Santa Clara County Important Farmland 2010, accessed on March 1, 2016.

³ City of Cupertino, Zoning Map, <http://www.cupertino.org/index.aspx?page=291>, accessed on March 1, 2016.

⁴ City of Cupertino, Zoning Map, <http://www.cupertino.org/index.aspx?page=291>, accessed on March 1, 2016.

⁵ City of Cupertino, General Plan (Community Vision 2015–2040, Chapter 6, Environmental Resources and Sustainability, Figure ES-2, Mineral Resources.

ENVIRONMENTAL ANALYSIS

I. AESTHETICS

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant	No Impact
a) Have a substantial adverse effect on a scenic vista?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 checked="" type="checkbox"/>	<input type="checkbox"/>
c) Substantially degrade the existing visual character or quality of the site and its surroundings?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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"/>

GENERAL PLAN EIR

Chapter 4.1, Aesthetics, of the General Plan EIR, addressed the impacts to visual resources associated with a maximum building height of 75 feet permitted on the project site. These impacts were found to be less than significant.

EXISTING CONDITIONS

The project site is currently developed with two single-story commercial buildings and associated surface parking. The De Anza Boulevard parcel currently contains a 4,854-square-foot free-standing restaurant building, and the Bandley Drive parcel contains a 43,870-square-foot commercial development. The project site is generally flat with ornamental landscaping along the street and throughout the existing surface parking lot. In the vicinity of the project site, an existing hotel is located nearby at the northwest corner of Alves Drive and North De Anza Boulevard. Two gas stations are located across the street from each other at the intersection of Stevens Creek Boulevard and De Anza Boulevard. The original Apple Campus (Infinite Loop) is located approximately 0.5 mile northeast along North De Anza Boulevard.

DISCUSSION

a) *Would the proposed project have a substantial adverse effect on a scenic vista?*

As discussed in Chapter 4.1, Aesthetics, of the General Plan EIR, the proposed project would have the potential to affect scenic vistas and/or scenic corridors if the new intensified development on the project site would block views of areas that provide or contribute to such vistas. Potential effects could include blocking views of a scenic vista/corridor from specific publicly-accessible vantage points or the alteration

ENVIRONMENTAL ANALYSIS

of the overall scenic vista/corridor. Such alterations could be positive or negative, depending on the characteristics of the project site and the subjective perception of observers.

Public views of scenic corridors are views seen along a linear transportation route and public views of scenic vistas are views of specific scenic features. Scenic vistas are generally considered to be long-range views, while scenic corridors are comprised of short-, middle-, and long-range views. The General Plan does not have designated scenic corridors or vistas. However, for this analysis, the westward views of the foothills and ridgelines of the Santa Cruz Mountains are considered scenic vistas, and the segment of Interstate 280 from Santa Clara County line on the west to Interstate 880 on the east that has been designated by Caltrans as eligible to be a State Scenic Highway is considered a scenic corridor. The impacts to State-designated scenic highways are discussed below under criterion (b).

The analysis in the General Plan EIR found that an increase of building height to 75 feet would result in a less-than-significant impact to the far-field/long-range views of the Santa Cruz Mountain Range and foothills because the maximum heights of the existing on-site and surrounding buildings currently limit the opportunity for views of scenic vistas from street-level public viewing and because the project location is not considered a destination public viewing point nor is it visible from scenic vistas.

As described in Chapter 3, Project Description, of this Initial Study, the existing buildings would be removed and replaced by three four-story buildings over two levels of below-grade parking, and would be 45 feet tall at the highest point. Nearly all of the 90 existing trees would be removed from the site and replaced by 198 trees of a 24-inch box size would be planted.

Because the project proposes height increases that are less than what was evaluated in the General Plan EIR, and because existing conditions currently limit views of scenic resources, combined with the fact the project site and surrounding areas are not destination viewing locations, impacts would remain consistent with the conclusions in the General Plan EIR and would be *less than significant*.

b) *Would the proposed project substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a State scenic highway?*

As discussed in Chapter 4.1, Aesthetics, of the General Plan EIR, the segment of Interstate 280 in Cupertino is not an officially designated State Scenic Highway, but is considered to be eligible for designation as a State Scenic Highway. Development under the proposed project would not result in any changes to the Interstate 280 viewshed because the freeway is located north of project site and the project site is not visible from that location. Impacts to views of scenic resource from the Interstate 280 view corridor were determined to be less than significant in the General Plan EIR. Because the project would involve a height increases of 45 feet, which is less than what was evaluated in then General Plan EIR for the project site, and the existing site conditions currently limit views of scenic resources, such as the Interstate 280 viewshed, impacts would remain consistent with the conclusions in the General Plan EIR and would be *less than significant*.

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c) *Would the proposed project substantially degrade the existing visual character or quality of the site and its surroundings?*

As discussed in criteria (a) and (b), the proposed project would not result in a substantial change to the existing visual character of the site or its surroundings. The project would result in a change from the existing 4,854-square-foot free-standing restaurant building and 43,870-square-foot commercial development. However, the heights of the existing on-site and surrounding buildings currently limit the opportunity for views of scenic vistas from street-level public viewing. In addition, as discussed above under criterion (a), the proposed project would double the number of trees that surround the project site. Furthermore, the project is subject to the City’s discretionary review processes, involving consideration of the visual aspects of new development, including the Development Permit under Section 19.156 of the CMC, and Architectural and Site Approval Review under Section 19.168 of the CMC. Accordingly, consistent with the conclusions of the General Plan EIR, the proposed project would not substantially degrade the existing visual character of the site and its surroundings, and impacts would be *less than significant*.

d) *Would the proposed project create a new source of substantial light or glare that would adversely affect day or nighttime views in the area?*

Nighttime illumination and glare impacts are the effects on adjoining uses and areas of a project’s exterior lighting. Light and glare impacts are determined through a comparison of the existing light sources with the proposed lighting plan or policies. As discussed in Chapter 4.1, Aesthetics, of the General Plan EIR, the project site and surrounding area contain many existing sources of nighttime illumination. These include street and parking area lights, security lighting, and exterior lighting on existing commercial buildings. Additional on-site light and glare is caused by surrounding land uses and traffic on surrounding roadways. As described in Chapter 3, Project Description, of this Initial Study, the source, intensity, and type of exterior lighting for the project site would be typical for orientation and safety needs. All on-site lighting would be low-level illumination and shielded to reduce light spill or glare. In landscaped and paved areas, light sources would be concealed and not visible from public views. All exterior surface and above-ground mounted fixtures would be complementary to the architectural theme. For these reasons, and because the project proposes less development than what was evaluated in the General Plan EIR, impacts would remain consistent with the conclusions in the General Plan EIR and would be *less than significant*.

II. AIR QUALITY

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant	No Impact
a) Conflict with or obstruct implementation of the applicable air quality plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

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Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant	No Impact
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	<input type="checkbox"/>	<input checked="" 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 Standards for ozone precursors or other pollutants)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input checked="" 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 checked="" type="checkbox"/>	<input type="checkbox"/>

GENERAL PLAN EIR

Chapter 4.2, Air Quality, of the General Plan EIR addresses the air quality impacts associated with intensified development of the project site. Air quality impacts are found to be significant and unavoidable in the General Plan EIR. The General Plan EIR requires the City to implement General Plan EIR Mitigation Measures AQ-2a, AQ-2b, and AQ-4b, which are project-specific mitigation measures that would reduce construction-related impacts and to ensure that mobile sources of toxic air contaminants (TACs) that are not covered under Bay Area Air Quality Management District (BAAQMD) permits are considered during subsequent project-level environmental review.

While Chapter 4.2, Air Quality, of the General Plan EIR addresses the impacts associated with the five Priority Housing Element sites in the City’s adopted Housing Element⁶ to accommodate the Regional Housing Needs Allocation (RHNA) for the 2014–2022 planning period, the analysis was performed at a program level. This section analyzes the types and quantities of air pollutant emissions that would be generated by the construction and operation of the proposed project. An update to the background discussion on the air quality regulatory setting, meteorological conditions, existing ambient air quality in the vicinity of the project site, and air quality modeling is in this Initial Study Appendix C, Air Quality, Greenhouse Gas, and Health Risk Assessment Background and Modeling Data.

⁶ The City’s 2014-2022 Housing Element was adopted on May 19, 2015.

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EXISTING CONDITIONS

Criteria Air Pollutants

The pollutants emitted into the ambient air by stationary and mobile sources are regulated by federal and State law under the federal and California Clean Air Act, respectively. Air pollutants are categorized as primary and/or secondary pollutants. Primary air pollutants are those that are emitted directly from sources. Carbon monoxide (CO), reactive organic gases (ROG), nitrogen oxides (NO_x), sulfur dioxide (SO₂), coarse inhalable particulate matter (PM₁₀), fine inhalable particulate matter (PM_{2.5}), and lead (Pb) are primary air pollutants. Of these, all of them except for ROGs are “criteria air pollutants,” which means that ambient air quality standards (AAQS) have been established for them. The National and California AAQS are the levels of air quality considered to provide a margin of safety in the protection of the public health and welfare. They are designed to protect those “sensitive receptors” most susceptible to further respiratory distress, such as asthmatics, the elderly, very young children, people already weakened by other disease or illness, and persons engaged in strenuous work or exercise. Healthy adults can tolerate occasional exposure to air pollutant concentrations considerably above these minimum standards before adverse effects are observed.

Toxic Air Contaminants

In addition to criteria air pollutants, both the State and federal government regulate the release of TACs. The California Health and Safety Code define a TAC as “an air pollutant which may cause or contribute to an increase in mortality or in serious illness, or which may pose a present or potential hazard to human health.” A substance that is listed as a hazardous air pollutant pursuant to Section 112(b) of the federal Clean Air Act (42 United States Code §7412[b]) is a TAC. Under State law, the California Environmental Protection Agency (Cal/EPA), acting through the California Air Resources Board (CARB), is authorized to identify a substance as a TAC if it determines that the substance is an air pollutant that may cause or contribute to an increase in mortality or serious illness, or may pose a present or potential hazard to human health.

Where available, the significance criteria established by BAAQMD may be relied upon to make the following determinations.

DISCUSSION

a) *Would the project conflict with or obstruct implementation of the applicable air quality plan?*

The project site is one of the five Priority Housing Element sites in the City’s adopted Housing Element⁷ to accommodate the Regional Housing Needs Allocation (RHNA) for the 2014–2022 planning period. As described in the Housing Element, the maximum density on the project site is 35 dwelling units per acre

⁷ The City’s 2014-2022 Housing Element was adopted on May 19, 2015.

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and the realistic capacity is a net increase of 200 units.⁸ The 188 housing units included in the proposed project is within the capacity assumed in the Housing Element and thus the proposed project would not exceed the level of population or housing foreseen in City or regional planning efforts. Therefore, it would not have the potential to substantially affect housing, employment, and population projections within the region, which is the basis of the *2010 Bay Area Clean Air Plan* projections. Furthermore, the net increase in regional emissions generated by the proposed project would be less than the BAAQMD's emissions thresholds with mitigations (see criterion (b)). These thresholds are established to identify projects that have the potential to generate a substantial amount of criteria air pollutants. Because the proposed project would not exceed these thresholds, the proposed project would not be considered by the BAAQMD to be a substantial emitter of criteria air pollutants. Therefore, the proposed project would not conflict with or obstruct implementation of the *2010 Bay Area Clean Air Plan* and impacts would be considered *less than significant*, and no mitigation measures are required.

b) *Would the project violate any air quality standard or contribute substantially to an existing or projected air quality violation?*

BAAQMD has identified thresholds of significance for criteria pollutant emissions and criteria air pollutant precursors, including ROG, NO_x, PM₁₀, and PM_{2.5}. Development projects below the significance thresholds are not expected to generate sufficient criteria pollutant emissions to violate any air quality standard or contribute substantially to an existing or projected air quality violation. The following describes changes in regional impacts from short-term construction activities and long-term operation of the proposed project.

Construction-Related Impacts

Construction activities produce combustion emissions from various sources, such as on-site heavy-duty construction vehicles, vehicles hauling materials to and from the site, and motor vehicles transporting the construction crew. Site preparation activities produce fugitive dust emissions (PM₁₀ and PM_{2.5}) from demolition and soil-disturbing activities, such as grading and excavation. Air pollutant emissions from construction activities on site would vary daily as construction activity levels change. Construction activities associated with the project would result in emissions of ROG, NO_x, CO, PM₁₀, and PM_{2.5}.

Fugitive Dust

Ground-disturbing activities during construction would generate fugitive dust. Fugitive dust emissions (PM₁₀ and PM_{2.5}) are considered to be significant unless the proposed project implements the BAAQMD's Best Management Practices (BMPs) for fugitive dust control during construction. PM₁₀ is typically the most significant source of air pollution from the dust generated from construction. The amount of dust generated during construction would be highly variable and is dependent on the amount of material being disturbed, the type of material, moisture content, and meteorological conditions. If uncontrolled, PM₁₀ and PM_{2.5} levels downwind of actively disturbed areas could possibly exceed State standards.

⁸ Cupertino 2014-2022 Housing Element, Table HE-5, Summary of Priority Housing Element Sites To Meet The RHNA-Scenario A.

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Consequently, impacts related to fugitive dust would be *less than significant* with the incorporation of BMPs as mitigation measures.

Mitigation Measure AIR-1: The project's construction contractor shall comply with the following BAAQMD Best Management Practices for reducing construction emissions of PM₁₀ and PM_{2.5}:

- Water all active construction areas at least twice daily, or as often as needed to control dust emissions. Watering should be sufficient to prevent airborne dust from leaving the site. Increased watering frequency may be necessary whenever wind speeds exceed 15 miles per hour. Reclaimed water should be used whenever possible.
- Apply (non-toxic) soil stabilizers on, apply water twice daily (or as often as necessary to control dust) to, or pave all unpaved access roads, parking areas, and staging areas at construction sites.
- Cover all trucks hauling soil, sand, and other loose materials or require all trucks to maintain at least two feet of freeboard (i.e., the minimum required space between the top of the load and the top of the trailer).
- Sweep daily (with water sweepers using reclaimed water if possible), or as often as needed, all paved access roads, parking areas, and staging areas at the construction site to control dust.
- Sweep public streets daily (with water sweepers using reclaimed water if possible) in the vicinity of the project site, or as often as needed, to keep streets free of visible soil material.
- Hydroseed or apply non-toxic soil stabilizers to inactive construction areas.
- Enclose, cover, water twice daily, or apply non-toxic soil binders to exposed stockpiles (dirt, sand, etc.).
- Limit vehicle traffic speeds on unpaved roads to 15 miles per hour.
- Replant vegetation in disturbed areas as quickly as possible.
- Install sandbags or other erosion control measures to prevent silt runoff from public roadways.

Adherence to the BAAQMD's BMPs for reducing construction emissions of PM₁₀ and PM_{2.5} would ensure that ground-disturbing activities would not generate a significant amount of fugitive dust. Fugitive dust impacts would be *less than significant* with mitigation.

Implementation of Mitigation Measure AQ-1a (AIR -1, above) is required per General Plan EIR Mitigation Measure AQ-2a (AIR-2) that was previously adopted by the City and incorporated into the General Plan. Mitigation Measure AIR-1 will be made a condition of project approval.

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Construction Exhaust Emissions

Simultaneous construction of more than one land use type, as proposed by the proposed project, has the potential to generate a substantial increase in criteria air pollutant emissions.⁹ Additionally, the proposed building construction phase is expected to overlap with mass grading and paving phases, and may generate criteria air pollutants and precursors that exceed the thresholds of significance. The proposed project would add a 122-room hotel, 188 dwelling units, underground parking, two mixed-use buildings, and outdoor pools and courtyards. The proposed project would exceed the screening criteria for construction-related impacts, as it would construct more than one land use type, overlap construction phases, and require soil export for the underground parking. Therefore, a quantified analysis of the proposed project's construction emissions was conducted.

Construction emissions are based on the construction schedule and equipment list provided by the project Applicant. The proposed project is estimated to take approximately 38 months. To determine potential construction-related air quality impacts, the average daily criteria air pollutants emissions generated by the proposed project-related construction activities are compared to the BAAQMD significance thresholds in Table 5-1. Average daily emissions are based on the annual construction emissions divided by the total number of active construction days.

As shown in Table 5-1, criteria air pollutant emissions from construction equipment exhaust would not exceed the BAAQMD average daily thresholds. Therefore, impacts from project related construction activities to the regional air quality would be *less than significant*, and no mitigation measures are required.

Operation-Related Impacts

Long-term air pollutant emissions are typically associated with the burning of fossil fuels in cars (mobile sources); energy use for cooling, heating, and cooking (energy); and landscape equipment use and household products (area sources). The existing retail and office uses on site generate criteria air pollutant emissions. The project would replace the existing land uses to accommodate the proposed mixed-use project. The primary source of long-term criteria air pollutant emissions generated by the project would be emissions produced from project-generated vehicle trips.

The existing land uses generate a total of 4,610 average daily trips during a weekday. The project would generate a total of 5,205 average daily trips during a weekday, resulting in a net increase in 595 average daily vehicle trips. (See Section XIV, Transportation and Circulation, for more details on traffic modeling conducted on the proposed project.) Additionally, while the proposed project would result in an increase in building square footage on the project site, the project would replace older buildings with newer, more energy-efficient buildings. Table 5-2 identifies the increase in criteria air pollutant emissions associated with the project. As shown in Table 5-2, the net increase in operational emissions generated by the

⁹ Bay Area Air Quality Management District (BAAQMD), 2011 Revised, California Environmental Quality Act (CEQA) Air Quality Guidelines.

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project would not exceed the BAAQMD daily or annual thresholds. Consequently, the project would not cumulatively contribute to the nonattainment designations of the Air Basin. Impacts from project related operation activities to the regional air quality would be *less than significant*, and no mitigation measures are required.

TABLE 5-1 CONSTRUCTION-RELATED CRITERIA AIR POLLUTANT EMISSIONS ESTIMATES

Year	Criteria Air Pollutants (tons/year) ^a					
	VOC	NO _x	Fugitive PM ₁₀ ^b	Exhaust PM ₁₀	Fugitive PM _{2.5} ^b	Exhaust PM _{2.5}
2016	<1	1	<1	<1	<1	<1
2017	1	12	1	1	<1	<1
2018	1	4	<1	<1	<1	<1
2019	5	4	<1	<1	<1	<1
Total	6	20	1	1	<1	1

	Criteria Air Pollutants (average lbs/day) ^a					
Average Daily Emissions^c	15	49	3	2	1	2
BAAQMD Average Daily Project-Level Threshold	54	54	BMPs	82	BMPs	54
Exceeds Average Daily Threshold	No	No	NA	No	NA	No

Notes: Total emissions may not equal the sum of annual emissions shown due to rounding.

BMP = Best Management Practices; NA: not applicable

a. Construction phasing and equipment mix are based on the preliminary information provided by the project Applicant. Where specific information regarding project-related construction activities was not available, construction assumptions were based on California Emissions Estimator Model (CalEEMod) defaults, which are based on construction surveys conducted by South Coast Air Quality Management District of construction equipment and phasing for comparable projects.

b. Includes implementation of BMPs for fugitive dust control required by BAAQMD as mitigation, including watering disturbed areas a minimum of two times per day, reducing speed limit to 15 miles per hour on unpaved surfaces, and street sweeping.

c. Average daily emissions are based on the total construction emissions divided by the total number of active construction days. The total number of construction days is estimated to be 826.

Source: California Emissions Estimator Model (CalEEMod) 2013.2.2.

Table 5-2 shows the emissions that would be generated with the implementation of Mitigation Measure AQ-1b (AIR-1). Mitigation Measure AQ-1b (AIR-1) requires using construction equipment with Tier 3 engines. As shown in Table 5-1, the results indicate that with mitigation, emissions for NO_x would be reduced to below the BAAQMD average daily thresholds. Therefore, impacts from project related construction activities to the regional air quality would be *less than significant* with implementation of Mitigation Measure AQ-1b (AIR-1).

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TABLE 5-2 OPERATION-RELATED CRITERIA AIR POLLUTANTS EMISSIONS FORECAST

Category	Criteria Air Pollutants (average lbs/day)			
	ROG	NO _x	PM ₁₀	PM _{2.5}
Existing Average Daily				
Area	5	<1	<1	<1
Energy	<1	1	<1	<1
On-Road Mobile Sources	10	7	12	3
Total	15	7	13	3
Project Average Daily				
Area	18	<1	<1	<1
Energy	<1	2	<1	<1
On-Road Mobile Sources	10	8	18	5
Total	28	10	18	5
Net Project Average Daily				
Area	13	<1	<1	<1
Energy	<1	1	<1	<1
On-Road Mobile Sources	<1	2	5	1
Total	13	3	5	2
BAAQMD Average Daily Project-Level Threshold	54	54	82	54
Exceeds Average Daily Threshold	No	No	No	No
Category	Criteria Air Pollutants (tons/year)			
	ROG	NO _x	PM ₁₀	PM _{2.5}
Existing Tons per Year (tpy)	3	1	2	<1
Project Tons per Year (tpy)	5	2	3	1
Net Project Tons per Year (tpy)	2	1	1	<1
BAAQMD Annual Project-Level Threshold	10 tpy	10 tpy	15 tpy	10 tpy
Exceeds Annual Threshold	No	No	No	No

Note: Total emissions may not equal the sum of annual emissions shown due to rounding. New buildings would be constructed to the 2016 Building & Energy Efficiency Standards (effective January 1, 2017). Average daily emissions are based on the annual operational emissions divided by 365 days. Source: California Emissions Estimator Model (CalEEMod) 2013.2.2. Based on year 2020 emission rates.

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- c) *Would the project 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 Standards for ozone precursors or other pollutants)?*

The San Francisco Bay Area Air Basin (SFBAAB) is currently designated as a nonattainment area for California and National AAQS for ozone (O₃) and for PM_{2.5}, and a nonattainment area under the California AAQS for PM₁₀.¹⁰ Any project that does not exceed or can be mitigated to less than the BAAQMD significance levels, used as the threshold for determining major projects, does not add significantly to a cumulative impact.¹¹

Implementation of Mitigation Measure AQ-1b (AIR-1, above) is required per General Plan EIR Mitigation Measure AQ-2b (AIR-2) that was previously adopted by the City and incorporated into the General Plan. Mitigation Measure AQ-1b (AIR-1) will be made a condition of project approval.

The proposed project would have less-than-significant construction impacts (with mitigation for fugitive dust during construction, and construction-related off-site community risk and hazards), operational impacts (including 2010 Bay Area Clean Air Plan consistency, odors, and CO hotspots), and on-site community risk and hazards. Consequently, the proposed project's contribution to cumulative air quality impacts would be *less than significant*, and no mitigation measures are required.

- d) *Would the project expose sensitive receptors to substantial pollutant concentrations?*

The following describes changes in localized impacts from short-term construction activities and long-term operation of the proposed project.

Construction Off-Site Community Risk and Hazards

The proposed project would elevate concentrations of TACs and PM_{2.5} in the vicinity of sensitive land uses during construction activities. The BAAQMD has developed screening tables for air toxics evaluation during construction that evaluate construction-related health risks associated with residential, commercial, and industrial projects.¹² According to the screening tables, construction activities occurring within 328 feet (100 meters) of sensitive receptors would result in potential health risks and warrant a health risk analysis. The sensitive land use nearest to the project site are the apartments approximately 130 feet northwest of the edge of the project site, across Alves Drive and Bandlely Drive. Thus, construction activities in relation to sensitive receptors could occur within the BAAQMD construction-related health risk screening distance. Consequently, a construction Health Risk Assessment (HRA) of TACs and PM_{2.5} was prepared (see Appendix C to this Initial Study). An evaluation of construction risks for school-based sensitive receptors within 1,000 feet of the project was also included in the HRA. The

¹⁰ California Air Resources Board, 2014, Area Designations: Activities and Maps, <http://www.arb.ca.gov/desig/adm/adm.htm>, accessed on April 18, 2016.

¹¹ Bay Area Air Quality Management District, 2011 Revised, California Environmental Quality Act Air Quality Guidelines.

¹² Bay Area Air Quality Management District, 2010, Screening Tables for Air Toxics Evaluation During Construction, Version 1.0.

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nearest school-based receptors are St. Joseph of Cupertino School approximately 390 feet east of the site, and Happy Days Child Development Center approximately 850 feet west of the site.

A quantified analysis of the project’s construction emissions was conducted using the California Emissions Estimator Model (CalEEMod), Version 2013.2.2. Construction emissions were based on a 38-month construction duration, construction schedule, and off-road equipment list provided by the project Applicant. The United States Environmental Protection Agency ISCST3, Version 9.1, dispersion modeling program was used to estimate excess lifetime cancer risk, chronic non-cancer hazard index for non-carcinogenic risk, and the PM_{2.5} maximum annual concentrations at the nearest sensitive receptors. Results of the analysis are shown in Table 5-3.

TABLE 5-3 CONSTRUCTION RISK SUMMARY - UNMITIGATED

Receptor	Cancer Risk (per million)	Chronic Hazards	PM _{2.5} (µg/m ³) ^a
Maximum Exposed Receptor – Residences	73.1	0.180	0.46
Maximum Exposed Receptor – School Students	15.7	0.086	0.22
Maximum Exposed Receptor – School Staff	3.22	0.086	0.22
BAAQMD Threshold	10	1.0	0.3
Exceeds Threshold?	Yes	No	Yes

Note: Cancer risk calculated using 2015 OEHHA HRA guidance.

a. From year 2017, which represents the highest maximum annual PM_{2.5} concentration.

Source: Lakes AERMOD View, 9.1 (2015).

The results of the HRA are based on the maximum receptor concentration over a 38-month construction exposure duration for off-site receptors, assuming 24-hour outdoor exposure. Risk is based on the updated California Office of Environmental Health Hazards Assessment (OEHHA) Guidance:¹³

- Cancer risk for the maximum exposed off-site resident at the apartments across Alves Drive from project-related construction emissions was calculated to be 73.1 in a million, which would exceed the 10 in a million significance threshold. Utilizing the 2015 OEHHA guidance, the calculated total cancer risk for the off-site residents incorporates the individual risk for infant and childhood exposures into one risk value. Therefore only one cancer risk value for the off-site residents was determined using the 2015 OEHHA Guidance Manual.
- For school based receptors, the cancer risk for the maximum exposed off-site student at St. Joseph of Cupertino School was calculated to be 15.7 in a million, which would exceed the 10 in a million significance threshold. The cancer risk for the maximum exposed off-site adult staff at St. Joseph of Cupertino School was calculated to be 3.22 in a million, which would not exceed the 10 in a million significance threshold.

¹³ Office of Environmental Health Hazard Assessment, 2015, Air Toxics Hot Spots Program Guidance Manual for Preparation of Health Risk Assessments.

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- For non-carcinogenic effects, the chronic hazard index identified for each toxicological endpoint totaled less than one for off-site sensitive receptors from the proposed project. Therefore, chronic non-carcinogenic hazards are within acceptable limits.

The highest PM_{2.5} annual concentrations at the maximum exposed off-site sensitive resident would exceed the BAAQMD significance threshold of 0.3 micrograms per cubic meter (µg/m³). For school-based receptors, the highest PM_{2.5} annual concentrations at the maximum exposed off-site students and adult staff would not exceed the BAAQMD significance threshold of 0.3 µg/m³.

Cancer risk and PM_{2.5} annual concentrations for the maximum exposed off-site resident and cancer risk for the maximum exposed off-site school student would exceed BAAQMD's significance thresholds due to construction activities associated with the proposed project.

Mitigation Measure AIR-2: During construction, the construction contractor(s) shall use construction equipment fitted with Level 3 Diesel Particulate Filters (DPF) and engines that meet the United States Environmental Protection Agency Certified Tier 3 emissions standards for equipment of 50 horsepower or more. The construction contractor shall maintain a list of all operating equipment in use on the project site for verification by the City of Cupertino Building Division official or his/her designee. The construction equipment list shall state the makes, models, and number of construction equipment on-site. Equipment shall be properly serviced and maintained in accordance with manufacturer recommendations. The construction contractor shall ensure that all nonessential idling of construction equipment is restricted to five minutes or less in compliance with California Air Resources Board Rule 2449. Prior to issuance of any construction permit, the construction contractor shall ensure that all construction plans submitted to the City of Cupertino Planning Department and/or Building Division clearly show the requirement for Level 3 DPF and EPA Tier 3 or higher emissions standards for construction equipment over 50 horsepower.

Implementation of Mitigation Measure AQ-1b (AIR-1) is required per General Plan EIR Mitigation Measure AQ-2b (AIR-2) that was previously adopted by the City and incorporated into the General Plan. Mitigation Measure AQ-1b (AIR-1) will be made a condition of project approval.

Mitigation Measure AIR-2 requires using construction equipment with Level 3 DPFs and Tier 3 engines and would reduce the project's localized construction emissions. The mitigated health risk values are summarized in Table 5-4. The results indicate that, with mitigation, cancer risk and PM_{2.5} impacts would be less than the BAAQMD's significance thresholds for residential and school-based receptors. Consequently, the project would not expose sensitive receptors to substantial concentrations of air pollutant emissions during construction and impacts would be *less than significant* with mitigation.

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TABLE 5-4 CONSTRUCTION RISK SUMMARY – MITIGATED

Receptor	Cancer Risk (per million)	Chronic Hazards	PM _{2.5} (µg/m ³) ^a
Maximum Exposed Receptor – Residences	8.27	0.019	0.16
Maximum Exposed Receptor – School Students	1.65	0.009	0.074
Maximum Exposed Receptor – School Staff	0.34	0.009	0.074
BAAQMD Threshold	10	1.0	0.3
Exceeds Threshold?	No	No	No

Notes: Cancer risk calculated using 2015 OEHHA HRA guidance.

Risks incorporate Mitigation Measure AIR-2, which includes using construction equipment with Level 3 Diesel Particulate Filters and Tier\ 3 engines.

a. From year 2017, which represents the highest maximum annual PM_{2.5} concentration.

Source: Lakes AERMOD View, 9.1 (2015).

Operation On-Site Community Risk and Hazards

The proposed project would not create new major sources of TACs or PM_{2.5}. Evaluation of impacts of the environment on the proposed project is not an environmental impact unless it would exacerbate an environmental hazard (*California Building Industry Association v BAAQMD [2015]*). Siting sensitive receptors proximate to existing sources of TACs and PM_{2.5} would not exacerbate the environmental hazard. However, when siting new sensitive receptors, the BAAQMD CEQA Guidelines recommend examining sources of TACs and PM_{2.5} emissions within 1,000 feet that would adversely affect individuals within the project. This analysis has been incorporated into the environmental assessment in order for the City to consider potential health and welfare implications from siting new sensitive receptors.

BAAQMD has developed screening tools to identify stationary and mobile sources of TACs and PM_{2.5} in the vicinity of sensitive land uses, and developed screening thresholds for assessing potential health risks from these sources. According to BAAQMD’s database of existing stationary sources, ten stationary sources were identified within 1,000 feet of the project site. In addition, two high volume roadways with over 10,000 vehicles per day were identified within 1,000 feet of the project site (i.e., De Anza Boulevard and Stevens Creek Boulevard).

BAAQMD provides screening level health risk values for stationary sources through their Stationary Source Inquiry Forms program.¹⁴ For roadway sources, BAAQMD has developed a Roadway Screening Analysis Calculator to provide screening level health risks.¹⁵ The results of the HRA are shown in Table 5-5.

¹⁴ Bay Area Air Quality Management District, 2012, Stationary Source Inquiry Form.

¹⁵ Bay Area Air Quality Management District, 2015, Roadway Screening Analysis Calculator.

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TABLE 5-5 ON-SITE RISK SUMMARY

Emissions Sources	Cancer Risk (per million)	Chronic Hazards	Acute Hazards	PM _{2.5} (µg/m ³)
Project Level Risk				
De Anza Boulevard ^a	8.21	0.030	0.030	0.16
Stevens Creek Boulevard ^a	7.32	0.030	0.030	0.14
De Anza Carwash ^b	3.65	0.06	0.006	n/a
Apple Inc. ^b	3.53	0.001	0.014	0.17
Target Store T-0323 ^b	0.00	0.00	0.00	0.24
Chevron 5954 ^b	8.26	0.014	0.053	n/a
Verona Owners Association ^b	1.58	0.001	0.006	0.004
Cypress Hotel ^b	4.42	0.001	0.001	0.014
Beacon Gas Station ^b	1.52	0.003	0.038	n/a
Sierra Cleaners ^b	0.00	0.00	0.00	0.00
Dryclean Pro ^b	0.00	0.00	0.00	0.00
Cupertino City Center Buildings ^b	3.13	0.001	0.028	0.018
BAAQMD Project-Level Threshold	10	1.0	1.0	0.3
Exceeds Threshold	No	No	No	No
Cumulative Level Risk				
Total Cumulative Risk from All Sources	41.6	0.086	0.21	0.59
BAAQMD Project-Level Threshold	100	10.0	10.0	0.8
Exceeds Threshold	No	No	No	No

Note: Cancer risk calculated using 2015 OEHHA HRA guidance.

Sources: a. BAAQMD Roadway Screening Analysis Calculator (2015).

b. BAAQMD Stationary Source Inquiry Form (2012).

The results of the screening level HRA are based on the maximum receptor concentration for on-site receptors. Additionally, the calculated cancer risk is based on the updated OEHHA Guidance.¹⁶

- The screening level excess cancer risks for on-site residents from each identified source range from zero to 8.26 in a million, which are less than the 10 in a million BAAQMD significance threshold for

¹⁶ Office of Environmental Health Hazard Assessment, 2015, Air Toxics Hot Spots Program Guidance Manual for Preparation of Health Risk Assessments.

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individual sources. Additionally, the combined excess cancer risk for on-site residents from the identified sources is also less than the 100 in a million BAAQMD cumulative significance threshold.

- For non-carcinogenic effects, the chronic and acute non-carcinogenic hazard indexes identified for each toxicological endpoint totaled less than one for on-site residents. Therefore, chronic non-carcinogenic hazards are within acceptable limits.
- The individual and cumulative PM_{2.5} annual concentrations for on-site residents would also not exceed BAAQMD's significance thresholds.

As the cancer risk, chronic and acute non-carcinogenic hazard indexes, and PM_{2.5} concentrations for on-site receptors would not exceed the respective BAAQMD significance thresholds, health risk impacts to future on-site receptors are considered *less than significant*, and no mitigation measures are required.

Carbon Monoxide Hotspot Analysis

Areas of vehicle congestion have the potential to create pockets of CO are called hotspots. These pockets have the potential to exceed the State one-hour standard of 20 parts per million (ppm) or the eight-hour standard of 9 ppm. The proposed project would not conflict with the Santa Clara Valley Transportation Authority (VTA) Congestion Management Program (CMP) because it would not hinder the capital improvements outlined in the CMP or alter regional travel patterns. VTA's CMP must be consistent with the Metropolitan Transportation Commissions' (MTC) and the Association of Bay Area Government's (ABAG) *Plan Bay Area*. An overarching goal of the regional plan is to concentrate development in areas where there are existing services and infrastructure, rather than allocate new growth to outlying areas where substantial transportation investments would be necessary to achieve the per capita passenger vehicle, vehicle miles traveled, and associated greenhouse gas (GHG) emissions reductions. The proposed project is a residential development and would be consistent with the overall goals of the MTC's/ABAG's *Plan Bay Area*. Furthermore, under existing and future vehicle emission rates, a project would need to increase traffic volumes at a single intersection by more than 44,000 vehicles per hour—or 24,000 vehicles per hour¹⁷ where vertical and/or horizontal air does not mix (e.g., in a tunnel)—in order to generate a significant CO impact.. Therefore, impacts associated with CO hotspots for the proposed project would be *less than significant*, and no mitigation measures are required.

e) *Would the project create objectionable odors affecting a substantial number of people?*

The proposed project is a residential and commercial development. Construction and operation of residential developments, hotels, and restaurants 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 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. Residential uses are not associated with foul odors that constitute a public nuisance.

¹⁷ Bay Area Air Quality Management District, 2011 Revised, California Environmental Quality Act Air Quality Guidelines.

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During operation, residences and restaurants could generate odors from cooking. Odors from cooking are not substantial enough to be considered nuisance odors that would affect a substantial number of people. Furthermore, nuisance odors are regulated under BAAQMD Regulation 7, Odorous Substances, which requires abatement of any nuisance generating an odor complaint. BAAQMD’s Regulation 7, Odorous Substances, places general limitations on odorous substances and specific emission limitations on certain odorous compounds.¹⁸ In addition, odors are also regulated under BAAQMD Regulation 1, Rule 1-301, Public Nuisance, which states that “no person shall discharge from any source whatsoever such quantities of air contaminants or other material which cause injury, detriment, nuisance or annoyance to any considerable number of persons or the public; or which endangers the comfort, repose, health or safety of any such persons or the public, or which causes, or has a natural tendency to cause, injury or damage to business or property.”

During construction activities, construction equipment exhaust and application of asphalt and architectural coatings would temporarily generate odors. Any construction-related odor emissions would be temporary and intermittent. Additionally, noxious odors would be confined to the immediate vicinity of the construction equipment. By the time such emissions reach any sensitive receptor sites, they would be diluted to well below any level of air quality concern.

Therefore, the project would not generate substantial odors during construction and operation and impacts would be less than significant. Because existing sources of odors are required to comply with BAAQMD Regulation 7, impacts to siting of new sensitive land uses near the existing odor sources would also be *less than significant*, and no mitigation measures are required.

III. BIOLOGICAL RESOURCES

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant	No Impact
a) Have a substantial adverse effect, either directly or through habitat modifications, on a plant or animal population, or essential habitat, defined as a candidate, sensitive or special-status species?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community type?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

¹⁸ It should be noted that while restaurants can generate odors, these sources are not identified by BAAQMD as nuisance odors since they typically do not generate significant odors that affect a substantial number of people. Larger restaurants that employ five or more people are subject to BAAQMD Regulation 7, Odorous Substances.

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Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant	No Impact
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act, through direct removal, filling, hydrological interruption, or other means?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species, their wildlife corridors or nursery sites?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Conflict with any local ordinances or policies protecting biological resources?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) Conflict with 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"/>

GENERAL PLAN EIR

Chapter 4.3, Biological Resources, of the General Plan EIR addressed the impacts to biological resources associated with intensified development of the project site. Impacts to biological resources were found to be less than significant and less than significant with implementation of mitigation measures to ensure impacts to birds protected under the Migratory Bird Treaty Act (MBTA) would not be significant. The project is required to comply with the General Plan EIR Mitigation Measure BIO-1 to ensure the protection of nesting raptors and other birds when in active use, as required by the federal Migratory Bird Treaty Act (MBTA) and the California Department of Fish and Game Code.

EXISTING CONDITIONS

The project site and surrounding area has been urbanized and now supports roadways, structures, other impervious surfaces, areas of turf, and ornamental landscaping. Remnant native trees are scattered throughout this urbanized area, together with non-native trees, shrubs, and groundcovers. A recent tree survey evaluated 90¹⁹ trees on the site that represent 15 species.²⁰ All trees appeared to have been planted as part of landscaping the site when the property was developed and the City’s tree protection ordinance recognizes all development trees as “protected” trees.²¹ While coast redwood is native to California, and was planted on the site, no trees of this species are indigenous to the project site.

¹⁹ Dahlin Group, 2016, Marina Plaza Planned Development Plans dated March 15, 2016, page L0.02.

²⁰ Preliminary Arborist Survey, Marina Plaza, prepared for Bruce Jett Associates, Inc. by HortScience, Inc. September 2015. See Appendix B, Arborist Report, of this Initial Study.

²¹ The City of Cupertino Municipal Code (Section 14.80.050) defines “protected” trees.

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Using data from the Classification and Assessment with Landsat of Visible Ecological Groupings (CALVEG)²² habitat mapping program, the site is classified as an “urban area” that tends to have low to poor wildlife habitat value due to replacement of natural communities, fragmentation of remaining open space areas and parks, and intensive human disturbance. The diversity of wildlife in urban areas depends on the extent and type of landscaping and remaining open space, as well as the proximity to natural habitat. Trees and shrubs used for landscaping provide nest sites and cover for wildlife adapted to developed areas. Typical native bird species include the mourning dove, scrub jay, northern mockingbird, American robin, brown towhee, American crow, and Anna’s hummingbird, among others. Introduced species include the rock dove, European starling, house finch, and house sparrow. Urban areas can also provide habitat for several species of native mammals, such as the California ground squirrel and striped skunk, as well as the introduced eastern fox squirrel and eastern red fox. Introduced pest species such as the Norway rat, house mouse, and opossum are also abundant in developed areas.

Wetlands and jurisdictional waters within the city boundary include creek corridors and associated riparian scrub and woodland, and areas of freshwater marsh around ponds, seeps, springs, and other waterbodies. Some remnant stands of riparian scrub and woodland occur along segments of the numerous creeks through the urbanized valley floor. The project site does not encompass these creek corridors or contain other regulated waters.

The California Natural Diversity Database (CNDDDB) has no record of special-status plant or animal species on the project site or urbanized areas surrounding the project site. There is a possibility that birds could nest in trees and other landscaping on the project site. The nests of most bird species are protected under the MBTA when in active use and there is a remote possibility that one or more raptor species protected under the MBTA and California Fish and Game Code could nest on the project site. These include both the Cooper’s hawk (*Accipiter cooperi*) and white-tailed kite (*Elanus leucurus*), which have reported CNDDDB occurrences within the city boundary, together with more common raptors such as red-tailed hawk, great horned owl, and American kestrel, all of which are protected by the MBTA and California Fish and Game Code when their nests are in active use.

The CNDDDB identifies sensitive natural communities that may occur within the undeveloped, western portion of Cupertino, including freshwater marsh, freshwater seeps and springs, willow riparian scrub, riparian forest and woodland, valley oak woodland, redwood forest, associations of chaparral, and native grasslands.²³ These sensitive natural communities are not present within the urbanized areas of the city, including the project site vicinity.

The Santa Clara Valley Habitat Plan (SCVHP) was prepared by Santa Clara County and a number of participating local agencies with the intent of providing a framework to protect, enhance, and restore

²² The CALVEG system was initiated in January 1978 by the Region 5 Ecology Group of the US Forest Service to classify California’s existing vegetation communities for use in statewide resource planning. CALVEG maps use a hierarchical classification on the following categories: forest; woodland; chaparral; shrubs; and herbaceous.

²³ City of Cupertino, 2014, General Plan Amendment, Housing Element Update, and Associated Rezoning Draft EIR, page 4.3-8.

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natural resources in specific areas of the county, while improving and streamlining the environmental permitting process for impacts on threatened and endangered species. The City of Cupertino was not a participating local agency in the SCVHP, and the Study Area and permit area for the SCVHP do not include any of the locations within the city boundary. Therefore, the properties within the Cupertino city boundary, including the project site are not covered by the SCVHP.²⁴

DISCUSSION

a) *Would the project have a substantial adverse effect, either directly or through habitat modifications, on a plant or animal population, or essential habitat, defined as a candidate, sensitive or special-status species?*

As stated above in the existing conditions discussion, there are no known occurrences of special-status plant or animal species and no suitable habitat for such species on the project site, but there is a possibility that birds that are protected by the MBTA could nest in trees and other landscaping on the project site. The analysis in the General Plan EIR found that impacts to special-status species, including nesting birds, would be reduced to a less-than-significant level with mitigation. Accordingly, the following mitigation would be required for the project to reduce impacts to a *less-than-significant* level.

Mitigation Measure BIO-1: Nests of raptors and other birds shall be protected when in active use, as required by the federal Migratory Bird Treaty Act and the California Department of Fish and Game Code. If construction activities and any required tree removal occur during the breeding season (February 1 and August 31), a qualified biologist shall be required to conduct surveys prior to tree removal or construction activities. Preconstruction surveys are not required for tree removal or construction activities outside the nesting period. If construction would occur during the nesting season (February 1 to August 31), preconstruction surveys shall be conducted no more than 14 days prior to the start of tree removal or construction. Preconstruction surveys shall be repeated at 14-day intervals until construction has been initiated in the area after which surveys can be stopped. Locations of active nests containing viable eggs or young birds shall be documented and protective measures implemented under the direction of the qualified biologist until the nests no longer contain eggs or young birds. Protective measures shall include establishment of clearly delineated exclusion zones (i.e., demarcated by identifiable fencing, such as orange construction fencing or equivalent) around each nest location as determined by a qualified biologist, taking into account the species of birds nesting, their tolerance for disturbance and proximity to existing development. In general, exclusion zones shall be a minimum of 300 feet for raptors and 75 feet for passerines and other birds. The active nest within an exclusion zone shall be monitored on a weekly basis throughout the nesting season to identify signs of disturbance and confirm nesting status. The radius of an exclusion zone may be increased by the qualified biologist if project activities are determined to be adversely affecting the nesting birds. Exclusion zones may be reduced by the qualified biologist only in consultation with California Department of Fish and Wildlife. The protection measures shall remain in effect until the young have left the nest and are foraging independently or the nest is no longer active.

²⁴ Santa Clara Valley Habitat Conservation Plan, Chapter 1, Introduction, Figure 1-1, Regional Location of the Habitat Plan Study Area.

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Implementation of Mitigation Measure BIO-1 is required per General Plan EIR Mitigation Measure BIO-1 that was previously adopted by the City and incorporated into the General Plan. Mitigation Measure BIO-1 will be made a condition of project approval.

b) *Would the project have a substantial adverse effect on any riparian habitat or other sensitive natural community type?*

As discussed in the existing conditions above and determined in the General Plan EIR, development of the proposed project would occur in an urbanized area where sensitive natural communities are absent; therefore, *no impact* would occur, and no mitigation measures would be required.

c) *Would the project have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act, through direct removal, filling, hydrological interruption, or other means?*

As discussed in the existing conditions above and determined in the General Plan EIR, development of the proposed project would occur in urbanized areas where no wetlands or jurisdictional waters occur on or near the project site; therefore, the proposed project would have no direct impacts to wetlands.

Indirect impacts to wetlands and jurisdictional other waters include: 1) an increase in the potential for sedimentation due to construction grading and ground disturbance, 2) an increase in the potential for erosion due to increased runoff volumes generated by impervious surfaces, and 3) an increase in the potential for water quality degradation due to increased levels in non-point pollutants. However, indirect impacts would be largely avoided through effective implementation of Best Management Practices (BMPs) during construction and compliance with water quality controls. As discussed in Section VIII, Hydrology and Water Quality, of this Initial Study, water quality in stormwater runoff is regulated locally by the Santa Clara Valley Urban Runoff Pollution Prevention Program (SCVURPPP), which implements Provision C.3 of the Municipal Regional Permit (MRP) adopted by the San Francisco Bay Regional Water Quality Control Board (RWQCB). Adherence to these permit conditions requires the project to incorporate treatment measures, an agreement to maintain them, and other appropriate source control and site design features that reduce pollutants in runoff to the maximum extent practicable. Many of the requirements involve low impact development (LID) practices such as the use of on-site infiltration that reduce pollutant loading. Implementation of these measures can even improve on existing conditions. In addition, future development would be required to comply with the National Pollutant Discharge Elimination System (NPDES) permit (Cupertino Municipal Code Chapter 9.18, Storm Water Pollution Prevention and Watershed Protection) and implement a construction Storm Water Pollution Prevention Plan (SWPPP) that requires the incorporation of BMPs to control sedimentation, erosion, and hazardous materials contamination of runoff during construction. As discussed in Section VIII, Hydrology and Water Quality, of this Initial Study, indirect impacts to water quality-related issues would be less than significant. Accordingly, indirect impacts to wetlands and jurisdictional waters from the proposed project would be less than significant.

As described above, the proposed project would not have any direct or indirect impacts to wetlands. Therefore, the impact would be *less than significant*, and no mitigation measures would be required.

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- d) *Would the project interfere substantially with the movement of any native resident or migratory fish or wildlife species, their wildlife corridors or nursery sites?*

Development on the project site would occur in an urbanized area where sensitive wildlife resources and important wildlife movement corridors are no longer present because of previous development. Wildlife species common to urban and suburban habitat could be displaced where existing structures are demolished and landscaping is removed as part of future development, but these species are relatively abundant and adapted to human disturbance. Also, as discussed in Chapter 3, the proposed project includes a conceptual landscaping plan, as shown on Figure 10. The proposed tree removal plan and planting plan are shown on Sheets L0.02 and L4.01, respectively, in Appendix A. Consistent with General Plan Policies ES-5.1, Urban Ecosystem, and Strategy, and ES-5.1.2, Built Environment, the Tree Removal and Protection Plan requires planting of native, drought-tolerant trees that are beneficial to the environment. Therefore, project impacts on the movement of fish and wildlife, wildlife corridors, or wildlife nursery sites would be considered *less than significant*, and no mitigation measures would be required.

- e) *Would the project conflict with any local ordinances or policies protecting biological resources?*

As discussed in criteria (a) through (d) above, development of the project site would occur in an urbanized area where sensitive biological and wetland resources are generally considered to be absent, and no major conflicts with the relevant policies or ordinances related to biological resources in the Cupertino General Plan and/or Municipal Code would occur. As discussed in the existing conditions above, the existing on-site trees meet the City of Cupertino's criteria for "protected" trees. However, all trees that are proposed for removal would be removed with a tree removal permit consistent with Chapter 14.18, Protected Trees, of the City's Municipal Code. Therefore, the project would not conflict with any local ordinances or policies protecting biological resources and impacts would be *less than significant*, and no mitigation measures would be required.

- f) *Would the project conflict with an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or State habitat conservation plan?*

As discussed in the existing conditions above, no adopted Habitat Conservation Plan or Natural Community Conservation Plans include the city or the project site. Therefore, the proposed project would not conflict with any adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved conservation plan. *No impact* would occur, and no mitigation measures would be required.

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IV. CULTURAL RESOURCES

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant	No Impact
a) Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	<input type="checkbox"/>	<input checked="" 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"/>
e) Cause a substantial adverse change in the significance of a tribal cultural resources as defined in Public Resources Code 21074?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

GENERAL PLAN EIR

Chapter 4.4, Cultural Resources, of the General Plan EIR addressed the impacts to cultural and Tribal Cultural Resources (TCRs) associated with intensified development of the project site. These impacts were found to be less than significant. The following is a summary of Section, 4.4.1.2, Existing Conditions, of Chapter 4.4, which is based on the cultural resources analysis conducted by Tom Origer and Associates on July 24, 2013, included as Appendix D, Cultural Resources Data, of the General Plan EIR. The cultural resources study consists of archival research at the Northwest Information Center at Sonoma State University, examination of the library and files, field inspection, and contact with the Native American community. As shown in Table 4.4-2, *Cultural Resources in the Project Study Area and Vicinity*, and on Figure 4.4-1, *Cultural Resources*, of the General Plan EIR, there are no identified cultural resources on the project site.

EXISTING CONDITIONS

The buildings located on the 10145 De Anza Boulevard parcels were developed in 1973 and the buildings on the 10118 to 10122 Bandlely Drive parcel were developed in the 1980s. Accordingly, the buildings on the project site are less than 45-years old, and are not considered to be eligible to be in the California Department of Historic Preservation (OHP) filing system.²⁵

²⁵ Office of Historic Preservation, Instructions For Recording Historical Resources, March 1995, page 2.

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A review of the University of California's Museum of Paleontology's (UCMP) fossil locality database was conducted for the City of Cupertino. No paleontological resources have been identified on the project site. However, the presence in Cupertino of Pleistocene deposits that are known to contain fossils indicates that the city overall could contain paleontological resources.

Assembly Bill (AB) 52, which took effect on July 1, 2015, amends the California Environmental Quality Act (CEQA) and adds new sections relating to Native American consultation and certain types of cultural resources. AB 52 requires the CEQA Lead Agency to begin consultation with a California Native American Tribe that is traditionally and culturally affiliated with the geographic area of the proposed project before the determination of whether a negative declaration, mitigated negative declaration, or EIR is required, if the Tribe requests to be informed by the Lead Agency through formal notification of the proposed projects in the area and the Tribe thereafter requests consultation. In addition, AB 52 includes time limits for certain responses regarding consultation. AB 52 also adds "tribal cultural resources" (TCRs) to the specific cultural resources protected under CEQA.²⁶ Section 21084.3 was added to CEQA, which states that "public agencies shall, when feasible, avoid damaging effects to any tribal cultural resources." The Governor's Office of Planning and Research (OPR) has until July 1, 2016, to develop guidelines, and the NAHC has until then to inform tribes which agencies are in their traditional area. In absence of the adopted guidelines, OPR suggests addressing whether the project would cause a substantial adverse change in the significance of a TCR as defined in Public Resources Code 21074. The City has not received any request from any Tribes in the geographic area with which it is traditionally and culturally affiliated to be notified about projects in the city of Cupertino. Nonetheless, the evaluation of potential impacts to TCRs is addressed under criterion (e) below.

DISCUSSION

a) *Would the project cause a substantial adverse change in the significance of a historical resource as defined in Section 15064.5?*

Under CEQA, both prehistoric and historic-period archaeological sites may qualify as historical resources.²⁷ Archaeological resources are addressed in criterion (b), and human remains are addressed below in criterion (d).

The project site currently includes commercial buildings developed in 1973 and the 1980s. As described in the existing conditions discussion above, the existing buildings do not fall within the 45-year time period established for historical resources that should be included in the OHP filing system the California Register of Historical Resources.²⁸ Accordingly, *no impact* to historical architectural resources would occur as a result of project development, and no mitigation measures would be required.

²⁶ CEQA Section 21074.

²⁷ California Code of Regulations, Title 14, Chapter 3, Section 15064.5(c), Determining the Significance of Impacts on Historical and Unique Archeological Resources.

²⁸ Office of Historic Preservation, Instructions For Recording Historical Resources, March 1995, page 2.

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- b) *Would the project cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5?*

Undiscovered historical and pre-contact archaeological deposits that meet the definition of a historical resource under CEQA Section 21084.1 or CEQA Guidelines Section 15064.5 could be present at the project site and could be damaged or destroyed by ground-disturbing construction activities (e.g., site preparation, grading, excavation, and trenching for utilities) associated with development allowed under the proposed project. Should this occur, the ability of the deposits to convey their significance, either as containing information about prehistory or history, or as possessing traditional or cultural significance to Native American or other descendant communities, would be materially impaired.

While the project site is currently developed and the cultural resources study prepared for the General Plan EIR did not identify any known archaeological deposits on the project site, the site could contain previously undiscovered subsurface archaeological deposits, including unrecorded Native American prehistoric archaeological materials. Therefore, any project-related ground-disturbing activities have the potential to affect subsurface prehistoric archaeological resources that may be present. Implementation of Mitigation Measure CULT-1 would reduce impacts to unknown archaeological deposits to a *less-than-significant* level.

Mitigation Measure CULT-1: If any prehistoric or historic subsurface cultural resources are discovered during ground-disturbing activities, all work within 50 feet of the resources shall be halted and a qualified archaeologist shall be consulted to assess the significance of the find according to CEQA Guidelines Section 15064.5. If any find is determined to be significant, representatives from the City and the archaeologist would meet to determine the appropriate avoidance measures or other appropriate mitigation. All significant cultural materials recovered shall be, as necessary and at the discretion of the consulting archaeologist, subject to scientific analysis, professional museum curation, and documentation according to current professional standards. In considering any suggested mitigation proposed by the consulting archaeologist to mitigate impacts to historical resources or unique archaeological resources, the City shall determine whether avoidance is necessary and feasible in light of factors such as the nature of the find, proposed project design, costs, and other considerations. If avoidance is infeasible, other appropriate measures (e.g., data recovery) would be instituted. Work may proceed on other parts of the project site while mitigation for historical resources or unique archaeological resources is being carried out.

- c) *Would the project directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?*

While no paleontological resources have been identified within the project site, because the proposed project requires substantial excavation that could reach significant depths below the ground surface where no such excavation has previously occurred, the project could uncover fossils of potential scientific significance and other unique geologic features that have not been recorded. Ground-disturbing construction associated with development of the proposed project could damage or destroy paleontological resources or unique geologic features. Impacts to paleontological resources on site or

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unique geologic features would be reduced to a *less-than-significant* level with implementation of Mitigation Measure CULT-2.

Mitigation Measure CULT-2: In the event that fossils or fossil-bearing deposits are discovered during construction, excavations within 50 feet of the find shall be temporarily halted or diverted. The contractor shall notify a qualified paleontologist to examine the discovery. The paleontologist shall document the discovery as needed, in accordance with Society of Vertebrate Paleontology standards (Society of Vertebrate Paleontology 1995), evaluate the potential resource, and assess the significance of the finding under the criteria set forth in CEQA Guidelines Section 15064.5. The paleontologist shall notify the appropriate agencies to determine procedures that would be followed before construction is allowed to resume at the location of the find. If the project proponent determines that avoidance is not feasible, the paleontologist shall prepare an excavation plan for mitigating the effect of the project based on the qualities that make the resource important. The excavation plan shall be submitted to the City for review and approval prior to implementation.

d) *Would the project disturb any human remains, including those interred outside of formal cemeteries?*

There are no known human remains on the project site; however, the potential to unearth undiscovered human remains during ground-disturbing activities associated with the construction of the project could occur. Any human remains encountered during ground-disturbing activities associated with the proposed project would be subject to federal, State, and local regulations to ensure no adverse impacts to human remains would occur in the unlikely event human remains are found.

Health and Safety Code Section 7050.5 and the CEQA Guidelines Section 15064.5(e) contain the mandated procedures of conduct following the discovery of human remains. According to the CEQA Guidelines, 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 Native American Heritage Commission (NAHC) within 24 hours, who would, in turn, notify the person the NAHC identifies as the Most Likely Descendants (MLD) 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.

With the mandatory procedures described above, impacts related to the potential discovery or disturbance of any human remains accidentally unearthed during construction activities associated with the proposed project would be *less than significant*, and no mitigation measures would be required.

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e) *Would the proposed project cause a substantial adverse change in the significance of a tribal cultural resources as defined in Public Resources Code 21074?*

A TCR is defined in CEQA Section 21074 as a site, feature, place, or cultural landscape that is geographically defined in terms of size and scope, sacred place, and object with cultural value to a California Native American tribe that is either included or eligible for inclusion in the California Register of Historic Resources or included in a local register of historical resources, or if the City of Cupertino, acting as the Lead Agency, supported by substantial evidence, chooses at its discretion to treat the resource as a TCR.

As discussed under criteria (b) and (d), no known archeological resources, ethnographic sites or Native American remains are located on the project site. As discussed under criterion (b), implementation of Mitigation Measure CULT-1 would reduce impacts to unknown archaeological deposits, including TCRs, to a less-than-significant level. As discussed under criterion (d), compliance with State and federal regulations would reduce the likelihood of disturbing human remains, including those of Native Americans. Therefore, implementation of Mitigation Measure CULT-1 and compliance with State and federal regulations related to the protection of human remains would reduce impacts to TCRs to a *less-than-significant* level.

Mitigation Measure CULT-3: Implement Mitigation Measure CULT-1.

V. GEOLOGY AND SOILS

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant	No Impact
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury or death involving:				
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
ii) Strong seismic ground shaking?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
iii) Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iv) Landslides, mudslides or other similar hazards?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

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Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant	No Impact
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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Be located on expansive soil, creating substantial risks to life or property?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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"/>

GENERAL PLAN EIR

Chapter 4.5, Geology, Soils, and Seismicity, of the General Plan EIR addressed the impacts to geological and seismic-related impacts associated with intensified development of the project site. In addition, a Phase I Environmental Site Assessment Report (ESA)²⁹ dated August 23, 2013 was prepared for the project site by Partner Engineering and Science, Inc. The Phase I ESA is included in Appendix C of this Initial Study. The following discussion is based on project site information available in Section, 4.5.1.2, Existing Conditions, of General Plan EIR Chapter 4.5 as well as information in the Phase I ESA.

EXISTING CONDITIONS

Geology

The City of Cupertino lies in the west-central part of the Santa Clara Valley, a broad, mostly flat alluvial plain that extends southward from the San Francisco Bay. The surficial geology is described as young, unconsolidated Quaternary alluvium. The site is generally flat with elevation ranging from 200 to 270 feet above mean sea level (AMSL).³⁰

²⁹ Partner Engineering and Science, Inc., Phase I Environmental Site Assessment Report, August 23, 2013.

³⁰ United States Geological Survey, http://store.usgs.gov/b2c_usgs/b2c/usgs/netfile?file=//igskahcigssap05/MOD/StoreFiles/DenverPDFs/24K/CA/CA_Cupertino_1981.pdf, accessed on April 8, 2016.

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Soils

Web-accessible soil mapping data compiled by the United States Department of Agriculture's Soil Conservation Survey and the California Soil Resource Laboratory hosted by University of California at Davis were used to identify the major soil types on the project site. Urban land-Flaskan is the predominant soil type on the project site with slopes of 0 to 2 percent. The soil on the project site consists of imported soils, natural sandy loam, and well-drained soils typically found on alluvial fans that are formed from metamorphic or sedimentary rock.³¹

Groundwater

Based on the data published by the California Geological Survey (CGS), the depth to historically high groundwater is more than 50 feet in most of the Cupertino area.³² However, these depths may fluctuate somewhat in response to recent changes in rainfall, impervious cover, and other factors.

Fault Rupture

The San Francisco Bay Area is one of the most seismically active regions in the United States. The significant earthquakes that occur in the Bay Area are generally associated with crustal movement along well-defined active fault zones such as the San Andreas Fault system. Many of these zones exhibit a regional trend to the northwest. The project site is not located within a State-designated Alquist-Priolo Earthquake Fault Zone (known formerly as a Special Studies Zone) or a Santa Clara County-designated Fault Rupture Hazard Zone.³³ No active fault traces are known to cross the site.

Liquefaction

During cyclic ground shaking, such as seismic shaking during an earthquake, cyclically-induced stresses may cause increased pore water pressures within the soil matrix, resulting in liquefaction. Liquefied soil may lose shear strength that may lead to large shear deformations and/or flow failure. Liquefied soil can also settle as pore pressures dissipate following an earthquake. Limited field data are available on this subject; however, settlement on the order of 2 to 3 percent of the thickness of the liquefied zone has been measured in some cases.

Soils most susceptible to liquefaction are loose to moderately dense, saturated, non-cohesive soils with poor drainage, such as sands and silts with interbedded or capping layers of relatively low permeability soil. The site is not located within a seismically induced liquefaction hazard zone, as mapped by the State of California and Santa Clara County.

³¹ Partner Engineering and Science, Inc., Phase I Environmental Site Assessment Report, August 23, 2013, pages 6-7.

³² California Geological Survey, 2002. Seismic Hazard Zone Report for the Cupertino 7.5-Minute Quadrangle, Santa Clara County, California, Seismic Hazard Zone report 068.

³³ Santa Clara County, 2012. Santa Clara County Geologic Hazard Zones, Map 18, updated October 26, 2012.

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Dry Seismic Settlement

If near-surface soils vary in composition both vertically and laterally, strong earthquake shaking can cause non-uniform densification of loose to medium-dense cohesionless soils. Densification can result in the movement of the near-surface soils.

Lateral Spreading

Lateral spreading typically occurs as a form of horizontal displacement of relatively flat-lying alluvial material toward an open or “free” face such as an open body of water, channel, or excavation. In soils, this movement is generally due to failure along a weak plane, and may often be associated with liquefaction. As cracks develop within the weakened material, blocks of soil are displaced laterally toward the open face. Cracking and lateral movement may gradually propagate away from the face as blocks continue to break free. Because of the low potential for liquefaction, the risk of lateral spreading at the site is also considered low.

DISCUSSION

- a) *Would the project expose people or structures to potential substantial adverse effects, including the risk of loss, injury or death involving: (i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault; (ii) Strong seismic ground shaking; (iii) Seismic-related ground failure, including liquefaction; (iv) Landslides, mudslides or other similar hazards?*

Fault Rupture

As discussed in the General Plan EIR, only one Alquist-Priolo Earthquake Fault Zone has been mapped within Cupertino, namely, the zone that flanks the San Andreas Fault in the southwestern most part of the city. Because the site is not located within a State-designated Alquist-Priolo Earthquake Fault Zone or Santa Clara County-designated Fault Rupture Hazard Zone, and no active faults are known to traverse the site, the risk of surface fault rupture is considered low. The impacts from project development as they relate to surface fault rupture are considered *less than significant*. No mitigation measures would be required.

Strong Seismic Ground Shaking

The hazards posed by strong seismic ground shaking during a major earthquake, while variable, are nearly omnipresent in the San Francisco Bay Area. As discussed in the General Plan EIR, in the event of a large, magnitude 6.7 or greater seismic event, much of the city is projected to experience “strong” ground shaking, with the most intense shaking forecast for the northeast part of the city, where the project is located. Adherence to the applicable building code, including conformance to California Building Code (CBC) Site Class and Site Seismic Coefficients, and the City’s building permit requirements would ensure that the impacts associated with strong seismic ground shaking are minimized to the maximum extent

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practicable. Therefore, the impacts of project development as they relate to strong seismic ground shaking would be *less than significant*.

Liquefaction

As described above in the existing conditions discussion, the project site is not located within an area mapped by the State of California and Santa Clara County as having a high potential for seismically induced liquefaction.

As discussed in the General Plan EIR, the potential for seismically induced liquefaction in the vicinity appears low, limited to a very narrow strip of alluvial deposits that flank Calabazas Creek roughly 6 miles northeast of the project site. Accordingly, impacts associated with project development as they may relate to seismically induced liquefaction would be *less than significant*, and no mitigation measures would be required.

Landslides

The site is generally flat with elevation ranging from 200 to 270 feet AMSL. The project site is not located within an area mapped by the State of California or Santa Clara County as having a high potential for seismically induced landslides. Therefore, impacts associated with project development as they may relate to seismically induced landslides would be *less than significant*, and no mitigation measures would be required.

b) *Would the project result in substantial soil erosion or the loss of topsoil?*

Substantial soil erosion or loss of topsoil during construction could, in theory, undermine structures and minor slopes during development of the project site. However, compliance with existing regulatory requirements, such as the implementation of grading erosion control measures specified in the CBC and the City of Cupertino's Municipal Code, would reduce impacts from erosion and the loss of topsoil.

Examples of these control measures are BMPs such as hydroseeding or short-term biodegradable erosion control blankets; vegetated swales, silt fences, or other forms of protection at storm drain inlets; post-construction inspection of drainage structures for accumulated sediment; and post-construction clearing of debris and sediment from these structures.

Section 16.08.110 of the Municipal Code requires the preparation and submittal of Interim Erosion and Sediment Control Plans for all projects subject to City-issued grading permits, which would minimize the removal of topsoil, avoid overly steep cut and/or fill slopes, and protect existing vegetation during grading operations. These requirements are applicable to residential development projects. Adherence to these regulations would help ensure that the impacts of project development as they relate to substantial soil erosion or loss of topsoil would be *less than significant*. No mitigation measures would be required.

ENVIRONMENTAL ANALYSIS

- c) *Would the project 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?*

As discussed in criterion (a), the project site is not located within an area mapped as having significant potential for seismically induced liquefaction. Because of the low potential for liquefaction, the risk of lateral spreading at the site would also be low.

As previously discussed in the existing conditions discussion, the project site is generally flat with on-site elevations ranging from 200 to 270 feet AMSL. The properties surrounding the project site are also typified by low topographic relief. Therefore, the risk of landslides is low.

As described above, the project site is not subject to high risks of liquefaction, lateral spreading, or landslides. Therefore, impacts of project development would be *less than significant*, and no mitigation measures would be required.

- d) *Would the project be located on expansive soil, creating substantial risks to life or property?*

Expansive soils can undergo dramatic changes in volume in response to variations in soil moisture content. When wet, these soils can expand; conversely, when dry, they can contract or shrink. Sources of moisture that can trigger this shrink-swell phenomenon can include seasonal rainfall, landscape irrigation, utility leakage, and/or perched groundwater. Expansive soil can develop wide cracks in the dry season, and changes in soil volume have the potential to damage concrete slabs, foundations, and pavement. Special building/structure design or soil treatment are often needed in areas with expansive soils. Expansive soils are typically very fine-grained with a high to very high percentage of clay, typically montmorillonite, smectite, or bentonite clay.

As described in the existing conditions discussion, the soil on the project site consists of natural sandy loam and well-drained soils formed from metamorphic or sedimentary rock. These types of soils typically exhibit low soil plasticity. Therefore, the impacts of project development as they relate to expansive soils are considered *less than significant*. No mitigation measures would be required.

- e) *Would the project 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?*

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 Cupertino, where multiple connections would be made along Alves Drive, North De Anza Boulevard, and Bandley Drive. Therefore, there would be *no impact* from the proposed project associated with soils that are inadequate for the use of septic tanks or alternative wastewater disposal systems. No mitigation measures would be required.

ENVIRONMENTAL ANALYSIS

VI. GREENHOUSE GAS EMISSIONS

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant	No Impact
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

GENERAL PLAN EIR

Chapter 4.6, Greenhouse Gas Emissions, of the General Plan EIR, addresses the cumulative impacts from GHG associated with General Plan buildout, including intensified development of the project site. GHG impacts under the General Plan EIR are less than significant.

EXISTING CONDITIONS

The following impact discussions include and update the existing conditions summary presented in Section 4.6.1.2, Existing Conditions, of General Plan EIR Chapter 4.6.

DISCUSSION

- a) *Would the project generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?*

A project does not generate enough GHG emissions on its own to influence global climate change; therefore, this section measures the project's contribution to the cumulative environmental impact.

Construction Phase

The construction-related GHG emissions associated with the proposed project are shown in Table 5-6. The BAAQMD does not have thresholds of significance for construction-related GHG emissions, however, BAAQMD has identified a threshold of 1,100 MTCO₂e which is used to evaluate construction emissions in order to identify whether or not construction-related GHG emissions would be substantial. The BAAQMD advises that the lead agency should quantify and disclose GHG emissions that would occur during construction and make a determination on the significance of these construction-generated GHG emissions in relation to meeting AB 32 GHG reduction goals GHG emissions from construction activities are one-time, short-term emissions and therefore would not significantly contribute to the long-term

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TABLE 5-6 PROJECT GHG EMISSIONS – CONSTRUCTION PHASE

Category	GHG Emissions (MTCO ₂ e/Year)
2016	109
2017	1,549
2018	717
2019	670
Total Construction Emissions (Years 2017–2020)	3,046
30-Year Amortized Construction	102
BAAQMD Threshold	1,100 MTCO ₂ e/Year
Exceeds BAAQMD Threshold?	No

Note: Total emissions may not equal the sum of annual emissions shown due to rounding. New buildings would be constructed to the 2016 Building & Energy Efficiency Standards (effective January 1, 2017).
Source: California Emissions Estimator Model (CalEEMod) 2013.2.2.

cumulative GHG emissions impacts of the proposed project. One-time, short-term emissions are converted to average annual emissions by amortizing them over the service life of a building. For buildings in general, it is reasonable to look at a 30-year time frame, since this is a typical interval before a new building requires the first major renovation.³⁴ As shown in Table 5-6, when amortized over a 30-year project lifetime, average annual construction emissions from the proposed project would represent a nominal source of GHG emissions and would not exceed BAAQMD’s threshold of 1,100 MTCO₂e. Therefore, construction-related emissions would be *less than significant*, and no mitigation measures are required.

Operational Phase

Development permitted under the proposed project would contribute to global climate change through direct and indirect emissions of GHG from transportation sources, energy (natural gas and purchased energy), water use and wastewater generation, and solid waste generation. The total and net increase in GHG emissions associated with the proposed project are shown in Table 5-7. As shown in Table 5-7, development of the proposed project would result in a net increase of GHG emissions of 1,034 million metric tons of carbon dioxide equivalent (MTCO₂e) per year would not exceed the BAAQMD significance threshold of 1,100 MTCO₂e per year. Therefore, project-related GHG emissions during the operational phase of the proposed project would be *less than significant*, and no mitigation measures are required.

³⁴ International Energy Agency, 2008, *Energy Efficiency Requirements in Building Codes, Energy Efficiency Policies for New Buildings*.

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TABLE 5-7 PROJECT GHG EMISSIONS – OPERATIONAL PHASE

Category	GHG Emissions (MTCO ₂ e/Year)	
	Project	Percent of Total
Existing		
Area	<1	0%
Energy	787	27%
On-Road Mobile Sources	2,059	71%
Waste	39	1%
Water/Wastewater	13	0%
Total	2,899	100%
Proposed Project		
Area	11	0%
Energy	1,311	33%
On-Road Mobile Sources	2,432	62%
Waste	149	4%
Water/Wastewater	49	1%
Total	3,953	100%
Net Change		
Area	11	1%
Energy	524	49%
On-Road Mobile Sources	373	36%
Waste	110	22%
Water/Wastewater	36	3%
Total	1,034	100%
BAAQMD Threshold	1,100 MTCO ₂ e/Year	N/A
Exceeds BAAQMD Threshold?	No	N/A

Note: Emissions may not total to 100 percent due to rounding. New buildings would be constructed to the 2016 Building & Energy Efficiency Standards (effective January 1, 2017).

Source: California Emissions Estimator Model (CalEEMod) 2013.2.2.

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b) *Would the project conflict with an applicable plan, policy, or regulation of an agency adopted for the purpose of reducing the emissions of greenhouse gases?*

Applicable plans adopted for the purpose of reducing GHG emissions include CARB's Scoping Plan, MTC's/ABAG's *Plan Bay Area*, and the City of Cupertino's Climate Action Plan (CAP). A consistency analysis with these plans is presented below.

CARB's Scoping Plan

In accordance with Assembly Bill (AB) 32, the CARB developed the *2008 Scoping Plan* to outline the State's strategy to achieve 1990 level emissions by 2020. To estimate the reductions necessary to do so, CARB projected statewide 2020 business as usual (BAU) GHG emissions (i.e., GHG emissions in the absence of statewide emission reduction measures). CARB identified that the State as a whole would be required to reduce GHG emissions by 28.5 percent from year 2020 BAU to achieve the targets of AB 32.³⁵ A revised BAU 2020 forecast conducted after publication of the *2008 Scoping Plan* by CARB shows that the State would have to reduce GHG emissions by 21.6 percent from BAU without Pavley standards and the 33 percent Renewable Portfolio Standard (RPS) or 15.7 percent from the adjusted baseline (i.e., with Pavley standards and California Renewable Energy Portfolio Standard (33 percent RPS)).³⁶ Statewide strategies to reduce GHG emissions include the Low Carbon Fuel Standard, California Appliance Energy Efficiency regulations; California Building Standards (i.e., California Green Building Standards Code [CALGreen] and Building and Energy Efficiency Standards); California Renewable Energy Portfolio Standard (33 percent RPS); changes in the corporate average fuel economy standards (e.g., Pavley I and Pavley II); and other measures that would ensure the State is on target to achieve the GHG emissions reduction goals of AB 32. Although statewide strategies in the Scoping Plan are not directly applicable to individual projects, these statewide GHG emissions reduction measures that are being implemented over the next five years would reduce the proposed project's GHG emissions.

Additionally, the proposed project would replace older, less energy-efficient structures on-site with newer, more energy-efficient structures, consistent with the recent goals to increase building energy efficiency statewide by 50 percent by 2030 under Executive Order B-30-15. New structures would meet the current Building and Energy Efficiency Standards. The 2016 Building and Energy Efficiency Standards become effective January 1, 2017. The new buildings would also be constructed in conformance with CALGreen, which requires high-efficiency water fixtures for indoor plumbing and water-efficient irrigation systems.

The proposed project would not conflict with statewide programs adopted for the purpose of reducing GHG emissions. The impact would be *less than significant*, and no mitigation measures are required.

³⁵ California Air Resources Board, 2008, *Climate Change Proposed Scoping Plan, a Framework for Change*.

³⁶ California Air Resources Board (CARB), 2012. *Status of Scoping Plan Recommended Measures*. http://www.arb.ca.gov/cc/scopingplan/status_of_scoping_plan_measures.pdf.

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MTC's/ABAG's Plan Bay Area

To achieve MTC's/ABAG's sustainable vision for the Bay Area, the *Plan Bay Area* land use concept plan for the region concentrates the majority of new population and employment growth in the region in Priority Development Areas (PDAs). PDAs are transit-oriented, infill development opportunity areas within existing communities. Overall, well over two-thirds of all regional growth by 2040 is allocated to PDAs. PDAs are expected to accommodate 80 percent (or over 525,570 housing units) of new housing and 66 percent (or 744,230 jobs) of new jobs. Consequently, an overarching goal of the regional plan is to concentrate development in areas where there are existing services and infrastructure rather than allocate new growth to outlying areas where substantial transportation investments would be necessary to achieve the per capita passenger vehicle, vehicle miles traveled, and associated GHG emissions reductions. The proposed project is within the Santa Clara Valley Transportation Authority: City Cores, Corridors, and Station Areas PDA. The mixed-use project is consistent with the overall goals and objectives for this PDA, which include encouraging mixed-use residential and commercial development within walking distance of a transit route and pedestrian and bicycle infrastructure that connects these land uses together. Growth within this PDA is consistent with ABAG projections and would not exceed regional population and employment projections. The proposed project would be consistent with the overall goals of Plan Bay Area. Therefore, the proposed project would not conflict with the land use concept plan for the City of Cupertino identified in the *Plan Bay Area*. The impact would be *less than significant*, and no mitigation measures are required.

City of Cupertino Climate Action Plan

The Cupertino CAP is a strategic planning document that identifies sources of GHG emissions within the city limit; presents current and future emissions estimates; identifies a GHG reduction target for future years; and presents strategic goals, measures, and actions to reduce emissions from the energy, transportation and land use, water, solid waste, and green infrastructure sectors. The emissions reduction strategies developed by the City follow the BAAQMD's CEQA Guidelines (2011) and the corresponding criteria for a Qualified Greenhouse Gas Emissions Reduction Program as defined by the BAAQMD, which in turn were developed to comply with the requirements of AB 32 and achieve the goals of the CARB's AB 32 Scoping Plan. A qualified GHG emissions reduction strategy adopted by a local jurisdiction should include the elements below, as described in CEQA Guidelines Section 15183.5. The following BAAQMD CEQA Guidelines (2011) provide the methodology to determine whether a GHG reduction program meets these requirements:

- Quantify GHG emissions, both existing and projected over a specified time period, resulting from activities within a defined geographic area.
- Establish a level, based on substantial evidence, below which the contribution to GHG emissions from activities covered by the plan would not be cumulatively considerable.
- Identify and analyze the GHG emissions resulting from specific actions or categories of actions anticipated within the geographic area.

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- Specify measures or a group of measures, including performance standards, which substantial evidence demonstrates, if implemented on a project-by-project basis, would collectively achieve the specified emissions level.
- Establish a mechanism to monitor the plan's progress toward achieving the level and to require amendment if the plan is not achieving specified levels.
- Be adopted in a public process following environmental review.

The City's CAP meets BAAQMD guidelines as follows:

- The CAP quantifies citywide GHG emissions, both existing and projected over the specified time period, resulting from activities within the city as defined by the City's General Plan.
- The CAP establishes a level, based on substantial evidence, below which the contribution of emissions from activities covered by the plan would not be cumulatively considerable.
- CAP policy provisions reduce emissions to 15 percent below 2005 levels by 2020.
- CAP policy provisions reduce emissions to 35 percent below 2005 levels by 2030.
- CAP policy provisions provide a foundation for the City to reach the goal of reducing emissions to 80 percent below 1990 levels by 2050.
- The CAP identifies and analyzes the emissions resulting from specific actions or categories of actions anticipated within the city.
- The CAP specifies measures or a group of measures, including performance standards.
- The CAP establishes a mechanism to monitor its progress toward achieving the level and to require amendment if the plan is not achieving specific levels.

The reduction measures proposed in the CAP build on inventory results and key opportunities prioritized by City staff, members from the community, and elected officials. The strategies in the CAP consist of measures and actions that identify the steps the City will take to support reductions in GHG emissions. The City of Cupertino will achieve these reductions in GHG emissions through a mix of voluntary programs and new strategic standards. The standards presented in the CAP respond to the needs of development, avoiding unnecessary regulation, streamlining new development, and achieving more efficient use of resources.

The proposed project is generally consistent with the GHG inventory contained in the CAP. Both the existing and projected GHG inventory contained in the City's CAP were derived based on the land use designations and associated densities defined in the City's General Plan and Housing Element. The City of Cupertino General Plan Land Use Diagram designates the larger of the two parcels on the project site as High Density with greater than 35 dwelling units per acre. As described in the Housing Element, the maximum density on the project site is 35 dwelling units per acre and the realistic capacity is a net

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increase of 200 units.³⁷ Commercial uses, including hotel development, are allowed on the second, smaller site if adequate hotel rooms are available in the General Plan and a Conditional Use Permit is obtained. Mixed-use commercial development with supporting residential uses at a density of 25 dwelling units per acre may also be alternatively allowed on the smaller site if residential allocation is available and a Conditional Use Permit is obtained. The proposed project is generally consistent with these land use designations. Because the project proposes the incorporation of Below Market Rate (BMR) units, the project is entitled to increase the proposed number of housing units consistent with the State's density bonus law and the City's density bonus ordinance. Through the incorporation of the density bonus, the mixed-use parcel will have a residential density of approximately 47 dwelling units per acre. Therefore, since the project is consistent with the City's General Plan and proposed development is within the development capacity assumed in the Housing Element, it is also consistent with the GHG inventory contained in the CAP.

The proposed project also incorporates several design elements that would encourage alternative forms of transportation and reduce energy demand. In exchange for providing below market rate units, the proposed project is requesting a parking reduction and the project would provide a total of 164 bicycle parking stalls on-site. The proposed project will also provide electric vehicle (EV) charging stations as parking stalls. The residential component of the proposed project has been designed to meet the Leadership in Energy and Environmental Design (LEED) 2009 for Home standards, and the non-residential component has been designed to meet LEED 2009 for Core and Shell Development.

In addition, a specific project proposal is considered consistent with the Cupertino CAP if it complies with the "required" GHG reduction measures contained in the adopted CAP. The required GHG reduction measures applicable to the proposed project include the following:

- Measure C-E-1 Energy Use Data and Analysis: Increase resident and building owner/tenant/operator knowledge about how, when, and where building energy is used.
- Measure C-W-1 SB-X7-7: Implement water conservation policies contained within Cupertino's Urban Water Management Plan to achieve 20 percent per capita water reduction by 2020.
- Measure C-SW-1 Zero Waste Goal: Maximize solid waste diversion community-wide through preparation of a zero-waste strategic plan.
- Measure C-SW-3 Construction & Demolition Waste Diversion Program: Continue to enforce diversion requirements in City's Construction & Demolition Debris Diversion and Green Building Ordinances.

The proposed project would not make any changes to current City standards. Development in Cupertino, including the proposed project, is required to adhere to City-adopted policy provisions, including those contained in the adopted CAP. The City ensures the provisions of the Cupertino CAP are incorporated into projects and their permits through development review and applications of conditions of approval as

³⁷ Cupertino 2014-2022 Housing Element, Table HE-5, Summary of Priority Housing Element Sites To Meet The RHNA-Scenario A.

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applicable. Therefore, the impact would be *less than significant*, and no mitigation measures would be required.

VII. HAZARDS AND HAZARDOUS MATERIALS

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant	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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Emit hazardous emissions or handle hazardous materials, substances or waste within one-quarter mile of an existing or proposed school?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 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, result in a safety hazard for people living 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, result in a safety hazard for people living 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 type="checkbox"/>	<input checked="" type="checkbox"/>

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GENERAL PLAN EIR

Chapter 4.7, Hazards and Hazardous Materials, of the General Plan EIR addressed the hazards- and hazardous materials-related impacts as a result of intensified development of the project site. These impacts were found to be less than significant.

EXISTING CONDITIONS

The project site was developed in 1973 and the 1980s. The Phase I ESA did not identify any visible evidence of asbestos-containing materials (ACM) or lead-based paint (LBP) on the project site. These materials have been regulated in construction since the early 1970s. The Phase I ESA identifies that all suspect ACMs and painted surfaces are in good condition and do not currently pose a health or safety concern to project site occupants. However, due to the age of the property and on-site buildings, there is a potential that ACMs are present on the site that could be disturbed as part of the project site redevelopment.³⁸

There are no known hazardous materials sites located on the project site. However, a search of the Department of Toxic Substances Control's EnviroStor database revealed that the following leaking underground storage tank (LUST) cleanup sites are located within 0.25 mile of the project site:³⁹

- Cupertino Clean Scene, 10165 De Anza Boulevard. Cleanup status: completed – case closed.
- Texaco, 10002 De Anza Boulevard. Cleanup status: completed – case closed.
- Chevron #9-5954, 10023 South De Anza Boulevard. Cleanup status: completed – case closed.
- Cupertino City Center, 20430 Stevens Creek Boulevard. Cleanup status: completed – case closed.
- Conocophillips, 20755 Stevens Creek Boulevard. Cleanup status: completed – case closed.

In addition, a search of the United States Environmental Protection Agency's (EPA) Envirofacts database revealed the following EPA-regulated facilities with 0.25 mile of the project site:⁴⁰

- Qualex Target No 0323, 20745 Stevens Creek Boulevard. Facility classification: small quantity generator. Current compliance status: no violation.
- Scottys Cleaners, 20568 Stevens Creek Boulevard. Facility classification: small quantity generator. Current compliance status: no violation.
- Chevron Station No 95954, 10023 South De Anza Boulevard. Facility classification: small quantity generator. Current compliance status: no violation.
- Apple Computer, 20330 Stevens Creek Boulevard. Current compliance status: no violation.
- Apple Computer Inc, 20405 Stevens Creek Boulevard. Current compliance status: no violation.

³⁸ Partner Engineering and Science, Inc., 2013, Phase I Environmental Site Assessment Report, pages ii to iii.

³⁹ Department of Toxic Substances Control, EnviroStor database, <http://www.envirostor.dtsc.ca.gov/public/>, accessed on April 11, 2016.

⁴⁰ United States Environmental Protection Agency, Envirofacts database, <https://www3.epa.gov/enviro/>, accessed on April 11, 2016.

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- Apple Computer, 10275 North De Anza Boulevard. Current compliance status: no violation.
- Apple Inc, 10201 North De Anza Boulevard. Current compliance status: no violation.
- Apple Computer, 10260 Bandlely Drive. Current compliance status: no violation.
- Apple Inc, 20605 Lazaneo Drive. Facility classification: large quantity generator. Current compliance status: no violation.

As listed above, the cleanup is complete for all LUSTs in the immediate project site vicinity and none of the EPA-regulated facilities in the immediate project site vicinity have any compliance violations.

Saint Joseph of Cupertino School is located 0.3 miles from the project site; Lawson Middle School is 1 mile northeast of the site; Garden Gate Elementary School is approximately 1.5 miles northwest of the site; and Monte Vista High School is 2.5 miles southwest of the site.

There are no moderate, high, or very high fire hazard zones in the State Responsibility Areas in the vicinity of the project site.

The nearest public airports are San Jose International Airport, approximately 10.5 miles to the northeast, and Palo Alto Airport, approximately 12.5 miles to the northwest. The nearest heliports are County Medical Center Heliport, approximately 7 miles to the southeast, and McCandless Towers Heliport, approximately 10 miles to the northeast. The nearest private airport is Moffett Federal Airfield, approximately 9 miles to the northwest.

DISCUSSION

- a) *Would the project create a significant hazard to the public or the environment through the routine transport, use or disposal of hazardous materials?*

Project Operation

The proposed project would not involve the routine transport or disposal of hazardous materials. Project operation would involve the use of small amounts of hazardous materials for cleaning and maintenance purposes, such as cleansers, degreasers, pesticides, and fertilizers. These potentially hazardous materials would not be of a type or be present in sufficient quantities to pose a significant hazard to public health and safety or the environment. Furthermore, such substances would be used, transported, stored, and disposed of in accordance with applicable federal, State, and local laws, policies, and regulations. Any businesses that transport, generate, use, and/or dispose of hazardous materials in Cupertino are subject to existing hazardous materials regulations, such as those enforced by Santa Clara County Department of Environmental Health (DEH) Hazardous Materials Compliance Division (HMCD), and through hazardous materials permits from the Santa Clara Fire Department (SCCFD). The SCCFD also conducts inspections for fire safety and hazardous materials management of businesses and multi-family dwellings, in accordance with the City of Cupertino Hazardous Materials Storage Ordinance in Title 9, Health and Sanitation,

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Chapter 9.12, Hazardous Materials Storage. Thus, associated impacts from the operational phase of the project would be *less than significant*, and no mitigation measures would be required.

Project Construction

Construction activities at the project site would involve the use of larger amounts of hazardous materials than would operation of the proposed project, such as petroleum-based fuels for maintenance and construction equipment, and coatings used in construction, which would be transported to the site periodically by vehicle and would be present temporarily during construction. These potentially hazardous materials 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, and their use during construction would be short term. Additionally, as with proposed project operation, the use, transport, and disposal of construction-related hazardous materials would be required to conform to existing laws and regulations. Compliance with applicable laws and regulations governing the use, storage, and transportation of hazardous materials would ensure that all potentially hazardous materials are used and handled in an appropriate manner, and would minimize the potential for safety impacts to occur. Consequently, impacts associated with construction of the proposed project would be *less than significant*, and no mitigation measures would be required.

b) *Would the project 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?*

As described under criterion (a) above, operation and construction of the proposed project would involve the storage and use of common cleaning substances; building maintenance products, paints, and solvents; petroleum-based fuels for maintenance and construction equipment; and coatings used in construction. Also, as described in the existing conditions discussion, the existing buildings on the project site were developed in 1973 and in the 1980s and the Phase I ESA identifies that, although all suspect ACMs and LBP do not currently pose a health or safety concern, due to the age of the property and on-site buildings there is a potential that ACMs are present on the site.⁴¹ An impact could occur if construction and operation of the proposed project creates conditions where hazardous materials could easily contaminate surrounding soil, water, or air. The most likely scenarios would be from demolition activities that disturb ACMs and LBP and rainwater runoff spreading contaminated waste. Stormwater runoff is discussed in Section VIII, Hydrology and Water Quality, of this Initial Study and impacts were found to be less than significant.

Project Operation

The proposed project is not considered the type of project that would create a significant hazardous materials risk to the users of the site or the surrounding land uses. The Santa Clara County HMCD is the Certified Unified Program Agency (CUPA) for Santa Clara County, including the City of Cupertino, and is responsible for enforcing Chapter 6.95 of the California Health and Safety Code. As the CUPA, Santa Clara

⁴¹ Partner Engineering and Science, Inc., Phase I Environmental Site Assessment Report, August 23, 2013, page iii.

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County HMCD regulates hazardous materials business plans (HMBP) and chemical inventory, hazardous waste and tiered permitting, underground storage tanks, and risk-management plans. HMBPs are required to contain basic information on the location, type, quantity, and health risks of hazardous materials stored, used, or disposed of on development sites. HMBPs also must contain an emergency response plan, which describes the procedures for mitigating a hazardous release, procedures, and equipment for minimizing the potential damage of a hazardous materials release, and provisions for immediate notification of the California Governor's Office of Emergency Services (Cal OES) and other emergency-response personnel, such as the SCCFD. Implementation of the emergency response plan facilitates rapid response in the event of an accidental spill or release, thereby reducing potential adverse impacts. Furthermore, Santa Clara County HMCD is required to conduct ongoing routine inspections to ensure compliance with existing laws and regulations, to identify safety hazards that could cause or contribute to an accidental spill or release, and to suggest preventative measures to minimize the risk of a spill or release of hazardous substances. Compliance with these regulations would ensure that the risk of accidents and spills is minimized to the maximum extent practicable during the operation of the proposed project. Consequently, impacts associated with project operation would be *less than significant*, and no mitigation measures would be required.

Project Construction

Similar to the operation of the proposed project, the type of materials and equipment used for project construction would be considered standard for this type of development. All spills or leaks of petroleum products during construction activities are required to be immediately contained, the hazardous material identified, and the material remediated in compliance with applicable State and local regulations. All contaminated waste would be required to be collected and disposed of at an appropriately licensed disposal or treatment facility. Furthermore, strict adherence to all emergency response plan requirements established by the Santa Clara County HMCD would be required through the duration of the construction of each individual development project. Although the Phase I ESA revealed no visible evidence of ACM and LBP, ACMs may still be present on the project site due to the age of the project site properties and existing buildings.⁴² Therefore, substantial hazards to the public or the environment due to the release of hazardous materials during demolition of existing buildings may occur. Accordingly, the following mitigation would be required for the project to reduce impacts to a *less-than-significant* level.

Mitigation Measure HAZ-1a: The project Applicant shall hire the services of a CalOSHA-certified qualified asbestos abatement consultant to conduct a pre-construction assessment for asbestos containing materials (ACMs). Prior to the issuance of the demolition permit, the Applicant shall provide a letter to the City of Cupertino Planning Department from a qualified asbestos abatement consultant that no ACMs are present in the buildings. If ACMs are found to be present, the hazardous materials shall be properly removed and disposed of prior to demolition of buildings on the project site in compliance with applicable federal, State, and local regulations, such as the EPA's Asbestos National Emission Standards for Hazardous Air Pollutants (NESHAP) regulation, BAAQMD Regulation

⁴² Partner Engineering and Science, Inc., Phase I Environmental Site Assessment Report, August 23, 2013, page iii.

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11, Title 8 of the California Codes of Regulations, the Unified Program, and the City's General Plan policies.

Mitigation Measure HAZ-1b: The project Applicant shall hire the services of a qualified lead paint abatement consultant to conduct a pre-construction assessment of lead based paints. Prior to the issuance of the demolition permit, the applicant shall provide a letter to the City of Cupertino Planning Department from a qualified lead paint abatement consultant that no lead paint is present in on-site buildings. If lead paint is found to be present on buildings to be demolished, the hazardous materials shall be properly removed and disposed of in compliance with applicable federal, State, and local regulations, including the EPA's NESHAP regulation, Title 40 of the Code of Federal Regulations, Title 8 of the California Codes of Regulations, the Unified Program, and the City's General Plan Policies.

c) *Would the project emit hazardous emissions or handle hazardous materials, substances or waste within one-quarter mile of an existing or proposed school?*

As described above under the Existing Conditions section, the closest school to the project site is located 0.3 miles away, over one-quarter mile from the project site. The proposed project would not involve the storage, handling, or disposal of hazardous materials in sufficient quantities to pose a significant risk to the public. Thus, *no impact* related to hazardous emissions or hazardous material handling within one-quarter mile of a school would occur, and no mitigation measures would be required.

d) *Would the project 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?*

As shown in the General Plan EIR (see Table 4.7-2, Hazardous Materials and LUST, and Figure 4.7-1, Hazardous Material Sites) the project site is not included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5. However, as described in the existing conditions discussion, several LUST sites are located in the immediate vicinity of the project site. Under authority from the RWQCB, the Santa Clara County DEH implements the Local Oversight Program (LOP) to oversee the investigation and remediation of LUST sites in Santa Clara County, including Cupertino. Businesses storing hazardous materials in excess of threshold quantities are required to submit Hazardous Materials Business Plans (HMBPs) to the HMCD. A HMBP must include measures for safe storage, transportation, use, and handling of hazardous materials. A HMBP must also include a contingency plan that describes the facility's response procedures in the event of a hazardous materials release.

As described in the existing conditions discussion, the cleanup of LUST sites in the project site vicinity is complete for all sites. In addition, none of the EPA-regulated sites in the project site vicinity have any compliance violations. Therefore, the risk of contamination on the project site from nearby hazardous materials handling and storage is considered to be low. A *less-than-significant* impact would occur, and no mitigation measures would be required.

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e) *For a project 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 living or working in the project area?*

The project site is not within an airport land use plan or within two miles of a public use airport. Thus, there would be *no impact* related to public airport hazards, and no mitigation measures would be required.

f) *For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people living or working in the project area?*

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 no mitigation measures would be required.

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

The City of Cupertino Office of Emergency Services is responsible for coordinating agency response to disasters or other large-scale emergencies in Cupertino with assistance from the Santa Clara County Office of Emergency Services and the SCCFD. The Cupertino Emergency Operations Plan (EOP)⁴³ establishes policy direction for emergency planning, mitigation, response, and recovery activities within the city. The Cupertino EOP addresses interagency coordination, procedures to maintain communications with County and State emergency response teams, and methods to assess the extent of damage and management of volunteers.

The proposed project would not block roads and would not impede emergency access to surrounding properties or neighborhoods. As described in Chapter 3, Project Description, of this Initial Study, emergency vehicle access would be provided at three points: Alves Drive to the north, North De Anza Boulevard to the east, and Stevens Creek Boulevard to the south. New fire lanes would be created on the project site within the travel paths from these access roads at the northwest of Building B along Alves Drive; and at the east of Building C along the driveway from Stevens Creek Boulevard. A total of 13 new fire hydrants are proposed throughout the project site.

During demolition and construction, vehicles, equipment, and materials would be staged and stored on a portion of the project site. The construction site and staging areas would be clearly marked, and construction fencing would be installed to prevent disturbance and safety hazards. No staging would occur in the public right-of-way. A combination of on- and off-site parking facilities for construction workers would be identified during demolition, grading, and construction. The proposed project would not interfere with an adopted emergency response plan, or emergency evacuation plan; therefore, these impacts would be *less than significant*, and no mitigation measures would be required.

⁴³ City of Cupertino, Office of Emergency Services. *Emergency Operations Plan*. September 2005.

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h) *Would the project expose people or structures to a significant risk of loss, injury, or death involving wildland fires, including where wildland are adjacent to urbanized areas or where residences are intermixed with wildlands?*

The project site is fully developed and is surrounded by built-out urban uses. There are no very high fire hazard zones within the Local Responsibility Areas of Cupertino and there are no high or very high fire risk areas as shown on the City's adopted Wildland Urban Interface Fire Area map. The proposed project would not subject people or structures to wildfire hazards, and *no impact* would occur. No mitigation measures would be required.

VIII. HYDROLOGY AND WATER QUALITY

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant	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 lowering of the local groundwater table level (the production rate of pre-existing nearby wells would drop to a level that would not support existing land uses or planned uses for which permits have been granted)?	<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, siltation, or flooding on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Create or contribute runoff water that would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Otherwise substantially degrade water quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) 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 or place structures that would impede or redirect flood flows within a 100-year flood hazard area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) 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"/>

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Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant	No Impact
h) Potentially be inundated by seiche, tsunami, or mudflow?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

GENERAL PLAN EIR

Chapter 4.8, Hydrology and Water Quality, of the General Plan EIR addresses the hydrology and water quality-related impacts as a result of intensified development of the project site. These impacts are identified as less than significant in the General Plan EIR.

EXISTING CONDITIONS

The project site lies within the West Valley watershed, which encompasses 85 square miles of multiple small-creek watersheds. The project site is within the Junipero Serra Channel watershed. The closest creek to the site is Regnart Creek, which flows into Calabazas Creek and is mostly channelized along its reaches in Cupertino. In addition to the natural drainage system, a network of storm drains collects runoff from city streets and carries it to the creeks and San Francisco Bay.

The City of Cupertino Department of Public Works is responsible for the design, construction, and maintenance of City-owned facilities including public streets, sidewalks, curb, gutter, storm drains. The capacity of the storm drain facilities within Cupertino was evaluated and documented in the 1993 Storm Drain Master Plan, which identifies the areas within the system that do not have the capacity to handle runoff during the 10-year storm event, which is the City’s design standard. The project site is not located in an area where the storm drains are potentially deficient in conveying the 10-year storm (see Table 4.8-3, Under Capacity Storm Drainage Infrastructure, of the General Plan EIR).

The entire city, including the project site, lies within the Santa Clara subbasin of the Santa Clara Valley Groundwater Basin. In 2014, approximately 50 percent of the water used in Santa Clara County was pumped from groundwater.⁴⁴ The rest of the water used in the County is purchased from the Santa Clara Valley Water District (SCVWD), which receives surface water from the State Water Project (SWP) and the Central Valley Project (CVP). Additional details on water usage and local water purveyors are provided in Section XV, Utilities and Service Systems, of this Initial Study.

Santa Clara Valley streams do not receive discharges from industrial or municipal wastewater.⁴⁵ Industrial discharges are routed to municipal sanitary sewers and then to regional municipal wastewater treatment

⁴⁴ Santa Clara Valley Water District, 2014, Annual Groundwater Report for Calendar Year 2014.

⁴⁵ Santa Clara Basin Watershed Initiative, 2003, *Volume 1, Watershed Characteristics Report*, <http://www.scbwmi.org/>, accessed on March 29, 2016.

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plants that discharge treated effluent to the tidal sloughs of San Francisco Bay. The 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). Municipal stormwater discharges in Cupertino are subject to the Waste Discharge Requirements of the MRP (Order Number R2-2015-0049), which became effective on January 1, 2016, and NPDES permit (Permit Number CAS612008).

The City of Cupertino is a member of the Santa Clara Valley Urban Runoff Pollution Prevention Program (SCVURPPP) and follows the guidelines for stormwater runoff control and treatment specified in the *C.3 Stormwater Handbook*.⁴⁶ A Stormwater Management Plan (SWMP) must be prepared for new development and redevelopment projects that create and/or replace 10,000 square feet or more of impervious surface or special land uses that create and/or replace 5,000 square feet or more of impervious surface (i.e., uncovered parking areas, restaurants, auto service facilities, and retail gasoline outlets). As part of building permit issuance, the Public Works Department will review the SWMP to ensure that it contains all of the required information and the design is also reviewed by a qualified third party to ensure that it meets MRP requirements.

The San Francisco Bay RWQCB monitors surface water quality through implementation of the Water Quality Control Plan for the San Francisco Bay Basin (Basin Plan) and designates beneficial uses for surface water bodies and groundwater within the Santa Clara Valley. The Basin Plan also contains water quality criteria for groundwater. Groundwater quality in the Santa Clara subbasin is generally considered to be good and water quality objectives are met in at least 95 percent of the County water supply wells without the use of treatment methods.⁴⁷

The project site is not located in a 100-year floodplain or Special Flood Hazard Area (SFHA) designated by the Federal Emergency Management Agency (FEMA). The project site is not within a dam inundation zone. Cupertino is more than eight miles south of San Francisco Bay and is more than 100 feet AMSL, which places the city at a distance that is considered too far to be affected by a tsunami.⁴⁸ There are no large bodies of water within Cupertino or near the project site. Therefore, the project site would not be impacted by a seiche.

DISCUSSION

a) *Would the project violate any water quality standards or waste discharge requirements?*

Because the project would disturb one or more acres during construction, the project applicant would be required to comply with the NPDES General Construction Permit (GCP) and submit Permit Registration Documents (PRDs) to the State Water Resources Control Bureau (SWRCB) prior to the start of

⁴⁶ Santa Clara Valley Urban Runoff Pollution Prevention Program, 2012, *C.3 Stormwater Handbook*.

⁴⁷ Santa Clara Valley Water District, 2012, *Santa Clara Valley Water District, 2012 Groundwater Management Plan*.

⁴⁸ Association of Bay Area Governments, 2014, *Interactive Tsunami Inundation Map*, <http://gis.abag.ca.gov/website/Hazards/?hlyr=tsunami>, accessed on March 29, 2016.

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construction. The PRDs include a Notice of Intent (NOI) and a site-specific construction SWPPP. The SWPPP describes the incorporation of BMPs to control sedimentation, erosion, and hazardous materials contamination of runoff during construction. New requirements by the SWRCB would also require the SWPPP to include post-construction treatment measures aimed at minimizing stormwater runoff.

In addition, all new development or redevelopment projects that create and/or replace 10,000 square feet or more of impervious surfaces would be required to incorporate source control, site design, and stormwater treatment measures into the project, pursuant to the 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. The proposed project would implement the following measures:

- Site Design Measures – minimize amount of disturbed land and impervious surfaces, compact development, include self-retaining areas, high efficiency irrigation system, drought-tolerant plants.
- Source Control Measures – covered dumpster area, drain to sanitary sewer; sanitary sewer connection or accessible cleanout for swimming pool/spa; beneficial landscaping (minimize irrigation, runoff, pesticides, and fertilizers); regular maintenance including pavement sweeping, catch basin cleaning, and good housekeeping.
- Treatment Systems – seven bioretention/rain garden areas using Silva cells scattered throughout the property totaling 7,528 square feet.

Adherence to applicable water quality regulations, preparation of a SWPPP, implementation of BMPs during construction, and compliance with the City of Cupertino Municipal Code would ensure that water quality standards are not violated during construction. Implementation of stormwater site design, source control, and stormwater treatment measures and compliance with C.3 provisions of the MRP and the City of Cupertino's stormwater requirements would result in less-than-significant impacts during operation of the project. Consequently, potential impacts associated with water quality during construction and operation would be *less than significant*, and no mitigation measures would be required.

b) *Would the project substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (the production rate of pre-existing nearby wells would drop to a level that would not support existing land uses or planned uses for which permits have been granted)?*

The project would be connected to municipal water supplies and no groundwater wells would be located on the property. The project site is supplied by California Water Service Company (Cal Water), which obtains its water from groundwater production (32 percent) and purchases of surface water from the SCVWD. The 2010 *Urban Water Management Plan* for the Los Altos Suburban District (LAS District), the service area of which includes the project site, states that there is sufficient water for their customers for

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normal, single-dry, and multiple-dry years.⁴⁹ If additional water is needed, Cal Water states that additional groundwater can be pumped to meet demand through 2040.⁵⁰ Therefore, the project would not result in a depletion of groundwater supplies or result in a lowering of groundwater levels. Water supply is discussed in Section XV, Utilities and Service Systems, of this Initial Study. Furthermore, due to the project's location, the development of the proposed project would not interfere with groundwater recharge that takes place in the McClellan Ponds recharge facility located within Cupertino or the creeks and streams that run through the city. Therefore, the project would have a *less-than-significant* impact on groundwater recharge.

The proposed project would be located on a site that is already developed and currently has a high percentage of impervious surfaces. The project would slightly decrease the area of impervious surfaces on the project site by 333 square feet.⁵¹ In addition, the project would install seven bioretention/rain garden areas with Silva cells, which will contribute to groundwater recharge by infiltration. Therefore, the project would have a *less-than-significant* impact on groundwater supplies and groundwater recharge, and no mitigation measures are needed.

c) *Would the 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, siltation, or flooding on- or off-site?*

The proposed project would take place within the boundaries of a fully developed site that is currently connected to the City's storm drain system. The proposed redevelopment does not involve the alteration of any natural drainage channels or any watercourse. As shown on Sheets C.4.0 and C.4.1 in Appendix A, the proposed project would provide seven bioretention/rain garden treatment areas throughout the project site. These will collect runoff from roof areas, parking lots, sidewalks, and streets for treatment and flow control prior to discharge into the internal storm drain system, which connects to the City's storm drain system in North De Anza Boulevard.

The Applicant will be required, pursuant to the C.3 provisions of the MRP, to implement construction phase BMPs, post-construction design measures that encourage infiltration in pervious areas, and post-construction source control measures to help keep pollutants out of stormwater. In addition, post-construction stormwater treatment measures would be required because the project would create and/or replace more than 10,000 square feet of impervious surface. These measures would reduce the amount of stormwater runoff from the project.

Construction activities would be subject to the NPDES construction permit requirements, including preparation of a SWPPP. The SWPPP includes erosion and sediment control measures to stabilize the site,

⁴⁹ California Water Service Company, 2011. *2010 Urban Water Management Plan, Los Altos Suburban District*.

⁵⁰ Water Supply Assessment page 23, prepared for Cal Water by Yarne & Associates, Inc.

⁵¹ Dahlin Group, 2016, Marina Plaza Planned Development Project Plans dated April 21, 2016, Sheet C.4.1. (209,450 square feet of new or replacement impervious surfaces) – (209,783 square feet of existing impervious surfaces) = 333 square feet of net reduction in impervious surfaces.

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protect slopes and channels, control the perimeter of the site, minimize the area and duration of exposed soils, and protect receiving waters adjacent to the site.

Once constructed, the requirements for new development or redevelopment projects include source control measures and site design measures that address stormwater runoff and would reduce the potential for erosion or siltation. In addition, Provision C.3 of the MRP will require the project to implement stormwater treatment measures to contain site runoff, using specific numeric sizing criteria based on volume and flow rate. As part of building permit issuance, the City's Public Works Department will review the SWMP to ensure that all required information is contained with the plan and also will have the SWMP reviewed by a qualified third party to ensure that it meets the MRP requirements.

With implementation of these erosion and sediment control measures and regulatory provisions to limit runoff for new development sites, the proposed project would not result in significant increases in erosion and sedimentation or contribute to flooding on-site or off-site. Therefore, impacts would be *less than significant*, and no mitigation measures are needed.

d) *Create or contribute runoff water that would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff?*

There are two potential impacts to stormwater runoff hydrology with urban development. Impervious surfaces, such as roads, sidewalks, and buildings prevent the natural infiltration of stormwater into the soil and thus create higher runoff volumes. In addition, more rapid transport of runoff over impermeable surfaces combined with higher runoff volumes results in elevated peak flows. This increase in flows could adversely impact stormwater drainage systems.

As stated above under criterion (b), the proposed project involves construction of a mixed-use development including commercial, hotel, and residential land uses on an existing developed property that is currently connected to the City's storm drain system. The proposed project would slightly reduce the amount of impervious surfaces over existing conditions, which in turn would result in a slight decrease in the amount of runoff from the property. In addition, the proposed project includes the installation of seven bioretention/rain garden areas scattered throughout the property. The bioretention/rain garden areas would provide both treatment of site runoff, reduction in peak flow rates, and flow control prior to discharge to the City's storm drain system.

As stated above in the Existing Conditions section, the project site is not located in an area where the storm drains are potentially deficient in conveying the 10-year storm. The existing storm drain system would be able to handle the stormwater flow from the site, and the impact to stormwater drainage systems would not be significant. In addition, with the implementation of stormwater treatment measures, the project would not provide substantial additional sources of polluted runoff. Therefore, the impact would be *less than significant*, and no mitigation measures are needed.

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e) *Would the project otherwise substantially degrade water quality?*

As required by stormwater management guidelines discussed under criterion (a), BMPs and LID measures would be implemented across the project site during both construction and operation of the proposed project. These measures would control and prevent the release of sediment, debris, and other pollutants into the storm drain system. Implementation of BMPs during construction would be in accordance with the provisions of the SWPPP, which would minimize the release of sediment, soil, and other pollutants. Operational BMPs would be required to meet the C.3 provisions of the MRP. These requirements include the incorporation of site design, source control, and treatment control measures to treat and control runoff before it enters the storm drain system. The proposed treatment measures would include the use of bioretention/rain garden areas to treat and detain runoff prior to discharge to the City's storm drain system. With implementation of these BMPs and LID measures in accordance with City and MRP requirements, the potential impact on water quality would be *less than significant*, and no mitigation measures are needed.

f) *Would the project 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 or place structures that would impede or redirect flood flows within a 100-year flood hazard area?*

The project would not result in the development of residential structures in a FEMA-designated 100-year floodplain or Special Flood Hazard Area (SFHA). *No impact* would occur, and no mitigation measures would be required.

g) *Would the project 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?*

The project site is not in a dam inundation zone or in close proximity to any levees; thus, *no impact* would occur, and no mitigation measures are necessary.

h) *Would the project potentially be inundated by seiche, tsunami, or mudflow?*

The project site is not located in close proximity to San Francisco Bay or the Pacific Ocean, and is not within a mapped tsunami inundation zone.⁵² Because there are no large bodies of water, such as reservoirs or lakes, in the vicinity of the project site, there would be no potential for seiches to impact the project site. In addition, the site is in a relatively flat area of the city and is outside of the ABAG-mapped zones for earthquake-induced landslides or debris flow source areas.⁵³ Therefore, *no impact* would occur with respect to these issues, and no mitigation measures would be required.

⁵² Association of Bay Area Governments (ABAG), 2016. *Interactive Tsunami Inundation Map*. <http://gis.abag.ca.gov/website/Hazards/?hlyr=tsunami> accessed on March 30, 2016.

⁵³ Association of Bay Area Governments (ABAG), 2016. *Rainfall-Induced Landslides, Debris Flow Source Areas and Earthquake Induced Landslides*. Accessed at <http://resilience.abag.ca.gov/landslides/> on March 30, 2016.

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IX. LAND USE

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant	No Impact
a) Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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"/>

GENERAL PLAN EIR

Chapter 4.9, Land Use and Planning, of the General Plan EIR, addressed the land use impacts of the uses permitted on the project site. These impacts were found to be less than significant.

EXISTING CONDITIONS

General Plan

The project site’s General Plan land use designation is Commercial/Office/Residential with a density of 25 dwelling units per acre (du/ac).⁵⁴ The project is located in the North Crossroads Node within the Heart of the City Special Area’s Crossroads subarea. As described in Chapter 2, Planning Areas, of the General Plan, the Heart of the City Special Area is a key commercial/retail destination with many small scale stores and restaurants. The North Crossroads Node is envisioned as an active mixed commercial and residential area surrounded by a mix of connected, high-quality, and pedestrian-oriented community amenities, and hotels. In addition, the project site is one of the five Priority Housing Element sites (Site A4) in the City’s Housing Element.⁵⁵

The maximum density currently permitted on the site is 35 dwelling units per acre and, as described in the Housing Element, the realistic residential capacity for the site is 200 units. The maximum height

⁵⁴ City of Cupertino, 2014, General Plan Amendment, Housing Element Update, and Associated Rezoning Draft EIR, page 4.9-21.

⁵⁵ The City’s 2014-2022 Housing Element was adopted on May 19, 2015.

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allowed on the project site is 45 feet.⁵⁶ Because the project proposes the incorporation of BMR units, the project is entitled to increase the proposed number of housing units consistent with the State's density bonus law and the City's density bonus ordinance. Through the incorporation of the density bonus, the mixed-use parcel will have a residential density of approximately 47 dwelling units per acre.

Zoning

The project site is within the Planned Development with General Commercial and Residential (P[CG, Res]) zoning district. As described in Municipal Code 19.80.010, the Planned Development zoning district is intended to provide a means of guiding land development or redevelopment of the city that is uniquely suited for planned coordination of land uses.⁵⁷ Development in this zoning district provides for a greater flexibility of land use intensity and design because of accessibility, ownership patterns, topographical considerations, and community design objectives. This zoning district is intended to accomplish the following:

- Encourage variety in the development pattern of the community.
- Promote a more desirable living environment.
- Encourage creative approaches in land development.
- Provide a means of reducing the amount of improvements required in development through better design and land planning.
- Conserve natural features.
- Facilitate a more aesthetic and efficient use of open spaces.
- Encourage the creation of public or private common open space.

All planned development districts are identified on the zoning map with the letter coding "P" followed by a specific reference to the general type of use allowed in the particular planning development zoning district. The general type of use allowed on the project site is a mix of general commercial and residential (CG, Res).

Setbacks

The setbacks required for the project site are based on the Heart of the City Specific Plan and are 35 feet for lot frontages and one-half (1/2) the height of the building, or ten (10) feet, whichever is greater for lot rears and sides. The project applicant is applying for a Heart of the City Exception to reduce the side and rear setbacks for the hotel from 22.5 feet to ten (10) feet, and to reduce the required setback for architectural features from 31 feet to 16 feet.

⁵⁶ Cupertino 2014-2022 Housing Element, Table HE-5, Summary of Priority Housing Element Sites To Meet The RHNA-Scenario A.

⁵⁷ Cupertino Municipal Code, Title 19, Zoning, Chapter 19.80, Planned Development, Section 19.80.010, Purpose.

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Parking

Parking requirements for Hotel development are as follows: 1 space per room and one parking stall per employee. Parking requirements for retail development, which includes a non-bar restaurant, are as follows: one space per four chairs and one space per employee. Retail development parking requirements, without a restaurant space, are as follows: one space per 250 square feet and one space per employee. Residential development parking requirements are as follows: one space for below market rate unit and 2 spaces for all other residential development.⁵⁸

DISCUSSION

a) *Would the project physically divide an established community?*

As discussed in the General Plan EIR, because the development of the proposed project would occur on a site that is currently developed, would retain the existing roadway patterns, and would not introduce any new major roadways or other physical features through existing residential neighborhoods or other communities that would create new barriers, the project would not physically divide an established community. Therefore, *no impact* would occur, and no mitigation measures would be required.

b) *Would the project 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?*

The proposed project is a mixed-use development that would consist of a 122-room hotel and two mixed-use buildings, with 22,593 square feet of commercial uses and 188 residential units. This type of development would be consistent with the types of development envisioned in the Heart of the City Special Area and North Crossroads Node. The proposed project would have maximum building heights of 45 feet, with the exception of architectural features and screens for mechanical equipment as allowed by the City's regulations. The project is permitted a maximum allowable density of 35 dwelling units per acre. However, because the project proposes the incorporation of BMR units, the project is entitled to increase the proposed number of housing units consistent with the State's density bonus law and the City's density bonus ordinance. Through the incorporation of density bonus, the mixed-use parcel will have a residential density of approximately 47 dwelling units per acre. Accordingly, the proposed project would be permitted under the City's regulations. Therefore, the impact would be *less than significant*.

c) *Conflict with any applicable habitat conservation plan or natural community conservation plan?*

As discussed in the General Plan EIR, the City of Cupertino is located outside the boundaries of the Santa Clara Valley Habitat Plan. The city is not located within any other habitat conservation plan or natural community conservation plan and would not conflict with any such plan. Therefore, *no impact* would occur, and no mitigation measures would be required.

⁵⁸ Dahlin Group, 2016, Marina Plaza Planned Development Project Plans dated March 15, 2016, Sheet T.2.

ENVIRONMENTAL ANALYSIS

X. NOISE

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant	No Impact
a) Expose people to or generate noise levels in excess of standards established in the local general plan or noise ordinance, or other applicable standards?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Expose people to or generate excessive groundborne vibration or ground borne noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Create a substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Create a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	<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 2 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"/>

GENERAL PLAN EIR

Chapter 4.10, Noise, of the General Plan EIR, addressed the noise and vibration impacts associated with intensified development of the project site. Impacts due to traffic noise and construction noise were determined to be significant buildout due to buildout of the General Plan. Mitigation measures were considered in the EIR, but were determined to be infeasible; therefore, even after the application of pertinent regulations, Municipal Code requirements, and policies and strategies of the General Plan Amendments, impacts due to a permanent increase in ambient noise levels, including along Stevens Creek Boulevard in the vicinity of the project site,⁵⁹ and cumulative noise impacts due to new development would remain significant and unavoidable.

⁵⁹ Specifically, Stevens Creek Boulevard from North De Anza Boulevard to North Wolfe Road were found to have significant traffic noise increases per the General Plan EIR..

ENVIRONMENTAL ANALYSIS**EXISTING CONDITIONS**

Noise-related terminology/descriptors, pertinent existing regulations, and Cupertino General Plan Health and Safety Element guidelines, calculations for traffic noise levels, and calculations for construction noise and vibration levels can be found in Appendix E, Noise Background, Monitoring Data, and Calculations, of this Initial Study.

Noise is defined as unwanted sound, and is known to have several adverse effects on people, including hearing loss, speech and sleep interference, physiological responses, and annoyance. Based on these known adverse effects of noise, the federal government, State of California, and City of Cupertino have established criteria to protect public health and safety and to prevent disruption of certain human activities.

The following are brief definitions of terminology used in this section:

- **Sound.** A disturbance created by a vibrating object, which, when transmitted by pressure waves through a medium such as air, is capable of being detected by a receiving mechanism, such as the human ear or a microphone.
- **Noise.** Sound that is loud, unpleasant, unexpected, or otherwise undesirable.
- **Decibel (dB).** A unit-less measure of sound, expressed on a logarithmic scale and with respect to a defined reference sound pressure. The standard reference pressure is 20 micropascals (20 μPa).
- **Vibration Decibel (VdB).** A unit-less measure of vibration, expressed on a logarithmic scale and with respect to a defined reference vibration velocity. In the United States, the standard reference velocity is 1 micro-inch per second (1×10^{-6} in/sec).
- **A-Weighted Decibel (dBA).** An overall frequency-weighted sound level in decibels that approximates the frequency response of the human ear.
- **Equivalent Continuous Noise Level (L_{eq}); also called the Energy-Equivalent Noise Level.** The value of an equivalent, steady sound level which, in a stated time period (often over an hour) and at a stated location, has the same A-weighted sound energy as the time-varying sound. Thus, the L_{eq} metric is a single numerical value that represents the equivalent amount of variable sound energy received by a receptor over the specified duration.
- **Statistical Sound Level (L_n).** The sound level that is exceeded “n” percent of time during a given sample period. For example, the L_{50} level is the statistical indicator of the time-varying noise signal that is exceeded 50 percent of the time (during each sampling period); that is, half of the sampling time, the changing noise levels are above this value and half of the time they are below it. This is called the “median sound level.” The L_{10} level, likewise, is the value that is exceeded 10 percent of the time (i.e., near the maximum) and this is often known as the “intrusive sound level.” The L_{90} is the sound level exceeded 90 percent of the time and is often considered the “effective background level” or “residual noise level.”

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- **Day-Night Sound Level (L_{dn} or DNL).** The energy-average of the A-weighted sound levels occurring during a 24-hour period, with 10 dB added to the sound levels occurring during the period from 10:00 PM to 7:00 AM.
- **Community Noise Equivalent Level (CNEL).** The energy-average of the A-weighted sound levels occurring during a 24-hour period, with 5 dB added to the levels occurring during the period from 7:00 PM to 10:00 PM and 10 dB added to the sound levels occurring during the period from 10:00 PM to 7:00 AM.⁶⁰
- **Perceptibility.** Table 5-8 presents the subjective effect of changes in sound pressure levels.

TABLE 5-8 NOISE PERCEPTIBILITY

Change in Apparent Loudness	
± 3 dB	Threshold of human perceptibility
± 5 dB	Clearly noticeable change in noise level
± 10 dB	Half or twice as loud
± 20 dB	Much quieter or louder

Source: Bies and Hansen, 2009.

Perceptible increases in noise levels generally refer to a change of 3 dBA or more, as this level has been found to be the perceptibility threshold for exterior noise environments. Barely perceptible noise increases refer to a change of between 1 and 3 dBA. This range of noise levels was found to be noticeable to sensitive people in laboratory environments. Noise increases of less than 1 dBA are typically inaudible to the human ear except under very quiet conditions in controlled environments.

The principal noise source affecting the project site is traffic noise, primarily from De Anza Boulevard, Bandle Drive, Alves Drive, and Stevens Creek Boulevard. The nearest public and private airports are at least 5 miles from the project site and would not be expected to notably affect community noise at or near the project site.

The State of California’s noise insulation standards are codified in the California Code of Regulations, Title 24, Part 2, the California Building Code. These noise standards are applied to new or renovation construction in California for the purpose of controlling interior noise levels resulting from exterior noise sources. The regulations are intended to mitigate potential noise impacts at noise-sensitive structures—such as residences, schools, or hospitals—that are near major transportation noise sources and where such traffic-related noise sources create an exterior noise level of 60 dBA CNEL or higher. Since the proposed uses are noise-sensitive applications, the Title 24 regulations would apply to the proposed project, and formal documentation of compliance would be needed. This would include prudent

⁶⁰ For general community/environmental noise, CNEL and L_{dn} values rarely differ by more than 1 dB (with the CNEL being only slightly more restrictive – that is, higher than the L_{dn} value). As a matter of practice, L_{dn} and CNEL values are interchangeable and are treated as equivalent in this assessment.

ENVIRONMENTAL ANALYSIS

architectural design details that are consistent with the State’s standards and which would prescribe appropriate exterior-to-interior sound insulation features and materials to ensure desirable environments for the proposed hotel and mixed-use, residential spaces.

The above Title 24 interior noise environments (for no more than 45 dBA CNEL) are reinforced in the City of Cupertino’s General Plan in Health and Safety Element Policies HS-8.1 and HS-8.2, along with Strategy HS-8.2.2.

DISCUSSION

- a) *Would the project expose people to or generate noise levels in excess of standards established in the local general plan or noise ordinance, or other applicable standards?*

Mobile-Source Noise Impacts

The proposed project would generate noise associated with additional vehicles traveling to and from the project site on local roadways. The roadway noise modeling was based on average daily trips (ADT) on roadway segments in the vicinity, as analyzed in the project’s Traffic Impact Analysis (see Appendix F of this Initial Study). Traffic noise was evaluated for Existing, Existing plus Project, Background, and Background plus Project conditions.⁶¹ Noise modeling procedures involved the calculation of vehicular noise levels along individual roadway segments. This was accomplished using the Federal Highway Administration Highway Noise Prediction Model. This model calculates the average noise level at specific locations based on traffic volumes, average speeds, roadway geometry, and site conditions. The proposed project’s impact is determined by analysis of off-site traffic noise increases. Parameters and modeling results are included in Appendix E of this Initial Study.

The proposed project will be subject to traffic noise from De Anza Boulevard, Bandley Drive, Alves Drive, and Stevens Creek Boulevard. The traffic on De Anza Boulevard will be the dominant roadway noise sources at the project site. Table 5-9 compares the noise levels of each roadway segment for existing and (future) background conditions.

As shown in Table 5-9, traffic noise increases due to project contributions range from 0.0 to 0.4 dBA. An increase of less than 3 dB CNEL is generally not noticeable and is not considered to be significant. Consequently, noise impacts generated by project-related traffic would be *less than significant*, and no mitigation measures would be required.

⁶¹ In this instance, “background” means the future conditions at the time of project completion.

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TABLE 5-9 PROJECT CONTRIBUTIONS TO TRAFFIC NOISE LEVELS

Roadway	Segment	Existing, dBA CNEL	Background ^a + Project, dBA CNEL	Overall Increase, dB	Project Contribution, dB	Significant Impact?
De Anza Blvd	Mariani to Lazaneo	76.9	77.3	0.4	0.3	no
De Anza Blvd	Lazaneo to Alves	76.9	77.1	0.2	0.1	no
De Anza Blvd	Alves to Stevens Creek	76.8	77.1	0.2	0.1	no
Stevens Creek Blvd	Mary to Stelling	74.3	74.5	0.3	0.1	no
Stevens Creek Blvd	Stelling to Saich	74.3	74.6	0.3	0.1	no
Stevens Creek Blvd	Saich to Bandley	73.9	74.2	0.3	0.1	no
Stevens Creek Blvd	Bandley to De Anza	74.2	74.4	0.2	0.0	no
Bandley Drive	Stevens Creek to Alves	61.4	61.2	-0.2	-0.2	no
Alves Drive	Bandley to De Anza	56.8	56.9	0.1	-0.1	no

a. "Background" herein means the future conditions at the time of project completion.
Source: Federal Highway Administration Highway Noise Prediction Model (FHWA-RD77-108).

Stationary-Source Noise Impacts

Stationary sources of noise generated by the proposed project would comply with the noise standards of the City of Cupertino. Stationary (non-transportation) noise sources associated with the proposed residential development would include heating, ventilation, and air conditioning (HVAC) units. The new HVAC units are expected to be located on the roofs of the multi-family buildings with the HVAC units most likely grouped into clusters. The nearest receptors that could potentially be affected by HVAC units are the nearby hotel and residential uses to the north (across Alves Drive).

However, ambient noise levels at the hotel and residences are already elevated under existing conditions due to heavy traffic flows on both Stevens Creek Boulevard and De Anza Boulevard. Therefore, the noise levels due to the proposed project's HVAC units would be lower than ambient noise levels caused by the traffic-related sources. Additionally, machinery and other stationary sources of noise are regulated by the City of Cupertino's Municipal Code. The City of Cupertino requires that noise generated on a non-residential property be prohibited from exceeding 55 dBA during the night time (10:00 PM to 7:00 AM) and 65 dBA during the day time (7:00 AM to 10:00 PM) at receiving properties.

Because the proposed project's HVAC units would comply with noise standards contained within the City of Cupertino's Municipal Code, and because surrounding noise-sensitive uses experience high ambient noise levels from nearby transportation-related noise sources (that would overshadow the proposed project's HVAC noise sources), the impacts to any existing noise-sensitive uses in the project vicinity from stationary sources would be *less than significant*, and no mitigation measures would be required.

ENVIRONMENTAL ANALYSIS**Impacts to Residential Areas – Exterior**

The General Plan Health and Safety Element specifies guidelines for acceptable community noise levels according to type of land use. The project site is within the Commercial/Office/Retail (C/O/R) General Plan Land Use designation and is zoned Planned Development with General Commercial and Residential (P[CG, Res]). The P[CG, Res] zone includes a mix of General Commercial and Residential uses within a planned development zoning district. Pursuant to Policy HS-8.1, the Land Use Compatibility for Community Noise Environments chart, Future Noise Contour Map, and City Municipal Code should be used to evaluate land use decisions.

According to the Land Use Compatibility for Community Noise Environments chart in the General Plan (General Plan EIR Figure HS-8), an outdoor noise standard of 65 dBA L_{dn} would be considered “Normally Acceptable” for multi-family residential developments, while environments up to 70 dBA L_{dn} would be considered “Conditionally Acceptable.” For commercial and retail spaces, an L_{dn} of 70 dBA is considered “Normally Acceptable” and an L_{dn} of 67-77 dBA is considered “Conditionally Acceptable.” In the case of Conditionally Acceptable noise levels, “New construction or development should be undertaken only after a detailed analysis of the noise reduction requirements is made and needed noise reduction features included in the design. Conventional construction, but with closed windows and fresh air supply systems or air conditioning will normally suffice.” Multi-family residential developments in environments between 70 and 75 dBA L_{dn} would be considered as “Normally Unacceptable.” In the case of Normally Unacceptable noise levels, “New construction or development should generally be discouraged. If new construction or development does proceed, a detailed analysis of the noise reduction requirements must be made and needed noise insulation features included in the design.”

Based on the General Plan EIR noise analysis, both existing (2014) and future (2040) exterior noise levels on most portions of the project site will generally be between 60 and 70 dBA CNEL. The project would result in exterior noise levels greater than 70 dBA CNEL on portions of the project site, however. Specifically, approximately 85 percent of the site will be between 65 and 70 dBA CNEL, and approximately 15 percent⁶² will be at or above 70 dBA CNEL, due to traffic flows on adjacent roadways. These exterior noise levels would fall within either the “Conditionally Acceptable” or “Normally Unacceptable” land use compatibility classifications. Therefore, the noise environment for the entire project site would not conform to the land use compatibility guidelines of the City’s Health and Safety Element policies (for exterior environments). Therefore, a detailed analysis of the noise reduction requirements must be completed for plan check approvals and any sound insulation features necessary to achieve acceptable interior environments must be included in the design.

In a Site Noise Assessment study prepared for the project in January 2016, RGD Acoustics found that the maximum exterior noise exposure in most of the project’s outdoor use areas would be less than 65 dBA due to acoustical shielding provided by buildings.⁶³ This level is considered “normally acceptable” by the

⁶² These greater-than-70 dBA CNEL would include the eastern portion of proposed Building A that faces Stevens Creek Boulevard.

⁶³ RGD Acoustics, 2016. Site Noise Assessment For: Marina Plaza Cupertino, CA.

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Noise Ordinance of the City of Cupertino. According to the General Plan EIR, noise from traffic along Stevens Creek Boulevard will increase by 2.1 dBA and by 1.0 dBA along De Anza Boulevard from 2015 to 2040. No data was available for traffic volumes along Bandlely Drive and Alves Drive, and, therefore, a nominal increase of 1.0 dBA is assumed.

Although the project by itself would not be a major source of noise, vehicle traffic, construction equipment, and project mechanical equipment would make some slight contributions to existing sources of noise in the area around the project. Given the existing conditions (discussed above) that show the area to already be mostly “Conditionally Acceptable” or “Normally Unacceptable,” from a land use compatibility standpoint a relatively negligible addition to the noise environment would nevertheless exacerbate the problem. Under the recent California Supreme Court ruling *CBIA v. BAAQMD*,⁶⁴ if a project will exacerbate an existing environmental hazard, CEQA requires an analysis of the worsened condition on future project residents and the public at large.

The project is proposed for an area in which the exterior noise levels from nearby roadways are projected to be above the City’s land use compatibility guidelines for “normally acceptable” uses, with or without the project. Because new development in this area, including the project, would not conform to the City’s General Plan policies regarding exterior noise levels, this impact was found to be significant and unavoidable in the General Plan EIR. The project would add a nominal amount of traffic-related noise (i.e., 0.0 to 0.4 dB, as presented above in Table 5-9 and the associated text), but would not increase the exterior noise levels by a significant amount.

Since the exterior environmental noise levels due to the proposed project would add a predicted contribution of 0.0 to 0.4 dB and since an increase of less than 3 dBA CNEL is generally not noticeable and is not considered significant, exterior noise impacts due to the project would be *less than significant*, and no mitigation measures are required.

Impacts to Residential Areas – Interior

For interior spaces, the 2013 CBC (i.e., Title 24) specifies an interior noise standard of 45 dB CNEL⁶⁵ for single- and multi-family residential land use. The interior habitable environment excludes bathrooms, closets, and corridors. The interior noise standard may be satisfied with windows in the closed position, but for such a configuration, mechanical ventilation shall be provided per Uniform Building Code (UBC) requirements.

Noise levels at future facades of residential units that face and have a clear exposure to North De Anza Boulevard are expected to be at or above 70 dBA CNEL. Typical construction with dual glazed windows will

⁶⁴ California Supreme Court, *California Building Industry Association v. Bay Area Air Quality Management District* (2015) [Case No. S213478], issued December 17, 2015.

⁶⁵ Taken to be equivalent to 45 dBA L_{dn}.

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reduce traffic noise levels by approximately 24 to 25 dB.⁶⁶ This means that standard, dual-glazed windows may not suffice to reduce noise to the City's goal in many instances (since an exterior level of 70 dBA CNEL minus 24 dB would result in an interior level of 46 dBA CNEL; that is, 1 dB over the 45 dBA CNEL requirement). Thus, there may be a need for upgraded architectural elements with appropriate acoustical ratings, depending on the final design. That is, the nominal exterior-to-interior noise reduction can potentially be increased to upwards of 30 dB (for the "windows-closed" configuration) by using improved noise reduction methods including (1) weather-stripped, solid core exterior doors; (2) upgraded wall assemblies, including dual-glazed, acoustical windows; (3) mechanical ventilation/air conditioning; and (4) exterior wall/roof assemblies free of cut-outs or openings.

Likewise, based on the nominal exterior-to-interior noise attenuation factors (i.e., 24 to 25 dB), interior levels in hotel units in Building A which face and have a clear exposure to North De Anza Boulevard would be exposed to up to 68 dBA and would, thus, be very near the State interior requirement of 45 dBA CNEL when standard thermal insulating windows are closed (for the purpose of noise control).⁶⁷ Thus, the evaluation of the building design would be required prior to issuance of a building permit in order to ensure that all required building measures are installed, such as sound-rated windows for units close to De Anza Boulevard in order to meet the State Building Code (Title 24) requirement.⁶⁸

Building B is composed of residential units along Alves Drive and retail spaces along Bandle Drive. Retail spaces facing Bandle Drive would be exposed to an L_{dn} of up to 63 dBA and residential units facing Alves Drive would be exposed to an L_{dn} of up to 67 dBA.⁶⁹ Therefore, sound-rated windows would not be expected to be required for those residential units close to Alves Drive (because 67 dBA CNEL minus 24 dB is 43 dBA CNEL). However, this expectation should be confirmed through the evaluation of the building design; conducted prior to issuance of a building permit).⁵

Building C would contain a mixture of retail and residential spaces and would be located toward the center of the project with some exposure to Stevens Creek Boulevard. Units facing Stevens Creek Boulevard are predicted to be exposed to an exterior L_{dn} of up to 62 dBA⁷⁰ and, thus, would be expected to comply with interior standard via use of standard (dual-glazed) windows. Additionally, most dwelling units that do not face the interior courtyards would be expected to comply with standard, dual-glazed windows, but they would need to have their windows in a closed position to meet the indoor noise standard.

⁶⁶ Society of Automotive Engineers, Inc., 1971. House Noise – Reduction Measurements for Use in Studies of Aircraft Flyover Noise. AIR 1081. California Department of Transportation, 2009, Technical Noise Supplement ("TeNS"). Prepared by ICF International.

⁶⁷ That is, with a predicted exterior environment of 68 dBA CNEL and a nominal exterior-to-interior noise reduction of 24 dB (with windows closed), the associated interior environment would be approximately 44 dBA CNEL. If either the exterior environment was higher than predicted or the sound insulation factor was lower than this nominal figure, the interior levels could be greater than the 45 dBA CNEL Title 24 standard.

⁶⁸ RGD Acoustics, 2016. Site Noise Assessment For: Marina Plaza Cupertino, CA.

⁶⁹ RGD Acoustics, 2016. Site Noise Assessment For: Marina Plaza Cupertino, CA.

⁷⁰ RGD Acoustics, 2016. Site Noise Assessment For: Marina Plaza Cupertino, CA.

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In all cases, windows – regardless of standard or upgraded-acoustical quality – must be in their closed positions to facilitate achieving a compliant interior environment in all units. As such, adequate ventilation must be provided for these units according to the 2013 California Building and Mechanical Code as well as the American Society of Heating, Refrigerating and Air-Conditioning Engineers (ASHRAE). Additionally, such ventilation systems and the associated HVAC units must be selected and installed to comply with the noise standards contained within the City of Cupertino’s Municipal Code. Further, the ventilation system selected should not compromise the outdoor-to-indoor noise attenuation of the structure. It is recommended that all buildings of the planned development be included in an exterior-to-interior noise reduction evaluation during detailed design so as to demonstrate compliance with the requirements of the State of California Building Code (and to, thus, pass the plan check approval process).

It should be noted that the windows-open configuration would be even more problematic in that when hotel windows are open, traffic noise attenuation from the exterior to interior spaces is reduced to between 15 to 17 dB in a best-case scenario and, more typically, to between 12 to 14 dB.⁷¹ Since the east side of the site has existing and future noise environment above 65 dBA CNEL – due to traffic flows on North De Anza Boulevard– approximately 15 percent of the proposed project can also be expected to experience an interior level exceeding 45 dBA CNEL when the windows are open. As such, these window-open interior noise levels would expand both the severity and breadth of the non-compliance with the requirements of the CBC (relative to the windows-closed plus active ventilation configuration).

Although the project by itself would not be a major source of noise, vehicle traffic, construction equipment, and project mechanical equipment would contribute to existing sources of noise. Under the CBIA v. BAAQMD, where a project would exacerbate an existing environmental hazard, CEQA requires an analysis of the worsened condition on future project residents and the public at large.

Since compliance with the California Building Code (Title 24) requirements is mandatory, and given Policy HS-8.2 of the City’ Health and Safety Element, the evaluation of the project’s building design would be required prior to issuance of a building permit in order to ensure that all necessary sound insulation measures are incorporated into the design and construction plans for the project. With this mandatory acoustical insulation analysis (during the building permit application process), interior noise impacts at the project would be *less than significant*, and no mitigation measures are required.

Impacts to Outdoor Common Areas

The proposed project would include several outdoor areas that would be considered as “common” and available to all the residents. These outdoor areas include a central courtyard, two pools, walkways, and plaza and patio areas.

⁷¹ U. S. Environmental Protection Agency, 1978. Protective Noise Levels (Condensed Version of EPA Levels Document...see immediately below). EPA 550/9-79-100. U. S. Environmental Protection Agency (EPA). 1974, March. Information on Levels of Environmental Noise Requisite to Protect Public Health and Welfare with an Adequate Margin of Safety. U.S. EPA Office of Noise Abatement and Control, Washington, D.C. Society of Automotive Engineers, Inc., 1971, *House Noise – Reduction Measurements for Use in Studies of Aircraft Flyover Noise*. AIR 1081.

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Because these types of “common” areas often include self-generated sounds (such as conversations, laughing, and/or localized music), and because there are no habitation-centric activities (primarily sleeping), these types of areas are not commonly held to the same land use compatibility standards as for the associated hotel and residential portions of the project. All of these outdoor common areas are near the center of the development and would be relatively well shielded from traffic flow noise on North De Anza Boulevard, Bandle Drive, Alves Drive, and Stevens Creek Boulevard. Thus, the exterior noise environments in the center of the development would be expected to be 5 to 10 dB or more lower than the exterior noise environments at the periphery of the development, due to sound barrier effects. Because the future noise environments in these common areas would be evaluated as part of the required exterior/interior noise study (that would be conducted prior to issuance of a building permit), necessary noise reduction measures would be assessed for inclusion into the design and construction plans for the project. With this mandatory acoustical analysis, exterior noise impacts at the project’s outdoor common areas would be *less than significant*, and no mitigation measures are required.

Construction Noise

Section 10.48.053 of the City’s Municipal Code prescribes allowable hours and noise emissions levels for construction activities within the city limit. The assessment of potential noise impacts due to project construction are discussed below under criterion (d).

b) *Would the project expose people to or generate excessive groundborne vibration or ground borne noise levels?*

Operations Vibration

The operation of the proposed project would not include any long-term vibration sources. Thus, vibration effects or impacts from operations sources would be *less than significant*, and no mitigation measures would be required.

Construction Vibration

Project construction can generate varying degrees of ground vibration, depending on the construction procedures, the equipment used, and the proximity to vibration-sensitive uses. Construction equipment generates vibrations that spread through the ground and diminish in amplitude with distance from the source. The effect on buildings near a construction site varies depending on the type and depth of the source, soil type, ground strata, and receptor building construction. The generation of vibration can range from no perceptible effects at the lowest vibration levels, to low rumbling sounds and perceptible vibrations at moderate levels, to slight damage at the highest levels. Vibration is typically noticed nearby when objects in a building generate noise from rattling windows or jangling picture frames. It is typically

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not perceptible outdoors and, therefore, impacts are normally based on the distance to the nearest building.⁷² Table 5-10 lists vibration levels for different types of construction equipment.

TABLE 5-10 CONSTRUCTION EQUIPMENT VIBRATION LEVELS

Equipment	Approximate RMS ^a Velocity Level at 25 Feet (VdB)	Approximate PPV Velocity at 25 Feet (in/sec)
Large Bulldozer	87	0.089
Caisson Drilling	87	0.089
Loaded Trucks	86	0.076
Jackhammer	79	0.035
Small Bulldozer	58	0.003

Note: VdB = vibration decibel; PPV = peak particle velocity

a. RMS velocity calculated from vibration level (VdB) using the reference of 1 micro-inch/second and a crest factor of 4.

Source: FTA 2006.

Construction Vibration-Induced Architectural Damage

The City does not have specific vibration-related standards. Thus, project-related construction vibration was evaluated for its potential to cause minor architectural damage⁷³ based on FTA's architectural damage criteria. According to guidelines from the FTA for assessing damage from vibration caused by construction equipment, the threshold at which there is a risk of architectural damage for non-engineered timber and masonry buildings is 0.200 peak particle velocity (PPV) in inches per second. According to Caltrans' research and measurements, earthmovers and haul trucks have never exceeded PPV of 0.100 inches per second (in/sec) at 10 feet.⁷⁴

Likewise, ground vibration from construction activities rarely reach levels that can damage structures, but can achieve levels in buildings close to a construction site that are in the perceptible ranges.⁷⁵ Groundborne vibration generated by construction projects is usually highest during pile driving and rock blasting. No pile driving and rock blasting activities are anticipated to be required during project construction.

⁷² Federal Transit Administration, 2006. Transit Noise and Vibration Impact Assessment. United States Department of Transportation. FTA-VA-90-1003-06.

⁷³ The term architectural damage is typically used to describe effects such as cracked plaster, cracks in drywall seams, sticking doors or windows, loosened baseboard/crown moldings, and the like.

⁷⁴ California Department of Transportation Division of Environmental Analysis, 2002. *Transportation Related Earthborne Vibration (Caltrans Experiences)*, Technical Advisory, Vibration. TAV-02-01-R9601. Prepared by Rudy Hendricks.

⁷⁵ Federal Transit Administration (FTA). 2006. Transit Noise and Vibration Impact Assessment. United States Department of Transportation. FTA-VA-90-1003-06, May.

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The nearest off-site structures are on sites within the C/O/R land use designation. The project site is surrounded by other commercial and office uses, including a one-story office building that fronts onto Bandley Drive, one-story banks that front onto Stevens Creek Boulevard, and three-story office buildings that front onto North De Anza Boulevard. An existing hotel is located nearby at the corner of Alves Drive and North De Anza Boulevard, and residences are located across the street at the corner of Alves Drive and Bandley Drive. Table 5-11 shows the vibration levels from typical earthmoving construction equipment at a distance of 75 feet.

TABLE 5-11 MAXIMUM VIBRATION LEVELS FROM CONSTRUCTION EQUIPMENT

Equipment	Vibration Levels (PPV) at Offices (25 Feet)	Vibration Levels (PPV) at Hotel (75 Feet)	Vibration Levels (PPV) at Banks (130 Feet)	Vibration Levels (PPV) at Apartments (160 Feet)
Large Bulldozer	0.089	0.017	0.008	0.005
Loaded Trucks	0.076	0.015	0.006	0.007
Jackhammer	0.035	0.007	0.003	0.003
Small Bulldozer	0.003	0.001	0.000	0.000

Note: PPV = peak particle velocity

Source: Federal Transit Administration (FTA), 2006. Transit Noise and Vibration Impact Assessment, May.

As shown in Table 5-11, construction activities associated with the project would not exceed 0.089 PPV in/sec at the nearest structures in the vicinity of the project site. This value is well below the FTA’s criteria for vibration-induced structural damage of 0.200 PPV in/sec. Therefore, impacts from vibration-induced architectural damage at off-site structures would be *less than significant*, and no mitigation measures would be required.

Construction Vibration Annoyance

While not presenting potential impacts relative to architectural damage, some construction activities may be perceptible at the nearest off-site receptors due to of proximity to the activities. However, vibration-related construction activities would occur in the daytime when people are least sensitive to vibration levels (as many people would be away from their residences during the day).

The level where vibration becomes annoying is 78 VdB for residential uses and 84 VdB for office uses.⁷⁶ Human annoyance occurs when construction vibration rises significantly above the threshold of human perception for extended periods of time. Construction activities are typically distributed throughout the project site and would only occur for a very limited duration when equipment would be working in close

⁷⁶ Federal Transit Administration. 2006, May. *Transit Noise and Vibration Impact Assessment*. United States Department of Transportation. FTA-VA-90-1003-06.

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proximity. Therefore, vibration annoyance distances to the nearest receptors are measured from the center of the construction site, to represent the average vibration level.

The nearest sensitive receptors include apartments approximately 340 feet northwest of the center of the project site. Table 5-12 shows the vibration levels from typical earthmoving construction equipment at representative distances.

TABLE 5-12 AVERAGE VIBRATION LEVELS FROM CONSTRUCTION EQUIPMENT

Equipment	Vibration Levels (VdB) at Office Building (175 Feet)¹	Vibration Levels (VdB) at Adjacent Banks (325 Feet)¹	Vibration Levels (VdB) at Aloft Hotel (340 Feet)¹	Vibration Levels (VdB) at Apartments (410 Feet)¹
Large Bulldozer	70	65	64	63
Loaded Trucks	69	65	64	62
Jackhammer	62	57	56	55
Small Bulldozer	41	36	35	34

Note: VdB = vibration decibel

1. Distances are from the center of the construction site to the façade of the noted building.

Source: Federal Transit Administration (FTA), 2006. Transit Noise and Vibration Impact Assessment, May.

As shown in Table 5-12, average construction-generated vibration levels would not exceed 70 VdB, and, therefore, would be well under the 78 and 84 VdB thresholds for human annoyance at nearby sensitive receptors (for residential and offices uses, respectively).

Heavy equipment (such as a large bulldozer⁷⁷) may operate at or near the project boundary. If such large machines are needed for grading and/or site preparation, it is estimated that such efforts at the site boundary would only be 10 to 20 percent of the grading and site preparation phases (which would equate to approximately 30 to 60 days, per the current project construction schedule). For vibration annoyance impacts, a large bulldozer would need to be operating at approximately 32 feet from the façade of an office building to approach or exceed the 84 VdB threshold for human annoyance. The actual distance to the nearest office building is nearly twice this distance, so annoyance at the building across Alves Drive would not occur. Likewise, the distance for approaching or exceeding the 78 VdB threshold for human annoyance at a residential land use is 50 feet. Because the nearest such residential uses are approximately 125 feet from the edge of the Project site, annoyance at the apartments to the northwest would also not occur; even for equipment as vibration-intensive as a large bulldozer.

⁷⁷ 'Large' bulldozers are considered to be above an operating weight of 85,000 pounds (represented by a Caterpillar D8-class or larger); 'medium' bulldozers are considered to be in the operating weight range of 25,000 to 60,000 pounds (such as a Caterpillar D6- or D7-class machines); and 'small' bulldozers are considered to be in the operating weight range of 15,000 to 20,000 pounds (such as a Caterpillar D3-, D4-, or D5-class machines).

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As heavy construction equipment moves around the project site, average vibration levels at the nearest structures would diminish with increasing distance between structures and the equipment and would generally not be perceptible. Vibration during construction would not exceed the FTA's annoyance threshold at the nearest structures, and therefore the impact would be *less than significant*, and no mitigation measures would be required.

c) *Would the project create a substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?*

As described under criterion (a) above, increases in noise levels related to stationary noise sources for the proposed project would not substantially elevate the existing ambient noise environment. Similarly, noise from project-related traffic along local roadways would not significantly increase noise levels in the project area. Accordingly, impacts would be *less than significant*, and no mitigation measures would be required.

d) *Would the project create a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?*

Potential temporary increases in ambient noise levels would be associated with construction activities. Sensitivity to noise is based on the location of the equipment relative to sensitive receptors, the time of day, and the duration of the noise-generating activities. Two types of short-term noise impacts could occur during construction: (1) mobile-source noise from the transport of workers, material deliveries, and debris/soil hauling; and (2) on-site noise from use of construction equipment. Construction activities are anticipated to last approximately three years.

Construction Vehicles

The transport of workers and equipment to the construction site would incrementally increase noise levels along site access roadways. The primary access routes for construction vehicles to the project site would be North De Anza Boulevard, Alves Drive, and Bandle Drive. Project-related construction worker vehicles, haul trucks, and vendor trucks could pass by existing hotel and residential uses along Alves Drive, Bandle Drive, and De Anza Boulevard north and east of the project site. Construction-related activities would generate worker, vendor, and soil haul trips. The demolition and grading phases would generate the most trips due to soil haul. Regardless, the construction-related trips, which could be up to 80 truck trips per day,⁷⁸ would result in negligible noise level increases when compared to the traffic flow noise currently generated on the roadways (generally on the order of 301,000+ Average Daily Trips [ADT]). In addition, these truck trips would be spread throughout the workday and would primarily occur during non-peak traffic periods. Therefore, noise impacts from construction-related truck traffic would be *less than significant* at noise-sensitive receptors along the construction routes, and no mitigation measures would be required.

⁷⁸ This evaluation conservatively considered the overlapping phases of building demolition hauling plus asphalt demolition hauling plus soil hauling.

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Construction Equipment

According to Section 10.48.053 of the City's Municipal Code, construction is allowed during "daytime hours" (7:00 AM to 8:00 PM Monday through Friday, and 9:00 AM to 6:00 PM on weekends), provided that such construction activities do not exceed 80 dBA at the nearest affected property or individual equipment items do not exceed 87 dBA at 25 feet.⁷⁹ Construction is prohibited on holidays and within 750 feet of residential areas on weekends, unless a special exception has been granted, and during nighttime hours unless it meets the nighttime noise level standards. Even with these restrictions, project construction would temporarily increase ambient noise. However, noise levels would subside again after construction.

Typically, demolition and grading activities generate the loudest noise because they involve the largest and most powerful equipment. As the project includes an underground parking garage, construction activities would include excavation and soil haul. In general, therefore, construction activities for the project would utilize relatively small- to medium-sized equipment such as delivery trucks, loaders/backhoes, dozers, excavators, scrapers, graders, forklifts, a crane, rollers, and pavers. As shown in Table 5-13 typical operational noise levels of most construction equipment range between 80 and 90 dBA at 50 feet.⁸⁰

Composite construction noise by phase has been characterized by Bolt Beranek and Newman (1971). In their study, construction noise for earthwork and finish work related to industrial development is presented as an aggregate of 89 dBA L_{eq} when measured at a distance of 50 feet from the construction effort. This summed value takes into account both the number of pieces and the spacing of the heavy equipment used in the construction effort. Noise levels are typically reduced from this value due to usage factors (discussed above), as well as the barrier effects provided by the physical structures themselves (once erected). However, as a worst-case scenario, the 89 dBA L_{eq} value is used to assess the impact of construction.

Construction equipment typically moves around on the project site and uses various power levels. Noise from localized point sources (such as construction equipment) decreases by approximately 6 to 7.5 dB with each doubling of distance between the source and receptor.⁸¹ For example, the noise levels from a dozer that generates 85 dBA at 50 feet would measure 79 dBA at 100 feet, 73 dBA at 200 feet, 67 dBA at 400 feet, and 61 dBA at 800 feet (conservatively using a 6 dB per doubling of distance attenuation factor).

⁷⁹ These 80 and 87 dBA sound levels are taken to be the maximum continuous or repeated peak value measured by the use of a sound level meter and the "A" weighting network and the "SLOW" metering response, per Municipal Code Section 10.48.010.

⁸⁰ Neglecting detailed sound propagation considerations for the near-field/transition-zone/far-field environs, these reference sound levels would simplistically be adjusted to 86 to 94 dBA at 25 feet. Thus, several equipment items could potentially have typical sound emissions that would be higher than the Section 10.48.053 standards.

⁸¹ As sound energy travels outward from the source, spreading loss accounts for a 6 dB decrease in noise level. Soft ground and atmospheric absorption effects can decrease this by an additional 1.5 dB.

ENVIRONMENTAL ANALYSIS**TABLE 5-13 TYPICAL CONSTRUCTION EQUIPMENT NOISE LEVEL**

Type of Equipment	Range of Maximum Sound Levels Measured (dBA at 50 ft.)	Suggested Maximum Sound Levels for Analysis (dBA at 50 ft.)
Jack Hammers	75–85	82
Pneumatic Tools	78–88	85
Pumps	74–84	80
Dozers	77–90	85
Scrapers	83–91	87
Haul Trucks	83–94	88
Cranes	79–86	82
Portable Generators	71–87	80
Rollers	75–82	80
Tractors	77–82	80
Front-End Loaders	77–90	86
Hydraulic Backhoe	81–90	86
Hydraulic Excavators	81–90	86
Graders	79–89	86
Air Compressors	76–89	86
Trucks	81–87	86

Source: Bolt, Beranek & Newman, 1987. Noise Control for Buildings and Manufacturing Plants.

The nearest off-site receptors are the hotels and apartments to the north, east, and west of the site, across Alves Drive, Bandle Drive, and De Anza Boulevard. There are adjacent office buildings approximately 175 feet from the center of construction, banks approximately 325 feet from the center of construction, a hotel 340 feet from the center of construction, and apartments Across Alves Drive approximately 410 feet away from the main construction zone. At these distances, the construction noise levels would be expected to average 78 dBA L_{eq} at nearby offices, 72 dBA L_{eq} at adjacent banks, 72 dBA L_{eq} at the Aloft Hotel, and 70 dBA L_{eq} at the Apartments across Alves Drive.

Therefore, construction activity would not be expected to exceed the noise ordinance's limit of 80 dBA (L_{max}). Because the hotels and apartments lie within 750 feet of the construction boundary, project construction would not be allowed on weekends pursuant to Municipal Code Section 10.48.053. Due to the distances to sensitive receptors, the limitation on construction hours to the least noise-sensitive portion of the day (7:00 AM to 8:00 PM), and the construction activity noise level limit, impacts at off-site receptors would be *less than significant*, and no mitigation would be necessary.

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e) For a project located within an airport land use plan or, where such a plan has not been adopted, within 2 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?

The proposed project is not located within an airport land use plan or within two miles of an airport. As described under the Existing Conditions section above, the nearest public airport is San Jose international Airport, located approximately 5.9 miles to the north. At the distance between the project site and the nearest aircraft facilities, the proposed project would not expose residents or patrons to excessive noise levels from aircraft noise. *No impact* related to noise from public airport would occur, and no mitigation measures are necessary.

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?

The proposed project is not located within the immediate vicinity of a private airstrip or heliport. As described under the Existing Conditions section above, the nearest heliports are located approximately 5.3 miles from the project site and the nearest private airport is located approximately 5.5 miles away. At these relatively long distances from the aircraft facilities, the proposed project would not expose residents to excessive noise levels from private airstrip or heliport noise. *No impact* related to noise from private airstrip would occur, and no mitigation measures would be required.

XI. POPULATION AND HOUSING

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant	No Impact
a) Induce substantial unexpected population growth or growth for which inadequate planning has occurred, 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 units, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

GENERAL PLAN EIR

As discussed in Chapter 4.11, Population and Housing, of the General Plan EIR, impacts were determined to be less than significant as a result of intensified development of the project site. As discussed in

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Chapter 4, Consistency with the General Plan EIR, of this Initial Study, the General Plan would introduce approximately 12,998 new residents⁸² and 16,855 new jobs⁸³ to Cupertino by the year 2040. These new residents and jobs combined with existing conditions would result in 71,300 residents and 44,242 jobs at the 2040 buildout horizon.

EXISTING CONDITIONS

The project is anticipated to be complete by 2019. According to the Association of Bay Area Governments (ABAG), Cupertino would have 62,500 residents and 30,110 jobs by 2020.

No new residential projects have been developed or approved for development in Cupertino since the adoption of the General Plan. The site is currently developed with two single-story commercial buildings and associated surface parking.

DISCUSSION

a) *Would the project induce substantial unexpected population growth or growth for which inadequate planning has occurred, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?*

Based on a projected average household size of 2.88 persons per household,⁸⁴ it is assumed that the proposed project would introduce 541 residents⁸⁵ to the project site. The proposed commercial space and the 122-room hotel are expected to generate a total of 54 permanent jobs.

As stated above, no new residential projects have been developed or approved for development since the adoption of the General Plan. Accordingly, an increase of 541 residents and 54 permanent jobs in combination with other future projects would not increase the overall city buildout to the year 2040 projections. The 541 potential new residents generated by the proposed project represent approximately 4.2 percent⁸⁶ of the 12,998 residents anticipated under the General Plan EIR by the year 2040. Therefore, the proposed project is well within the population projections considered in the General Plan EIR and projected by ABAG. The growth occurring as a result of the project would be limited to the project site, and the project does not involve infrastructure that would induce or allow for off-site development.

⁸² Population is calculated by 4,421 units times 2.94 persons per household, which is the ABAG 2040 estimated generation rate.

⁸³ Jobs are calculated applying the City's generation rates as follows; 4,040,231 square feet of office allocation divided by 300 square feet equals 13,467 jobs; 1,343,679 square feet of commercial allocation divided by 450 square feet equals 2,986 jobs; and 1,339 hotel rooms at .3 jobs per room equals 402 jobs for a total of 16,855 jobs.

⁸⁴ This analysis is based on the Association of Bay Area Governments (ABAG) 2013 projections of the average household size of 2.88 persons for Cupertino in 2020. This is the standard approach for population and housing analysis in Cupertino.

⁸⁵ 2.88 persons per household multiplied by 188 residential units = 541 residents.

⁸⁶ (541 residents under the proposed project) divided by (12,998 new residents anticipated by the General Plan EIR) X 100 = 4.2 percent.

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As discussed in Section IX, Land Use, the project is consistent with the General Plan land use and Zoning designations, and would not require any amendments to the General Plan or Zoning Code. Accordingly, there would be a *less-than-significant* impact related to substantial unexpected population growth or growth for which inadequate planning has occurred.

b) *Would the project displace substantial numbers of existing housing units, necessitating the construction of replacement housing elsewhere?*

As described in the Chapter 3, Project Description, of this Initial Study, the project site is currently developed with two single-story commercial buildings and associated surface parking. Thus, there is no existing housing on the project site and no housing would be displaced by the proposed project. Therefore, the proposed project would have *no impact* in relation to the displacement of housing.

c) *Would the project displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?*

There is no existing housing on the project site and buildout of the proposed uses would not displace people at any phase of construction or operation. Therefore, the proposed project would have *no impact* related to constructing replacement housing elsewhere.

XII. PUBLIC SERVICES

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

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GENERAL PLAN EIR

Chapter 4.12, Public Services and Recreation, of the General Plan EIR addressed the impacts to public services and recreation associated with development of the project site, and these impacts were determined to be less than significant. A recent discussion of the existing conditions for each of the service providers listed below is provided in Chapter 4.12, Public Services and Recreation, of the General Plan EIR.

EXISTING CONDITIONS

The public service providers for the project site are as follows:

- The City of Cupertino contracts with the Santa Clara County Fire District (SCCFD) for fire protection, emergency, medical, and hazardous material services.
- The City of Cupertino contracts with the Santa Clara County Sheriff's Office (Sheriff's Office) and West Valley Patrol Division for police protection services.
- The project site is within the boundaries of the Cupertino Union School District (CUSD) and Fremont Union High School District (FUHSD). Specifically, the project site is in the Garden Gate Elementary School attendance area approximately 1.5 miles away. Middle school age students would attend Lawson Middle School and high school age students would attend Monte Vista High School.
- The Santa Clara County Library District (SCCLD) governs and administers seven community libraries, one branch library, two bookmobiles, the Home Service Library, and the 24/7 online library for all library users. The closest library to the project site is the Cupertino Library located at 10800 Torre Avenue in Cupertino.

DISCUSSION

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

The purpose of the 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 may 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 XI, Population and Housing, above, the proposed project would result in a net increase of 188 dwelling units and 541 new residents at the project site, which represents 19 percent less

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new development (188 new units compared to 232 new units) than what was considered in the General Plan EIR. In addition, as described in the General Plan EIR, the project applicant is required to pay developer impact fees to the CUSD that provide support to schools to offset the project’s fair share of impacts to schools. Because impacts to public service providers were determined to be less than significant in the General Plan EIR and the proposed project represents less development on the site than what was considered in the General Plan EIR, impacts to public services providers as a result of the proposed project would also be *less than significant*, and no mitigation measures would be required.

XIII.PARKS AND RECREATION

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant	No Impact
a) Increase the use of existing neighborhood and regional parks or other recreational facilities, such that substantial physical deterioration of the facility would occur or be accelerated?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Result in substantial adverse physical impacts associated with the provision of new or physically altered park and recreational facilities, or result in the need for new or physically altered park and recreational facilities, the construction of which could cause significant environmental impacts?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

GENERAL PLAN EIR

Chapter 4.12, Public Services and Recreation, of the General Plan EIR addressed the impacts to parks and recreation associated with development of the project site. Impacts were determined to be less than significant.

EXISTING CONDITIONS

The City of Cupertino Recreation and Community Services is responsible for maintaining the City’s 14 parks and seven community and recreational facilities. The City of Cupertino has an adopted parkland dedication standard of three acres of parkland for every 1,000 residents. There are approximately 156 acres of parkland in Cupertino, or approximately 2.7 acres per 1,000 residents based on the existing population of 58,302. The City parks closest to the project site are Cali Mill Plaza, located approximately 0.2 mile to the southeast, and Cupertino Memorial Park, located approximately 0.6 mile to the west.

Regional park facilities operated by the Midpeninsula Regional Open Space District (MROSD) and the Santa Clara County Parks could be used by residents of the project site. The closest MROSD parks to

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Cupertino are Fremont Older, Picchetti Ranch, and Rancho San Antonia, which are located just southwest and west of the city limit, respectively. Santa Clara County Parks facilities that serve Cupertino include Rancho San Antonio County Park, south of Interstate 280 and west of Foothill Boulevard; and the Stevens Creek County Park.

DISCUSSION

- a) *Would the project increase the use of existing neighborhood and regional parks or other recreational facilities, such that substantial physical deterioration of the facility would occur or be accelerated?*

As discussed in Chapter 3, Project Description, of this Initial Study, the project includes recreational amenities available to residents and members of the general public. The proposed project's open space and balcony area totals 64,517 square feet (1.48 acres), of which approximately 28,997 square feet (0.67 acres) would be for recreational amenities for site users. The proposed project also includes retail outdoor space that can be used by residents, visitors, and members of the public.

City Parks

As discussed in Section XI, Population and Housing, above, the proposed project would result in a net increase of 188 new dwelling units and 541 potential new residents at the project site, which represents 19 percent less new development (188 new units compared to 232 new units) than what was considered for the site in the General Plan EIR. As discussed above, the City of Cupertino has an adopted parkland dedication standard of three acres of parkland for every 1,000 residents. To meet the City's parkland-to-resident ratio of three acres of parkland for every 1,000 residents, the proposed project would be required to provide 1.6 acres of parkland.⁸⁷ Although the proposed project would not provide on-site parkland, the proposed project's payment of City-required impact fees would contribute to the City's parks and recreation fund. As discussed in the General Plan EIR, the proposed project would be required to comply with Cupertino Municipal Code Chapter 14.05, Park Maintenance Fee, and Chapter 18.24, Dedications and Reservations, which require the payment of impact fees to maintain existing parks and recreation facilities and offset their fair share of impacts to parklands. Therefore, considering the proposed project's provision of 1.48 acres of residential open space and amenities, and public recreational amenities in conjunction with the collection of impact fees that support the City's parks and recreation fund, the project's impacts on the City's recreational facilities would be *less than significant*, and no mitigation measures would be required.

Regional and County Parks

New residents of the project site would be expected to use the regional park facilities operated by the MROSD and the Santa Clara County Parks; however, given the vast size of the regional park facilities and the relatively small number of new residents who would make of them, the proposed project would not result in their substantial deterioration of these facilities. The modest increase in usage that could

⁸⁷ 541 residents x 0.003 (3 acres of parkland per 1,000 residents) = 1.6 acres

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potentially result from the proposed project is not likely to require the construction of new park facilities over and above that already foreseen in the long-range planning completed for the regional parks in the vicinity of the project site. Therefore, a *less-than-significant* impact to regional parks would occur, and no mitigation measures would be required.

b) *Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered park and recreational facilities, or result in the need for new or physically altered park and recreational facilities, the construction of which could cause significant environmental impacts?*

As discussed in criterion (a) above, the proposed project’s recreational and open space features combined with the impact fees that support the City’s parks and recreation fund would render the project’s impact on the City’s recreational facilities less than significant. The project would not involve the construction of or any physical alterations to an existing park or recreational facility; however, the payment of impact fees would go toward supporting the City’s park fund and could be applied to the construction or expansion of recreational facilities that could have an adverse physical effect on the environment. It is not known at what time or location such facilities would be required, or what the exact nature of these facilities would be, so it cannot be determined what specific environmental impacts would occur from their construction and operation. Because the payment of impact fees is a City requirement to offset the project’s fair share of impacts to parklands, the City would be responsible for environmental review of future park and recreation facilities in accordance with CEQA, as necessary, which would ensure that any environmental impacts are disclosed and mitigated to the extent possible for any future City project related to the expansion of or improvement to a City park or recreational facility. Accordingly, impacts to park and recreational facilities as a result of the proposed project would be *less than significant*, and no mitigation measures would be required.

XIV. TRANSPORTATION AND CIRCULATION

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant	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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

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Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant	No Impact
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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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"/>

GENERAL PLAN EIR

Analysis of the project site in the General Plan EIR was based on a maximum residential density of 40 dwelling units per acre, which would allow up to 232 residential units on 6.86 acres within the block encompassing the larger of the two project parcels and four other parcels on the block, and a maximum building height of 60 feet, or 75 feet with retail development, which would allow four- to five-story buildings. However, permitted development within the Heart of the City Special Area, under the current General Plan, is limited to 469 residential units, 122 hotel rooms, 793,270 square feet of commercial space, and 17,113 of office space. Additionally, residential development for Marina Plaza is limited to 200 units with a maximum residential density of 35 dwelling units per acre under the current General Plan.

Development under the proposed project would result in a 122-room hotel and two mixed-use buildings with 22,593 square feet of commercial uses, 188 residential units, and a maximum height of 45 feet. Thus, the proposed project would be consistent with both the scope of development analyzed in the General Plan EIR. The project is permitted a maximum allowable density of 35 dwelling units per acre. However, because the project proposes the incorporation of BMR units, the project is entitled to increase the proposed number of housing units consistent with the State’s density bonus law and the City’s density bonus ordinance. Through the incorporation of density bonus, the mixed-use parcel will have a residential

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density of approximately 47 dwelling units per acre. Overall, development under the proposed project would be consistent the C/O/R land use designation, height limits, and existing character for the project site permitted under the General Plan and the City's density bonus ordinance.

Traffic impacts are found to be significant and unavoidable in the General Plan EIR. Implementation of General Plan EIR Mitigation Measure TRAF-1 requires the City to commit to preparing and implementing a Transportation Mitigation Fee Program (TMFP) to guarantee funding for roadway and infrastructure improvements that are necessary to mitigate impacts from future projects based on the then current City standards. General Plan EIR Mitigation Measure TRAF-1, which was previously adopted by the City and incorporated into the General Plan, will be implemented by the City.

EXISTING CONDITIONS

The following is based on the Transportation Impact Analysis (TIA) prepared for the proposed project. The TIA is included in Appendix F of this Initial Study. The cumulative impacts, in conjunction with overall General Plan buildout, were evaluated as part of the General Plan EIR; thus, the project's TIA presents a focused analysis to evaluate the near-term impacts of the project under Existing and Background Conditions.

Methodology

The TIA was prepared by Fehr & Peers following the guidelines of the City of Cupertino and Santa Clara Valley Transportation Authority (VTA), the congestion management agency for Santa Clara County. The VTA Congestion Management Program (CMP) TIA Guidelines (last updated in October 2014) present guidelines for assessing the transportation impacts of development projects and identifying whether improvements are needed to adjacent roadways, bike facilities, sidewalks, and transit services affected by the proposed project. The TIA guidelines have been adopted by local agencies within Santa Clara County, and are applied to analyze the regional transportation system.

Intersections

The method described in Chapter 16 of the 2000 Highway Capacity Manual (2000 HCM) was used to prepare the Level of Service (LOS) calculations for the study intersections. This method is approved by the City of Cupertino, City of Sunnyvale, and VTA. The average control delay for signalized intersections is calculated using TRAFFIX analysis software and is correlated to a level of service designation as shown in Table 5-14.

The operations of the unsignalized intersections were evaluated using the method contained in Chapter 17 of the 2000 HCM. Only two of the study intersections are unsignalized, including an all-way stop controlled intersection at Bandle Drive and Alves Drive, and a side-street stop controlled intersection at De Anza Boulevard and Alves Drive. LOS ratings for all-way stop-controlled intersections are based on the average control delay expressed in seconds per vehicle. Table 5-15 summarizes the relationship between delay and LOS for unsignalized intersections. Additionally, the City of Cupertino utilizes the 2014 California

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TABLE 5-14 SIGNALIZED INTERSECTION LOS DEFINITIONS

Level of Service	Description	Average Control Delay (seconds per vehicle)
A	Operations with very low delay occurring with favorable traffic signal progression and/or short cycle lengths.	< 10.0
B	Operations with low delay occurring with good progression and/or short cycle lengths.	> 10.0 to 20.0
C	Operations with average delays resulting from fair progression and/or longer cycle lengths. Individual cycle failures begin to appear.	> 20.0 to 35.0
D	Operations with longer delays due to a combination of unfavorable progression, long cycle lengths, or high V/C ratios. Many vehicles stop and individual cycle failures are noticeable.	> 35.0 to 55.0
E	Operations with high delay values indicating poor progression, long cycle lengths, and high V/C ratios. Individual cycle failures are frequent occurrences. This is considered to be the limit of acceptable delay.	> 55.0 to 80.0
F	Operations with delays unacceptable to most drivers occurring due to over-saturation, poor progression, or very long cycle lengths.	> 80.0

Source: Fehr & Peers, 2016.

TABLE 5-15 UNSIGNALIZED INTERSECTION LOS DEFINITIONS

Level of Service	Description	Average Control Delay (seconds per vehicle)
A	Little or no delay.	≤ 10.0
B	Short traffic delay.	10.1 to 15.0
C	Average traffic delays.	15.1 to 25.0
D	Long traffic delays.	25.1 to 35.0
E	Very long traffic delays.	35.1 to 50.0
F	Extreme traffic delays with intersection capacity exceeded.	> 50.0

Source: Fehr & Peers, 2016.

Manual on Uniform Traffic Control Devices (MUTCD) peak-hour volume signal warrant to evaluate operations at unsignalized intersections operating at LOS F.

Freeways

Freeway segments were evaluated using VTA’s analysis procedure, which is based on the density of the traffic flow using methods described in the 2000 HCM. Density is expressed in passenger cars per mile per lane. The CMP ranges of densities for each freeway segment level of service designation are shown in Table 5-16.

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TABLE 5-16 FREEWAY SEGMENT LEVEL OF SERVICE DEFINITIONS

Level of Service	Density (passenger cars per mile per lane)
A	< 11
B	> 11.1 to 18.0
C	> 18.1 to 26.0
D	> 26.1 to 46.0
E	> 46.1 to 58.0
F	> 58.0

Source: Fehr & Peers, 2016.

Existing Conditions Scenario

The project site is surrounded by other parcels with C/O/R General Plan land use designations directly to the east, west, and south. The project site is surrounded primarily by low-density residential land uses to the north, and retail uses to the west and south along Stevens Creek Boulevard. To the east and south, two gas stations are located across the street from each other at the intersection of Stevens Creek Boulevard and De Anza Boulevard. Interstate 280 and State Route 85 provide regional access to the project site. The following streets provide local access: De Anza Boulevard, Stevens Creek Boulevard, Stelling Road, Mariani Avenue, Lazaneo Drive, Alves Drive, and Bandley Drive. Descriptions of these roadways are presented in Section 2.1 of the TIA. The roadway impacts of the proposed project were evaluated for the intersections and freeway segments discussed below.

Existing Intersection Operations

Study intersections were selected in consultation with the City of Cupertino and generally determined based on VTA's 10 trips per lane guideline, which indicates that intersections should be included if the proposed project adds 10 or more peak hour vehicles per lane to any intersection movement. The Existing Conditions of the study intersections were evaluated during weekday AM and PM peak periods. The results of the level of service analysis for Existing Conditions are presented in Table 5-17. All study intersections operate at acceptable service levels (LOS D or better for City intersections and LOS E+ or better for regionally significant and CMP intersections) during the AM and PM peak hours. Existing congestion and conflict points observed in the field include pedestrian crossings at the Bandley Drive and Stevens Creek Boulevard intersections. Vehicles turning left out of the Crossroads Shopping Center or from Bandley Drive present a safety issue for pedestrians crossing Stevens Creek Boulevard. The heavy pedestrian volumes create delays for left-turning vehicles and, as a result, vehicle queues along Bandley and the Crossroads driveway are not able to dissipate within the appropriated green time. Vehicles often have to wait through more than one cycle length during the mid-day and evening peak periods.

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TABLE 5-17 EXISTING INTERSECTION LEVEL OF SERVICE RESULTS

ID #	Intersection	Jurisdiction/ CMP ^a	LOS Threshold	Peak Hour ^b	Delay ^c	LOS ^d
1	De Anza Boulevard and Mariani Avenue	Cupertino	D	AM PM	36.4 42.2	D+ D
2	De Anza Boulevard and Lazaneo Drive	Cupertino	D	AM PM	17.5 19.8	B B-
3	Bandley Drive and Alves Drive	Cupertino	D	AM PM	10.6 11.3	B B
4	De Anza Boulevard and Alves Drive	Cupertino	D	AM PM	11.0 20.3	B C
5	Mary Avenue and Stevens Creek Blvd.	Cupertino	D	AM PM	34.0 33.3	C- C-
6	N. Stelling Road and Stevens Creek Blvd.	Cupertino/CMP	E+	AM PM	39.0 46.0	D+ D
7	Saich Way and Stevens Creek Boulevard	Cupertino	D	AM PM	15.7 21.7	B C+
8	Bandley Drive and Stevens Creek Blvd.	Cupertino	D	AM PM	15.0 24.5	B C
9	De Anza Blvd. and Stevens Creek Blvd.	Cupertino/CMP	E+	AM PM	34.1 44.1	C- D

Notes: All of the study intersections are signalized.

1. Intersection jurisdiction and identification of CMP (Congestion Management Program) intersections.
 2. AM = morning peak hour, PM = evening peak hour.
 3. Whole intersection weighted average control delay expressed in seconds per vehicle calculated using methods described in the 2000 *Highway Capacity Manual*, with adjusted saturation flow rates to reflect Santa Clara County Conditions for signalized intersections.
 4. LOS = Level of Service. LOS calculations conducted using the TRAFFIX analysis software packages, which apply the methods described in the 2000 *Highway Capacity Manual*.
 5. Signal = Signalized intersection, AWSC = All way stop controlled intersection, SSSC = Side-street stop controlled intersection
- Source: Fehr & Peers, 2016.

Existing Freeway Operations

Freeway segments were selected in consultation with the City following VTA guidelines. Table 5-18 shows the existing freeway segment levels of service for the mixed-flow and high-occupancy vehicle (HOV) lanes based on the segment densities. During the AM peak hour, the northbound HOV and mixed-flow freeway segments on State Route 85 from Saratoga-Sunnyvale Road to Interstate 280 exceed the VTA's LOS E standard and operate at LOS F. The mixed-flow lanes on the westbound segments on Interstate 280 from Wolfe Road to State Route 85 also operate at LOS F during the AM peak hour. During the PM peak hour the HOV lane on the southbound segment of State Route 85 between Interstate 280 and Stevens Creek mixed-flow lanes on the southbound segment of State Route 85 between Stevens Creek Boulevard and Saratoga-Sunnyvale Road operate at LOS F. The mixed-flow lanes on the eastbound segments on Interstate 280 from State Route 85 to Wolfe Road also operate at LOS F during the PM peak hour.

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TABLE 5-18 EXISTING FREEWAY (I-280) LEVEL OF SERVICE RESULTS

Freeway Segment	Peak Hour	Number of Lanes		Density		LOS	
		Mixed	HOV	Mixed	HOV	Mixed	HOV
SR 85 Northbound							
Saratoga-Sunnyvale Rd to Stevens Creek Blvd	AM	2	1	65	64	F	F
	PM	2	1	22	9	C	A
Stevens Creek Blvd to I-280	AM	2	1	124	108	F	F
	PM	2	1	13	6	B	A
SR 85 Southbound							
I-280 to Stevens Creek Blvd	AM	2	1	21	5	C	A
	PM	2	1	52	66	E	F
Stevens Creek Blvd to Saratoga-Sunnyvale Rd	AM	2	1	18	5	B	A
	PM	2	1	90	47	F	E
I-280 Eastbound							
SR-85 to De Anza Blvd	AM	3	1	24	9	C	A
	PM	3	1	103	19	F	E
De Anza Blvd to Wolfe Rd	AM	3	1	36	10	D	A
	PM	3	1	77	30	F	E
I-280 Westbound							
Wolfe Rd to De Anza Blvd	AM	3	1	62	57	F	E
	PM	3	1	25	7	C	A
De Anza Blvd to SR-85	AM	3	1	73	45	F	D
	PM	3	1	23	7	C	A

Notes: **Bold** font indicates unacceptable operations based on VTA's LOS E Standard.
Source: Fehr & Peers, 2016.

Existing Pedestrian, Bicycle, and Transit Facilities

Pedestrian Facilities

Pedestrian facilities consist of sidewalks, crosswalks, and pedestrian signals. Pedestrian connectivity immediately surrounding the project site is provided by a mostly complete network of sidewalks and crosswalks. Sidewalks are provided along the frontage of the project site along Alves Drive and Bandley Drive. All study intersections provide marked crosswalks on at least one approach, and the Bandley Drive/Alves Drive and Bandley Drive/Stevens Creek Boulevard intersections provide crosswalks on all four approaches.

Heavy pedestrian volumes at the Bandley Drive/Stevens Creek Boulevard intersection result in safety conflicts with vehicles turning left out of the Crossroads Shopping Center or from Bandley Drive. This can result in additional vehicular delays and queuing at this location.

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Bicycle Facilities

Bicycle facilities in the project site vicinity include Class II bicycle lanes and Class III bicycle routes, as described below:

Class II Bikeways (Bike Lanes) are lanes for bicyclists generally adjacent to the outer vehicle travel lanes. These lanes have special lane markings, pavement legends, and signage. Bicycle lanes are generally 5 feet wide. Adjacent vehicle parking and vehicle/pedestrian cross-flow are permitted. Near the project site, Class II bicycle lanes are provided on De Anza Boulevard, Mariani Avenue (east of De Anza Boulevard), and Stevens Creek Boulevard.

Class III Bikeways (Bike Routes) are designated by signs or pavement markings for shared use with pedestrians or motor vehicles, but have no separated bike right-of-way or lane striping. Bicycle routes serve either to: a) provide continuity to other bicycle facilities, or b) designate preferred routes through high demand corridors. Near the project site, Class III bicycle routes exist along Bandley Drive, Lazaneo Drive, and Mariani Avenue (west of De Anza Boulevard).

In 2011, the City of Cupertino adopted its *Bicycle Transportation Plan*, which illustrates Cupertino's current bicycle network, identifies gaps in the network, and proposes improvement projects to address the identified gaps. In addition, the City has prepared a *Draft 2016 Bicycle Transportation Master Plan* (Draft Bike Plan).⁸⁸ This Draft Bike Plan includes a feasibility study of buffered bike lanes and bicycle routes in the vicinity of the project site. Based on the outcome of the Draft Bike Plan and any other applicable recommendations, the project applicant would be required to contribute to implementing the recommended pedestrian and bike striping improvements in the project area. An example would be a future bicycle route along Alves Drive between Anton Way and Bandley Drive included in the Bicycle Transportation Plan Update.

The VTA adopted the Santa Clara Countywide Bicycle Plan (CBP). The CBP guides the development of major bicycle facilities in the county by identifying Cross County Bicycle Corridors and other bicycle projects of countywide or intercity significance. Several of the Cross County Bicycle Corridors travel through the study area, including routes along N. Stelling Road and Stevens Creek Boulevard.

Transit Facilities

Nearby transit services are described below and Table 5-19 summarizes the destinations, closest stop to the project site, hours/days of operation, and service frequencies for transit services within a 2,000-foot walking distance.

⁸⁸ The *Draft 2016 Cupertino Bicycle Transportation Plan* is now available for public review on the City's website at <http://www.cupertino.org/index.aspx?page=26&recordid=1498&returnURL=%2Findex.aspx>.

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TABLE 5-19 EXISTING TRANSIT SERVICE

Route	From	To	Distance to Nearest Stop ^a	Average Peak Load Factor ^b	Weekdays		Saturdays	
					Operating Hours ^d	Peak Headway ^c	Operating Hours ^d	Peak Headway ^c
VTA Bus Service								
25	De Anza College	Alum Rock Transit Center	0.20	N/A	5:52 am – 11:31 pm	11	6:46 am – 10:40 pm	15
53	West Valley College	Sunnyvale Transit Center	0.50	N/A	6:56 am – 6:56 pm	28	No Service	
54	De Anza College	Sunnyvale/Lockheed Martin Transit Center	0.50	N/A	5:37 am – 11:12 pm	30	7:58 am – 7:52 pm	60
55	De Anza College	Great America	0.30	N/A	5:52 am – 11:31 pm	29	7:55 am – 9:11 pm	60
81	San Jose State University	Ames Center	0.20	0.07	6:17 am – 8:19 pm	30	9:30 am – 4:30 pm	
101	Camden & Highway 85	Palo Alto	1.4	0.23	6:51 am – 7:48 am 4:52 pm – 5:55 pm	2 NB Runs – AM 2 SB Runs – PM	No Service	
182	Palo Alto	IBM/Bailey Avenue	1.4	0.07	7:27 am – 8:34 am 5:05 pm – 6:14 pm	1 SB Run – AM 1 NB Run – PM	No Service	
323	Downtown San Jose	De Anza College	0.2	N/A	7:02 am – 10:53 pm	151	8:03 am – 10:26 pm	20
Commuter Rail Service								
Caltrain	San Francisco	San Jose Diridon	3.00	N/A	4:40 am – 1:20 am	30 (local) / 15 (express)	7:10 am – 1:26 am	60

Notes: AM = morning commuter period; PM = evening commute period.

- Approximate distance in miles from nearest stop to Hamptons Apartment Complex driveway.
- Average peak load factor is the ratio of the average peak number of on-board passengers aboard during the peak period to supply of seats.
- Headways are defined as the time interval between two transit vehicles traveling in the same direction over the same route.
- Operating hours consider earliest and latest stop at each bus lines closest stop to the Hamptons Apartment Complex.

Source: Fehr & Peers, 2016.

VTA Bus Service

Bus Route 23 provides local bus service between Sunnyvale/Lockheed Martin Transit Center and the Eastridge Transit Center. This route follows major arterials and travels through Sunnyvale, Cupertino, San Jose, and Campbell on Fair Oaks Avenue, Wolfe Road, Campbell Avenue, and Tully Road. Bus stops for Route 23 are provided immediately north of the project site along Wolfe Road.

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Bus Route 25 provides local bus service between De Anza College and Alum Rock Transit Center via Valley Medical Center. This route operates on Stevens Creek Boulevard, Saich Way, Alves Drive, and De Anza Boulevard, with nearby stops at Stevens Creek Boulevard and Saich Way.

Bus Route 53 provides local bus service between West Valley College and the Sunnyvale Transit Center. This route operates along Stelling Road through Stevens Creek Boulevard, with a nearby stop near the intersection of Stelling Road and Stevens Creek Boulevard.

Bus Route 54 provides local bus service between De Anza College and the Sunnyvale/Lockheed Martin Transit Center. This route operates along Stelling Road and terminates at Stelling Road and Stevens Creek Boulevard, with connecting bus service provided from Routes 25, 53, 55, and 323.

Bus Route 55 provides local bus service from De Anza College to Great America. This route operates along Stelling Road south of Stevens Creek Boulevard, west on McClellan Road, and north on De Anza Boulevard, with nearby stops at Stelling Road and Stevens Creek Boulevard.

Bus Route 81 provides local service between San Jose State University and Vallco via the Santa Clara Transit Center and Downtown San Jose. This route operates going east on Stevens Creek Boulevard and north on Stelling Road, with nearby stops at Stelling Road and Stevens Creek Boulevard.

Bus Route 101 provides express bus service that operates on Interstate 280, Stevens Creek Boulevard, and Lawrence Expressway; it connects a Park & Ride lot at the Camden Avenue interchange along SR 85 to Palo Alto. This route passes through the Winchester Transit Center and has a bus stop east of the project site at Wolfe Road/Vallco Mall which provides connections to Routes 26, 23, and 323.

Bus Route 182 provides express bus service that operates on Interstate 280, Wolfe Road, Vallco Parkway, and Stevens Creek Boulevard; it connects the Park & Ride lot at El Camino Real and Page Mill Road in Palo Alto with the IBM Santa Teresa Facility at Bailey Avenue. One Route 182 run departs Palo Alto in the morning. In the evening, one Route 182 run travels northbound. Route 182 has stops at the Vallco shopping plaza, east of the project site.

Bus Route 323 provides limited stop bus service between Downtown San Jose and De Anza College. This route operates along Stevens Creek Boulevard from Stelling Road through De Anza Boulevard, with nearby stops at Stelling Road and Stevens Creek Boulevard, and De Anza Boulevard and Stevens Creek Boulevard.

Commuter Rail Service

Caltrain is a commuter heavy rail service that runs from downtown San Francisco (4th and King Streets) to downtown San Jose (Diridon Station), with a limited number of commute period trains running farther south to Gilroy. During commute periods, Caltrain offers express service (“Baby Bullet”) between downtown San Jose and San Francisco, which allows the trip between San Francisco and San Jose to be made in one hour. This service stops at a limited number of stations, including the Mountain View and Sunnyvale stations. Currently, Baby Bullet service is provided both in the northbound and southbound

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direction during the morning and evening commute periods at the Mountain View Caltrain station. Baby Bullet trains serve the Sunnyvale Caltrain station in the northbound direction during the morning peak and in the southbound direction during the evening peak.

The nearest Caltrain station to the project site is the Lawrence Station located approximately 5 miles from the project site. On weekdays, service in the northbound direction begins at 4:40 a.m. and ends at 10:40 p.m. In the southbound direction, service at this station begins at 6:14 AM and ends at 1:20 AM. During the weekends, northbound service begins at 7:10 a.m. and ends at 10:40 p.m. Southbound service begins at 9:40 a.m. and ends at 1:26 a.m. For passengers arriving by bicycle, there are 18 bike racks and 24 bicycle lockers. Vehicle parking at this location includes 122 parking spaces.

Vehicles Miles Traveled

As discussed in the Chapter 4.13, Transportation and Traffic, of the General Plan EIR, Senate Bill (SB) 743 will eventually alter how transportation and traffic impacts are analyzed under State CEQA Guidelines. SB 743 requires the California Governor's Office of Planning and Research (OPR) to amend the CEQA Guidelines to provide an alternative to level of service (LOS) as the metric for evaluating transportation impacts under CEQA. Particularly within areas served by transit, the alternative criteria must promote the reduction of GHG emissions, development of multimodal transportation networks, and diversity of land uses. Measurements of transportation impacts may include vehicle miles travelled (VMT), VMT per capita, automobile trip generation rates, or automobile trips generated. Once alternative criteria are incorporated into the CEQA Guidelines, auto delay will no longer be considered a significant impact under CEQA. SB 743 also amended State congestion management law to allow cities and counties to opt out of level of service standards in certain infill areas. As discussed in the General Plan EIR, under the General Plan as amended in 2014, VMT per capita is projected to increase from 10.5 to 10.9. However, because the CEQA Guidelines amendments required by SB 743 have not yet been adopted, this Initial Study was prepared based on the current existing State CEQA Guidelines, and therefore, relies on the existing level of service criteria to evaluate potential transportation impacts.

DISCUSSION

- a) *Would the project 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?*

The project would demolish existing uses on the project site and construct the proposed hotel, apartments, retail and restaurant uses. A detailed discussion of the methodology to calculate the project's trip generation is included in Chapter 3.1 of the TIA. The project is estimated to generate 106 net new AM peak hour vehicle trips (29 inbound and 77 outbound) and result in -82 net new (i.e., fewer than existing trips) PM peak hour vehicle trips (-31 inbound and -51 outbound). The project would therefore generate fewer trips in the PM peak hour compared to the uses currently developed at the project site.

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Project trips were assigned to the roadway network based on the estimated trip distribution patterns presented in Figure 3-1 of the TIA. The distribution of the traffic generated by the project onto the roadway system was based on the locations of complementary land uses, prevailing travel patterns, surrounding population densities, and recent TIAs completed in the area. Input from the City of Cupertino staff was used to refine the trip distribution patterns.

The following analysis was performed to evaluate traffic conditions during the weekday morning (AM) and weekday evening (PM) peak hours for the following scenarios:

- Existing Conditions – In addition to the Existing Conditions without the project discussed previously, the Existing + Project Conditions were evaluated by adding traffic from the proposed project.
- Background Conditions – Existing volumes plus traffic from “approved but not yet built” and “not occupied” developments in the area. Background conditions were evaluated without the project, and with the project.

Existing + Project Conditions Scenario

Intersection levels of service were calculated with the new traffic added by the project to evaluate the operating conditions of the intersections and to identify potential impacts to the roadway system. The results of the intersection level of service calculations for Existing + Project Conditions are presented in Table 5-20.

The determination of significance for project impacts is based on applicable policies, regulations, goals, and guidelines defined by the City of Cupertino, City of Sunnyvale, Santa Clara County, and VTA. The impact criteria presented below focus on elements of the CEQA checklist pertaining to roadway system operations and its effects on users, including drivers, pedestrians, bicyclists, transit passengers, and first responders in emergency access vehicles.

As shown on Table 5-20, the study area intersections are under the jurisdiction of the City of Cupertino, and a few are part of the CMP network. Signalized intersection operations and impacts are evaluated based on the appropriate jurisdiction’s LOS standards (i.e., minimum threshold for acceptable operations) as discussed below for the City of Cupertino and per CMP requirements.

- City of Cupertino: Significant impacts at signalized City of Cupertino intersections would occur when the addition of project traffic causes one of the following:
 - Intersection operations to degrade from an acceptable level (LOS D or better) to an unacceptable level (LOS E or F); or
 - Exacerbates unacceptable operations (LOS E or F) by increasing the critical delay by more than four seconds and increasing the volume-to-capacity (V/C) ratio by 0.01 or more; or
 - An increase in the V/C ratio of 0.01 or more at an intersection with unacceptable operations (LOS E or F) when the change in critical delay is negative (i.e., decreases). This can occur if the critical movements change.

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TABLE 5-20 EXISTING + PROJECT INTERSECTION LEVEL OF SERVICE RESULTS

ID	Intersection	Jurisdiction/ CMP	LOS Threshold ^a	Peak Hour ^b	Existing		Existing + Project		Δ in Crit. V/C ^e	Δ in Crit. Delay ^f
					Delay ^c	LOS ^d	Delay ^c	LOS ^d		
1	De Anza Boulevard and Mariani Avenue	Cupertino	D	AM	36.4	D+	36.3	D+	0.003	0.0
				PM	42.2	D	42.3	D	0.001	0.0
2	De Anza Boulevard and Lazaneo Drive	Cupertino	D	AM	17.5	B	17.6	B	0.000	0.0
				PM	19.8	B-	19.7	B-	0.001	-0.0
3	Bandley Drive and Alves Drive	Cupertino	D	AM	10.6	B	11.2	B	0.050	0.6
				PM	11.3	B	10.9	B	0.033	-0.4
4	De Anza Boulevard and Alves Drive	Cupertino	D	AM	11.0	B	11.1	B	0.011	0.0
				PM	20.3	C	19.9	C	0.018	0.0
5	Mary Avenue and Stevens Creek Boulevard	Cupertino	D	AM	34.0	C-	33.9	C-	0.002	-0.1
				PM	33.3	C-	33.4	C-	0.002	0.1
6	N. Stelling Road and Stevens Creek Boulevard	Cupertino/ CMP	E+	AM	39.0	D+	39.0	D+	0.006	-0.1
				PM	46.0	D	45.9	D	0.005	-0.2
7	Saich Way and Stevens Creek Boulevard	Cupertino	D	AM	15.7	B	15.5	B	0.007	-0.3
				PM	21.7	C+	21.8	C+	0.005	0.2
8	Bandley Drive and Stevens Creek Boulevard	Cupertino	D	AM	15.0	B	16.1	B	0.011	0.9
				PM	24.5	C	23.6	C	0.004	-0.4
9	De Anza Boulevard and Stevens Creek Boulevard	Cupertino/ CMP	E+	AM	34.1	C-	34.2	C-	0.001	0.1
				PM	44.1	D	43.9	D	0.003	-0.8

Notes: All of the study intersections are signalized.

a. LOS Threshold is the lowest acceptable LOS (the threshold between acceptable and unacceptable level of service).

b. AM = morning peak hour, PM = evening peak hour.

c. Whole intersection weighted average control delay expressed in seconds per vehicle calculated using methods described in the 2000 *Highway Capacity Manual*, with adjusted saturation flow rates to reflect Santa Clara County Conditions for signalized intersections.

d. LOS = Level of Service. LOS calculations conducted using the TRAFFIX analysis software packages, which apply the methods described in the 2000 *Highway Capacity Manual*.

e. Change in critical volume to capacity ratio between Existing and Existing + Project Conditions

f. Change in average critical movement delay between Existing and Existing + Project Conditions.

Source: Fehr & Peers, 2016.

- **Santa Clara County and Congestion Management Program (CMP):** The LOS standard for Santa Clara County expressway and CMP intersections is LOS E. Traffic impacts at these intersections would occur when the addition of traffic associated with a project causes:
 - Intersection operations to deteriorate from an acceptable level (LOS E or better) to an unacceptable level (LOS F); or
 - Exacerbates unacceptable operations by increasing the average critical delay more than four seconds and increasing the critical V/C ratio by 0.01 or more at an intersection operating at LOS F; or
 - The V/C ratio increases by 0.01 or more at an intersection with unacceptable operations (LOS F) when the change in critical delay is negative (i.e., decreases). This can occur if the critical movements change.

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The results of the LOS calculations shown in Table 5-20 indicate that all study intersections operate at acceptable service levels (LOS D or better for signalized City intersection and LOS E or better for regionally significant and unsignalized intersections) during the AM and PM peak hours under Existing + Project Conditions. Based on the identified appropriate impact criteria, the project has *less-than-significant* impacts at all study intersections under the Existing + Project Conditions, and no mitigation measures would be required.

Background Conditions Scenario

Level of service calculations were conducted to evaluate signalized intersection operations under Background Conditions and Background + Project Conditions. Background projects were identified in consultation with City staff:

- Apple Campus 2, Apple campus expansion for additional employees and office square footage.
- Main Street, office development with supporting retail.
- Hyatt House, hotel development with associated restaurant, meeting rooms, and boardrooms.
- Hamptons, apartment redevelopment for increased residential density.
- Nineteen 800, mixed-use retail and residential development.

Vehicle trips from “approved but not yet built” and “not occupied” development projects in the study area were added to existing volumes. Trip generation estimates from these development projects were obtained from their respective traffic reports. The level of service analysis results are summarized in Table 5-21. The results presented in Table 5-21 show that the intersections of De Anza Boulevard at Stevens Road would operate unacceptably during the PM peak hour of both peak hours under Background Conditions and Background + Project Conditions based on the City of Cupertino LOS D requirements. However, based on the impact criteria previously identified, the proposed project would result in *less-than-significant* impacts, and no mitigation measures would be required.

b) Would the project conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?

The VTA Congestion Management Program TIA Guidelines (last updated in October 2014) presents guidelines for assessing the transportation impacts of development projects and identifying whether improvements are needed to adjacent roadways, bike facilities, sidewalks, and transit services affected by the proposed project. The TIA guidelines have been adopted by local agencies within Santa Clara County, and are applied to analyze the regional transportation system. The CMP requires that its facilities operate at LOS E or better. The following evaluates intersections and freeway segments per CMP criteria.

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TABLE 5-21 BACKGROUND + PROJECT INTERSECTION LEVEL OF SERVICE RESULTS

ID	Intersection	Jurisdiction/ CMP	LOS Threshold ^a	Peak Hour ^b	Background		Background + Project		Δ in Crit. V/C ^e	Δ in Crit. Delay ^f
					Delay ^c	LOS ^d	Delay ^c	LOS ^d		
1	De Anza Boulevard and Mariani Avenue	Cupertino	D	AM PM	36.4 42.2	D+ D	36.2 42.1	D+ D	36.2 42.1	D+ D
2	De Anza Boulevard and Lazaneo Drive	Cupertino	D	AM PM	17.5 19.8	B B-	17.2 19.5	B B-	17.4 19.5	B B-
3	Bandley Drive and Alves Drive	Cupertino	D	AM PM	10.6 11.3	B B	11.0 11.3	B B	11.7 10.9	B B
4	De Anza Boulevard and Alves Drive	Cupertino	D	AM PM	11.0 20.3	B C	11.1 20.9	B C	11.2 20.4	B C
5	Mary Avenue and Stevens Creek Boulevard	Cupertino	D	AM PM	34.0 33.3	C- C-	33.7 32.9	C- C-	33.5 33.0	C- C-
6	N. Stelling Road and Stevens Creek Boulevard	Cupertino/ CMP	E+	AM PM	39.0 46.0	D+ D	38.9 46.2	D+ D	38.9 46.1	D+ D
7	Saich Way and Stevens Creek Boulevard	Cupertino	D	AM PM	15.7 21.7	B C+	15.3 21.3	B C+	15.1 21.4	B C+
8	Bandley Drive and Stevens Creek Boulevard	Cupertino	D	AM PM	15.0 24.5	B C	14.6 23.9	B C	15.7 23.0	B C
9	De Anza Boulevard and Stevens Creek Boulevard	Cupertino/ CMP	E+	AM PM	34.1 44.1	C- D	35.5 48.9	D+ D	35.6 48.6	D+ D

Notes: All of the study intersections are signalized.

a. LOS Threshold is the lowest acceptable LOS (the threshold between acceptable and unacceptable level of service).

b. AM = morning peak hour, PM = evening peak hour.

c. Whole intersection weighted average control delay expressed in seconds per vehicle calculated using methods described in the 2000 *Highway Capacity Manual*, with adjusted saturation flow rates to reflect Santa Clara County Conditions for signalized intersections.

d. LOS = Level of Service. LOS calculations conducted using the TRAFFIX analysis software packages, which apply the methods described in the 2000 *Highway Capacity Manual*.

e. Change in critical volume to capacity ratio between Existing and Existing + Project Conditions

f. Change in average critical movement delay between Existing and Existing + Project Conditions.

Source: Fehr & Peers, 2016.

CMP Intersection Analysis

Criterion (a) above includes an evaluation of study intersections including intersections in the CMP network (intersections 16 and 9). Tables 5-19 and 5-20 present the results of the intersection level of service under Existing and Background Conditions without and with the project. The analysis in criterion (a) concluded that the proposed project would result in *less-than-significant* impacts per CMP criteria, and no mitigation measures are required.

CMP Freeway Segments Analysis

Caltrans has authority over the State highway system, including freeways, interchanges, and arterial State Routes. Caltrans operates and maintains the State Highways in Santa Clara County. Caltrans' *Guide for the Preparation of Traffic Impact Studies* (2001) includes the information needed for Caltrans to review the

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impact on State highway facilities, including freeway segments. However, as the Congestion Management Agency, VTA is responsible for monitoring operations on Caltrans facilities within Santa Clara County.

Significant impacts on freeway segments in Santa Clara County are determined according to VTA criteria and would occur when the addition of project traffic causes under Existing Conditions:

- Freeway segment operations to deteriorate from an acceptable level (LOS E or better) to an unacceptable level (LOS F); or
- An increase in traffic of more than 1 percent of the capacity of the segments that operate at LOS F.

As shown in Table 5-22, the proposed project would not cause freeway segments to deteriorate to an unacceptable level and would not add trips greater than one percent of the freeway segment capacity to the freeway study segments during the AM and PM peak hours. Therefore, the proposed project would have a *less-than-significant* freeway impact at the identified freeway study segments under Existing + Project Conditions, and no mitigation measures would be required.

c) *Would the project 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?*

The project consists of low-rise buildings that would not be in an airport influence area or within an airport land use plan. The nearest public use airport is Mineta San Jose International airport, approximately 6 miles to the northeast in 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. *No impact* would occur, and no mitigation measures would be required.

d) *Would the project substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?*

The project would provide access via two driveways on Alves Drive, one driveway on Bandlely Drive, and one driveway on Stevens Creek Boulevard. All driveways provide full access with the exception of the driveway on Stevens Creek Boulevard which is right-turn only inbound and outbound. The proposed project would utilize existing driveway locations on Stevens Creek Boulevard, which is the only major road where access would be provided. The access driveways on Bandlely Drive and Alves Drive are minor roads with low traffic volumes and speeds. The proposed project would not modify any design features to a public road or introduce a potentially unsafe feature that would increase hazards. *No impact* would occur, and no mitigation measures would be required.

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TABLE 5-22 FREEWAY LEVEL OF SERVICE RESULTS

Freeway Segment	Capacity ^a	Peak Hour ^b	Existing Conditions			Existing + Project Conditions			% Impact ^f
			Density ^c	LOS ^d	Trips ^e	Density ^c	LOS ^d	Trips ^e	
State Route 85 Northbound									
Saratoga-Sunnyvale Road to Stevens Creek Boulevard	4,600	AM	65	F	3	65	F	3	<0.01
		PM	22	C	-4	22	C		<0.01
Stevens Creek Boulevard to Interstate 280	4,600	AM	124	F	13	125	F	13	<0.01
		PM	13	B	-8	13	B		<0.01
State Route 85 Southbound									
Saratoga-Sunnyvale Road to Stevens Creek Boulevard	4,600	AM	21	C	5	25	C	5	<0.01
		PM	52	E	-5	62	F		<0.01
Stevens Creek Blvd to Interstate 280	4,600	AM	18	B	11	18	C	11	<0.01
		PM	90	B	-7	90	F		<0.01
Interstate 280 Eastbound									
State Route 85 to De Anza Blvd	6,900	AM	24	C	3	24	C	3	<0.01
		PM	103	F	-3	103	F		<0.01
De Anza Boulevard to Wolfe Road	6,900	AM	36	D	14	36	D	14	<0.01
		PM	77	F	-8	77	F		<0.01
Interstate 280 Westbound									
Wolfe Road to De Anza Boulevard	6,900	AM	62	F	5	62	F	5	<0.01
		PM	25	C	-5	25	D		<0.01
De Anza Boulevard to State Route 85	6,900	AM	73	F	7	73	F	7	<0.01
		PM	23	C	-5	23	C		<0.01

Note: **Bold text** indicates intersection operates at unacceptable level of service.

a. Measured in vehicles per hour per lane.

b. AM = morning peak hour, PM = evening peak hour.

c. Measured in passenger cars per mile per lane.

d. LOS = level of service

e. Project trips added to individual freeway segments.

f. Percent Contribution determined by dividing the number of project trips by the freeway segment's capacity.

Source: Fehr & Peers, 2016.

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e) *Would the project result in inadequate emergency access?*

As discussed under criterion (d), access to the proposed project would be provided by multiple driveways. Emergency vehicle access for the project site perimeters would be provided by a dual use road off Alves Drive, and prohibited public parking along Alves adjacent to the project site. The SCCFD and City of Cupertino Building Division coordinate the review of building permits. All access driveways would be designed in accordance with City of Cupertino standards and would have to be reviewed and approved by SCCFD.

Project plans include approved fire and emergency access that has been reviewed and approved, with conditions, by the Santa Clara County Fire District. Compliance with the provisions of the California Fire Code (CFC) and the CBC would ensure that adequate access would be provided. Under Ordinance 13-2115, the City adopted the 2013 CFC. The City's Fire Code, which is in Title 16 (Buildings and Construction), Chapter 16.40 (Fire Code) of the Municipal Code, regulates permit processes, emergency access, hazardous material handling, and fire protection systems, including automatic sprinkler systems, fire extinguishers, and fire alarms. Typical fire safety requirements of the CBC include the installation of sprinklers in all high-rise buildings; the establishment of fire resistance standards for fire doors, and particular types of building materials. Sheets T.4 and T.5 in Appendix A show how the project proposed to comply with applicable code requirements, including details such as fire ratings of building materials, means of egress, means of emergency access, fire sprinklers, and occupant loads. Therefore, the proposed project would not result in inadequate emergency access. *No impact* would occur, and no mitigation measures would be required.

f) *Would the project conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?*

This section discusses pedestrian, bicycle, and transit modes and potential impacts associated with the project.

Pedestrian

Sidewalks are provided along the frontage of the project site along Alves Drive north of the project site and Bandle Drive west of the project site. There are crosswalks at all four approaches at the intersection of Alves Drive and Bandle Drive, northwest of the project site, and at the Bandle Drive and Stevens Creek Boulevard intersection south of the project site. Pedestrian walkways are also proposed within the site plan for safe connections between buildings, particularly between the hotel and nearby retail and restaurants on Stevens Creek Boulevard.

Bicycle

Bicycle access to the proposed project would be accommodated by Class II bicycle lanes on surrounding roadways such as De Anza Boulevard and Stevens Creek Boulevard and Class III bicycle routes on Bandle Drive and Alves Drive.

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Transit

Transit stops are available immediately south of the project site. VTA bus routes 25, 53, and 55 for both the northbound and southbound direction stop less than 0.15 miles north of the project site. Pedestrians can access these transit routes using sidewalks and crosswalks along Alves Drive, Bandlely Drive, Stevens Creek Boulevard, and De Anza Boulevard.

Transit vehicles operating on the roadways in the project site vicinity could incur additional delay due to increased traffic congestion. The primary corridors near the project site are De Anza Boulevard and Stevens Creek Boulevard. The differences between the No Project and plus Project through movement delays shown on Table 6-1 of the TIA along these primary corridors were used to determine the potential added transit vehicle delay. In many cases there would be an expected decrease in delay along these transit corridors due to more efficient signal operations anticipated with the proposed project in place. The highest increases in delay for bus routes with the project would be less than 1 second per route, which is negligible.

Transit routes near the project site have low peak load factors. Average peak load factors for transit routes near the project site range from 0.07 to 0.25, which indicate that the seats on these transit routes are only about 25 percent or less occupied. Because of the limited amount of transit stops available in the area, it is unlikely that the project would generate transit demand that would exceed to the transit vehicle capacity.

Summary

With the proposed project in place, there would be adequate availability of alternative modes of travel including pedestrian, bicycle, and transit. The proposed project would not displace, modify, or interfere with any transit stop, sidewalk, or bicycle lanes. In addition, the project would not generate a demand for transit that would exceed the capacity of the system. Therefore, the project would not conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities. A *less-than-significant* impact would occur, and no mitigation measures would be required.

XV. UTILITIES AND SERVICE SYSTEMS

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant	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"/>

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Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant	No Impact
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 stormwater 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 insufficient water supplies available to serve the project from existing and identified entitlements and resources?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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) Not be served by a landfill with sufficient permitted capacity to accommodate the buildout of 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"/>
h) Result in a substantial increase in natural gas and electrical service demands requiring new energy supply facilities and distribution infrastructure or capacity enhancing alterations to existing facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

GENERAL PLAN EIR

Chapter 4.14, Utilities and Services Systems, of the General Plan EIR includes an analysis of impacts related to water supply, wastewater, solid waste, and energy conservation. Impacts were found to be less than significant and less than significant with mitigation. Recent discussion of the existing conditions for each of the utility providers listed below is provided in Chapter 4.13.

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EXISTING CONDITIONS

Chapter 4.14 includes a recent discussion of the existing conditions for each of the utility providers listed below:

- The Santa Clara Valley Water District (SCVWD) is the primary water resources agency for Santa Clara County. The project site is located within the California Water Service (Cal Water) Los Altos Suburban District (LASD) service area, and Cal Water would supply water for the project. Water supply for the LAS District is a combination of groundwater from wells in the LASD and treated water purchased from SCVWD.
- Cupertino Sanitary District (CSD) provides sanitary sewer services for the project site. Wastewater would be treated at the San Jose/Santa Clara Water Pollution Control Plant (SJ/SCWPCP).
- Recology South Bay (Recology) would provide curbside recycling, garbage, and compost and yard waste service to the residents of the project. The City has a contract with Newby Island Sanitary Landfill until 2023, which, according to CalRecycle, had a remaining capacity of 21,200,000 cubic yards and daily disposal capacity is 4,000 tons per day as of October 31, 2014.⁸⁹
- Gas and electricity would be supplied to the project site by Pacific Gas & Electric (PG&E).

DISCUSSION

a) *Would the project exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?*

The CSD sewer collection system directs wastewater to the SJ/SCWPCP, which is jointly owned by the Cities of San José and Santa Clara. The San Francisco RWQCB established wastewater treatment requirements for the SJ/SCWPCP in an NPDES permit (Order No. R2-2009-0038), adopted April 8, 2009 and effective June 1, 2009.⁹⁰ The NPDES permit sets out a framework for compliance and enforcement applicable to operation of the SJ/SCWPCP and the treatment of its effluent, as well as entities contributing influent to the SJ/SCWPCP. This NPDES permit currently allows dry weather discharges of up to 167 million gallons per day (mgd) with full tertiary treatment, and wet weather discharges of up to 271 mgd with full tertiary treatment.

The proposed project would have a significant environmental impact if it would result in a violation of the sanitary wastewater treatment requirements established in the NPDES permit issued by the RWQCB. The SJ/SCWPCP, which is the Discharger pursuant to the NPDES permit, has an approved pretreatment program, which includes approved local limits as required by prior permits. The previous permit required the Discharger to evaluate its local limits—such as those established by the CSD—to ensure compliance

⁸⁹ Calrecycle website, <http://www.calrecycle.ca.gov/SWFacilities/Directory/43-AN-0003/Detail/>, accessed March 1, 2016.

⁹⁰ San Francisco RWQCB NPDES permit (Order No. R2-2009-0038) for SJ/SCWPCP, http://www.waterboards.ca.gov/rwqcb2/board_info/agendas/2009/april/SJSC_FinalOrder%20-%2004-09.pdf, accessed on April 11, 2016.

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with updated effluent limits. These local limits are approved as part of the pretreatment program required by this permit. The SJ/SCWPCP is required to monitor the permitted discharges in order to evaluate compliance with permit conditions.

The proposed mixed-use project does not involve industrial uses likely to substantially increase pollutant-loading levels in the sanitary sewer system. Therefore, the proposed project is not expected to exceed treatment standards established by the RWQCB. Impacts to sanitary wastewater quality would be *less than significant*, and no mitigation measures would be required.

b) *Would the project 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?*

The proposed project would result in a significant impact if it would result in the construction of new water or wastewater treatment facilities or the expansion of existing facilities, the construction of which would have a significant effect on the environment. As discussed above in criterion (a), above, and criterion (e), below, future demands from the proposed project would not exceed the design or permitted capacity of the SJ/SCWPCP that serves the project site. Future water treatment demand was assessed in the General Plan EIR consultation with the City of Cupertino, and includes consideration of development in the city through the 2040 buildout horizon year of the General Plan.⁹¹ In addition, the SJ/SCWPCP indicated that the wastewater discharge from the proposed project would not exceed the plant capacity.⁹² Therefore, development of the proposed project would not include any improvements not already considered and the impact of the proposed project on SJ/SCWPCP would be *less than significant*.

c) *Would the project require or result in the construction of new stormwater drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?*

As discussed under criterion (d) in Section VIII, Hydrology and Water Quality, the proposed project would not require the expansion of existing storm drain facilities. The project would involve the redevelopment of a currently developed site and a net decrease of 333 square feet of impervious surface.⁹³ All new development that, like the proposed project, creates or replaces 10,000 square feet or more of impervious surface would be subject to Provision C.3 guidelines for stormwater control, as described above. Through C.3 compliance, the proposed project would involve actions to minimize runoff from the project site as described in Section VIII, Hydrology and Water Quality. Consequently, the proposed project would not require the expansion of existing stormwater facilities or the construction of new facilities, the construction of which could otherwise have significant impacts. Therefore, impacts would be *less than significant*, and no mitigation measures would be required.

⁹¹ City of Cupertino, 2014, General Plan Amendment, Housing Element Update, and Associated Rezoning Draft EIR, page 4.14-29.

⁹² Stephen, Lowes., Environmental Engineer, P.E., San Jose-Santa Clara Regional Wastewater Facility, personal communication with Claudia Garcia, Project Planner, PlaceWorks, April 12, 2016.

⁹³ Dahlin Group, 2016, Marina Plaza Planned Development Project Plans dated April 21, 2016, Sheet C.4.1. (209,450 square feet of new or replacement impervious surfaces) – (209,783 square feet of existing impervious surfaces) = 333 square feet of net reduction in impervious surfaces.

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d) *Would the project have insufficient water supplies available to serve the project from existing and identified entitlements and resources?*

As shown in the General Plan EIR in Chapter 4.14 in Table 4.14-12, the 2035 projected water supply is adequate to meet projected water demand during a normal water year, single-dry year, and multiple-dry years. If the San Jose Water Company (SJWC) should experience a shortage of supply during a drought, it will activate its current Water Shortage Contingency Plan.⁹⁴ Additionally, the water supply at General Plan buildout year 2040 would be 16,984 acre-feet per year (AFY). As discussed in the General Plan EIR, buildout of the General Plan would not result in insufficient water supplies from Cal Water under normal year conditions or during single-dry year and multiple-dry years, with the proposed and existing water conservation regulations and measures in place. The water supply evaluation prepared for the General Plan EIR included new development on the project site at a greater number of units than proposed under the project (188 new units compared to 232 new units); therefore, water supply impacts were adequately addressed in the General Plan EIR.

The proposed project's water demand was calculate using the applicable water demand generation factors included in the Water Supply Evaluation prepared for the General Plan Amendment. Table 5-23 below, shows the proposed project's total water demand.

TABLE 5-23 WATER DEMAND FOR THE PROPOSED PROJECT

Development Type	Water Demand Generation Factor	Size	Water Demand
Residential	137.2 gpd/unit	188 units	25,793 gpd
Hotel	0.50 gpd/square foot	52,762	26,381 gpd
Restaurant	1.10 gpd/square foot	17,864 square feet	196,650 gpd
Retail	0.11 gpd/square foot	4,729 square feet	520 gpd
Total Water Demand			249,344 gpd

Source: Water Supply Evaluation (Yarne & Associates), May 20, 2014; prepared with input from the City of Cupertino.

As shown in Table 5-23, the projected water demand for the residential, hotel, commercial, and retail development under the proposed project would be 249,344 gpd or 279 AFY. As shown in Table 5-24, there would be adequate supply to meet the project's demand.

Accordingly, the proposed project's water demand would not exceed the General Plan buildout by its 2040 horizon year. Accordingly, impacts to water supply under the proposed project would be *less than significant*.

⁹⁴ City of Cupertino, 2014, General Plan Amendment, Housing Element Update, and Associated Rezoning Draft EIR, page 4.14-20.

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TABLE 5-24 CAL WATER LAS DISTRICT PROJECTED WATER SUPPLIES (AFY)

	2015	2020	2025	2030	2035	2040
LAS District	14,065	13,078	14,055	15,031	16,008	16,984

Note: AFY = acre feet per year.

Source: Table 10 (Cal Water) of Water Supply Evaluation (Yarne & Associates), May 20, 2014.

e) *Would the project 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?*

The proposed project would have a significant impact if project demand exceeds the wastewater service capacity of the SJ/SCWPCP or the CSD collection systems. As mentioned above under criterion (d), the proposed project’s projected water demand is 249,344 gpd. Assuming that 100 percent of the water demand is converted to wastewater, the proposed project would discharge 249,344 gpd or 0.024 mgd. As mentioned above under criterion (a) The SJ/SCWPCP NPDES permit currently allows dry weather discharges of up to 167 million gallons per day (mgd) with full tertiary treatment, and wet weather discharges of up to 271 mgd with full tertiary treatment. Therefore, the 0.024 mgd wastewater flow from the proposed project would not exceed the City’s contractual allocation limits. As a result, impacts related to wastewater service capacity would be *less than significant*, and no mitigation measures would be required.

f) *Would the project be served by a landfill with sufficient permitted capacity to accommodate the buildout of the project’s solid waste disposal needs?*

As discussed in the Existing Conditions section, the City contracts with Recology South Bay (Recology) to provide solid waste collection services to residents and businesses in the city. The City has a contract with Newby Island Sanitary Landfill until 2023. In addition to the Newby Island Landfill, solid waste generated in Cupertino can also be disposed of at the Altamont Landfill and Resource Recovery facility, the Corinda Los Trancos Landfill, Forward Landfill Inc., Guadalupe Sanitary Landfill, Kirby Canyon Recycling and Disposal Facility, the Monterey Peninsula Landfill, Recology Hay Road, the Vasco Road Sanitary Landfill, the Zanker Material Processing Facility, and the Zanker Road Class III Landfill.

Project Construction

Solid waste generated by construction of the proposed project would largely consist of demolition waste from the existing buildings as well as construction debris. The project would be required to comply with Cupertino Municipal Code Chapter 16.72, Recycling and Diversion of Construction and Demolition Waste, which requires the recycling or diversion at least 60 percent of all generated construction and demolition (C&D) waste by salvage or by transfer to an approved facility. Prior to the issuance of a building or demolition permit by the City, the Applicant is required to submit a properly completed Waste Management Plan, which states the estimated maximum amount of C&D waste that can feasibly be

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diverted, identifies which facility would handle the waste, and states the total amount of C&D waste that would be landfilled. Compliance with the Chapter 16.72 would reduce solid waste and construction-related impacts on the landfill capacity to a *less-than-significant* level.

Project Operation

Based on an average household size of 2.88 persons,⁹⁵ it is assumed the proposed project would house 541 new residents.⁹⁶ The project would also include 54 employees. As discussed in the General Plan EIR, in 2012, Cupertino's actual disposal rate for residents was 2.6 pounds per person per day (PPD) compared to the State's target of 4.3 PPD. For employees, the disposal rate was 4.3 PPD compared to the State's target rate of 8.1 PPD.⁹⁷ Cupertino's disposal rates for both residents and employees have been below target rates and steadily decreasing since 2007.⁹⁸

Applying these disposal rates, the project would generate approximately 1,640 pounds per day or 0.82 tons per day of new waste, which is well within the Newby Island Sanitary Landfill permitted daily disposal capacity of 4,000 tons per day. Anticipated rates of solid waste disposal would be expected to meet target disposal rates, and the project would comply with the City's current recycling ordinances and zero-waste policies, which would further reduce solid waste disposed of in the landfill. Thus, operation-related impacts on landfill capacity would be *less than significant*.

g) Would the project comply with federal, State, and local statutes and regulations related to solid waste?

The proposed project would have a significant environmental impact if it would conflict with standards relating to solid waste or litter control. The City's per capita disposal rate is below the target rate established by CalRecycle, as discussed under criterion (f), above. Cupertino adopted a Source Reduction and Recycling Element (SRRE) and a Household Hazardous Waste Element (HHWE) in compliance with the California Integrated Waste Management Act. The City has gone beyond the SRRE by implementing several programs, including the City's and Recology's organics or food waste collection program and Environmental Recycling Day events offered to residents three times per year by Recology.

Implementation of the referenced strategies, programs and plans, as well as the Climate Action Plan that was adopted in January 2015, will enable the city to meet the 75 percent solid waste diversion rate by the year 2020. These programs will be sufficient to ensure that future development in Cupertino, including the proposed project, would continue to facilitate the ability to meet or perform better than the State-mandated target. Additionally, construction and any demolition debris associated with the project would be subject to the Municipal Code Chapter 16.72, requiring that a minimum of 50 percent of C&D debris

⁹⁵ This analysis is based on the Association of Bay Area Governments 2013 projections of the average household size of 2.88 persons for Cupertino in 2020. This is the standard approach for population and housing analysis in Cupertino.

⁹⁶ 188 new units x 2.88 persons per unit = 541 new residents.

⁹⁷ CalRecycle, "Jurisdiction per Capita Disposal Trends: Cupertino," <http://www.calrecycle.ca.gov/>, accessed on May 15, 2014.

⁹⁸ CalRecycle, "Jurisdiction per Capita Disposal Trends: Cupertino," <http://www.calrecycle.ca.gov/>, accessed on May 15, 2014.

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be diverted from landfill. Compliance with applicable statutes and regulations would ensure that the impact would be *less than significant*, and no mitigation measures would be required.

h) Would the project result in a substantial increase in natural gas and electrical service demands requiring new energy supply facilities and distribution infrastructure or capacity enhancing alterations to existing facilities?

The proposed project would demolish the existing commercial buildings on the project site and replace them with new structures that would meet the current Building Energy Efficiency Standards. The 2013 Building Energy Efficiency Standards became effective July 1, 2014. The 2013 Standards are 25 percent more energy efficient than the 2008 standards for residential buildings, and 30 percent more energy efficient for non-residential buildings. The project would provide connectivity to existing transit, bicycle, and pedestrian facilities and locates a high-density housing development in close proximity to existing residential-serving land uses and employment centers.

The project site is currently served by existing PG&E distribution systems that would provide natural gas and electricity. As described in Section IX, Land Use, the proposed project complies with the General Plan land use designation requirements as well as the Zoning district requirements and would not result in new growth potential from what was considered in the General Plan. The project would include appropriate on-site infrastructure to connect to the existing PG&E systems and would not require new off-site energy supply facilities and distribution infrastructure or capacity enhancing alterations to existing facilities. Accordingly, impacts would be *less than significant*, and no mitigation measures would be required.

XVI. MANDATORY FINDINGS OF SIGNIFICANCE

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant	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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

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	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant	No Impact
c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

DISCUSSION

- 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?*

As described above, the project site is in an urbanized, extensively developed area of Cupertino. The project site contains roadways, structures, other impervious surfaces, areas of turf, and ornamental landscaping. There are no sensitive natural communities, no areas of sensitive habitat, and no areas of critical habitat occurring at the project site. Additionally, there are no buildings currently listed or eligible for listing on the California Register of Historical Resources, no recorded archaeological sites, and no known paleontological resources located on the project site. Therefore, implementation of the proposed project would result in a *less-than-significant* impact to the environment and wildlife on the project site.

- 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)?*

As described in the environmental checklist, the impacts of the proposed project would be mitigated to *less-than-significant* levels. Therefore, the proposed project would not be expected to contribute to significant cumulative impacts when considered along with other impacts under the General Plan.

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

As discussed previously, the proposed project would not result in a significant impact that could not be mitigated to a less-than-significant level, thus the proposed project’s environmental effects would be *less than significant*.

6. Mitigation Monitoring and Reporting Program

This Mitigation Monitoring and Reporting Program (MMRP) has been prepared for the Marina Plaza Project. The purpose of the MMRP is to ensure the implementation of mitigation measures identified as part of the environmental review for the proposed project. The MMRP includes the following information:

- The full text of the mitigation measures;
- The party responsible for implementing the mitigation measures;
- The timing for implementation of the mitigation measure;
- The agency responsible for monitoring the implementation; and
- The monitoring action and frequency.

The City of Cupertino must adopt this MMRP, or an equally effective program, if it approves the proposed project with the mitigation measures that were adopted or made conditions of project approval.

MITIGATION MONITORING AND REPORTING PROGRAM

TABLE 6-1 MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measures	Party Responsible for Implementation	Implementation Timing	Agency Responsible for Monitoring	Monitoring Action	Monitoring Frequency
AIR QUALITY					
<p>AIR-1: The project's construction contractor shall comply with the following BAAQMD Best Management Practices for reducing construction emissions of PM₁₀ and PM_{2.5}:</p> <ul style="list-style-type: none"> ▪ Water all active construction areas at least twice daily, or as often as needed to control dust emissions. Watering should be sufficient to prevent airborne dust from leaving the site. Increased watering frequency may be necessary whenever wind speeds exceed 15 miles per hour. Reclaimed water should be used whenever possible. ▪ Apply (non-toxic) soil stabilizers on, apply water twice daily (or as often as necessary to control dust) to, or pave all unpaved access roads, parking areas, and staging areas at construction sites. ▪ Cover all trucks hauling soil, sand, and other loose materials or require all trucks to maintain at least two feet of freeboard (i.e., the minimum required space between the top of the load and the top of the trailer). ▪ Sweep daily (with water sweepers using reclaimed water if possible), or as often as needed, all paved access roads, parking areas, and staging areas at the construction site to control dust. ▪ Sweep public streets daily (with water sweepers using reclaimed water if possible) in the vicinity of the project site, or as often as needed, to keep streets free of visible soil material. ▪ Hydroseed or apply non-toxic soil stabilizers to inactive construction areas. ▪ Enclose, cover, water twice daily, or apply non-toxic soil binders to exposed stockpiles (dirt, sand, etc.). ▪ Limit vehicle traffic speeds on unpaved roads to 15 miles per hour. ▪ Replant vegetation in disturbed areas as quickly as possible. ▪ Install sandbags or other erosion control measures to prevent silt runoff from public roadways. 	Project Applicant	During construction	City of Cupertino Public Works Department	Plan Review and Approval	During scheduled construction site inspections

MITIGATION MONITORING AND REPORTING PROGRAM

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<p>AIR-2: During construction, the construction contractor(s) shall use construction equipment fitted with Level 3 Diesel Particulate Filters (DPF) and engines that meet the United States Environmental Protection Agency Certified Tier 3 emissions standards for equipment of 50 horsepower or more. The construction contractor shall maintain a list of all operating equipment in use on the project site for verification by the City of Cupertino Building Division official or his/her designee. The construction equipment list shall state the makes, models, and number of construction equipment on-site. Equipment shall be properly serviced and maintained in accordance with manufacturer recommendations. The construction contractor shall ensure that all nonessential idling of construction equipment is restricted to five minutes or less in compliance with California Air Resources Board Rule 2449. Prior to issuance of any construction permit, the construction contractor shall ensure that all construction plans submitted to the City of Cupertino Planning Department and/or Building Division clearly show the requirement for Level 3 DPF and EPA Tier 3 or higher emissions standards for construction equipment over 50 horsepower.</p>	<p>Project Applicant</p>	<p>During construction</p>	<p>City of Cupertino Public Works Department</p>	<p>Plan Review and Approval</p>	<p>During scheduled construction site inspections</p>

BIOLOGICAL RESOURCES

<p>BIO-1: Nests of raptors and other birds shall be protected when in active use, as required by the federal Migratory Bird Treaty Act and the California Department of Fish and Game Code. If construction activities and any required tree removal occur during the breeding season (February 1 and August 31), a qualified biologist shall be required to conduct surveys prior to tree removal or construction activities. Preconstruction surveys are not required for tree removal or construction activities outside the nesting period. If construction would occur during the nesting season (February 1 to August 31), preconstruction surveys shall be conducted no more than 14 days prior to the start of tree removal or construction. Preconstruction surveys shall be repeated at 14-day intervals until construction has been initiated in the area after which surveys can be stopped. Locations of active nests containing viable eggs or young birds shall be documented and protective measures implemented under the</p>	<p>Project Applicant</p>	<p>Prior to construction</p>	<p>California Department of Fish and Wildlife</p>	<p>Preconstruction Survey</p>	<p>Once</p>
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MITIGATION MONITORING AND REPORTING PROGRAM

TABLE 6-1 MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measures	Party Responsible for Implementation	Implementation Timing	Agency Responsible for Monitoring	Monitoring Action	Monitoring Frequency
<p>direction of the qualified biologist until the nests no longer contain eggs or young birds. Protective measures shall include establishment of clearly delineated exclusion zones (i.e., demarcated by identifiable fencing, such as orange construction fencing or equivalent) around each nest location as determined by a qualified biologist, taking into account the species of birds nesting, their tolerance for disturbance and proximity to existing development. In general, exclusion zones shall be a minimum of 300 feet for raptors and 75 feet for passerines and other birds. The active nest within an exclusion zone shall be monitored on a weekly basis throughout the nesting season to identify signs of disturbance and confirm nesting status. The radius of an exclusion zone may be increased by the qualified biologist if project activities are determined to be adversely affecting the nesting birds. Exclusion zones may be reduced by the qualified biologist only in consultation with California Department of Fish and Wildlife. The protection measures shall remain in effect until the young have left the nest and are foraging independently or the nest is no longer active.</p>					
CULTURAL RESOURCES					
<p>CULT-1: If any prehistoric or historic subsurface cultural resources are discovered during ground-disturbing activities, all work within 50 feet of the resources shall be halted and a qualified archaeologist shall be consulted to assess the significance of the find according to CEQA Guidelines Section 15064.5. If any find is determined to be significant, representatives from the City and the archaeologist would meet to determine the appropriate avoidance measures or other appropriate mitigation. All significant cultural materials recovered shall be, as necessary and at the discretion of the consulting archaeologist, subject to scientific analysis, professional museum curation, and documentation according to current professional standards. In considering any suggested mitigation proposed by the consulting archaeologist to mitigate impacts to historical resources or unique archaeological resources, the City shall determine whether avoidance is necessary and feasible in light of factors such as the nature of the find, proposed project design,</p>	Project Applicant	During construction	Consultant archaeologist and City of Cupertino Public Works Department	Plan Review and Approval	As needed if resources are unearthed

MITIGATION MONITORING AND REPORTING PROGRAM

TABLE 6-1 MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measures	Party Responsible for Implementation	Implementation Timing	Agency Responsible for Monitoring	Monitoring Action	Monitoring Frequency
<p>costs, and other considerations. If avoidance is infeasible, other appropriate measures (e.g., data recovery) would be instituted. Work may proceed on other parts of the project site while mitigation for historical resources or unique archaeological resources is being carried out.</p>	<p>Project Applicant</p>	<p>During construction</p>	<p>Consulting paleontologist and City of Cupertino Public Works Department</p>	<p>Plan Review and Approval</p>	<p>As needed if resources are unearthed</p>
<p>CULT-2: In the event that fossils or fossil-bearing deposits are discovered during construction, excavations within 50 feet of the find shall be temporarily halted or diverted. The contractor shall notify a qualified paleontologist to examine the discovery. The paleontologist shall document the discovery as needed, in accordance with Society of Vertebrate Paleontology standards (Society of Vertebrate Paleontology 1995), evaluate the potential resource, and assess the significance of the finding under the criteria set forth in CEQA Guidelines Section 15064.5. The paleontologist shall notify the appropriate agencies to determine procedures that would be followed before construction is allowed to resume at the location of the find. If the project proponent determines that avoidance is not feasible, the paleontologist shall prepare an excavation plan for mitigating the effect of the project based on the qualities that make the resource important. The excavation plan shall be submitted to the City for review and approval prior to implementation.</p>	<p>Project Applicant</p>	<p>Prior to construction</p>	<p>City of Cupertino Public Works Department</p>	<p>Plan Review and Approval</p>	<p>Once</p>
<p>HAZARDS AND HAZARDOUS MATERIALS</p>					
<p>HAZ-1a: The project Applicant shall hire the services of a CalOSHA-certified qualified asbestos abatement consultant to conduct a pre-construction assessment for asbestos containing materials (ACMs). Prior to the issuance of the demolition permit, the Applicant shall provide a letter to the City of Cupertino Planning Department from a qualified asbestos abatement consultant that no ACMs are present in the buildings. If ACMs are found to be present, the hazardous materials shall be properly removed and disposed of prior to demolition of buildings on the project site in compliance with applicable federal, State, and local regulations, such as the EPA's Asbestos National Emission Standards for Hazardous Air Pollutants (NESHAP) regulation, BAAQMD Regulation 11, Title 8 of</p>	<p>Project Applicant</p>	<p>Prior to construction</p>	<p>City of Cupertino Public Works Department</p>	<p>Plan Review and Approval</p>	<p>Once</p>

MITIGATION MONITORING AND REPORTING PROGRAM

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Mitigation Measures	Party Responsible for Implementation	Implementation Timing	Agency Responsible for Monitoring	Monitoring Action	Monitoring Frequency
<p>the California Codes of Regulations, the Unified Program, and the City's General Plan policies.</p> <p>HAZ-1b: The project Applicant shall hire the services of a qualified lead paint abatement consultant to conduct a pre-construction assessment of lead based paints. Prior to the issuance of the demolition permit, the applicant shall provide a letter to the City of Cupertino Planning Department from a qualified lead paint abatement consultant that no lead paint is present in on-site buildings. If lead paint is found to be present on buildings to be demolished, the hazardous materials shall be properly removed and disposed of in compliance with applicable federal, State, and local regulations, including the EPA's NESHAP regulation, Title 40 of the Code of Federal Regulations, Title 8 of the California Codes of Regulations, the Unified Program, and the City's General Plan Policies.</p>	Project Applicant	Prior to Construction	City of Cupertino Department of Public Works	Plan Review and Approval	Once

7. Organizations and Persons Consulted

This Initial Study was prepared by the following consultants and individuals:

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