PLACEWORKS

November 8, 2018 | Public Review Draft Initial Study

The Cupertino Village Hotel Project

for the City of Cupertino

Image Credit: Hornberger + Worstell, July 27, 2018.

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Table of Contents

TABLE OF CONTENTS

LIST OF FIGURES

LIST OF TABLES

TABLE OF CONTENTS

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1. Introduction

This document is an Initial Study for the Cupertino Village Hotel Project ("proposed project") prepared by the City of Cupertino (City) to determine if the proposed 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 section 15051 of the State CEQA Guidelines, the City is the Lead Agency for the proposed project.

The project site is located on a 1.72-acre site at 10765 - 10801 North Wolfe Road, which is currently developed with an existing restaurant building, Duke of Edinburgh Pub and Restaurant, and a vacant commercial building. The proposed project would involve demolishing the two commercial buildings and constructing a new 185-room boutique hotel including event meeting rooms and a restaurant. The project site is assigned Assessor's Parcel Number (APN) 316-45-017 and is currently zoned Planned Development with General Commercial and Residential (P(CG, Res)) and located within the Commercial/Residential General Plan land use designation. Under the current zoning and land use designations, the permitted maximum height is 60 feet. The proposed project would require an amendment to the General Plan to increase the hotel room development allocation to 185 hotel rooms in the North Vallco Area to allow for the construction and operation of the proposed hotel.

1.1 INITIAL STUDY

Pursuant to Section 15063 of the CEQA Guidelines,[1] 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, description of environmental setting, identification of environmental effects by checklist or other similar form, explanation of environmental effects, discussion of mitigation for significant environmental effects, evaluation of the project's consistency with existing and applicable land use controls, and the name of persons who prepared the study.

The CEQA concept of "tiering" refers to the evaluation of general environmental matters in a broad program-level EIR, with subsequent focused environmental documents for individual projects that implement the program. This Initial Study incorporates by reference the discussions in the City's General Plan Amendment, Housing Element Update, and associated Rezoning Project Environmental Impact Report (EIR) that was certified by the Cupertino City Council in December 2014,[2] the addendum to that

[1] The CEQA Guidelines are found in California Code of Regulations, Title, 14, Section 15000 *et seq*.

[2] City of Cupertino, certified General Plan Amendment, Housing Element Update, and Associated Rezoning EIR, State Clearinghouse Number 2014032007. December 4, 2014.

EIR that was approved by the City Council in October 2015,[3] together hereinafter "General Plan EIR," and the Vallco Special Area Specific Plan EIR, hereinafter "Vallco Specific Plan EIR" that was certified by the Cupertino City Council in September 2018.[4] The analysis in this Initial Study concentrates on project-specific issues of the Cupertino Village Hotel project. 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 document by eliminating repetitive analyses of issues that were adequately addressed in the program EIRs and by incorporating those analyses 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 at 10300 Torre Avenue, Cupertino, California 95014.

1.2 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 for 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: Environmental Analysis. Making use of the CEQA Guidelines Appendix F, Energy Conservation, and Appendix G, Environmental Checklist, this chapter identifies and discusses anticipated impacts from the proposed project, providing substantiation of the findings made.

Chapter 5: Mitigation Monitoring and Reporting Program. This chapter lists the impacts found to be significant and identifies the recommended mitigation measures categorized by impact area.

Chapter 6: 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.

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[3] City of Cupertino, approved General Plan Amendment, Housing Element Update, and Associated Rezoning EIR Final Addendum, State Clearinghouse Number 2014032007. December 4, 2014.

[4] City of Cupertino, certified Vallco Special Area Specific Plan EIR, State Clearinghouse Number 2018022021. September 19, 2018.

2. Initial Study Checklist

1.	**Project Title:**	The Cupertino Village Hotel Project
2.	**Lead Agency Name and Address:**	City of Cupertino Community Development Department 10300 Torre Avenue Cupertino, CA 95014
3.	**Contact Person and Phone Number:**	Erick Serrano Associate Planner 408-777-3205
4.	**Location:**	10765-10801 North Wolfe Road Cupertino, CA 95014
5.	**Applicant's Name and Address:**	Kimco Realty Corporation 15 Southgate Avenue, Suite 201 Daly City, CA 94015
6.	**General Plan Land Use Designations:**	Commercial / Residential
7.	**Zoning:**	Planned Development with General Commercial and Residential P(CG/RES)
8.	**Description of Project:**	See Chapter 3, Project Description
9.	**Surrounding Land Uses and Setting:**	See page 3-6 of Chapter 3, Project Description
10.	**Other Required Approvals:**	See page 3-34 of Chapter 3, Project Description

11. **Have California Native American Tribes traditionally and culturally affiliated with the project area requested consultation pursuant to Public Resources Code section 21080.3.1? If so, has consultation begun?:** The City has not received any request from any Tribes in the geographic area with which they are traditionally and culturally affiliated with or otherwise to be notified about projects in Cupertino.

INITIAL STUDY CHECKLIST

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 4 of this Initial Study.

❒ Aesthetics	❒ Agriculture & Forestry Resources	❒ Air Quality
❒ Biological Resources	❒ Cultural Resources	❒ Tribal Cultural Resources
❒ Geology & Soils	❒ Greenhouse Gas Emissions	❒ Hazards & Hazardous Materials
❒ Hydrology & Water Quality	❒ Land Use & Planning	❒ Mineral Resources
❒ Noise	❒ Population & Housing	❒ Public Services
❒ Parks & Recreation	❒ Transportation & Circulation	❒ Utilities & Service Systems

❒ 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, Date

Community Development Director/Assistant City Manager

City of Cupertino Community Development Department

3. Project Description

Kimco Realty, the project applicant, is proposing the Cupertino Village Hotel Project ("proposed project") that would involve the construction of a boutique hotel on a 1.72-acre site. The site is currently developed with two commercial buildings, one of which is occupied. The proposed project would involve demolishing the existing commercial buildings and redeveloping the site with a new 185-room boutique hotel, including event meeting rooms and a restaurant. The proposed project would establish a five-story hotel with below-grade parking.

This chapter provides a detailed description of the proposed project, including the location, setting, and characteristics of the project site, the principal project features, construction phasing and schedule, as well as a list of the required permits and approvals.

3.1 PROJECT LOCATION AND SITE CHARACTERISTICS

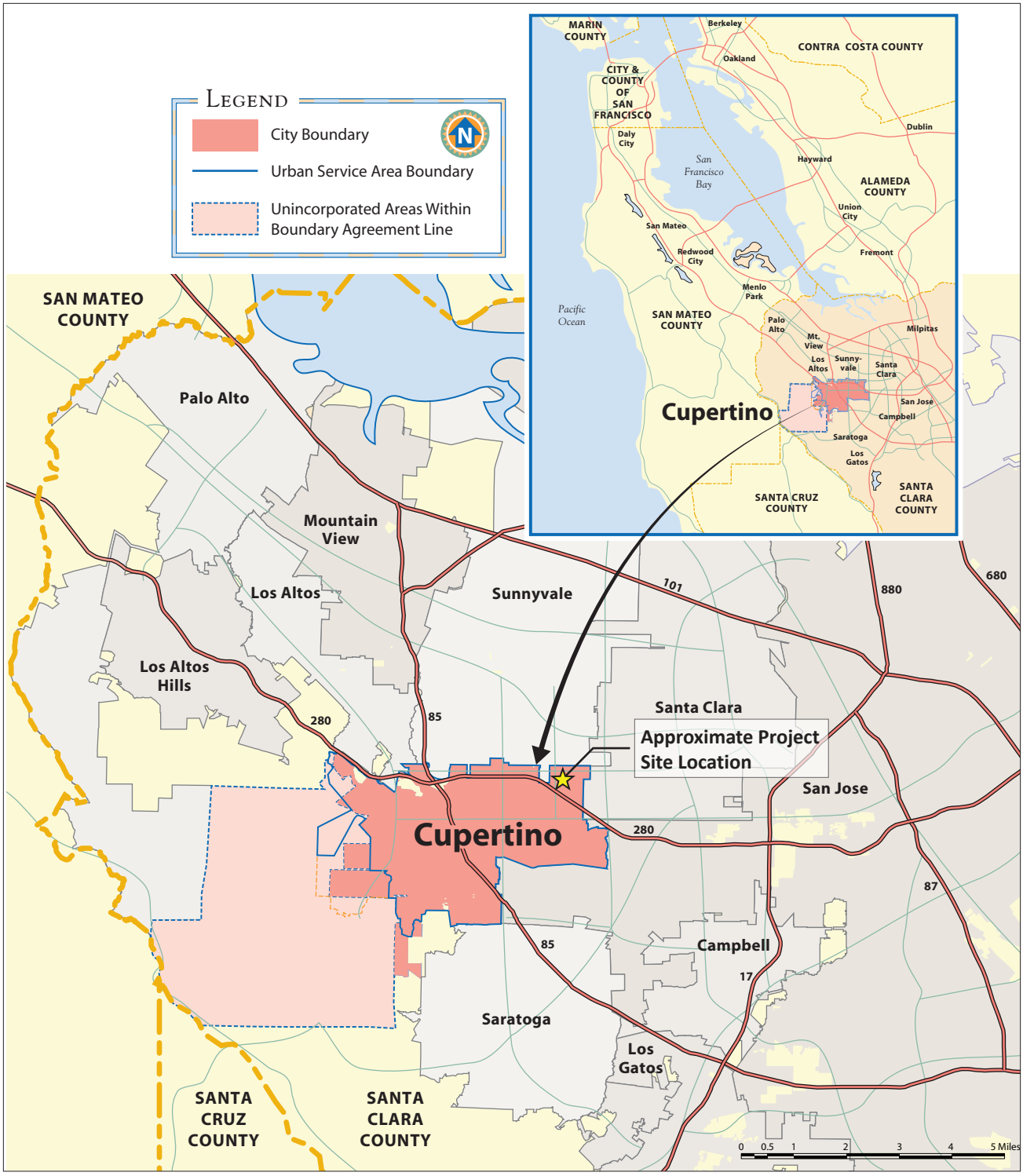
3.1.1 REGIONAL LOCATION

As shown on Figure 3-1, the project site is located in Cupertino, which is in the northwestern portion of Santa Clara County. Cupertino is roughly 45 miles south of San Francisco and 10 miles west of downtown San Jose. Interstate 280 (I-280) provides regional access to the project site.

3.1.2 LOCAL SETTING

The project site is located at 10765 - 10801 North Wolfe Road in the northeast region of the city. The site is at the southeast corner of the Cupertino Village Shopping Center ("Cupertino Village"), which has cafes and restaurants for nearby workers and serves as a village center for the residential uses in this area. As shown on Figure 3-2, the project site is bounded by Cupertino Village buildings and parking lots to the north, North Wolfe Road to the east, Pruneridge Avenue to the south, and Arioso Apartments to the west.

As shown on Figure 3-2, the location of the site is within 0.5 miles of employment centers, including Cupertino Village and the new, completed Apple Park (formerly Apply Campus 2). Portal Park is located approximately 1 mile to the southwest, Jenny Strand Park is located approximately 0.75 miles to the southeast, and Westwood Oaks Park is located approximately 0.5 miles to the east of the site. Cupertino High School and Sedgwick Elementary School in the Cupertino Union School District are approximately 1.5 miles to the south, while Laurelwood Elementary School in the Santa Clara Unified School District is located approximately 1.5 miles to the northeast in the City of Santa Clara.



Source: City of Cupertino General Plan.

Figure 3-1
Regional and Vicinity Map

Source: Google Earth Professional, 2016; PlaceWorks, 2018.

Project Site

Figure 3-2
Aerial View of Project Site and Surroundings

3.1.3 EXISTING SITE CHARACTER

As shown on Figure 3-3, the site is currently developed with two commercial buildings: an occupied 3,385-square-foot building that is currently occupied by the Duke of Edinburgh Pub and Restaurant, and a vacant 10,044-square-foot commercial building. The site also contains parking and ornamental landscaping for the existing commercial spaces, including numerous trees. A recent tree inventory and assessment evaluated 68 trees on the site that represent 11 species. Although several trees were newly planted, most of the trees on the project site are mature. [5] All trees on the project site are protected trees under the City's Municipal Code. While coast redwood is native to California, no trees of this species are indigenous to the project site (i.e., they were planted during the landscaping of the site with the prior development.[6]

Using data from the Classification and Assessment with Landsat of Visible Ecological Groupings (CALVEG)[7] 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 site is generally flat with elevation of 170 feet above mean sea level.[8] The surficial geology is young, unconsolidated Quaternary alluvium,[9] which is described as Holocene-age younger alluvium and coarse-grained alluvium that are composed of unconsolidated, poorly sorted gravel, silt, sand, clay, and organic matter.

Stormwater from the site would drain to a network of City-maintained storm drains that collect runoff from city streets and carry it to the creeks that run through Cupertino to the San Francisco Bay.

Surrounding uses include one-story and two-story commercial buildings in the Cupertino Village and parking lots to the north, the new four-story (72 feet) Apple Park and existing three-story (up to 45 feet) Hamptons Apartment complex to the east across North Wolfe Road, the three-story (approximately 45 feet) Arioso Apartments to the west, and a five-story (45 feet) Hilton Garden Inn.

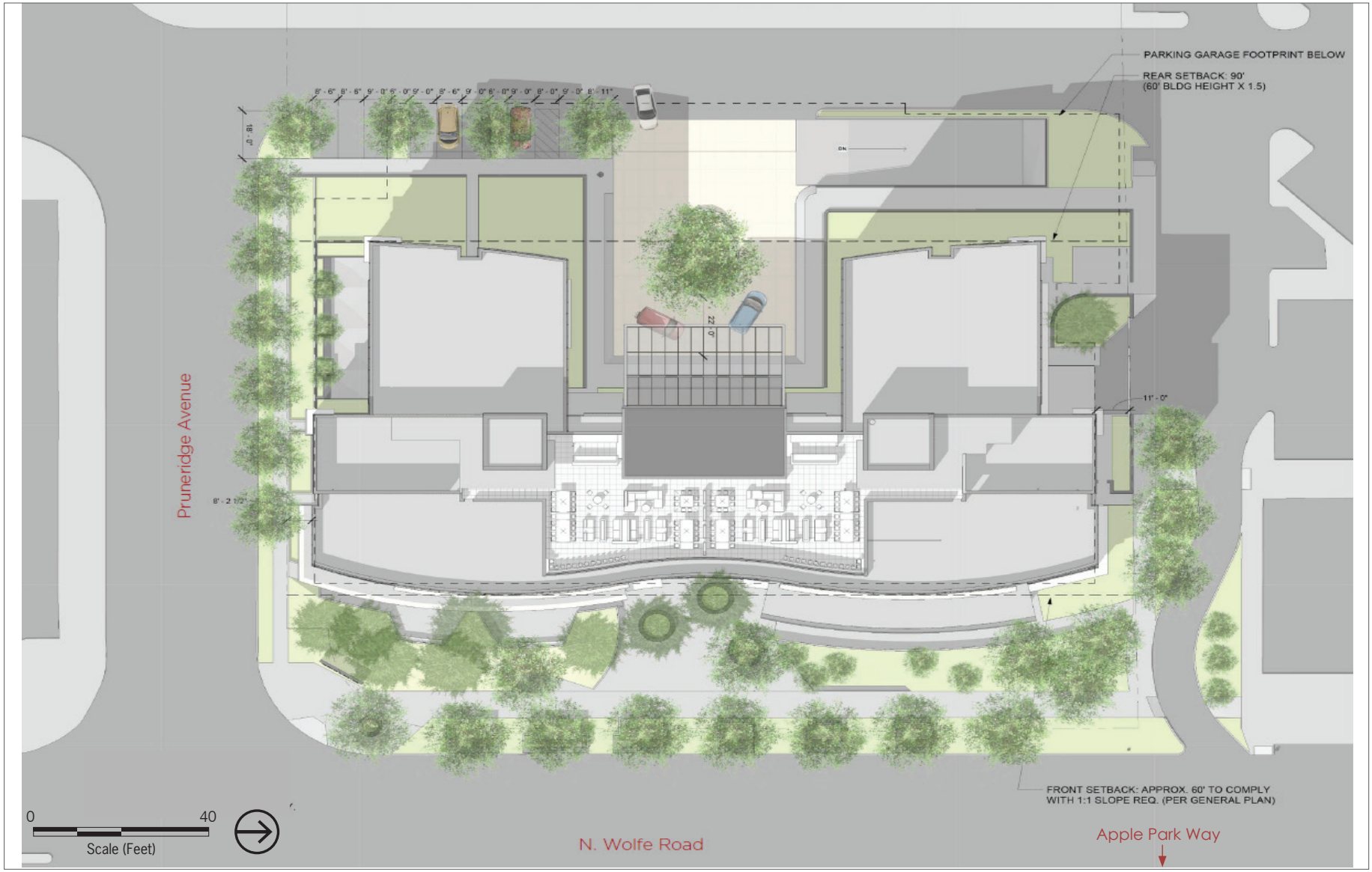
[5] Cupertino Village Boutique Hotel Site Tree Inventory & Assessment, prepared for the Kimco Realty Corporation by Arborwell. November 27, 2017.

[6] City of Cupertino Municipal Code (section 14.18.050) defines "Protected" trees. See section 1.1.4.2, Zoning, of this chapter for a summary of the City's tree protection ordinance.

[7] 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.

[8] Northgate Environmental Management, 2017, Phase I Environmental Site Assessment, 10765 – 10801 North Wolfe Road, Cupertino, California. November 6, 2017.

[9] US Geological Survey, 1994, Preliminary Quaternary Geologic Maps of Santa Clara Valley, Santa Clara, Alameda, and San Mateo Counties, California: A Digital Database, Open-File Report 94-231, by E.J. Helley, R.W. Graymer, G.A. Phelps, P.K. Showalter, and C.M. Wentworth.



Source: Hornberger + Worstell, July 27, 2018.

Figure 3-4
Conceptual Site Plan

3.1.4 LAND USE DESIGNATION AND ZONING

GENERAL PLAN

The project site is assigned Assessor's Parcel Number (APN) 316-45-017. In addition to the General Plan land use designation, the project site is located in a special planning area and designated gateway within the city. A description of the applicable General Plan policies and permitted development in these areas and designations is provided below.

Planning Area and Gateway

Under the adopted General Plan, the site is located in the North Vallco Gateway, which is within the North Vallco Park Special Area. As described in the General Plan, the North Vallco Park Special Area encompasses 240 acres and is an important employment center for Cupertino and the region allowing a mix of residential, commercial, office, and hotel uses along North Wolfe Road between I-280 and Homestead Road.[10] Amongst other commercial and residential development, there are two existing hotels in the North Vallco Gateway. The General Plan states that the North Vallco Park Special Area is envisioned to become a sustainable, office and campus environment surrounded by a mix of connected, high-quality, pedestrian-oriented retail, hotels, and residential uses.

Building Height

Building height affects the city's appearance and identity, particularly in the pedestrian-scaled areas. By regulating building heights, the City can protect view corridors, regulate building scale, and ensure consistency and compatibility within an area or along a street. As shown on the Community Form Diagram in the General Plan, the project site is located west of North Wolfe Road and a maximum building height of 60 feet is allowed at this location.[11]

Land Use Designation

The General Plan land use designation for the project site is Commercial/Residential. This land use designation allows primarily commercial uses and secondarily residential uses or a compatible combination of the two.[12] Commercial use means retail sales, businesses, limited professional offices, and service establishments with direct contact with customers. This applies to commercial activities ranging from neighborhood convenience stores to regionally oriented specialty stores. Retail stores that would be a nuisance for adjoining neighborhoods or harmful to the community identity would be regulated by the Commercial Zoning Ordinance and use permit procedure. Smaller commercial parcels in existing residential areas may be needed to provide local neighborhood serving retail; otherwise, they may be

[10] City of Cupertino General Plan (Community Vision 2015-2040), Chapter 2, Planning Areas, page PA-9.
[11] City of Cupertino General Plan (Community Vision 2015-2040), Chapter 3, Land Use and Community Design, page LU-18.
[12] City of Cupertino General Plan (Community Vision 2015-2040), Appendix A: Land use definitions, Planning Areas, page A-4.

redeveloped at residential densities compatible with the surroundings. Residential development is subject to the numerical caps and other policies described in the development priorities tables.

ZONING

Zoning District

The project site is within the Planned Development with General Commercial and Residential uses (P(CG,Res)) zoning district. As described in Cupertino Municipal Code (CMC) Section 19.80.010,[13] 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. 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 General Commercial (CG) and Residential (Res). The General Commercial Ordinance allows hotel uses as a permitted/conditional use.

Setbacks

The project site does not require specific front, side, or rear yard setbacks unless the lot abuts any residential or agricultural zones. The project site must still adhere to the General Plan requirement of maintaining the primary bulk of the building behind a 1:1 slope line from the face of the curb along North Wolfe Road, the requirement for sufficient space for adequate light, requirement for air and visibility at intersections, and the requirement for general conformity to yard requirements of adjacent or nearby zones, lot or parcels.

[13] City of Cupertino Municipal Code, Title 19, Zoning, Chapter 19.80, Planned Development, section 19.80.010, Purpose.

Landscaping

Landscape Ordinance

CMC Chapter 14.15, Landscape Ordinance, implements the California Water Conservation in Landscaping Act of 2006 by establishing new water-efficient landscaping and irrigation requirements. In general, any building or landscape project that involves more than 2,500 square feet of landscape area is required to submit a Landscape Project Submittal to the Director of Community Development for approval. Existing and established landscaped areas over 1 acre, including cemeteries, are required to submit water budget calculations and audits of established landscapes.[14]

Protected Tree Ordinance

CMC Chapter 14.18, Protected Tree Ordinance, provides regulations for the protection, preservation, and maintenance of trees of certain species and sizes.[15] Removal of a protected tree requires a permit from the City. "Protected" trees include trees of a certain species and size in all zoning districts; heritage trees in all zoning districts; any tree required to be planted or retained as part of an approved development application, building permit, tree removal permit, or code enforcement action in all zoning districts; and approved privacy protection planting in single-family residential (R-1) zoning districts.

Utilities and Energy

The California Green Building Standards Code (Part 11, Title 24, known as "CALGreen") was adopted as part of the California Building Standards Code (Title 24, California Code of Regulations) to apply to the planning, design, operation, construction, use, and occupancy of every newly constructed building or structure, unless otherwise indicated in the code, throughout the State of California. CALGreen established planning and design standards for sustainable site development, energy efficiency (in excess of the California Energy Code requirements), water conservation requiring new buildings to reduce water consumption by 20 percent, material conservation, and internal air contaminants. The local building permit process enforces the building efficiency standards. CMC Chapter 16.58, Green Building Standards Code Adopted, includes the CALGreen requirements with local amendments for projects in the city. The City's Green Building Ordinance codifies green building techniques, including measures affecting water use efficiency and water conservation. CMC Sections 16.58.100 through 16.58.220 sets forth the standards for green building requirements by type of building. As shown on Table 101.10 in CMC Section 16.58.220, non-residential new construction exceeding 50,000 square feet is required to be Silver in Energy & Environmental Design (LEED).[16] CMC Section 16.58.230 permits applicants to apply an alternate

[14] City of Cupertino Municipal Code, Title 14, Streets, Sidewalks and Landscaping, Chapter 14.15, Landscape Ordinance.
[15] City of Cupertino Municipal Code, Title 14, Streets, Sidewalks and Landscaping, Chapter 14.18, Protected Trees.
[16] Leadership in Energy & Environmental Design (LEED) is a green building certification program that recognizes best-in-class building strategies and practices that reduce consumption energy, and water, and reduce solid waste directly diverted to landfills. LEED certified buildings are ranked in order of efficiency from Certified, Silver, Gold and Platinum being the highest ranking with the greatest efficiency standard. LEED Silver certified buildings typically reduce is the third highest ranking out of the four, with just being certified being the lowest and Gold and Platinum being the second highest.

green building standard for a project in lieu of the minimum standards outlined in CMC Section 16.58.220 that meet the same intent of conserving resources and reducing solid waste. Consistent with CALGreen CMC Chapter 16.72, Recycling and Division of Construction and Demolition Waste, requires that a minimum of 65 percent of all non-hazardous construction and demolition debris must be recycled or salvaged and that all applicants have a waste management plan for on-site sorting of construction debris. Additionally, in December 2017, the City adopted a Zero Waste Policy.[17] According to the Zero Waste Policy, the City will require, through the City's waste hauling franchise agreement, steadfast and ongoing efforts by the City's franchisee to maintain a minimum residential and commercial waste diversion rate of 75 percent with a goal of reaching and maintaining 80 percent by 2025.

CMC Chapter 9.18, Storm Water Pollution Prevention and Watershed Protection, provides regulations and gives legal effect to the Municipal Regional Storm Water National Pollutant Discharge Elimination System (NPDES) Permit (MRP) issued to the City. This chapter also ensures ongoing compliance with the most recent version of the City's MRP regarding municipal storm water and urban runoff requirements. This chapter applies to all water entering the storm drain system generated on any private, public, developed, and undeveloped lands within the city. The CMC contains permit requirements for construction projects and new development or redevelopment projects to minimize the discharge of storm water runoff.

3.2 PROJECT COMPONENTS

The proposed project would redevelop the project site with a five-story hotel with up to 185 guest rooms and amenities including a restaurant, event meeting rooms, and fitness facilities. Table 3-1 shows a breakdown of the project components by square footage.

TABLE 3-1 PROPOSED HOTEL COMPONENTS

Level	Guest Room Area	Circulation Area[a]	Back of House Area[b]	Restaurant/ Meeting Rooms/ Fitness Room Area	Mechanical Equipment Area	Total Net Area[d]	Total Gross Area[e]
Level 1	0	7,322	5,674	9,696[c]	1,595	**24,287**	**26,160**
Level 2	12,418	3,695	3,603	1,314	1,701	**22,730**	**24,968**
Level 3	18,066	3,894	477	0	349	**22,786**	**24,968**
Level 4	18,058	3,896	480	0	350	**22,784**	**24,968**
Level 5	18,064	3,895	480	0	352	**22,791**	**24,968**
Parking Level 1	--	--	--	-	--	**41,098**	**42,265**
Parking Level 2	--	--	--	-	--	**41,269**	**42,323**
Total Use Area	*66,606*	*22,702*	*10,714*	*11,010*	*4,347*	--	--
Grand Total	**--**	**--**	**--**	**--**	**--**	***197,745***	***210,621***

a. Circulation: hallways and other areas for staff and guest movement in the hotel. Level 1 includes a 3,669-square-foot lobby and 306 square feet for administration.
b. Back-of-house uses include the area of the hotel that is for staff services only.
c. Level 1 (ground level) includes the 4,008-square-foot restaurant and meeting rooms totaling 5,688 square feet.
d. The net area is the actual useable area measured to the inside face of the wall within each room.
e. The gross area is the full footprint of the building to the outside face of the exterior wall.
Source: Kimco Realty Corporation (project applicant), Planning Submittal, July 27, 2018.

[17] City of Cupertino, Public Works, Garbage & Recycling, https://www.cupertino.org/our-city/departments/environment-sustainability/waste, accessed October 4, 2018.

Development of the proposed project would involve demolition of existing structures and associated surface parking lots, and construction of the principal project components that are described in detail in the following sections. The proposed project is shown on Figures 3-4 through 3-15.

3.2.1 HOTEL

The proposed project site plan is shown on Figure 3-4 and the two proposed subterranean parking levels are shown on Figure 3-5. As shown on Figure 3-4, the proposed hotel includes one entrance to the lobby that is oriented to the west (fronting Arioso Apartments) with a roundabout style drop-off area. At-grade vehicular parking is located at this entrance. This west-fronting entrance is the only auto-oriented entrance for hotel guests, restaurant customers, and employees. The entrance to the two levels of the below-grade parking garage is also located at the west side of the hotel building to the north of the hotel main entrance. The outdoor seating for the restaurant and event meeting rooms would front North Wolfe Road.

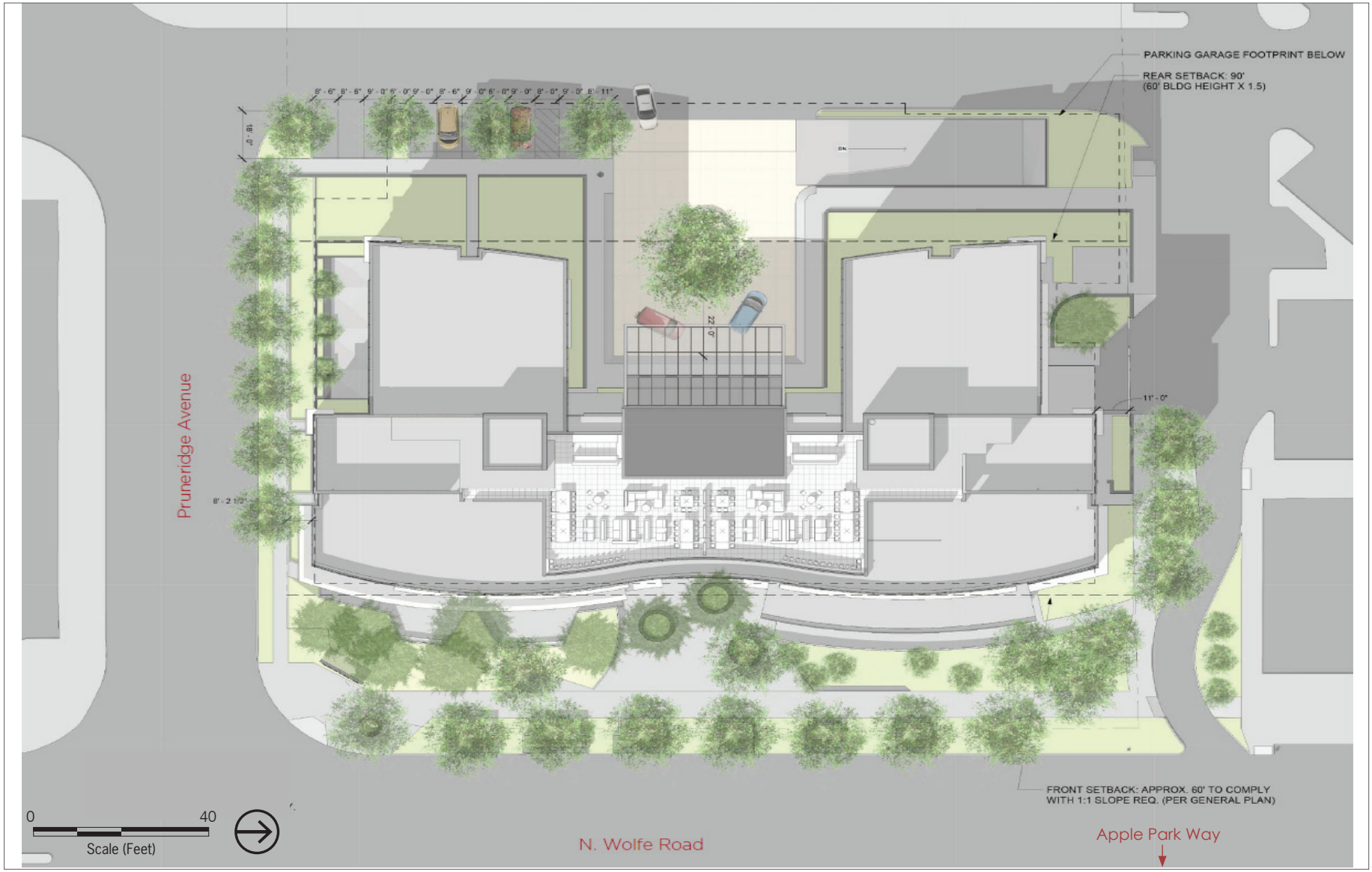
The first floor of the hotel is at ground level and would include the lobby, reception area, an event room, meeting rooms, restaurant/bar (for hotel and non-hotel guests), kitchen, mechanical rooms, laundry, electrical rooms, housekeeping, loading dock, employee lockers, and storage spaces. The second floor would include a fitness room, an administrative office, mechanical rooms, electrical rooms, housekeeping space, an employee breakroom, telecom room, storage space, and hotel rooms. Floors three through five consist of mostly guest rooms with the exception of space for mechanical equipment, housekeeping, and telecom rooms. The roof would have an outdoor lounge/bar that would be open to hotel guests and other customers not staying at the hotel.

Guest rooms would be structured as follows: 164 king rooms, 14 double queen rooms, and seven junior suite rooms. The proposed floors are shown in Figures 3-6 through 3-11.

The hotel would have a FAR (Floor Area Ratio) of 1.71. As shown in Figures 3-12 through 3-15, the building would have a maximum height of 59 feet 6 inches at the roofline, and the maximum height of the rooftop mechanical equipment and utility structures would be 72 feet 8 inches as allowed in the General Plan.[18] The proposed project would have an approximate front yard setback of 60 feet but no less than to allow a 1:1 slope line from the face of the curb, side setbacks of 9 feet on the south side and 11 feet on the north side, and rear setback of 90 feet, and side and rear setback of 0 feet, which is permitted by the General Plan.[19]

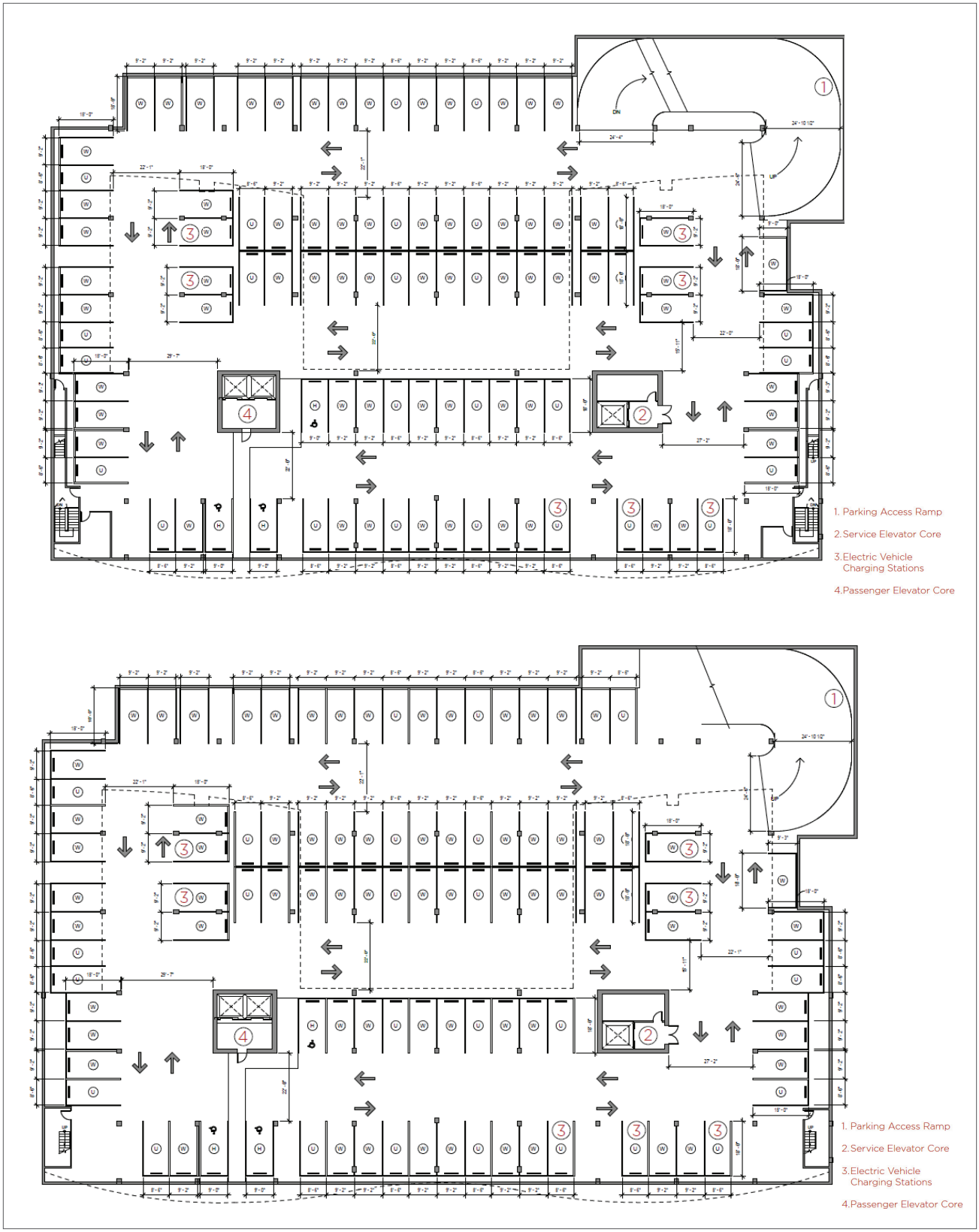
According to the project applicant, the operation of the proposed hotel would generate 93 new jobs.[20] With an average of two guests per hotel room, the hotel would generate up to 370 guests at maximum capacity. The largest event meeting room would accommodate up to 450 people and the smaller meeting rooms would accommodate up to 350 people.

[18] City of Cupertino General Plan (Community Vision 2015-2040), Chapter 3, Land Use and Community Design, page LU-18.
[19] City of Cupertino General Plan (Community Vision 2015-2040), Chapter 3, Land Use and Community Design, page LU-18.
[20] Assumes one job for two hotel rooms.



Source: Hornberger + Worstell, July 27, 2018.

Figure 3-4
Conceptual Site Plan



Source: Hornberger + Worstell, July 27, 2018.

0 40
Scale (Feet)

Figure 3-5
Floor Plan: Level P1 & P2

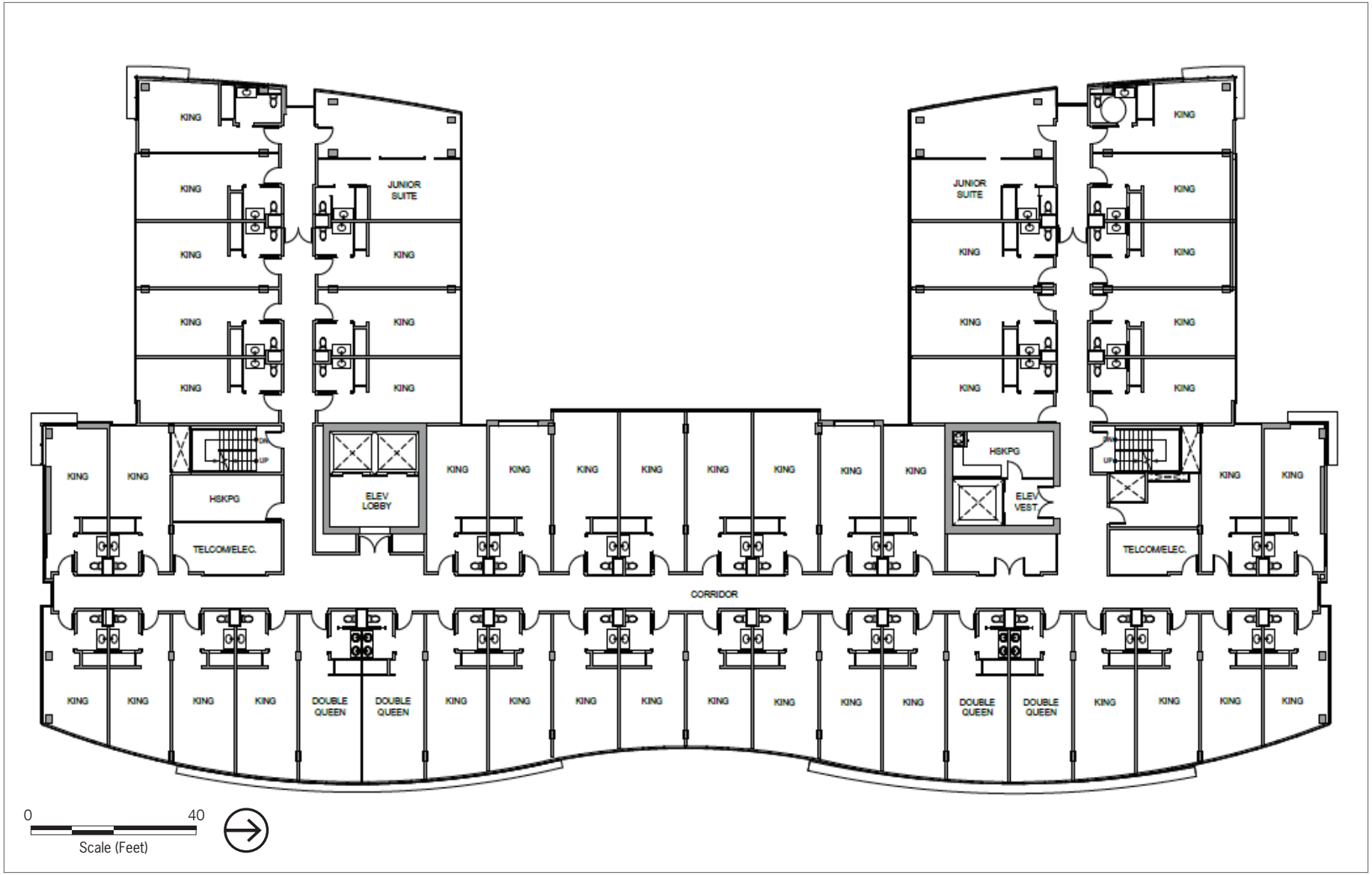
0 40
Scale (Feet)

Source: Hornberger + Worstell, July 27, 2018.

Figure 3-6
Floor Plan: Ground/Arrival Level

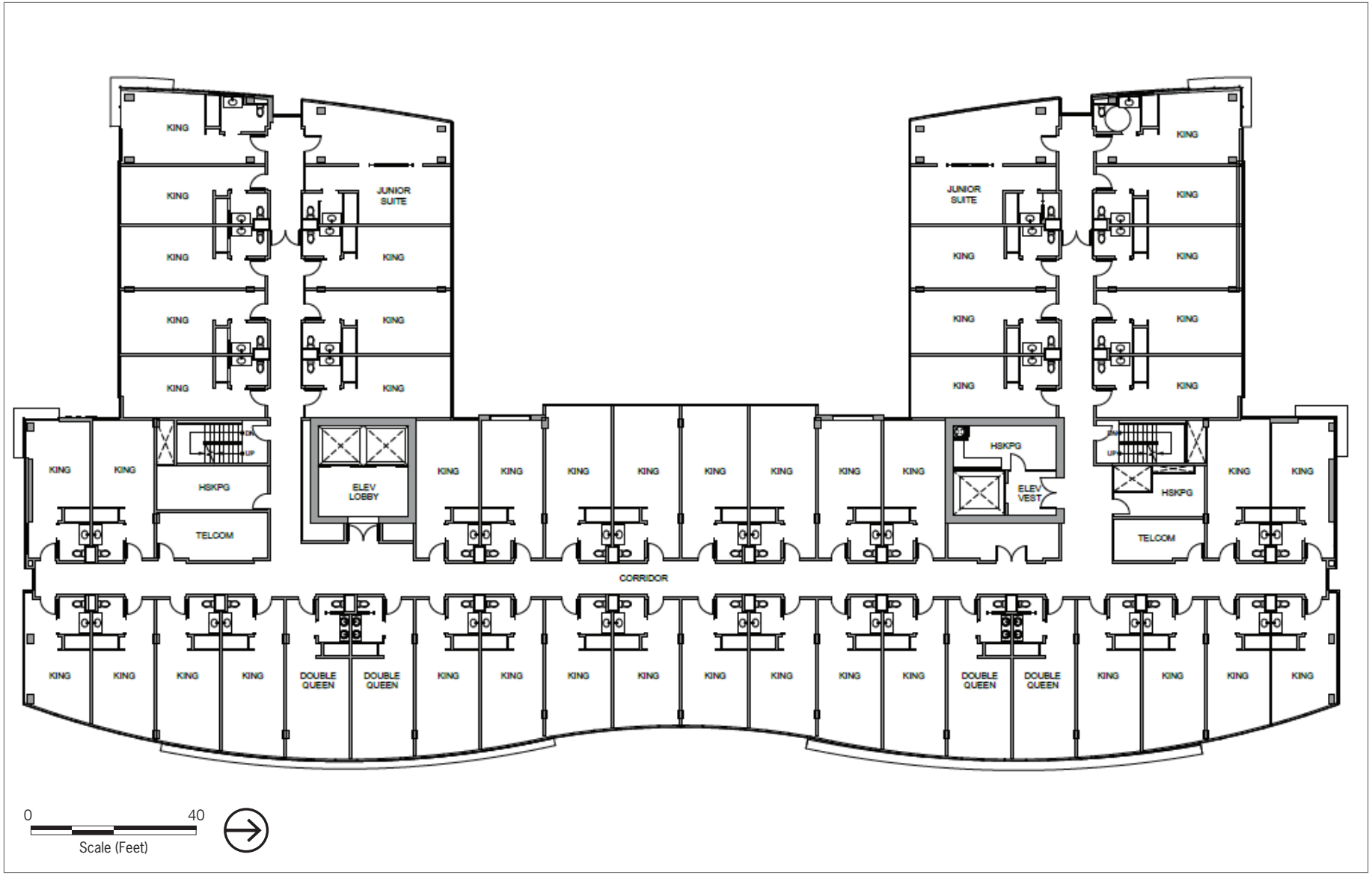
Source: Hornberger + Worstell, July 27, 2018.

Figure 3-7
Floor Plan: Level 2



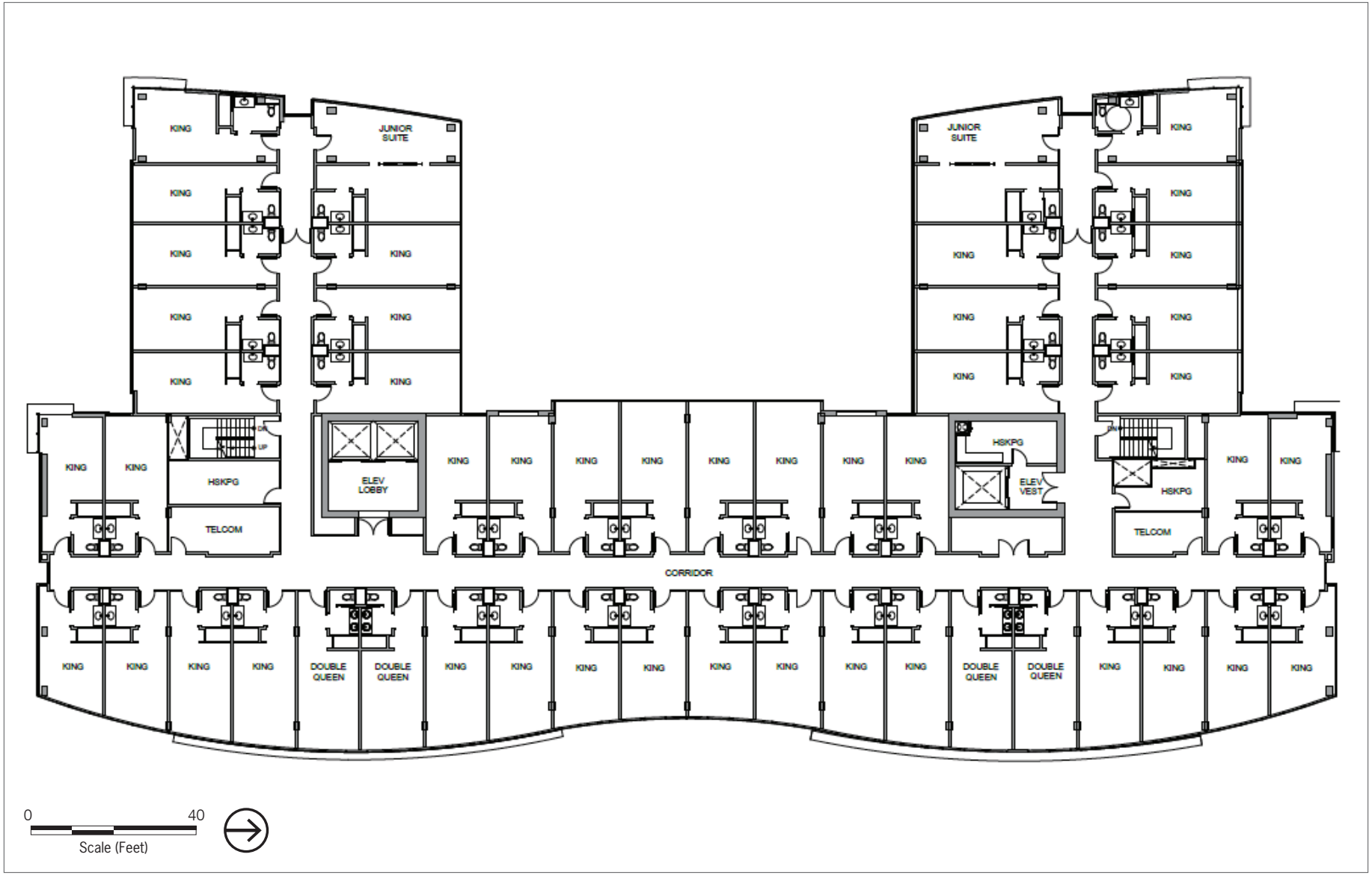
Source: Hornberger + Worstell, July 27, 2018.

Figure 3-8
Floor Plan: Level 3



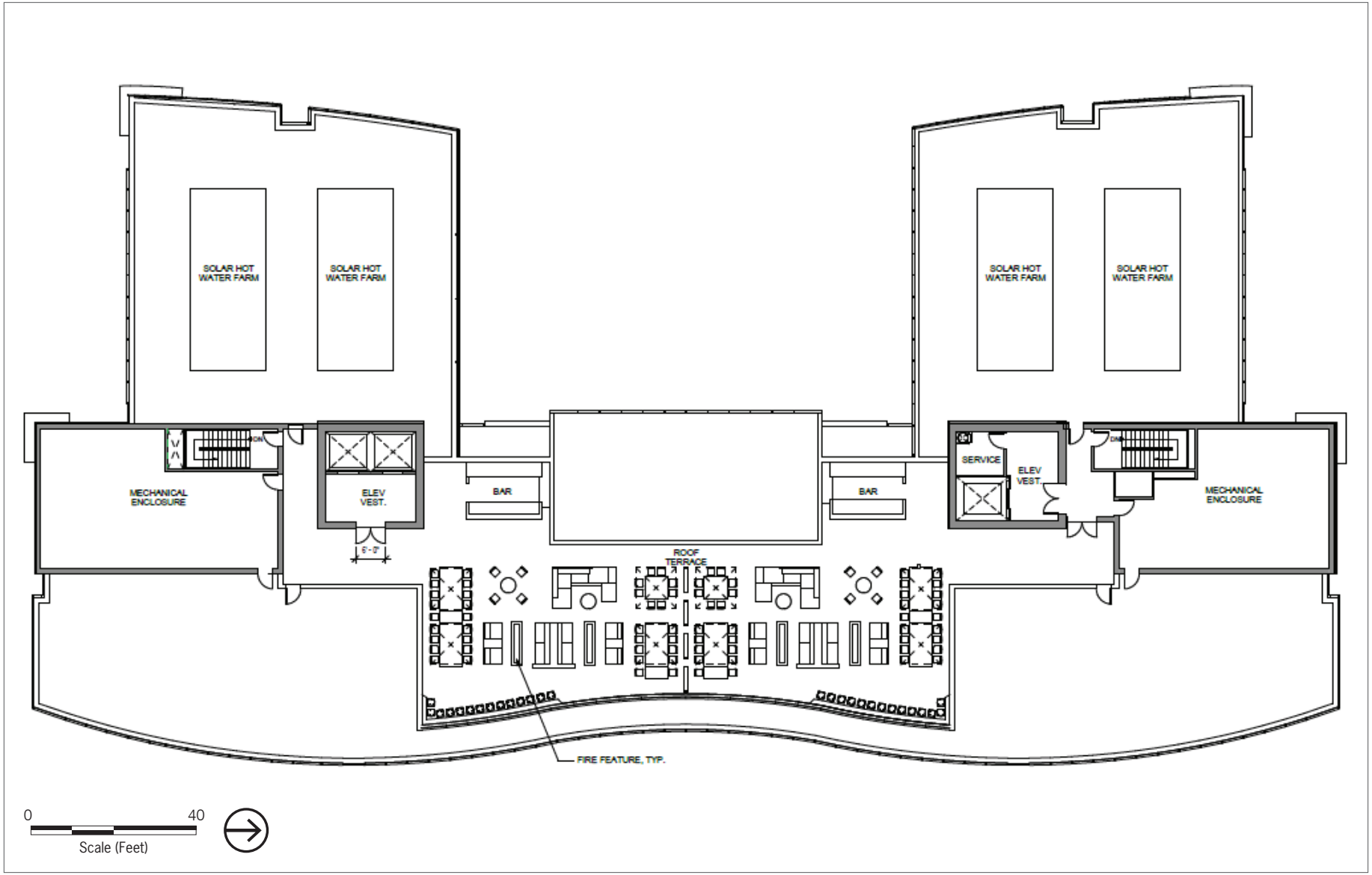
Source: Hornberger + Worstell, July 27, 2018.

Figure 3-9
Floor Plan: Level 4



Source: Hornberger + Worstell, July 27, 2018.

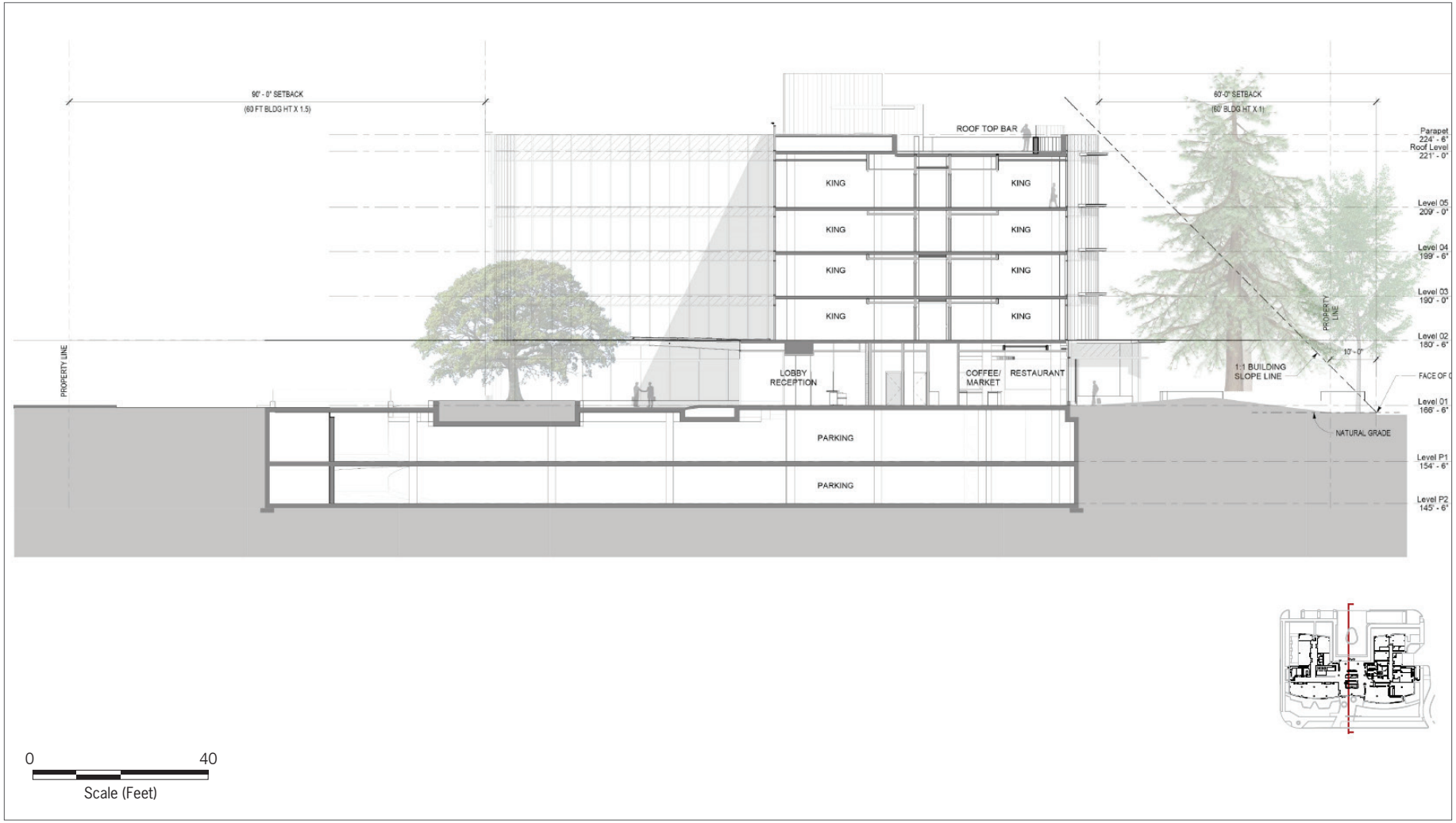
Figure 3-10
Floor Plan: Level 5



Source: Hornberger + Worstell, July 27, 2018.

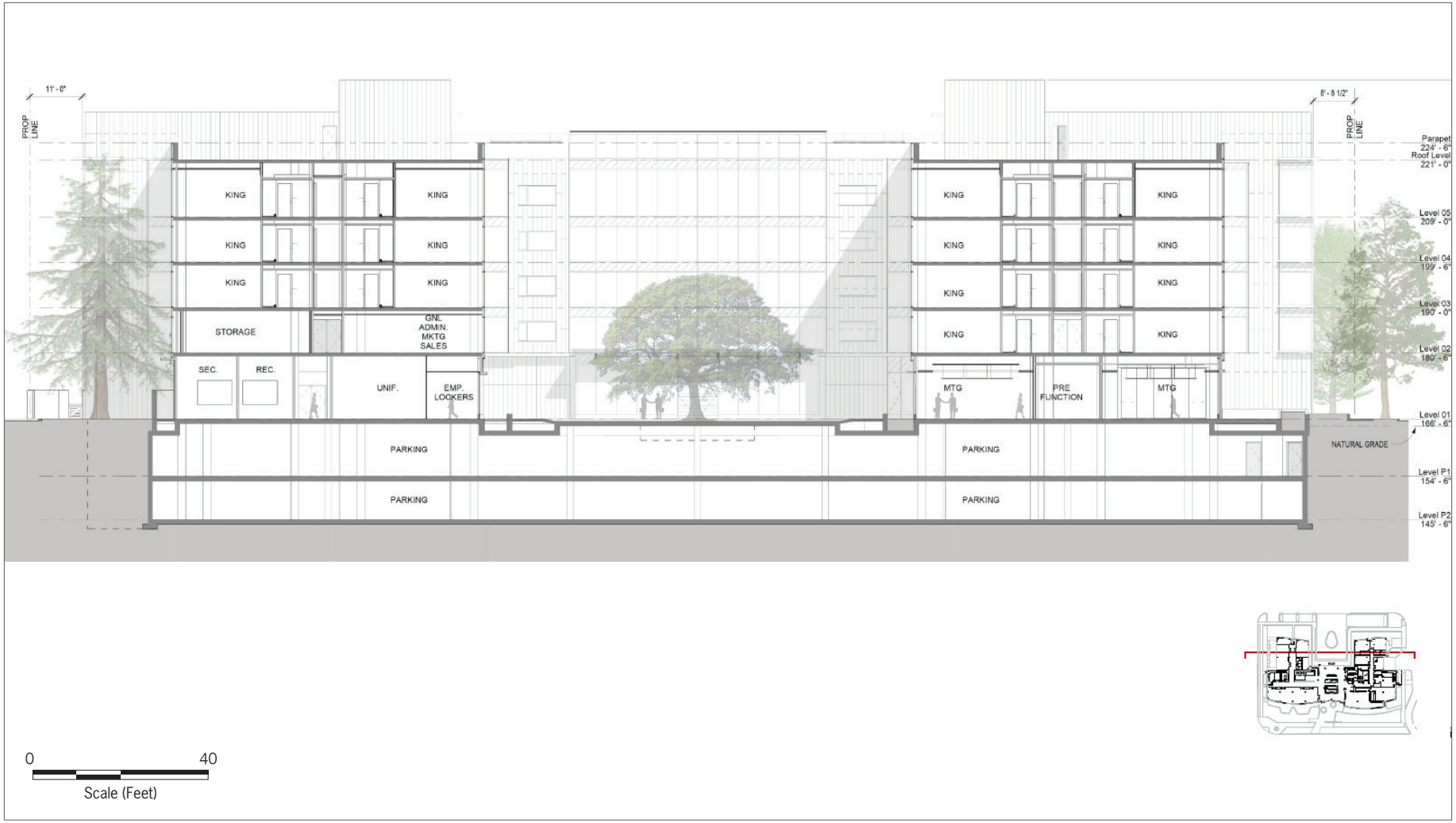
Figure 3-11
Floor Plan: Roof Plan

PROJECT DESCRIPTION



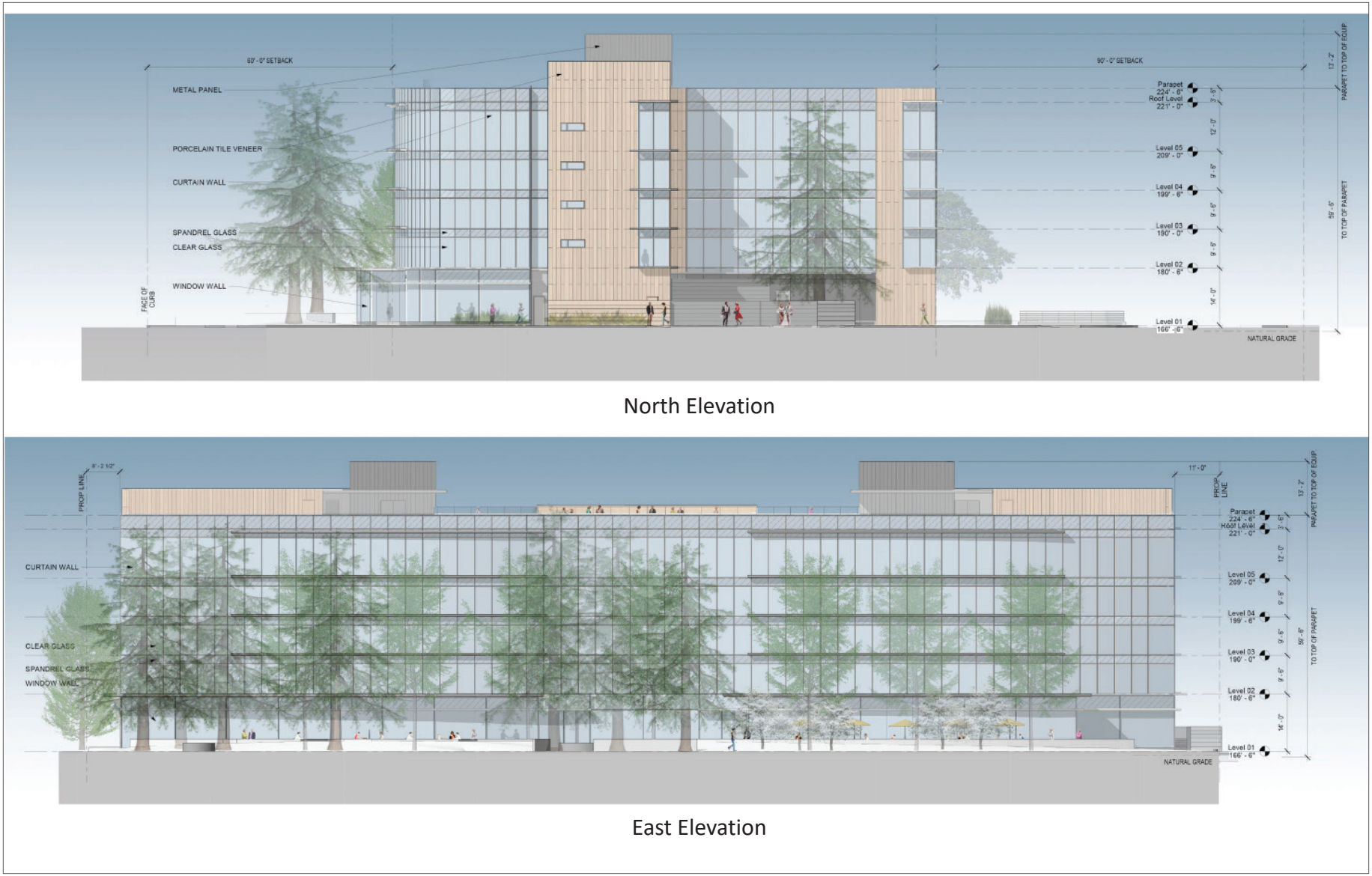
Source: Hornberger + Worstell, July 27, 2018.

Figure 3-12
Site Section: East/West



Source: Hornberger + Worstell, July 27, 2018.

Figure 3-13
Site Section: North/South

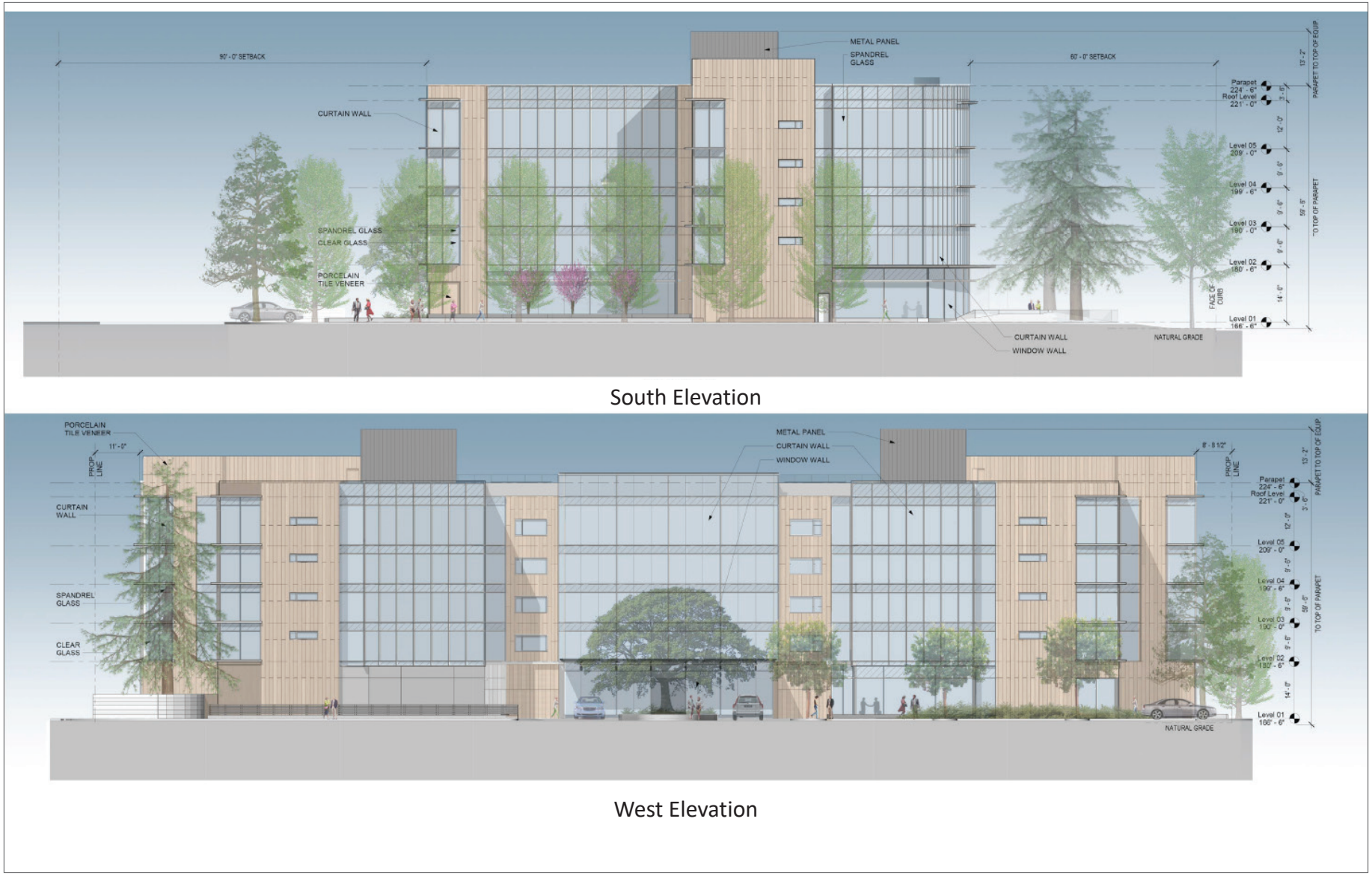


North Elevation

East Elevation

Source: Hornberger + Worstell, July 27, 2018.

Figure 3-14
Elevations: North and East



Source: Hornberger + Worstell, July 27, 2018.

Figure 3-15
Elevations: South and West

3.2.2 CIRCULATION AND ACCESS

VEHICULAR, BICYCLE, AND PEDESTRIAN ACCESS

As shown on Figure 3-16, direct access to the project site would occur from the existing roadways in the Cupertino Village off of Pruneridge Avenue to the south, an existing driveway located between the site and the existing Arioso Apartments to the west, and a roadway between the site and commercial buildings in the Cupertino Village to the north.

The internal roadways are accessible to vehicles and bicycles from North Wolfe Road via the North Wolfe Road/Pruneridge Avenue intersection and the driveway to the Cupertino Village at the North Wolfe Road/Apple Parkway intersection. A third, but less direct access point off of North Wolfe Road is located approximately 30 feet north of the North Wolfe Road/Apple Park Way intersection. The proposed project includes modifications to the driveway to the Cupertino Village at the North Wolfe Road/Apple Parkway intersection. The modification could occur as one of two options: (1) restrict inbound trips to right turns only from North Wolfe Road and prohibit outbound trips to North Wolfe Road, or (2) close the driveway to the Cupertino Village at the North Wolfe Road/Apple Park Way intersection. Accordingly, the environmental analysis provided in Chapter 4 of this Initial Study includes an evaluation of both options.

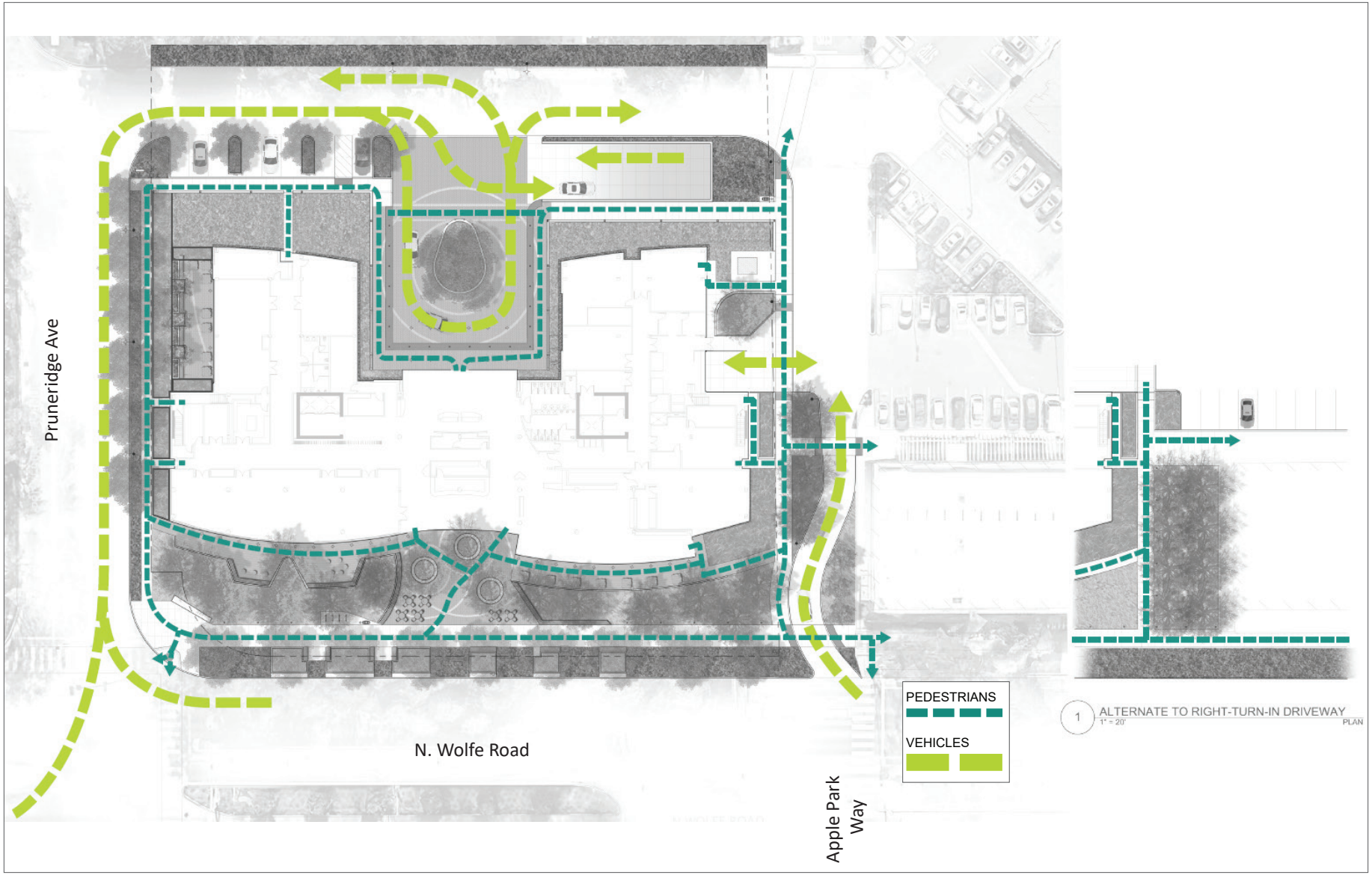
The hotel would provide vehicular and bicycle access for guests and employees at the lobby/drop-off area and the below-grade parking garage, both of which are oriented to the west, facing the Arioso Apartments, and a loading dock and service vehicle entrance on the north side of the hotel, facing Cupertino Village. The hotel would provide Class II bicycle parking facilities[21] along the pedestrian entrance along North Wolfe Road (see Figure 3-17).

There would be 10 pedestrian entrances to the hotel, as shown in Figure 3-17. The entrance leading to the lobby and another entrance leading to the west meeting rooms face the Arioso Apartments to the west, three entrances are on the east side of the building facing North Wolfe Road, three entrances are on the north side of the building facing Cupertino Village shops, and two entrances are on the south side of the building facing Pruneridge Avenue. A walkway that connects to the North Wolfe Road sidewalk surrounds the project site for pedestrian access.

TRANSIT

The Santa Clara Valley Transportation Authority (VTA) and Caltrain provide transit services in Cupertino. Bus stops located near the northwestern and northeastern corners of the Wolfe Road/Apple Park Way intersection, approximately a two-minute walk (about 500 feet) to and from the project site, provide access to existing bus service (Local Bus Routes 26 and 81). Local Bus Route 26 provides service to Vallco Shopping Center, located less than one mile south of the project site, which allows riders to connect to Local Bus Routes 23, 101 and 182. A description of each of these routes is presented below.

[21] Class II bicycle parking facilities include bicycle racks to which the frame and at least one wheel can be secured with a user-provided lock.

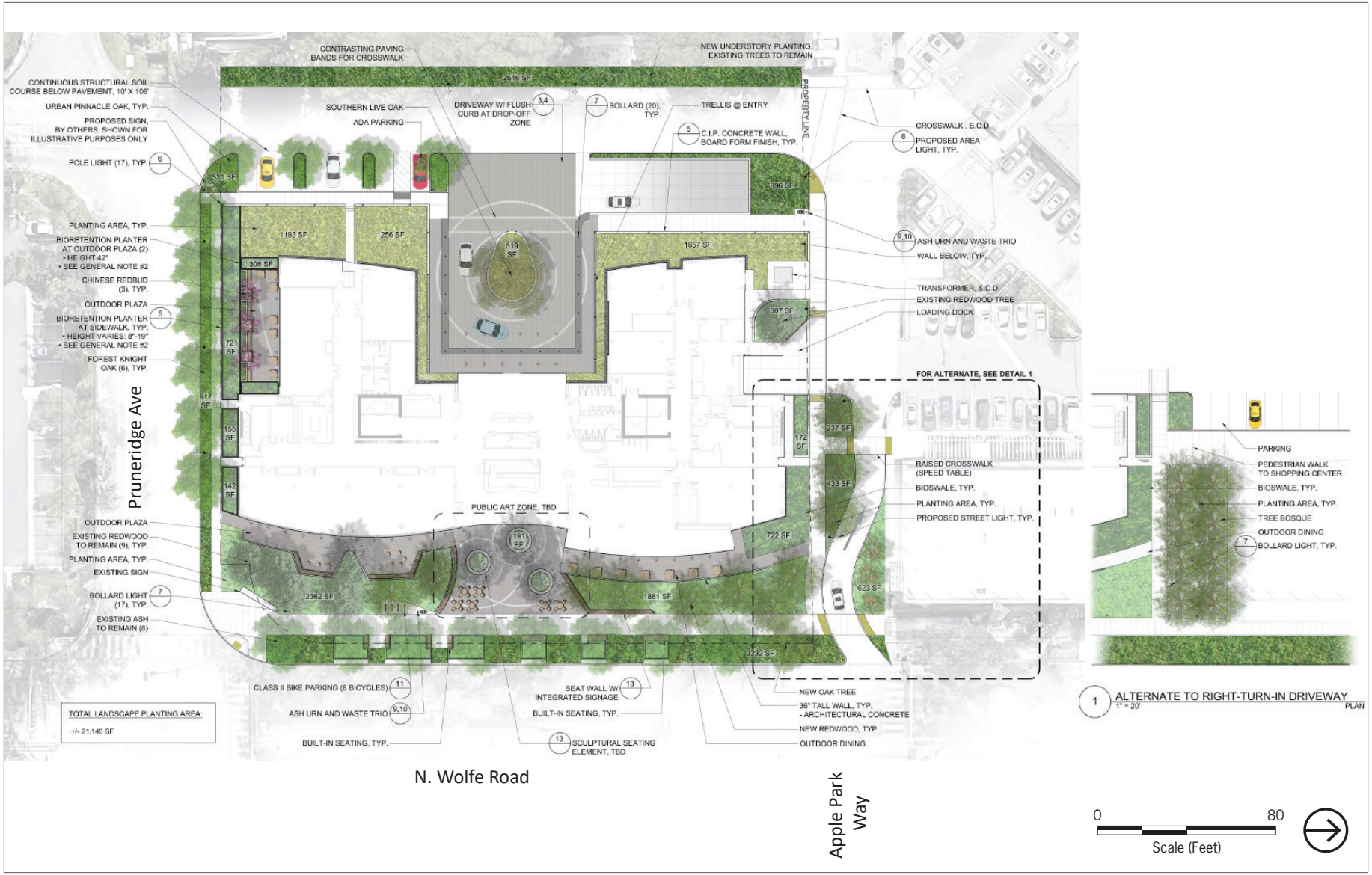


Source: Hornberger + Worstell, Cliff Lowe Associates, July 27, 2018.

0 80
Scale (Feet)

Figure 3-16
Pedestrian & Vehicular Circulation Map

PROJECT DESCRIPTION



Source: Hornberger + Worstell, Cliff Lowe Associates, July 27, 2018.

Figure 3-17
Conceptual Landscaping Plan

Bus Routes that Serve the Project Site

- Bus Route 26 provides service between Sunnyvale/Lockheed Martin Transit Center and the Eastridge Transit Center. Route 26 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 26 are provided immediately north of the project site along Wolfe Road.
- Bus Route 23 provides service between De Anza College and Alum Rock Transit Center. Route 23 follows major arterials and travels through Santa Clara and San Jose. Bus stops for Route 23 are provided at the Vallco Shopping Center located less than a mile south of the project site.
- Bus Route 81 provides service between Moffett Field/Ames Center and San Jose State University via the Santa Clara Transit Center and Downtown San Jose. This route operates on Stevens Creek Boulevard, Benton Street, West San Carlos Street, and San Fernando Street with nearby stops at Tantau Avenue and Pruneridge Avenue.
- Bus Route 101 is an express bus route that operates on I-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 south of the project site at Wolfe Road/Vallco Mall, (approximately 0.5 miles south), which provides connections to Routes 26, 23, and 323.
- Bus Route 182 is an express bus route that operates on I-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. Route 182 departs Palo Alto once in the morning. Route 182 travels northbound one time in the evening. Route 182 has stops at the Vallco Mall.

Caltrain is a commuter 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. The nearest station to the project site is the Lawrence Station, which is located on Lawrence Expressway approximately 3.5 miles northwest of the project site.

TRANSPORTATION DEMAND MANAGEMENT PROGRAM

The proposed project will incorporate transportation demand management (TDM) measures to offset transportation-related greenhouse gas emissions and to reduce overall vehicle miles traveled. The project applicant would implement these measures, which are included in the Traffic Impact Analysis prepared by Hexagon Transportation Consultants dated July 2018 and included in Appendix D of this Initial Study. The TDM measures to be implemented by the project include design features, programs, and services that promote sustainable modes of transportation and reduce the vehicular trips and parking demand generated by the project. Such measures encourage walking, biking, and use of transit and shuttles. Implementation of the proposed TDM measures is also designed to reduce project trips and parking demand by employees of the hotel. While the specific measures to be included in the proposed hotel's TDM Plan will be refined during the development review process, the available measures include, but are not limited to, those described below.

Transportation Demand Management Measures

- On-site TDM Coordinator and Services
- Information Board/Online Kiosk
- On-Site Design Features
- Information Packet for Guests and Employees
- Shuttle Services for Guests, Employees, and Local Residents
- Bicycle Resources for Guests and Employees
- Car Share Program for Guests and Employees
- Transit Passes for Guests and Employees
- Financial Incentives for Carpooling, Biking and Walking to Work for Employees
- On-Site Ride Matching Assistance for Employees
- Emergency Ride Home Program for Employees

The proposed hotel would be responsible for ensuring that the TDM trip reduction measures are implemented. The designated on-site TDM coordinator would be responsible for implementing the ongoing TDM measures and reported to the City annually.

3.2.3 LANDSCAPING

The proposed project would result in 21,149 square feet of pervious landscaped surfaces. As shown on Figure 3-17, the project site would include landscaping that surrounds the hotel structure. Maintaining a portion of the existing trees along the North Wolfe Road frontage is proposed to provide mature tree canopy as a buffer from the street for the hotel outdoor uses. Newly planted trees would consist of Chinese redbud, Evergreen dogwood, Forest knight oak, Urban pinnacle oak, Southern live oak, Engelmann oak, Coast redwood, and Marina strawberry tree. The existing trees that would remain include eight existing Evergreen ash trees and 10 Coast redwood trees. As stated above in Section 1.1.4.2, Zoning, the project is required to submit a Landscape Project Submittal for approval by the City.

The proposed landscaping would be consistent with the surrounding Northern California landscape and would include native and/or adaptive and drought resistant plant materials grouped into hydrozones, which are areas where plants are organized based on similar water use.[22] The majority of plantings would be drought tolerant grasses, shrubs, and trees that, once established, are adapted to a dry summer and intermittent rain in the winter season. The exception to this is the existing Redwoods that require a more consistent level of potable irrigation throughout the year. The proposed project would also improve the landscaping in an existing planter adjacent to the Arioso Apartments.

As previously stated in Section 1.1.3, Existing Site Character, a tree inventory and assessment prepared for the project site included an evaluation of 68 trees representing 11 species. According to the tree inventory and assessment, all of the trees on the project meet the criteria for protected status pursuant to the CMC and the removal of any trees would require a permit.

[22] The California Model Water Efficient Landscape Ordinance defines a hydrozone as a portion of the landscaped area having plants with similar water needs.

3.2.4 LIGHTING

The source, intensity, and type of exterior lighting for the project site would generally be provided for the purpose of orienting site users and for safety needs. All on-site lighting would be low-level illumination and shielded to reduce light spill or glare into surrounding buildings. In landscaped and paved areas, light sources would be concealed and not visible from a public viewpoint.

3.2.5 UTILITIES

The proposed utility infrastructure would retain existing connections to the water, sewer, storm drain system, natural gas, and electricity network in the area, and would be served by an existing solid waste landfill.

WATER SUPPLY AND CONSERVATION

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. The proposed project would connect to existing water lines and reclaimed water lines along North Wolfe Road and Pruneridge Avenue. The project would extend a reclaimed water main from the intersection of North Wolfe Road and Homestead Road to Pruneridge Avenue, and incorporate the use of reclaimed water for the project's irrigation and toilet flushing. The reclaimed water main extension would not encroach on undisturbed areas.

The project incorporates a number of features meant to conserve water used for on-site irrigation. The irrigation water on the site would be dual sourced recycled water and potable water as available from the LASD. Any lawn areas can use 100 percent recycled water. All landscape zones would be irrigated as required by the Cupertino Landscape Ordinance, and water uses would be tailored to meet CALGreen Building Standards, which as described in Section 1.1.4.2, Zoning, requires water conservation and requires new buildings to reduce water consumption by 20 percent.

SANITARY SEWER SERVICE

The project site is located within the Cupertino Sanitary District (CSD) service area and wastewater would be treated at the San Jose/Santa Clara Water Pollution Control Plant (SJ/SCWPCP). With existing connections to the sanitary sewer system on North Wolfe Road and Pruneridge Avenue, new connections are not anticipated.

STORMWATER MANAGEMENT

The proposed project would result in a decrease in the amount of impervious surfaces from 61,502 in the existing condition to 59,468 square feet. As a result, the project would result in a decrease of runoff from the property. The project would comply with the Santa Clara Valley Urban Runoff Pollution Prevention Program C.3 requirements, which 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. Additionally, the project would comply with CMC Chapter 9.18 described above in Section 1.1.4.2, Zoning, which is intended to provide regulations and give legal effect to certain requirements of the NPDES permit issued to the City. Existing connections to the storm drain line on North Wolfe Road and Pruneridge Avenue would not change. Additionally, the proposed project would provide four bioretention water treatment areas at ground level and as raised planters and 12 drainage management areas throughout the project site (see Figures 3-17 and 3-18).

SOLID WASTE SERVICES

Recology South Bay (Recology) would provide curbside recycling, garbage, and compost and yard waste service to the hotel.[23] All non-hazardous solid waste collected under the Recology franchise agreement is taken to Newby Island Sanitary Landfill for processing. Under the agreement between the City and Recology, Recology also handles recyclable materials (at no cost to customers). The City has a contract with Newby Island Sanitary Landfill (NISL) until 2023, and has not secured a new landfill contract. However, according to the Integrated Waste Management Plan, the landfills in the County (including NISL where the City's collected solid waste is currently being landfilled) have adequate disposal capacity beyond 2026. [24] The City, therefore, has options for landfill service once the City's existing contract with NISL ends in 2023. The proposed waste management for the proposed project would focus on waste, recycling, and composting.

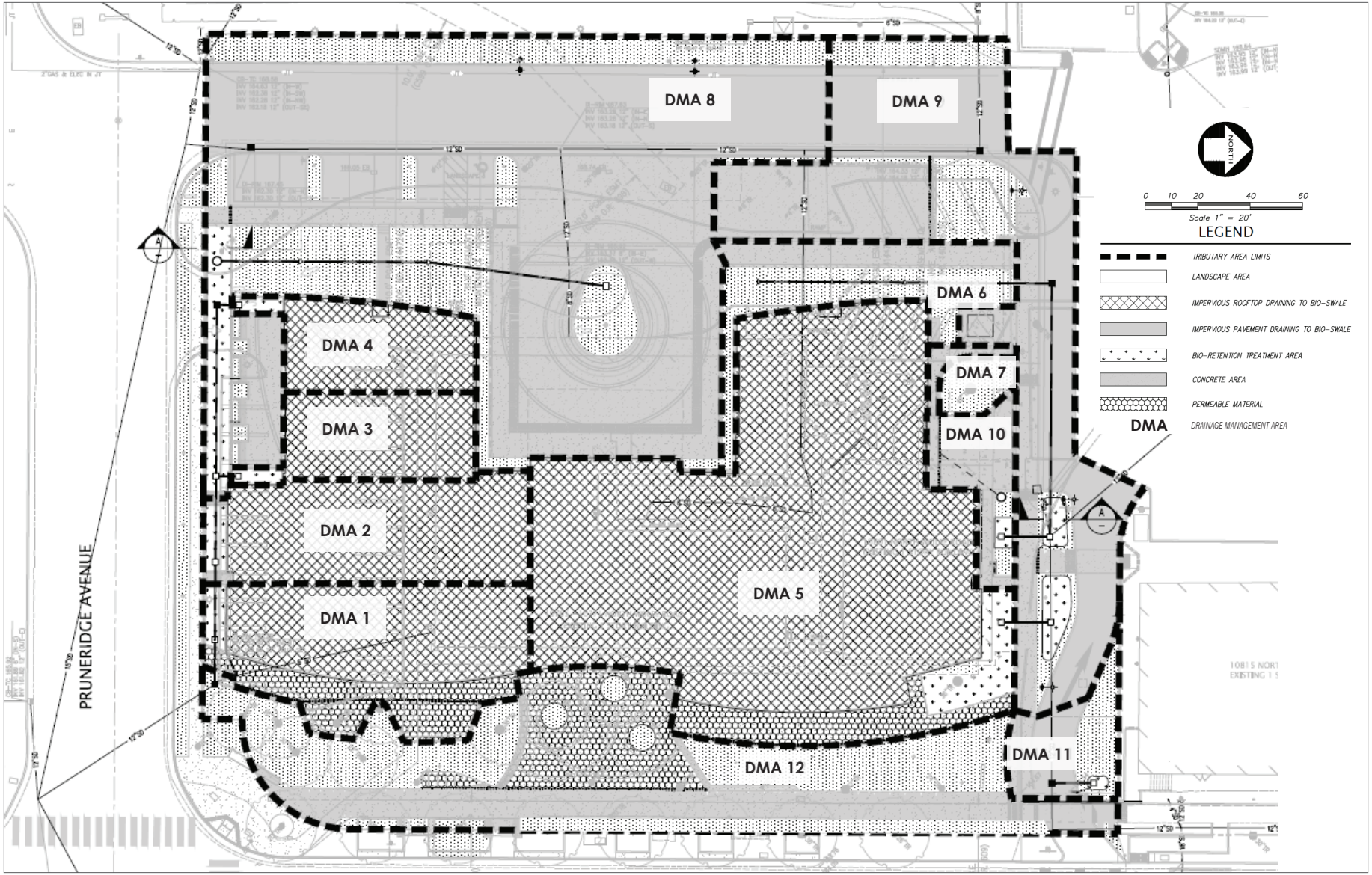
OTHER UTILITIES (NATURAL GAS, ELECTRIC, AND CABLE)

Pacific Gas & Electric (PG&E) would supply natural gas and electricity to the project site. The project is targeting to exceed current Title 24 energy requirements. A CALGreen rating of "Certified" is anticipated. Additionally, the proposed development would achieve LEED Silver, or Alternative Reference Standard, consistent with the City's requirements. Sustainability features such as environmentally preferable building products and solar hot water panels are proposed.

AT&T and other providers would provide telephone service. Cable television service would be available from a number of providers, including Comcast.

[23] City of Cupertino, Garbage and Recycling, https://www.cupertino.org/our-city/departments/environment-sustainability/waste, accessed August 28, 2018.

[24] Santa Clara County Integrated Waste Management Plan, County of Santa Clara Environmental Resources Agency, 1996.



Source: Kier & Wright, July 27, 2018.

Figure 3-18
Conceptual Stormwater Control Plan

3.2.6 DEMOLITION, SITE PREPARATION, AND CONSTRUCTION

Demolition and construction would take place over a 24-month period, which is anticipated to begin in August 2019 and be completed 24 months later in 2021, subject to regulatory approval.

DEMOLITION AND SITE PREPARATION

The project applicant proposes to demolish the existing 13,400 square feet of commercial and restaurant buildings. As discussed above, 50 protected trees have been identified on the project site and 18 protected trees are within the right-of-way. The eight existing Evergreen ash trees and 10 Coast redwood trees in the public right-of-way along North Wolfe Road would not be removed. The remaining 50 trees, on the project site, would be removed as a part of the project, including Bigleaf maple, Coast redwood, Crape myrtle, European hornbeam, Evergreen ash, Honey locust, Maidenhair tree, Purple-leaf plum, Southern magnolia, Sweetgum, and Valley oak. New trees such as Chinese redbud, Urban pinnacle oak, Evergreen dogwood, Southern live oak, Forest knight oak, and Coast redwood trees would be planted to replace the trees that are removed. The removal of existing trees on-site would be required to comply with the City's Protected Tree Ordinance.[25]

As shown in Table 3-2, demolition would take place over an approximately 10-day period and site preparation and grading activities would take place over a 5-day period and a 30-day period, respectively. Equipment used for demolition and site preparation would include a combination of concrete/industrial saws, rubber-tired bulldozers, graders, tractors, loaders, and backhoes. The proposed project would include 44,000 cubic yards of cut and 400 cubic yards of fill. Demolition debris would be off-hauled for disposal at the Zanker Materials Recovery and Landfill in San Jose, approximately 19 miles from the project site. This would be done in accordance with the CMC Chapter 16.72, Recycling and Diversion of Construction and Demolition Waste.[26]

TABLE 3-2 DEMOLITION AND CONSTRUCTION PHASING

Activity	Phase 1
Demolition	10 working days
Site Preparation	5 days
Grading	30 days
Building Construction	457 days
Paving	10 days
Painting	20 days

Kimco Realty Corporation (project applicant), PlaceWorks Construction Data Request, May 14, 2018.

CONSTRUCTION

As shown in Table 3-2, the longest construction phase would be the construction of the building, which would take place over a 457-day period, and would be followed by much shorter time periods for paving and painting. Project construction would result in a 210,621-square-foot building with 17,733 square feet

[25] City of Cupertino Municipal Code, Title 14, Streets, Sidewalks and Landscaping, Chapter 14.18, Protected Trees.
[26] City of Cupertino Municipal Code, Title 16, Building and Construction, Chapter 16.72, Recycling and Diversion of Construction and Demolition Waste.

of paved area and 21,149 square feet of landscaping. The total area to be disturbed during construction would be approximately 1.72 acres.

3.3 REQUIRED PERMITS AND APPROVALS

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

- General Plan Amendment
- Development Agreement
- Development Permit
- Architectural and Site Approval Permit
- Use Permit
- Tree Removal Permit

In addition, permits for demolition, grading and building, and the certificate of occupancy would be required from the City.

3.4 VOLUNTARY COMMUNITY BENEFITS

The proposed project would provide the following community benefits:

- Non-paid educational internship;
- Complementary use of conference and meeting space to certain groups;
- Extended hotel-run shuttle services for employees, guests, and when capacity is available, to the community residents;
- Preferential treatment for Cupertino residents for employment; and
- Local negotiated rates for visiting dignitaries.

Table 3-3 shows the estimated required and voluntary community benefit fees that the project applicant proposes to pay. Final fees and voluntary community benefits would be determined upon approval of the project.

TABLE 3-3 REQUIRED FEES AND COMMUNITY BENEFITS

	One Time Fee	Annually
Annual membership in the local Transportation Management Agency (TMA)[a]		$10,000
Flexible Community Amenity Funding for Transportation Facilities, TMA, Public Facilities, and Public Open Space[a, b]	$1,850,000	
Annual City Property Tax Proceeds	TBD	
Estimated Totals	**$1,950,000**	**$10,000**

a. Voluntary community benefit if TMA is formed.
b. A one time contribution to the City that can be used for any public services at the City's discretion.
Source: City of Cupertino, August 1, 2017.

4. Environmental Analysis

4.1 DISCUSSION OF ENVIRONMENTAL EVALUATION

The General Plan EIR included an analysis of the project site within Study Area 5 (Cupertino Village), which assumed potential redevelopment including mixed-use hotel, retail, and residential projects with a maximum height of 130 feet with retail development. The cumulative impacts, in conjunction with overall General Plan buildout, were evaluated as part of the General Plan EIR. The proposed project is anticipated to be complete in 2021 (subject to regulatory approval); thus, this Initial Study presents a focused analysis to evaluate the near-term impacts of the proposed project under existing and cumulative conditions.

Consistent with the analysis presented in the General Plan EIR, and due to the proposed project's location in an urbanized setting, the project would not have a significant effect on agriculture, forestry or mineral resources. 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.[27] 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.[28] Finally, the city does not contain land zoned for farmland or timberland production.[29] Consequently, there would be no impacts with regard to agriculture and forestry resources. The project site is within an area designated as Mineral Resource Zone 3, which is an area containing mineral deposits for which the significance cannot be evaluated from available data.[30] Because the site has been developed and is not considered suitable for protection or conservation, there would be no impacts to mineral resources. For these reasons, these topics are not discussed further in this Initial Study.

On September 27, 2013, Senate Bill (SB) 743 was signed into law and became effective on January 1, 2014. Among other provisions, SB 743 amends CEQA by adding Public Resources Code Section 21099 regarding analysis of aesthetics, parking, and traffic impacts for urban infill projects. The following is a discussion of how aesthetics and parking are treated in SB 743. Traffic is discussed in Section XV, Traffic and Circulation, further below in this Initial Study.

[27] California Resources Agency, Farmland Mapping and Monitoring Program. Santa Clara County Important Farmland 2010, accessed on May 28, 2018.

[28] California Department of Forestry and Fire Protection Fire and Resource Assessment Program, Land Cover Map, accessed on May 28, 2018.

[29] City of Cupertino, Zoning Map, http://www.cupertino.org/index.aspx?page=291, accessed on May 28, 2018.

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

ENVIRONMENTAL ANALYSIS

CEQA Section 21099(d)(1), states, "Aesthetic and parking impacts of a residential, mixed-use residential, or employment center project on an infill site located within a transit priority area shall not be considered significant impacts on the environment." Accordingly, aesthetics and parking are no longer to be considered in determining if a project has the potential to result in significant environmental effects for projects that meet all of the following three criteria:

a) The project is in a transit priority area,

b) The project is on an infill site, and

c) The project is residential, mixed-use residential, or an employment center.

As described below, the proposed hotel project is a qualified "employment center" that is located on a site that meets the definition of an infill site, but does not meet the definition of a designated "transit priority area" pursuant to SB 743:

- Employment Center: An employment center is defined as means "a project located on property zoned for commercial uses with a FAR of no less than 0.75 and that is located within a transit priority area." The proposed hotel would have a FAR of 1.71.
- Transit Priority Area: A transit priority area is defined as "an area within one-half mile of a major transit stop that is existing or planned, if the planned stop is scheduled to be completed within the planning horizon included in a Transportation Improvement Program adopted pursuant to Section 450.216 or 450.322 of Title 23 of the Code of Federal Regulations. As shown in Table 4-14 in Section XV, Transportation and Circulation, below, the project site is not within a half mile of a "major transit stop" as defined by CEQA Section 21064.3 (the intersection of two or more major bus routes with a frequency of service interval of 15 minutes or less during the morning and afternoon peak commute periods) and CEQA Section 21155(b) (a high-quality transit corridor means a corridor with fixed route bus service with service intervals no longer than 15 minutes during peak commute hours). The Santa Clara Valley Transportation Authority (VTA) Bus Stops 26 and 81 along North Wolfe Road are located approximately 0.1 mile (500 feet) north and south from the project site and do not meet the 15-minute frequency of service interval.[31] Additionally, the *Plan Bay Area 2040*, which is the Bay Area's Regional Transportation Plan (RTP)/Sustainable Community Strategy (SCS), does not list the site as a recognized Transit Priority Area.[32]
- Infill Site: An infill site is defined as means "a lot located within an urban area that has been previously developed or on a vacant site where at least 75 percent of the perimeter of the site adjoins, or is separated only by an improved public right-of-way from, parcels that are developed with qualified urban uses." The site is currently developed with two commercial buildings: an occupied 3,385-square-foot building that is currently occupied by the Duke of Edinburgh Pub and Restaurant, and a vacant 10,044-square-foot commercial building. Surrounding uses include

[31] Santa Clara Valley Transportation Authority, Bus Schedules for Bus 26 and 81. http://www.vta.org/routes/rt26 and http://www.vta.org/routes/rt81, respectively. Accessed August 24, 2018.

[32] *Plan Bay Area*, Association of Bay Area Governments (ABAG)/Metropolitan Transportation Commission (MTC) Priority Development Area (PDA) and Transit Priority Area (TPA) Map for CEQA Streamlining, https://www.planbayarea.org/pda-tpa-map. Accessed August 24, 2018.

commercial buildings in the Cupertino Village and parking lots to the north, the new Apple Park and existing Hamptons Apartment complex to the east across North Wolfe Road, the Arioso Apartments to the west, and Hilton Garden Inn to the south.

Accordingly, aesthetic-related impacts are discussed in Section I, Aesthetics, of this Initial Study. With respect to parking impacts, effective in 2010, parking inadequacy as significant environmental impact was eliminated from the CEQA Guidelines by The Governor's Office of Planning and Research, which is the entity charged with drafting guidelines to help agencies implement CEQA. Accordingly, parking is not discussed further in this Initial Study.

Items identified in each section of the environmental checklist below are discussed following that section. Required mitigation measures are identified where necessary to reduce a projected impact to a level that is determined to be less than significant. All impacts were found to be less than significant or less than significant with mitigation.

I. AESTHETICS

Would the proposed 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?	❒	❒	■	❒
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a State scenic highway?	❒	❒	■	❒
c) Substantially degrade the existing visual character or quality of the site and its surroundings?	❒	❒	■	❒
d) Create a new source of substantial light or glare that would adversely affect day or nighttime views in the area?	❒	❒	■	❒

EXISTING CONDITIONS

The project site contains an existing one-story restaurant, a vacant one-story commercial building, and surface parking space. The site is immediately bordered by mature trees ranging in height from 10 to 60 feet, a driveway, and the mainly one-story Cupertino Village buildings to the north, North Wolfe Road and the Apple Park (four stories) and Hamptons Apartments (three stories) to the east, Pruneridge Avenue, and the four-story Hilton Garden Inn to the south, and a driveway and the three-story Arioso Apartment community to the west.

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 redevelopment on the project site blocked views of areas that provide or contribute to such vistas. Potential effects could include blocking views of a scenic vista/corridor from specific publically accessible vantage points or the alteration of the overall scenic vista/corridor itself. 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 interpreted as 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 purposes of this analysis, the westward views of the foothills and ridgelines of the Santa Cruz Mountains are considered scenic vistas, and the segment of I-280 from Santa Clara County line on the west to I-880 on the east also is considered a scenic corridor.

The analysis in the General Plan EIR found that an increase of building height to 130 feet would result in a less-than-significant impact to the long-range views of the Santa Cruz Mountain Range and foothills because the heights of the existing on-site and surrounding buildings and mature trees, which range from 10 to 60 feet, 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 the proposed buildings that would consist of a five-story building over two levels of below-grade parking, and would be 60 feet tall at the highest point. All of the existing trees would be removed from the site with the exception of the eight Evergreen Ash trees and 10 Coast Redwood trees that surround the perimeter of the project site and range in height from 25 to 60 feet.

Because the proposed project would involve height increases that are less than what was evaluated in then General Plan EIR, and because existing conditions currently limit views of scenic resources combined with the fact that the 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 I-280 in Cupertino is not an officially designated State Scenic Highway, but is considered to be eligible to be designated as a State Scenic Highway. Any views of the mountains are currently impeded by the existing tree canopy along North Wolfe Road as well as the three-story Arioso Apartment complex and Apple Park from North Wolfe

Road, but there would be no changes from the I-280 viewshed because the freeway is located south of the site and the project site is not visible from that location. Impacts to views of scenic resource from the I-280 view corridor were determined to be less than significant in the General Plan EIR.

Similar to the discussion above, because the project proposes height increases that would be less than what is evaluated in then General Plan EIR and existing conditions currently limit views of scenic resources, including those from the I-280 viewshed, impacts would remain consistent with the conclusions in the General Plan EIR and would be *less than significant*. No mitigation measures would be required.

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) above, 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 one-story commercial buildings to a five-story hotel; however, as stated above in criterion (a), the mature trees that surround the perimeter of the project site would remain as part of the project and would preserve the existing visual setting. The project site is separated from the Arioso Apartments to the west by landscaping and a two-lane driveway, from the Cupertino Village buildings to the north by a two-lane driveway, from the Apple Park building to the east by North Wolfe Road, which is made up of four-to-six-lanes with a landscaped median, and from Hilton Garden Inn building to the south by the four-lane Pruneridge Road. These roadways and existing landscaping would remain intact and serve as a buffer between the project site and the surrounding land uses; thus, the existing visual setting of surrounding land uses would remain unaltered by the project. Furthermore, the project is subject to the City's discretionary review processes, including the Development Permit and Architectural and Site Approval Review, in accordance with Chapters 19.12 and 19.168 of the Zoning Ordinance, which would ensure the proposed project would harmonize with adjacent development and not degrade the existing visual quality of the site and surrounding land uses. 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 remain *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 onsite 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 existing architectural theme. The roadway and landscaping surrounding the project discussed in criteria (a) and (c), above, would act as a buffer to prevent light spilling on to adjacent land uses. For these reasons, and because the project proposes less development than what was evaluated in then 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 proposed 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?	❒	❒	■	❒
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	❒	■	❒	❒
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)?	❒	■	❒	❒
d) Expose sensitive receptors to substantial pollutant concentrations?	❒	❒	■	❒
e) Create objectionable odors affecting a substantial number of people?	❒	❒	■	❒

EXISTING CONDITIONS

The project site is currently developed with a vacant 10,044-square-foot commercial building and the occupied 3,385-square-foot restaurant (Duke of Edinburgh). The restaurant generates criteria air pollutants from transportation sources, energy (natural gas and purchased energy), and area sources such as landscaping equipment and architectural coatings. As discussed in Section XV, Transportation and Circulation, the current land uses generate approximately 1,636 average daily trips. Existing emissions associated with the proposed project are included in Table 4-1 below.

TABLE 4-1 EXISTING OPERATION-RELATED CRITERIA AIR POLLUTANT EMISSIONS

	Criteria Air Pollutants (tons per year)			
Category	ROG	NO_x	PM_{10}	$PM_{2.5}$
Existing 2018 Emissions				
Area	<1	<1	<1	<1
Energy	<1	<1	<1	<1
On-Road Mobile	<1	1	1	<1
Total	**<1**	**1**	**1**	**<1**

	Criteria Air Pollutants (pounds per day)			
Category	ROG	NO_x	PM_{10}	$PM_{2.5}$
Area	<1	0	0	0
Energy	<1	1	<1	<1
On-Road Mobile	2	2	4	1
Total	**3**	**4**	**4**	**1**

Notes: Emissions may not total to 100 percent due to rounding; Reactive Organic Gases = ROG; Nitrogen Oxides = NO_x; Coarse Inhalable Particulate Matter = PM_{10}; Fine Inhalable Particulate Matter = $PM_{2.5}$
Source: California Emissions Estimator Model (CalEEMod), Version 2016.3.25.

Air Pollutants of Concern

Criteria Air Pollutants

Pollutants emitted into the ambient air by stationary and mobile sources are regulated by federal and State law under the federal Clean Air Act (National) 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 (SO_2), coarse inhalable particulate matter (PM_{10}), 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 defines 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 Section 7412[b]) is a toxic air contaminant. Under State law, the

California Environmental Protection Agency, 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 the BAAQMD are relied upon to make the determinations discussed below.

DISCUSSION

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

The BAAQMD is directly responsible for reducing emissions from area, stationary, and mobile sources in the SFBAAB to achieve National and California AAQS. In April of 2017 BAAQMD adopted its 2017 Clean Air Plan, which is a regional and multiagency effort to reduce air pollution in the SFBAAB. Regional growth projections are used by BAAQMD to forecast future emission levels in the SFBAAB. For the Bay Area, these regional growth projections are provided by the Association of Bay Area Governments (ABAG) and transportation projections are provided by the Metropolitan Transportation Commission (MTC) and are partially based on land use designations in city/county general plans. Typically, only large, regionally significant projects have the potential to affect the regional growth projections. The proposed project would construct a 185-room hotel, which is within the 1,339-hotel-room maximum evaluated in the General Plan EIR and would not directly result in any additional new population growth or employment growth beyond what was accounted for in the General Plan EIR. The proposed project is not considered a regionally significant project under CEQA Guidelines Section 15206 that would affect regional vehicle miles traveled (VMT) and warrant intergovernmental review by ABAG and MTC.

As discussed in Section XII, Population and Housing, the proposed project would not exceed the level of population or housing projected in City or regional planning efforts (*Plan Bay Area*) through 2040, and it would not have the potential to substantially affect housing, employment, and population projections within the region, which is the basis of the 2017 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 mitigation (see criterion (b) below). These thresholds were 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 2017 Clean Air Plan and impacts would be considered *less than significant*.

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, PM_{10}, 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 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 (PM_{10} 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, NOx, CO, PM_{10}, and fine $PM_{2.5}$.

Construction Fugitive Dust

Ground disturbing activities during construction would generate fugitive dust (PM_{10} and $PM_{2.5}$). 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, PM_{10} and $PM_{2.5}$ levels downwind of actively disturbed areas could possibly exceed State standards. Consequently, BAAQMD considers all impacts related to fugitive dust emissions from construction to be *less than significant* with implementation of BAAQMD's best management practices shown in Mitigation Measure AQ-1.

Mitigation Measure AQ-1: The project's construction contractor shall comply with the following Bay Area Air Quality Management District best management practices for reducing construction emissions of fugitive dust (PM_{10} 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.
- Pave, apply water twice daily or as often as necessary to control dust, or apply (non-toxic) soil stabilizers on 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 2 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).

- 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.

Construction Exhaust Emissions

The proposed project would result in demolition debris and would require soil export for the underground parking that would occur near existing sensitive land uses. Thus, the BAAQMD screening criteria for construction-related impacts would not be met and a quantified analysis of the proposed project's construction emissions was conducted using the California Emissions Estimator Model (CalEEMod) Version 2016.3.25 based on information provided by the project applicant. Construction is assumed to begin in August 2019 and end 24 months later in 2021. Potential construction-related air quality impacts are determined by comparing the average daily criteria air pollutants emissions generated by the proposed project-related construction activities to the BAAQMD significance thresholds in Table 4-2. Average daily emissions are based on the annual construction emissions divided by the total number of active construction days. As shown in Table 4-2, criteria air pollutant emissions from construction equipment exhaust would not exceed the BAAQMD average daily pounds per day thresholds and impacts from project-related construction activities to the regional air quality would be *less than significant.*

TABLE 4-2 CONSTRUCTION-RELATED CRITERIA AIR POLLUTANT EMISSIONS ESTIMATES

	Criteria Air Pollutants (pounds per day)[a]					
Year	ROG	NO_x	Fugitive PM_{10}	Exhaust PM_{10}	Fugitive $PM_{2.5}$	Exhaust $PM_{2.5}$
Average Daily Emissions[c]	4	12	1	1	<1	<1
BAAQMD Average Daily Project-Level Threshold	54	54	BMPs [b]	82	BMPs [b]	54
Exceeds Average Daily Threshold	**No**	**No**	**NA**	**No**	**NA**	**No**

Notes: Emissions may not total to 100 percent due to rounding. BMP = Best Management Practices; NA = not applicable; Reactive Organic Gases = ROG; Nitrogen Oxides = NO_x; Coarse Inhalable Particulate Matter = PM_{10}; Fine Inhalable Particulate Matter = $PM_{2.5}$

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 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 best management practices 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 522.

Source: California Emissions Estimator Model (CalEEMod), Version 2016.3.25

Operation-Related Impacts

Long-term air pollutant emissions generated by a hotel development are typically associated with the burning of fossil fuels in vehicle trips to and from the hotel (mobile sources); energy use for cooling, heating, and cooking (energy); and landscape equipment use and household products (area sources). The primary source of long-term criteria air pollutant emissions generated by the project would be emissions produced from project-generated vehicle trips. The proposed project would generate a net total of 1,856

vehicle trips, an increase of 188 average daily weekday trips over the existing land uses at the site. Table 4-3 identifies the net increase in criteria air pollutant emissions associated with the proposed project compared to the baseline operation.

As shown in Table 4-3, the net increase in operational emissions generated by the project would not exceed the BAAQMD daily pounds per day thresholds. Additionally, the net change in tons per year would be 1 ton or less and therefore would not exceed BAAQMD's annual tons per year project level threshold.[33] Therefore, the proposed project would not cumulatively contribute to the nonattainment designations of the SFBAAB and impacts from project-related operation activities to the regional air quality would be *less than significant*.

TABLE 4-3 OPERATIONAL CRITERIA AIR POLLUTANT EMISSIONS ESTIMATES

	Criteria Air Pollutants (average pounds per day)[a]			
Category	ROG	NO_x	PM_{10}	$PM_{2.5}$
Existing 2021 Projected Emissions				
Area	<1	<1	<1	<1
Energy	<1	1	<1	<1
On-Road Mobile	2	2	4	1
Total	*2*	*3*	*4*	*1*
Proposed Land Use 2021 Emissions				
Area	5	<1	<1	<1
Energy	<1	3	<1	<1
On-Road Mobile	2	2	7	2
Total	*7*	*5*	*7*	*2*
Net Change in 2021 Emissions				
Area	5	<1	<1	<1
Energy	<1	2	<1	<1
On-Road Mobile	<1	<1	3	1
Net Change Total	*5*	*2*	*3*	*1*
BAAQMD Average Daily Project-Level lbs/day Threshold	**54**	**54**	**82**	**54**
Exceeds BAAQMD's lbs/day Threshold?	No	No	No	No

Notes: Emissions may not total to 100 percent due to rounding. BMP = Best Management Practices; NA = not applicable
a. Average daily emissions are based on the annual operational emissions divided by 365 days.
Source: California Emissions Estimator Model (CalEEMod), Version 2016.3.25.

[33] Further details are shown in Appendix A, Air Quality and Greenhouse Gas Emissions, of this Initial Study.

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)?

This section analyzes potential impacts related to air quality that could occur from a combination of the proposed project with other past, present, and reasonably foreseeable projects within the SFBAAB. The SFBAAB is currently designated a nonattainment area for California and National O_3, California and National $PM_{2.5}$, and California PM_{10} AAQS. Any project that produces a significant project-level regional air quality impact in an area that is in nonattainment adds to the cumulative impact. Due to the extent of the area potentially impacted from cumulative project emissions (the SFBAAB), a project is cumulatively significant when project-related emissions exceed the BAAQMD emissions thresholds.

As described above in criterion (b), the proposed project would not have a significant long-term operational phase impact. However, as also discussed in criterion (b) above, without incorporation of fugitive dust control measures, construction activities associated with the proposed project could potentially result in significant regional short-term air quality impacts. Mitigation Measure AQ-1 would ensure that required fugitive dust control measures are implemented to control project-related fugitive dust generated during construction activities. Therefore, the project's contribution to cumulative air quality impacts would be *less than significant with mitigation*.

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

Development of the proposed project could expose sensitive receptors to elevated pollutant concentrations. Unlike the construction emissions shown above in Table 4-2 under criterion (b), described in pounds per day, localized concentrations refer to an amount of pollutant in a volume of air (ppm or $\mu g/m^3$) and can be correlated to potential health effects.

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* for construction-related health risks associated with residential, commercial, and industrial projects.[34] 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 nearest sensitive land uses in the vicinity of the proposed project is the Arioso Apartment complex approximately 80 feet to the west of the project site. However, the maximum exposed receptor or maximally exposed individual[35] would be located in the apartment complex approximately 200 feet to the

[34] Bay Area Air Quality Management District (BAAQMD), Screening Tables for Air Toxics Evaluation During Construction, Version 1.0, May 2010.

[35] Maximally Exposed Individual is defined by the Office of Environmental Health Hazard Assessment Air Toxic Hot Spots Program Risk Assessment Guidelines as an existing off-site receptor with the highest acute, chronic, or cancer health impact. Office of Environmental Health Hazard Assessment (OEHHA), Air Toxic Hot Spots Program Risk Assessment Guidelines, March 6, 2015, Section 5.1, page 5-1.

southeast of the project site due to the meteorological conditions in the project vicinity. Thus, construction activities in relation to sensitive receptors could occur within the BAAQMD construction-related health risks screening distance of 328 feet (100 meters). Consequently, a construction HRA of TACs and $PM_{2.5}$ was prepared (see Appendix B of this Initial Study).

A quantified analysis of the project's construction emissions was conducted using the CalEEMod, Version 2016.2.25. Construction emissions were based on a 24-month construction duration, construction schedule, and off-road equipment list provided by the project applicant. The United States Environmental Protection Agency AERMOD, Version 9.5, 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 4-4.

TABLE 4-4 CONSTRUCTION RISK SUMMARY – UNMITIGATED

Receptor	Cancer Risk (per million)	Chronic Hazards	$PM_{2.5}$ ($\mu g/m^3$)[a]
Maximum Exposed Receptor – Residences at Arioso Apartments	24.5	0.014	0.04
BAAQMD Threshold	10	1.0	0.30
Exceeds Threshold?	**Yes**	**No**	**No**

Note: Cancer risk calculated using 2015 Office of Environmental Health Hazard Assessment Health Risk Assessment Guidance Manual.
Source: Lakes AERMOD View, 9.5 (2017).

The results of the HRA are based on the maximum receptor concentration over a 24-month construction exposure duration for off-site receptors, assuming 24-hour outdoor exposure.[36] Risk is based on the updated Office of Environmental Health Hazard Assessment (OEHHA) Guidance Manual:[37]

- Cancer risk for the maximum exposed off-site resident from only construction activities related to the proposed project were calculated to be 24.5 in a million and would exceed the BAAQMD's 10 in one million significance threshold. Utilizing the 2015 OEHHA Guidance Manual, 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 off-site residents was determined using the 2015 OEHHA Guidance Manual for the preparation of HRAs
- For non-carcinogenic effects, the 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 PM2.5 annual concentrations at the maximum exposed off-site sensitive resident would not exceed the BAAQMD significance threshold of 0.3 $\mu g/m^3$.

[36] Under the 2015 Office of Environmental Health Hazard Assessment Air Toxics Hot Spots Program Guidance Manual, the exposure duration has changed from 70 years to 30 years for operational risk to residents; however, the risk is still averaged over a 70-year lifetime.

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

Because cancer risk and $PM_{2.5}$ annual concentrations for the maximum exposed receptor would exceed BAAQMD's significance thresholds due to construction activities associated with the proposed project, the following mitigation measure is proposed:

Mitigation Measure AQ-2: Prior to issuance of any grading, demolition and/or building permits, the construction contractor(s) shall demonstrate the following, during construction, on all plans:

- The use of construction equipment fitted with Level 3 Diesel Particulate Filters for all equipment of 50 horsepower or more.
- 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.
- Ensure that all nonessential idling of construction equipment is restricted to 2 minutes, which is in compliance with California Air Resources Board Rule 2449, which limits idling to 5 minutes or less.
- Ensure that all construction plans submitted to the City of Cupertino Planning Department and/or Building Division clearly show the requirement for Level 3 Diesel Particulate Filters emissions standards for construction equipment over 50 horsepower.

Mitigation Measure AQ-2 would reduce the project's localized construction emissions, as shown in the Table 4-5 below. Implementation of Mitigation Measure AQ-2 is required BY General Plan EIR Mitigation Measure AQ-2b, which was previously adopted by the City and incorporated into the General Plan. The results indicate that, with mitigation, cancer risk and $PM_{2.5}$ impacts would be less than the BAAQMD's significance thresholds for all sensitive receptors. Therefore, the project would not expose off-site sensitive receptors to substantial concentrations of air pollutant emissions during construction and impacts would be *less than significant with mitigation*.

TABLE 4-5 CONSTRUCTION RISK SUMMARY – MITIGATED

Receptor	Cancer Risk (per million)	Chronic Hazards	$PM_{2.5}$ ($\mu g/m^3$)[a]
Maximum Exposed Receptor – Offsite Residences	1.5	0.004	0.01
BAAQMD Threshold	10	1.0	0.3
Exceeds Threshold?	**No**	**No**	**No**

Notes: Risks incorporate Mitigation Measure AIR-2, which includes using construction equipment with Level 3 Diesel Particulate Filters.
Cancer risk calculated using 2015 Office of Environmental Health Hazard Assessment Health Risk Assessment Guidance Manual.
Source: Lakes AERMOD View, 9.5 (2017).

Operation On-Site Community Risk and Hazards

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 proposed project. BAAQMD has developed screening tools to identify stationary and mobile sources of TACs and diesel-$PM_{2.5}$ in the vicinity of sensitive land uses, and developed screening thresholds for assessing

potential health risks from these sources. Using the BAAQMD screening tools, it is determined that the project site is not within 1,000 feet of any sources of air emission (permitted or non-permitted stationary sources, freeways, or high volume roadways). Therefore, the proposed project would not expose sensitive receptors to substantial concentrations of air pollutant emissions during operation, and impacts would be *less than significant*.

Carbon Monoxide (CO) Hotspot Analysis

Areas of vehicle congestion have the potential to create pockets of carbon monoxide (CO) called hotspots. These pockets have the potential to exceed the State 1-hour standard of 20 parts per million (ppm) or the 8-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 MTC's/ABAG's *Plan Bay Area 2040*. An overarching goal of the regional *Plan Bay Area 2040* is to concentrate development in areas where there are existing services and infrastructure rather than locate new growth in 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 an infill hotel development that is in close proximity to existing employment centers, roadways, transit, and bicycle and pedestrian routes (see Section XV, Transportation and Circulation, below), and for these reasons would be consistent with the overall goals of *Plan Bay Area 2040*. Implementation of the proposed project would result in the generation of 96 AM (morning) peak hour trips on a weekday and would not increase traffic volumes at affected intersections by more than 44,000 vehicles per hour or 24,000 vehicles per hour where vertical and/or horizontal mixing is substantially limited.[38] Therefore, impacts associated with CO hotspots would be *less than significant*.

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

Construction and operation of hotel developments 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.

During operation, the onsite restaurant 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

[38] Bay Area Air Quality Management District (BAAQMD), 2011 Revised. California Environmental Quality Act Air Quality Guidelines.

odorous compounds.[39] 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, because existing sources of odors are required to comply with BAAQMD Regulation 7, impacts to siting of new sensitive land uses would be *less than significant.*

III. BIOLOGICAL RESOURCES

Would the proposed 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?	❒	■	❒	❒
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community type?	❒	❒	❒	■
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?	❒	❒	■	❒
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species, their wildlife corridors or nursery sites?	❒	❒	■	❒
e) Conflict with any local ordinances or policies protecting biological resources?	❒	❒	■	❒
f) Conflict with an adopted Habitat Conservation Plan, Natural Community Conservation Plan or other approved local, regional, or State habitat conservation plan?	❒	❒	❒	■

[39] It should be noted that while restaurants can generate odors, these sources are not identified by BAAQMD as nuisance odors because 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.

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 these urbanized areas, together with non-native trees, shrubs, and groundcovers. Using data from the Classification and Assessment with Landsat of Visible Ecological Groupings (CALVEG)[40] 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 urban wildlife 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 contain these creek corridors or contain other regulated waters.

The California Natural Diversity Database (CNDDB) 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 possibility that one or more raptor species protected under the MBTA and CDFG Code could nest on the project site. These include both the Cooper's hawk (*Accipiter cooperi*) and white-tailed kite (*Elanus leuocurus*), which have reported CNDDB occurrences within the city boundary, and also more common raptors such as red-tailed hawk, great horned owl, and American kestrel, all of which are protected by the MBTA and CDFG Code when their nests are in active use.

A recent tree inventory and assessment evaluated 68 trees on the site that represent 11 species.[41] Although several trees were newly planted, most of the trees on the project site are mature. According to

[40] 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.

[41] Cupertino Village Boutique Hotel Site Tree Inventory & Assessment, prepared for the KIMCO Realty Corporation by Arborwell. November 27, 2017.

the tree inventory and assessment, all trees on the project site are likely protected trees.[42] While coast redwood is native to California, no trees of this species are indigenous to the project site.[43]

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 less than significant with mitigation. Accordingly, the implementation of Mitigation Measure BIO-1 would also 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. The construction contractor shall indicate the following on all construction plans, if construction activities and any required tree removal occur during the breeding season (February 1 and August 31). Preconstruction surveys shall:

- Be conducted by a qualified biologist prior to tree removal or grading, demolition, or construction activities. Note that preconstruction surveys are not required for tree removal or construction, grading, or demolition activities outside the nesting period.
- Be conducted no more than 14 days prior to the start of tree removal or construction.
- Be repeated at 14-day intervals until construction has been initiated in the area after which surveys can be stopped.
- Document locations of active nests containing viable eggs or young birds.

Protective measures for active nests containing viable eggs or young birds shall be 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 the qualified biologist, taking into account the species of birds nesting, their tolerance for disturbance

[42] Cupertino Village Boutique Hotel Site Tree Inventory & Assessment, prepared for the KIMCO Realty Corporation by Arborwell. November 27, 2017.

[43] The City of Cupertino Municipal Code (section 14.80.050) defines "Protected" trees. See section 1.1.4.2, Zoning, of this chapter for a summary of the City's tree protection ordinance.

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.

- Monitoring active nests within an exclusion zone on a weekly basis throughout the nesting season to identify signs of disturbance and confirm nesting status.
- An increase in the radius of an exclusion zone 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.

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

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?

Development of the proposed project would occur in urbanized areas where no wetlands or jurisdictional waters occur on or near the project site; therefore, *no impact* would occur directly.

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. Indirect impacts would be largely avoided through effective implementation of best management practices during construction and compliance with water quality controls. As discussed below in Section IX, 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 Storm Water National Pollutant Discharge Elimination System (NPDES) 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 practices such as the use of onsite infiltration that reduce pollutant loading. Incorporation of these measures can even improve on existing conditions. In addition, future development would be required to comply with the Municipal Regional NPDES Permit (CMC Chapter 9.18, Storm Water Pollution Prevention and Watershed Protection) and implement a construction Storm Water Pollution Prevention Plan (SWPPP) that require the incorporation of best management practices to control sedimentation, erosion, and hazardous materials contamination of runoff during construction. The indirect water quality-related issues are discussed further in Section IX, Hydrology and Water Quality, of this Initial Study. As discussed in

Impact HYDRO-1, water quality impacts would be less than significant. Accordingly, indirect impacts to wetlands and jurisdictional waters would be *less than significant* and no mitigation measures would be required.

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 the existing 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. As discussed in Chapter 3, Project Description, of this Initial Study, the proposed project would retain all protected trees and would also include landscaping that would provide replacement habitat for wildlife species that may have adapted to the project site. Also discussed in Chapter 3, the project applicant would prepare a Tree Management Plan to address the removal and addition of trees on the site over time. Consistent with General Plan Policies ES-5.1, Urban Ecosystem, and Strategy, and ES-5.1.2, Built Environment, the Tree Management Plan would include native, drought tolerant landscaping that is 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 CMC would occur. As discussed in the existing conditions above, the recent tree survey for the project site found that all of the existing on-site trees meet the City of Cupertino's criteria for protected status.[44] Therefore, the proposed project would be required to comply with the City's Tree Protection Ordinance, CMC Section 14.80.050, which requires tree removal permits to be obtained for the removal of any "protected tree," and replacement plantings to be provided as approved by the City. In addition if permitted, an appropriate in-lieu fee may be paid to the City of Cupertino as compensation for "protected trees" removed by the proposed project, where sufficient land area is not available on-site for adequate replacement and when approved by the City. Mandatory compliance with the City's Tree Protection Ordinance would insure impacts would be *less than significant*.

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?

No adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved conservation plan includes the city or the project site, and the proposed project would not conflict with

[44] The City of Cupertino Municipal Code (section 14.80.050) defines "Protected" trees. See section 3.1.4.2, Zoning, of Chapter 3, Project Description, for a summary of the City's tree protection ordinance.

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.

IV. CULTURAL RESOURCES

Would the proposed 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 Section 15064.5?	❒	❒	❒	■
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5?	❒	■	❒	❒
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	❒	■	❒	❒
d) Disturb any human remains, including those interred outside of formal cemeteries?	❒	❒	■	❒

EXISTING CONDITIONS

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. Specifically, the project site was developed in 1977 and no historical architectural resources are located on the project site.[45] Accordingly, the buildings on the project site do not fall within the over 45-year age limits established for historical resources that should be included in the California Department of Historic Preservation filing system.[46] A review of the University of California's Museum of Paleontology's fossil locality database was conducted for the City of Cupertino. No paleontological resources have been identified on the project site; however, the presence of Pleistocene deposits that are known to contain fossils indicates that the overall the city could contain paleontological resources.

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.[47] Archaeological resources are addressed in criterion (b), and human remains are addressed below in criterion (d), below.

[45] Northgate Environmental Management, 2017. Phase I Environmental Site Assessment, 10765 – 10801 North Wolfe Road, Cupertino, California. November 6, 2017, page 1 (Summary).

[46] Office of Historic Preservation, Instructions For Recording Historical Resources, March 1995, page 2.

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

As discussed above, the project site is currently developed in 1977. As described in the existing conditions above, the existing buildings do not fall within the over 45-year age limits established for historical resources that should be included in the OHP filing system the California Register of Historical Resources.[48] Accordingly, *no impact* to historical architectural resources would occur as a result of project development and no mitigation measures would be required.

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

Historical and pre-contact archaeological deposits that meet the definition of 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[49] did not identify any known archaeological deposits on the project site, the site could still contain 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 (including grading, demolition and/or construction) 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 of Cupertino Building Department and the archaeologist shall 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

[48] Office of Historic Preservation, Instructions For Recording Historical Resources, March 1995, page 2.

[49] City of Cupertino, certified General Plan Amendment, Housing Element Update, and Associated Rezoning EIR, State Clearinghouse Number 2014032007. December 4, 2014, Appendix D, Cultural Resources Data, Tom Origer & Associates on July 24, 2013.

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 implemented.
- 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?

As discussed above in existing conditions, while no paleontological resources have been identified within the project location, because the proposed project requires substantial excavation that could reach significant depths below the ground surface where no such excavation has previously occurred, there could be fossils of potential scientific significance and other unique geologic features that have not been recorded. Such ground-disturbing construction associated with development of the proposed project could cause damage to, or destruction of, paleontological resources or unique geologic features. Impacts to paleontological resource or site or unique geologic features would be reduced to a *less-than-significant* level with implementation of Mitigation Measure CULT-2.

Mitigation Measure CULT-2: The construction contractor shall incorporate the following in all grading, demolition, and construction plans:

- In the event that fossils or fossil-bearing deposits are discovered during grading, demolition, or building, excavations within 50 feet of the find shall be temporarily halted or diverted.
- The contractor shall notify the City of Cupertino Building Department and a City-approved 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 applicant 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?

Similar to the discussions under criteria (b) and (c), there are no known human remains on the project site; however, the potential to unearth unknown 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 provisions in CEQA, if human remains are encountered at the site, all work in the immediate vicinity of the discovery shall cease and necessary steps to ensure the integrity of the immediate area shall be taken. The Santa Clara County Coroner shall be notified immediately. The Coroner shall then determine whether the remains are Native American. If the Coroner determines the remains are Native American, the Coroner shall notify the Native American Heritage Commission within 24 hours, who would, in turn, notify the person the Native American Heritage Commission identifies as the Most Likely Descendant of any human remains. Further actions shall be determined, in part, by the desires of the Most Likely Descendant. The Most Likely Descendant has 48 hours to make recommendations regarding the disposition of the remains following notification from the Native American Heritage Commission of the discovery. If the Most Likely Descendant 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 Most Likely Descendant's recommendations, the owner or the descendent may request mediation by the Native American Heritage Commission.

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

V. TRIBAL CULTURAL RESOURCES

Would the proposed project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less-Than-Significant Impact	No Impact
a) Cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code Section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American Tribe, and that is: i) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code Section 5020.1(k), or ii) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resource Code Section 5024.1.	❒	■	❒	❒

Would the proposed project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less-Than-Significant Impact	No Impact
In applying the criteria set forth in subdivision (c) of the Public Resource Code Section 5024.1 for the purposes of this paragraph, the lead agency shall consider the significance to a California Native American tribe.				

EXISTING CONDITIONS

Assembly Bill (AB) 52, which took effect on July 1, 2015, amended CEQA to add standards of significance that relate to Native American consultation and certain types of cultural resources. Projects subject to AB 52 are those that file a notice of preparation for an EIR or notice of intent to adopt a negative or mitigated negative declaration on or after July 1, 2015. As of July 1, 2016, the Governor's Office of Planning and Research developed guidelines and the Native American Heritage Commission informed tribes which agencies are in their traditional area.

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 if the Tribe requests in writing, to be informed by the lead agency through formal notification of the proposed projects in the area. The consultation is required before the determination of whether a negative declaration, mitigated negative declaration, or EIR is required. In addition, AB 52 includes time limits for certain responses regarding consultation. AB 52 also adds "tribal cultural resources" to the specific cultural resources protected under CEQA.[50] CEQA Section 21084.3 has been added, which states that "public agencies shall, when feasible, avoid damaging effects to any tribal cultural resources." Information shared by tribes as a result of AB 52 consultation shall be documented in a confidential file, as necessary, and made part of a lead agencies administrative record. In regards to AB 52, the City of Cupertino has not received any request from any Tribes in the geographic area with which it is traditionally and culturally affiliated with or otherwise to be notified about projects in the city.

CEQA Section 21074.3(a) defines a tribal cultural resource is defined under AB 52 as a site, feature, place, 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 are either included or eligible for inclusion in the California Register of Historic Resources or included a local register of historical resources, or if the City, acting as the lead agency, supported by substantial evidence, chooses at its discretion to treat the resource as a tribal cultural resource.

[50] California Environmental Quality Act Statute, Section 21074.

DISCUSSION

a) *Would the proposed project cause a substantial adverse change in the significance of a Tribal Cultural Resource, defined in Public Resources Code Section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American Tribe, and that is:*

i) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code Section 5020.1(k), or

ii) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resource Code Section 5024.1. In applying the criteria set forth in subdivision (c) of the Public Resource Code Section 5024.1 for the purposes of this paragraph, the lead agency shall consider the significance to a California Native American tribe?

The discussion in Section VI, Cultural Resources, is applicable to impacts to tribal cultural resources. As discussed under criteria (b) and (d) in Section IV, 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 tribal cultural resources, to a less-than-significant level. As discussed under criterion (d), compliance with State and federal regulations would reduce the likelihood of disturbing or discovering 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 tribal cultural resources to a *less-than-significant* level.

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

VI. GEOLOGY AND SOILS

Would the proposed 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?	❒	❒	■	❒
ii) Strong seismic ground shaking?	❒	■	❒	❒
iii) Seismic-related ground failure, including liquefaction?	❒	❒	■	❒
iv) Landslides, mudslides or other similar hazards?	❒	❒	■	❒
b) Result in substantial soil erosion or the loss of topsoil?	❒	❒	■	❒

Would the proposed 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?	❒	■	❒	❒
d) Be located on expansive soil, creating substantial risks to life or property?	❒	❒	■	❒
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?	❒	❒	❒	■

EXISTING CONDITIONS

Geology

Cupertino lies in the west-central part of the Santa Clara Valley, which is a broad, mostly flat alluvial plain that extends southward from San Francisco Bay. The surficial geology is described as young, unconsolidated Quaternary alluvium. The site is generally flat with elevation of 170 feet above mean sea level.[51]

Soils

Web-accessible soil mapping data compiled by the USDA's Soil Conservation Survey and the California Soil Resource Laboratory hosted by University of California at Davis was used to identify the major soil types on the project site. The predominant soil types for the project site are soils of the Urban Land-Flaskan, Urban-Land Stevens Creek, and Urban Land-Botella complexes generally formed on slopes of 0 to 2 percent. In almost all instances, these soils are reportedly deep and well drained, and are typified by low runoff.[52]

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 site is not located within a State-designated Alquist-Priolo

[51] Northgate Environmental Management, 2017. Phase I Environmental Site Assessment, 10765 – 10801 North Wolfe Road, Cupertino, California. November 6, 2017.

[52] UC Davis Soil Resource Laboratory, 2014. California Soil Resource Lab, Online Soil Survey, URL: http://casoilresource.lawr.ucdavis.edu/soilweb/, accessed on May 30, 2018.

Earthquake Fault Zone (known formerly as a Special Studies Zone) or a Santa Clara County-designated Fault Rupture Hazard Zone.[53] No active fault traces are known to cross the site.

Liquefaction

The site is not located within a seismically inducted liquefaction hazard zone, as mapped by the State of California and Santa Clara County. 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.

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.

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

Only one Alquist-Priolo Earthquake Fault Zone has been mapped within the City of 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.

[53] Santa Clara County, 2012. Santa Clara County Geologic Hazard Zones, Map 18, updated October 26, 2012.

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 applicable building code, including conformance to California Building Code (CBC) and the City's building permit requirements would ensure that the impacts associated with strong seismic ground shaking are minimized to the maximum extent practicable. The impacts of project development as they relate to strong seismic ground shaking would be *less than significant*.

Liquefaction

As described above in Existing Conditions, 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. The potential for seismically induced liquefaction in the vicinity appears low, and is limited to a very narrow strip of alluvial deposits that flank Calabazas Creek approximately 0.80 miles east of the project site. Accordingly, impacts associated with project development as they may relate to seismically induced liquefaction would be *less than significant*.

Landslides

The site is generally flat with elevation of 170 feet above mean sea level.[54] 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*.

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 CMC, would reduce impacts from erosion and the loss of topsoil.

Examples of these control measures are best management practices 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.

[54] Northgate Environmental Management, 2017. Phase I Environmental Site Assessment, 10765 – 10801 North Wolfe Road, Cupertino, California. November 6, 2017.

Section 16.08.110 of the CMC 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 broadly 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*.

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. Therefore, the impacts of project development as they relate to liquefaction and lateral spreading would be *less than significant* and no mitigation measures would be required.

The site is generally flat with elevation of 170 feet above mean sea level.[55] The properties surrounding the project site are also typified by low topographic relief. The impacts of project development as they relate to landslides would be *less than significant*.

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.

The proposed project would be subject to the CBC regulations and provisions, as adopted in CMC Chapter 12.04 and enforced by the City during plan review prior to building permit issuance. The CBC contains specific requirements for seismic safety, excavation, foundations, retaining walls, and site demolition, and also regulates grading activities, including drainage and erosion control. Thus, compliance with existing regulations and policies would ensure that the potential future development impacts permitted under the proposed project would be reduced. Therefore, the impacts of project development as they relate to expansive soils are considered *less than significant*.

[55] Northgate Environmental Management, 2017. Phase I Environmental Site Assessment, 10765 – 10801 North Wolfe Road, Cupertino, California. November 6, 2017.

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. 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.

VII. GREENHOUSE GAS EMISSIONS

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

EXISTING CONDITIONS

Current development on the project site consists of a vacant 10,044-square-foot commercial building and the 3,385-square-foot Duke of Edinburgh Pub and Restaurant. The restaurant generates greenhouse gas emissions from transportation sources, energy use (natural gas and purchased energy), water use, generation of wastewater, generation of solid waste, and other sources such as landscaping equipment and architectural coatings referred to as area sources.[56] As discussed in Section XV, Transportation and Circulation, the existing restaurant generates approximately 1,636 average daily trips to the project site. Greenhouse gas emissions generated by the existing land uses are shown in Table 4-6 below.

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. Development of the proposed project would contribute to global climate change through direct and indirect emissions of GHG from transportation sources, energy use (natural gas and purchased energy), water use and wastewater generation, and solid waste generation. In addition, construction activities

[56] Sources that emit less than 10 tons annually of a single hazardous air pollutant or less than 25 tons annually of a combination of hazardous air pollutants. U.S. Environmental Protection Agency, Area Source Standards, https://www3.epa.gov/airtoxics/area/arearules.html, accessed October 1, 2018.

would generate a short-term increase in GHG emissions. The net increase in emissions generated by the project was evaluated using the CalEEMod, Version 2016.3.25. The total and net increase in GHG emissions associated with the proposed project are shown in Table 4-6.

TABLE 4-6 PROJECT GHG EMISSIONS

	GHG Emissions ($MTCO_2e$/Year)			
Category	Existing Emissions	Project Emissions	Percent of Total	Net Change from Existing
Area	<1	<1	1%	<1
Energy	217	848	44%	631
On-Road Mobile Sources	681	1,040	53%	360
Waste	6	53	2%	46
Water/Wastewater	6	6	1%	<1
Amortized Construction Emissions[a]	NA	22	1%	22
Total	**910**	**1,969**	**100%**	**1,059**
BAAQMD Emissions Threshold ($MTCO_2e$)				**1,100**
Exceeds BAAQMD Thresholds?				**No**

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); $MTCO_2e$/year = metric tons of carbon dioxide equivalent per year.
a. One-time, short-term emissions are converted to average annual emissions by amortizing them over the service life of a building, which is assumed to be 30 years.
Source: California Emissions Estimator Model (CalEEMod), Version 2016.3.25.

Construction Impacts

BAAQMD does not have thresholds of significance for construction-related GHG emissions, however, 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. Therefore, this impact discussion applies BAAQMD's project-level operation threshold of 1,100 million metric tons of carbon dioxide equivalent per year ($MTCO_2e$/year) for construction, which is based on BAAQMD's operational-related threshold of 1,100 million $MTCO_2e$/year.[57] GHG emissions from construction activities are one-time, short-term emissions and, therefore, would not significantly contribute to long-term 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.[58] As shown in Table 4-6 above, 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

[57] Bay Area Air Quality Management District, 2017, *California Environmental Quality Act Air Quality Guidelines,* p.2-4, accessed July 31, 2018.

[58] International Energy Agency, 2008, *Energy Efficiency Requirements in Building Codes, Energy Efficiency Policies for New Buildings,* March. While the BAAQMD CEQA Guidelines do not provide specific criteria in evaluating construction-related GHG emissions impacts, this methodology is consistent with the methodology utilized by the South Coast Air Quality Management District.

exceed BAAQMD's operational-related threshold. Construction emissions would be *less than significant* and no mitigation measures would be required.

Operational Impacts

As shown in Table 4-6 above, development of the proposed project would result in a net increase of GHG emissions of 1,059 $MTCO_2e$/year at opening year (2021), which would not exceed BAAQMD's bright-line threshold of 1,100 $MTCO_2e$ per year for operations. Therefore, project-related GHG emissions impacts would be *less than significant*.

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 the CARB Scoping Plan, the MTC's/ ABAG's *Plan Bay Area 2040*, and Cupertino's *Climate Action Plan*. A consistency analysis with these plans is presented below.

CARB's Scoping Plan

In accordance with Assembly Bill 32 and Senate Bill 32 the CARB *2017 Climate Change Scoping Plan*[59] (Scoping Plan) contains the State's strategy to achieve 1990 level emissions by year 2020 and a 40 percent reduction from 1990 emissions by year 2030. The Scoping Plan is applicable to state agencies and is not directly applicable to cities/counties and individual projects. Nevertheless, the Scoping Plan has been the primary tool that is used to develop performance-based and efficiency-based CEQA criteria and GHG reduction targets for climate action planning efforts.

Statewide strategies to reduce GHG emissions in the latest Scoping Plan (2017) include implementing Senate Bill 350, which expands the Renewables Portfolio Standard to 50 percent by 2030 and doubles energy efficiency savings; expanding the Low Carbon Fuel Standard to 18 percent by 2030; implementing the *Mobile Source Strategy* to deploy zero-electric vehicle buses and trucks; implementation of the *Sustainable Freight Action Plan*; implementation of the *Short-Lived Climate Pollutant Reduction Strategy*, which reduces methane and hydrofluorocarbons 40 percent below 2013 levels by 2030 and black carbon emissions 50 percent below 2013 levels by 2030; continuing to implement Senate Bill 375; creation of a post-2020 Cap-and-Trade Program; and development of an *Integrated Natural and Working Lands Action Plan* to secure California's land base as a net carbon sink. Statewide GHG emissions reduction measures that are being implemented as a result of the Scoping Plan would reduce the proposed project's GHG emissions.

The proposed project would be constructed to achieve the standards in effect at the time of development and would not conflict with statewide programs adopted for the purpose of reducing GHG emissions. As stated above, while the measures in the State's Scoping Plan are not directly applicable to individual

[59] Note that the *2017 Climate Change Scoping Plan* is an update to the 2008 and 2014 Scoping Plans.

development projects, the project's GHG emissions would be reduced through compliance with statewide measures that have been adopted since AB 32 and SB 32 were adopted. Therefore, the impact would be *less than significant*.

MTC's/ABAG's Plan Bay Area

Plan Bay Area 2040 is the Bay Area's Regional Transportation Plan (RTP)/Sustainable Community Strategy (SCS). To achieve MTC's/ABAG's sustainable vision for the Bay Area, the *Plan Bay Area 2040* 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. 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. Although the proposed project is not within a PDA, as discussed in Section XII, Population and Housing, growth associated with the proposed project is consistent with ABAG projections and would not exceed regional population and employment projections (see Chapter 4, General Plan EIR Consistency Analysis, of this Initial Study). The proposed project is an infill development project that would result in an increase in land use intensity in a portion of the City that has access to existing infrastructure and services, including transit service (see Section XV, Transportation and Circulation). In addition, the proposed project would implement a Transportation Demand Management (TDM) program (see Section 3.2.2.4, Transportation Demand Management Program, in Chapter 3, Project Description, of this Initial Study) that would include, but is not limited to, transit passes for guest and employees, car share program for guests, and a shuttle service for hotel guests, employees, and when there is capacity can provide service to the community at large. Therefore, the proposed project would not conflict with the land use concept plan for the City of Cupertino identified in the *Plan Bay Area 2040* and the impact would be *less than significant*.

City of Cupertino Climate Action Plan

The *Cupertino Climate Action Plan* (CAP) is a strategic planning document that identifies sources of GHG emissions within the City's boundaries, 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 followed 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 CARB's *2008 Scoping Plan*. After the adoption of the CAP in January of 2015, the Legislature adopted SB 32 (September 2016) and CARB adopted the *2017 Climate Change Scoping Plan* (December 2017), aimed at meeting SB 32's GHG reduction goal of 40 percent below 1990 levels by 2030.

Qualified GHG Reduction Strategy

A qualified GHG reduction strategy adopted by a local jurisdiction should include the following elements, described in the State CEQA Guidelines Section 15183.5. BAAQMD's revised CEQA Guidelines provides the methodology to determine if a GHG reduction strategy meets these requirements.

A. Quantify greenhouse gas emissions, both existing and projected over a specified time period, resulting from activities within a defined geographic area: Cupertino's CAP identifies a baseline GHG emissions inventory for year 2010 and business-as-usual forecasts for 2020, 2035, and 2050 for land uses within the City.

B. 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: The City of Cupertino has established a goal of 15 percent below 2005 levels by 2020 and 35 percent below 2005 levels by 2035. The 2020 GHG reduction goal is in line with AB 32. However the 2030 goal was adopted prior to SB 32, which is 40 percent below 1990 levels; therefore, the 2030 goal is the standard.

C. Identify and analyze the greenhouse gas emissions resulting from specific actions or categories of actions anticipated within the geographic area: The emissions sources calculated in the baseline GHG inventory include commercial, residential, and industrial electricity and natural gas use, on-road transportation, solid waste disposal, energy use related to water and wastewater, agricultural off-road equipment and emissions associated with fertilizer application, and off-road equipment use for construction and lawn and garden activities. GHG emissions from these activities were calculated from activity data such as kilowatt hours of electricity, therms of natural gas, tons of waste disposed, and vehicle miles traveled from trips with an origin or destination in the City of Cupertino.

D. Specify measures or a group of measures, including performance standards, that substantial evidence demonstrates, if implemented on a project-by-project basis, would collectively achieve the specified emissions level: The CAP has identified groups of measures and performance standards aimed at achieving these targets: Reduce Energy Use/Improve Facilities; Encourage Alternative Transportation/Convert Vehicle Fleet; Conserve Potable Water; Reduce Solid Waste; and Expand Green Infrastructure. The City's CAP strategies achieve the near-term (i.e., 2020) GHG reduction target. Strategies for the post-2020 targets were not quantified.

E. 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: The City has a sustainability coordinator which implements and tracks the City's GHG reduction strategies and progress toward GHG reduction targets. The City's sustainability team prepares annual reports on CAP implementation and progress as part of the monitoring program, including projects and policies, data and metrics, as well as inventory updates to determine if the plan is achieving its targeted goals.

F. Be adopted in a public process following environmental review: In January 2015, the City of Cupertino adopted an Addendum to the General Plan EIR, which found that that adoption of the City proposed CAP would not create any new or substantially more severe significant effects on the environment that were not analyzed in the General Plan EIR, and adopted the CAP.

Based on the analysis above, the City's CAP is a qualified GHG reduction plan for the AB 32 targets.

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. Of these previously adopted GHG reduction measures, the measures applicable to the proposed project are 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 that the provisions of the Cupertino CAP are incorporated into projects and their permits through development review and applications of conditions of approval as applicable. Therefore, the impact would be *less than significant*.

VIII. HAZARDS AND HAZARDOUS MATERIALS

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

Would the proposed project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant	No Impact
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?	❒	❒	❒	■
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	❒	❒	■	❒
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?	❒	❒	❒	■

EXISTING CONDITIONS

The search of the Department of Toxic Substance Control's EnviroStor Database and the GeoTracker database search did not reveal any hazardous materials or LUST sites on or within close proximity to the project site.[60] The project site, developed in 1977, does not contain any asbestos-containing materials or lead-based paint, which have been regulated in construction since the early 1970's.[61] There are no known hazardous materials sites located on the project site. Cupertino High School and Sedgwick Elementary School in the Cupertino Union School District are approximately 1.5 miles to the south, and Laurelwood Elementary School in the Santa Clara Unified School District is located approximately 1.5 miles to the northeast in the City of Santa Clara. There are no moderate, high, or very high fire hazard severity zones in the State Responsibility Areas in the vicinity of the project site. The nearest public airports are San Jose International Airport, approximately 5.1 miles to the northeast, and Palo Alto Airport, approximately 10.5 miles to the northwest. The nearest heliports are McCandless Towers Heliport, approximately 4.3 miles to the northeast, and County Medical Center Heliport, approximately 4.5 miles to the southeast. The nearest private airport is Moffett Federal Airfield, approximately 6.1 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, a hotel, would not involve the routine transport or disposing of hazardous materials. Project operation would involve the use of small amounts of hazardous materials for cleaning

[60] City of Cupertino, certified General Plan Amendment, Housing Element Update, and Associated Rezoning EIR, State Clearinghouse Number 2014032007. December 4, 2014, Chapter 4.7, Hazards and Hazardous Materials, Table 4.7-2, Hazardous Materials and LUST (leaking underground storage tanks) Sites.

[61] Northgate Environmental Management, 2017. Phase I Environmental Site Assessment, 10765 – 10801 North Wolfe Road, Cupertino, California. November 6, 2017, page 1 (Summary).

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 implemented by Santa Clara County Department of Environmental Health Hazardous Materials Compliance Division and 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, Chapter 9.12, Hazardous Materials Storage. Thus, associated impacts from the operational phase of the project would be *less than significant*.

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 would 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, associated impacts from construction of the proposed project would be *less than significant*.

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 in 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, as well as petroleum-based fuels for maintenance and construction equipment, and coatings used in construction. Also, as described in the existing conditions, all of the existing buildings on the project site were developed in 1977; thus, the buildings would not contain asbestos-containing materials and lead-based paints. 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 rainwater runoff spreading contaminated waste. Stormwater runoff is discussed in Section IX, Hydrology and Water Quality, of this Initial Study and the impacts were found to be less than significant.

Project Operation

The proposed project, a hotel, is not considered the type of project that would create an unacceptable 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 County Department of Environmental Health Hazardous Materials Compliance Division is required to regulate hazardous materials business plans (HMBP) and chemical inventory, hazardous waste and tiered permitting, underground storage tanks, and risk-management plans. The HMBP is required to contain basic information on the location, type, quantity, and health risks of hazardous materials stored, used, or disposed of on development sites. The HMBP also contains 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 Emergency Management Agency 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 Department of Environmental Health Hazardous Materials Compliance Division 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, associated impacts would be *less than significant*.

Project Construction

Similar to the operation of the proposed project, the type of construction materials and equipment would be considered standard for this type of development. All spills or leakage 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 of the Santa Clara County Department of Environmental Health Hazardous Materials Compliance Division would be implemented through the duration of the construction of each individual development project. Therefore, substantial hazards to the public or the environment arising from the routine use of hazardous materials during project construction would not occur. Accordingly, impacts would *be less than significant*.

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

There are no schools within one-quarter mile of the project site. Furthermore, 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 stated in the existing conditions discussion above, the project site is not included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5. Accordingly, *no impact* would occur.

e) For a project 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 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 2 miles of a public use airport. Thus, there would be *no impact* related to public airport hazards.

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 2 miles of the project site. Therefore, there would be *no impact* related to private airstrip hazards as a result of implementing the proposed project.

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 and other large-scale emergencies in the City of Cupertino with assistance from the Santa Clara County Office of Emergency Services and the SCCFD. The Cupertino Emergency Operations Plan (EOP)[62] 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. Emergency vehicle access would be provided at two points; the hotel lobby along the western side of the project site and the hotel loading zone on the northern side, which is accessible through the driveway on the northern end of 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

[62] City of Cupertino, Office of Emergency Services. *Emergency Operations Plan.* September 2005.

not interfere with an adopted emergency response plan, or emergency evacuation plan; therefore, impacts would be *less than significant*.

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 severity 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.[63] The proposed project would not subject people or structures to wildfire hazards, and *no impact* would occur.

IX. HYDROLOGY AND WATER QUALITY

Would the proposed 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?	❒	❒	■	❒
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).	❒	❒	■	❒
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.	❒	❒	■	❒
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?	❒	❒	■	❒
e) Otherwise substantially degrade water quality?	❒	❒	■	❒
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?	❒	❒	❒	■
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?	❒	❒	❒	■

[63] City of Cupertino Municipal Code, Title 16, Building and Construction, Chapter 16.74. Wildland Urban Interface Fire Area.

Would the proposed project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant	No Impact
h) Potentially be inundated by seiche, tsunami, or mudflow?	❒	❒	❒	■

EXISTING CONDITIONS

The project site lies within the Calabazas Creek watershed. No creeks are present on the project site. 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 the City of Cupertino were 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.[64]

The project site, as does the entire city, lies within the Santa Clara Subbasin of the Santa Clara Valley Groundwater Basin. In 2012, approximately 40 percent of the water used in Santa Clara County was pumped from groundwater.[65] 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 XVI, Utilities and Service Systems, of this Initial Study.

Santa Clara Valley streams do not receive discharges from industrial or municipal wastewater.[66] Industrial discharges are routed to municipal sanitary sewers and then to regional municipal wastewater treatment plants that discharge treated effluent to the tidal sloughs of San Francisco Bay. The National Pollutant Discharge Elimination System (NPDES) permit program was established by the federal Clean Water Act (CWA) to regulate municipal and industrial discharges to surface waters of the United States from their municipal separate storm sewer systems (MS4s). Municipal storm water discharges in the City of Cupertino is subject to the Waste Discharge Requirements of the new Municipal Regional Permit (MRP; Order Number R2-2015-0049) and NPDES Permit Number CAS612008, which became effective on January 1, 2016. Construction activities that disturb one or more acres of land that could impact hydrologic resources must comply with the requirements of the State Water Regional Water Control Board (SWRCB)

[64] City of Cupertino, certified General Plan Amendment, Housing Element Update, and Associated Rezoning EIR, State Clearinghouse Number 2014032007. December 4, 2014, Chapter 4.8, Hydrology and Water Quality, Table 4.8-3, Under Capacity Storm Drainage Infrastructure.

[65] Santa Clara Valley Water District, 2012. Annual Groundwater Report for Calendar Year 2012.

[66] Santa Clara Basin Watershed Initiative, 2003. *Volume 1, Watershed Characteristics Report,* http://www.scbwmi.org/ accessed May 30, 2018.

Construction General Permit (2009-0009-DWQ) as amended by 2010-0014-DWQ and 2012-0006-DWQ. Under the terms of the permit, applicants must file Permit Registration Documents (PRDs) with the SWRCB prior to the start of construction. The PRDs include a Notice of Intent (NOI), risk assessment, site map, Stormwater Pollution Prevention Plan (SWPPP), annual fee, and a signed certification statement. The PRDs are now submitted electronically to the SWRCB via the Stormwater Multiple Application and Report Tracking System (SMARTS) website.

The San Francisco Bay Regional Water Quality Control Board (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.[67]

The project site is not located in a FEMA-designated 100-year floodplain or Special Flood Hazard Area. The project site is not within a dam inundation zone. The City of Cupertino is more than 8 miles south of San Francisco Bay and is more than 100 feet above mean sea level, which places the city at a distance that is considered too far to be affected by a tsunami.[68] There are no large bodies of water within the City of Cupertino or near the project site; thus, 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 Construction General Permit and submit PRDs to the SWRCB prior to the start of construction. The PRDs include a NOI and a site-specific construction SWPPP that describes the incorporation of best management practices to control sedimentation, erosion, and hazardous materials contamination of runoff during construction. New requirements by the SWRCB would also require the project applicant to prepare a construction SWPPP that includes post construction treatment measures aimed at minimizing storm water runoff. With implementation of these measures, water quality impacts during construction would be *less than significant*.

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 Santa Clara Valley Urban Runoff Pollution Prevention Program (SCVURPPP) C.3 requirements. The requirements include minimization of impervious surfaces, measures to detain or infiltrate runoff from peak flows to match pre-development conditions, and agreements to ensure that the stormwater treatment and flow control facilities are

[67] Santa Clara Valley Water District, 2012. Santa Clara Valley Water District, 2012. *2012 Groundwater Management Plan.*
[68] Association of Bay Area Governments, 2014. *Interactive Tsunami Inundation Map.* http://gis.abag.ca.gov/website/Hazards/?hlyr=tsunami accessed May 30, 2018.

maintained in perpetuity. The proposed project would implement a treatment system – two bioretention areas on the north and south side of the property totaling 2,309 square feet. Implementation of these measures and compliance with the C.3 requirements of the MRP would ensure that post-development impacts to water quality would be *less than significant.*

Adherence to applicable water quality regulations, preparation of a SWPPP, implementation of best management practices during construction, and compliance with the CMC 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*.

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 does not propose any groundwater wells on the property. The project site is supplied by California Water Service Company (Cal Water), which obtains its water from groundwater production (35 percent) and purchases of surface water from the Santa Clara Valley Water District. The 2015 *Urban Water Management Plan* for the Los Altos Suburban District, which includes the area for the project site, states that there is sufficient water for their customers for normal, single-dry, and multiple-dry years and that additional groundwater can be pumped to meet demand through 2040.[69] 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 XVI, Utilities and Service Systems, below. 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 the City of Cupertino or the creeks and streams that run through the city. Therefore, the project would have a *less-than-significant* impact to 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 proposed project would result in a decrease in the amount of impervious surfaces of approximately 2,034 square feet as compared to existing conditions. The project would install two bioretention areas and multiple landscaped areas, which would contribute to groundwater recharge by infiltration. As a result, the project would result in a decrease in the amount of runoff from the property. Therefore, the project would have a *less than significant* impact on groundwater supplies and groundwater recharge and no mitigation measures are needed.

[69] California Water Service Company, 2015. *2015 Urban Water Management Plan, Los Altos Suburban District.*

c) Would the project 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 Figure 3-18 in Chapter 3, Project Description, of this Initial Study, the proposed project would provide bioretention water treatment areas throughout the project site (see Figures 3-17 and 3-18 in Chapter 3 of this Initial Study). These would 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 Wolfe Road and Pruneridge Avenue.

The project applicant would be required, pursuant to the C.3 provisions of the MRP, to implement construction phase best management practices, 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 since 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.

During construction, the project applicant would be subject to the SWRCB Construction General Permit requirements, including preparation of a SWPPP. The SWPPP includes erosion and sediment control measures to stabilize the site, 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 would require the project to implement stormwater treatment measures to contain site runoff, using specific numeric sizing criteria based on volume and flow rate.

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 and impacts would be *less than significant*.

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 result in elevated peak flows. This increase in flows could adversely impact stormwater drainage systems.

As stated above in criterion (b), the proposed project involves construction of a hotel on an existing developed property that is currently connected to the City's storm drain system. The proposed project would result in a decrease of approximately 2,034 square feet of impervious surfaces over existing conditions and would install bioretention areas on the project site as shown on Figures 3-17 and 3-18 in Chapter 3 of this Initial Study. This reduction in pervious surface would reduce the amount of runoff when compared to existing conditions resulting in less demand to the existing storm drain system. The bioretention 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. Furthermore, as described 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 be less than significant. In addition, with the implementation of stormwater treatment measures, the project would not provide substantial additional sources of polluted runoff and the impact would be *less than significant.*

e) Would the project otherwise substantially degrade water quality?

As required by storm water management guidelines discussed under criterion (a), best management practices and low impact development 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 best management practices during construction would be in accordance with the provisions of the SWPPP, which would minimize the release of sediment, soil, and other pollutants. Operational best management practices would be required to meet the C.3 provisions of the MRP and 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 areas to treat and detain runoff prior to discharge to the City's storm drain system. With implementation of these best management practices and low impact development measures in accordance with City and MRP requirements, the potential impact on water quality would be *less than significant.*

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 in the dam inundation zone for the Stevens Creek Reservoir Dam. Dam inundation zones are based on the highly unlikely scenario of a catastrophic dam failure occurring in a very short

period of time. The General Plan EIR assessed the risk to people and structures in Cupertino as a result of a failure of the Stevens Creek Reservoir Dam. This analysis determined that the potential risk was less than significant based on existing policies and regulations.[70] The proposed project was evaluated as a hotel development site under the General Plan EIR and as such, this finding is applicable to the proposed project. Existing State and local regulations address the potential for flood hazards as a result of dam failure. The Stevens Creek Reservoir is under the jurisdiction of the Department of Safety of Dams which conducts annual inspections and reviews all aspects of safety. The dam has been assessed for seismic stability and was determined to be capable of withstanding the maximum credible earthquake. Dam owners also maintain Emergency Action Plans (EAPs) that include procedures for damage assessment and emergency warnings. In addition, the City of Cupertino, in conjunction with Santa Clara County, addressed the possibility of dam failure in the Local Hazard Mitigation Plan (LHMP), which also provides emergency response actions. The probability of dam failure is extremely low and the City of Cupertino and Santa Clara County have never been impacted by a major dam failure. Moreover, analysis in the General Plan EIR determined that the potential risk was less than significant based on existing policies and regulations. Therefore, implementation of the project would not expose people or structures to a significant risk of loss, injury, or death in the case of dam failure and the impact is *less than significant.* No mitigation measures would be required.

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.[71] 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.[72] Therefore, *no impact* would occur with respect to these issues.

X. LAND USE

Would the proposed project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant	No Impact
a) Physically divide an established community?	❒	❒	❒	■

[70] City of Cupertino, certified General Plan Amendment, Housing Element Update, and Associated Rezoning EIR, State Clearinghouse Number 2014032007. December 4, 2014, Chapter 4.8, Hydrology and Water Quality.

[71] Association of Bay Area Governments, 2016. *Interactive Tsunami Inundation Map.* http://gis.abag.ca.gov/website/Hazards/?hlyr=tsunami accessed on January 20, 2016.

[72] Association of Bay Area Governments, 2016. Rainfall-Induced Landslides, Debris Flow Source Areas and Earthquake Induced Landslides. Accessed at http://resilience.abag.ca.gov/landslides/ on January 20, 2016.

Would the proposed project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant	No Impact
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?	❒	❒	■	❒
c) Conflict with any applicable habitat conservation plan or natural community conservation plan?	❒	❒	❒	■

EXISTING CONDITIONS

General Plan

The General Plan land use designation is Commercial/Residential. The maximum height of 60 feet is permitted for buildings located to the west of North Wolfe Road. The project is located in the North Vallco Gateway, which is within the North Vallco Park Special Area. As described in Chapter 2, Planning Areas, of the General Plan, the North Vallco Park Special Area is an important employment center for Cupertino and the region. The North Vallco Gateway includes two hotels, the Cupertino Village Shopping Center west of North Wolfe Road, and the Hamptons Apartment complex east of North Wolfe Road. The North Vallco Park Special Area is envisioned to become a sustainable office and campus environment surrounded by a mix of connected, high-quality and pedestrian-oriented neighborhood center, hotels and residential uses. Taller building heights and additional density may be allowed in the North Vallco Gateway.

Zoning

The project site is within the Planned Development with Residential (P(CG,Res)) zoning district. As described in CMC Section 19.80.010,[73] 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. 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.

[73] Cupertino Municipal Code, Title 19, Zoning, Chapter 19.80, Planed Development, section 19.80.010, Purpose.

- 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 project site does not require specific front, side, or rear yard setbacks unless the lot abuts any residential or agricultural zones. The project site must still adhere to general setback, including the General Plan slope line requirement of 1:1, requirement for sufficient space for adequate light, requirement for air and visibility at intersection, and requirement for general conformity to yard requirements of adjacent or nearby zones, lot or parcels.

DISCUSSION

a) Would the project physically divide an established community?

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.

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 would develop a hotel development with a five-story building, which would be consistent with the types of development envisioned in the General Plan for the North Vallco Special Area and North Vallco Gateway. The proposed project would be approximately 60 feet tall at the top of the roofline, with the exception of the rooftop mechanical equipment and utility structures, which would exceed the 60-foot height limit. Accordingly, as described above in the existing conditions discussion, the proposed project would be consistent with types of development specified in the General Plan. Additionally, the proposed project would have an approximate front yard setback of 60 feet from the property line (with a 1:1 slope line from the face of the curb), side setbacks of 8 feet on the south side and 11 feet on the north side, and rear setback of 90 feet, which comply to the minimum 1:1 slope line required per the General Plan and side and rear setback of 0 feet allowed by the General Commercial ordinance. Therefore, impacts 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.

XI. NOISE

Would the proposed 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?	❒	❒	■	❒
b) Expose people to or generate excessive groundborne vibration or ground borne noise levels?	❒	❒	■	❒
c) Create a substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	❒	❒	■	❒
d) Create a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	❒	❒	■	❒
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?	❒	❒	❒	■
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?	❒	❒	❒	■

EXISTING CONDITIONS

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. 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 C, Noise Data, to this Initial Study.

The principal noise sources affecting the project site are traffic noise from I-280 and North Wolfe Road and from stationary noise sources from exterior mechanical and heating, ventilation, and air conditioning (HVAC) equipment noise from the on-site and surrounding buildings. The nearest public airports are San Jose International Airport, approximately 5.1 miles to the northeast, and Palo Alto Airport, approximately 10.5 miles to the northwest. The nearest heliports are Mc Candless Towers Heliport, approximately 4.3 miles to the northeast, and County Medical Center Heliport, approximately 4.5 miles to the southeast. The nearest private airport is Moffett Federal Airfield, approximately 6.1 miles to the northwest.

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?

A significant stationary-source impact would occur if the activities or equipment at the proposed project site produce noise levels at nearby sensitive receptors in excess of local standards.

With respect to projected-related increases, noise impacts can be broken down into three categories. The first is "audible" impacts, which refer to increases in noise level that are perceptible to humans. Audible increases in general community noise levels generally refer to a change of 3 decibels (dB) or more since this level has been found to be the threshold of perceptibility in exterior environments. The second category, "potentially audible" impacts, refers to a change in noise level between 1 and 3 dB. The last category includes changes in noise level of less than 1 dB that are typically "inaudible" to the human ear except under quiet conditions in controlled environments. Only "audible" changes in noise levels at sensitive receptor locations (i.e., 3 dB or more) are considered potentially significant. Note that a doubling of traffic flows (i.e., 10,000 vehicles per day to 20,000 per day) would be needed to create a 3 dB increase in traffic-generated noise levels. An increase of 3 dB is often used as a threshold for a substantial increase.

Project-Related Stationary Noise

The exterior mechanical and HVAC equipment associated with the proposed use are expected to be similar to the equipment at surrounding commercial, multi-family residential, and hotel uses. Typical HVAC units range from approximately 70 to 75 dBA L_{eq} at a distance of 3 feet. Future mechanical equipment associated with the proposed hotel would be located at least 70 feet from the nearest residential receptor (Arioso Apartments to the west). At this distance, the sound pressure level associated with a common central air conditioning unit would be reduced to approximately 48 dBA or less. Future mechanical equipment associated with the proposed hotel would be located at least 45 feet from the nearest nonresidential receptor (commercial uses to the north). At this distance, the sound pressure level associated with a common central air conditioning unit would be reduced to approximately 51 dBA or less. Thus, the noise level associated with future central air conditioning units would be below CMC Section 10.48.040, limiting noise to 50 dBA at nearby residential uses during the nighttime and to 55 dBA at nearby commercial uses. In addition, the rooftop mechanical equipment would be within enclosures, which would further attenuate the sound emanating from the mechanical equipment.

Noise from sources such as people talking, employees using outdoor common areas, or property maintenance may also contribute to the total noise environment within the direct vicinity of the proposed project site. However, these are commonly associated with commercial uses that already exist on the project site. As mentioned above, noise sources associated with the maintenance of real property is exempted from the provisions of the CMC, provided said activities take place between the hours of 8:00 a.m. to 8:00 p.m. on weekdays, and 9:00 a.m. to 6:00 p.m. on weekends and holidays. Therefore, impacts from stationary noise sources, and occasional property maintenance activities associated with the proposed project would be *less than significant*.

Project-Related Traffic Noise

The peak hour traffic volumes along roadways in the project area were provided for the proposed project. To determine the permanent traffic noise level increase, the Existing Plus Project traffic volumes were compared to the Existing traffic volumes. The permanent noise level increase was estimated to be less than 1 dBA on study roadway segments. Since the permanent noise level increase due to project-generated traffic increase at the surrounding noise-sensitive receptors would be less than 1 dBA, the proposed project would not cause a substantial permanent noise level increase at the surrounding noise-sensitive receptors and would have a *less-than-significant* impact.

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

Operations Vibration

Operation of the proposed project would not generate substantial levels of vibration because there are no notable sources of vibrational energy associated with the project. Thus, operation of the proposed project would not result in *less than significant* groundborne vibration impacts. No mitigation measures would be required.

Construction Vibration

Construction activities generate varying degrees of ground vibration, depending on the construction procedures, construction equipment used, and proximity to vibration-sensitive uses. 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. Table 4-7 lists reference vibration levels for different types of commonly used construction equipment.

TABLE 4-7 CONSTRUCTION EQUIPMENT VIBRATION LEVELS

Equipment	Approximate PPV Velocity at 25 Feet (in/sec)
Vibratory Roller	0.210
Large Bulldozer	0.089
Loaded Trucks	0.076
Jackhammer	0.035
Small Bulldozer	0.003

Source: Federal Transit Administration 2008.

It is expected that groundborne vibration from project-related construction activities would cause only intermittent, localized intrusion on surrounding residents and residential structures. Project-related demolition and construction activities most likely to cause vibration impacts include:

- Heavy Construction Equipment. Although all heavy mobile construction equipment has the potential of causing at least some perceptible vibration while operating close to buildings, the vibration is usually short-term and is not of sufficient magnitude to cause building damage. It is not expected that heavy equipment such as large equipment would operate close enough to any residences to cause a vibration impact.

- **Trucks.** Trucks hauling building materials to construction sites can be sources of vibration intrusion if the haul routes pass through residential neighborhoods on streets with bumps or potholes. Repairing the bumps and potholes generally eliminates the problem.

Proposed construction would include grading, which would include equipment such as loaders. Paving activities may also generate high levels of construction vibration and would include equipment such as pavers and rollers. Some of these equipment types may generate substantial levels of vibration at close distances. Using the vibration source level of construction equipment provided in Table 4-7 above and the construction vibration assessment guidelines published by the FTA, the vibration impacts associated with the proposed project were assessed in terms of potential architectural damage due to vibration.

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 damage[74] based on Federal Transit Administration's (FTA) architectural damage criteria. For reference, a peak particle velocity (PPV) of 0.2 inches/second is used as the limit for "non-engineered timber and masonry buildings" (which would apply to the surrounding structures). Small construction equipment generates vibration levels less than 0.1 PPV in/sec at 25 feet away. The term 'architectural damage' is defined as minor surface cracks (in plaster, drywall, tile, or stucco) or the sticking of doors and windows. This is below the severity of 'structural damage' which entails the compromising of structural soundness or the threatening the basic integrity of the building shell. Building damage is typically not a concern for most projects, with the occasional exception of blasting and pile driving during construction. No blasting, pile driving, or hard rock ripping/crushing activities would be required during project construction. Since vibration-induced architectural damage could result from an instantaneous vibration event, distances are measured from the receptor façade to the nearest location of potential construction activities. Table 4-8 shows the vibration levels from typical earthmoving construction equipment at the nearest receptors.

TABLE 4-8 ARCHITECTURAL DAMAGE VIBRATION LEVELS FROM CONSTRUCTION EQUIPMENT

	Peak Particle Velocity in inches per second				
Equipment	PPV Limit	Arioso Apartments to West (70 feet)	Commercial Uses to North (45 feet)	Hilton Garden Inn to South (125 feet)	Good Samaritan Preschool to Northwest (750 feet)
Vibratory Roller[a]	0.20	0.05	0.09	0.02	<0.01
Large Bulldozer	0.20	0.02	0.04	0.01	<0.01
Loaded Trucks	0.20	0.02	0.03	0.01	<0.01
Jackhammer	0.20	0.01	0.01	<0.01	<0.01
Small Bulldozer	0.20	<0.01	<0.01	<0.01	<0.01

Note: Distances are from the nearest portion of potential construction activity to the nearest receptor building within each land use type.
a. This analysis shows a "vibratory roller", which may be more vibration-intensive than the roller used during the paving phase
Source: Federal Transit Administration: Transit Noise and Vibration Impact Assessment, 2006.

[74] 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.

Construction-generated vibration levels at the nearest receptors would be less than the vibration damage criteria for "non-engineered timber and masonry buildings," per FTA guidelines. Impacts related to architectural damage due to construction vibration would not be significant and mitigation is not necessary.

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

As presented in criterion (a) above, project-generated operational noise from traffic, stationary noise sources (i.e., mechanical systems), and operational activities will not result in a substantial permanent increase in ambient noise levels. Therefore, these on-going activities would generate *less-than-significant* noise impacts 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?

The total duration for project construction would be approximately 2 years. In terms of the proposed construction activities, demolition, site preparation, rough grading, and site paving activities are expected to generate the highest noise levels since they involve the largest and most powerful equipment. Construction equipment for the proposed project would include equipment such as concrete saws, graders, excavators, scrapers, tractor/loader/backhoes, paving equipment, forklifts, rollers, and a crane.

Two types of short-term noise impacts could occur during construction: (1) mobile-source noise from transport of workers, material deliveries, and debris and soil haul and (2) stationary-source noise from use of construction equipment. The following discusses construction noise impacts to the off-site sensitive receptors.

Construction Vehicles

The transport of workers and materials to and from the construction site would incrementally increase noise levels along Pruneridge Avenue and North Wolfe Road. Individual construction vehicle pass-bys may create momentary noise levels of up to approximately 85 dBA (L_{max}) at 50 feet from the vehicle, but these occurrences would generally be infrequent and short lived. Therefore, noise impacts from construction vehicles would be less than significant. 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.

Construction Equipment

According to CMC Section 10.48.053, construction is allowed during "daytime hours" (7:00 a.m. to 8:00 p.m. Monday through Friday, and 9:00 a.m. to 6:00 p.m. 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.[75] 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.

Noise generated by onsite construction equipment is based on the type of equipment used, its location relative to sensitive receptors, and the timing and duration of noise-generating activities. Each stage of construction involves different kinds of equipment and has distinct noise characteristics. Noise levels from construction activities are typically dominated by the loudest several pieces of equipment. The dominant equipment noise source is typically the engine, although work-piece noise (such as dropping of materials) can also be noticeable.

The noise produced at each construction stage is determined by combining the L_{eq} contributions from each piece of equipment used at a given time, while accounting for the on-going time-variations of noise emissions (commonly referred to as the usage factor). Heavy equipment, such as a bulldozer or a loader, can have maximum, short-duration noise levels in excess of 80 to 85 dBA at 50 feet. However, overall noise emissions vary considerably, depending on what specific activity is being performed at any given moment. Noise attenuation due to distance, the number and type of equipment, and the load and power requirements to accomplish tasks at each construction phase would result in different noise levels from construction activities at a given receptor. Since noise from construction equipment is intermittent and diminishes at a rate of at least 6 dB per doubling of distance (conservatively ignoring other attenuation effects from air absorption, ground effects, and/or shielding/scattering effects), the average noise levels at noise-sensitive receptors could vary considerably, because mobile construction equipment would move around the site with different loads and power requirements. Noise levels from project-related construction activities were calculated from the simultaneous use of all applicable construction equipment at spatially averaged distances (i.e., from the acoustical center of the general construction site) to the property line of the nearest receptors. Although construction may occur across the entire phase area, the area around the center of construction activities best represents the potential average construction-related noise levels at the various sensitive receptors.

Using information provided by the applicant, the expected construction equipment mix was estimated and categorized by construction activity using the Federal Highway Administration Roadway Construction Noise Model. The associated, aggregate sound levels—grouped by construction activity—are summarized in Table 4-9.

[75] 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 CMC section 10.48.010.

TABLE 4-9 PROJECT-RELATED CONSTRUCTION NOISE, ENERGY-AVERAGE (L_{EQ}) SOUND LEVELS, DBA

Construction Activity Phase	Sound Level at Various Distances from Construction Activities, dBA L_{eq} Residential Uses to West (125 Feet)[a]
Demolition	77
Site Preparation	77
Grading	77
Building Construction	73
Paving	74

a. As measured from the acoustical center of the construction site to the nearest property line

Construction activities would increase noise levels at and near the proposed area of improvements. The highest expected construction-related noise levels—up to approximately 77 dBA L_{eq}—would occur at the residential receptors to the west during the demolition, site preparation, and grading phases, which would be less than the 80 dBA L_{eq} limit in the CMC. However, the CMC also requires that no individual piece of equipment generate noise levels above 87 dBA at a distance of 25 feet. Conservatively assuming that this requirement is in terms of maximum noise level (L_{max}), the concrete saws, tractor/loader/backhoes, graders, and scrapers would exceed this limit. This would be considered a potentially significant impact. With implementation of Mitigation Measure NOISE-1, project-related construction noise impacts to the surrounding residences would be *less than significant*.

Mitigation Measure NOISE-1: The following shall be incorporated in all demolition, grading, and construction plans, as required by the CMC, construction activities shall take place only during daytime hours of 7:00 a.m. and 8:00 p.m. on weekdays, and 9:00 a.m. to 6:00 p.m. on weekends. In addition, the following best management practices shall be observed:

- At least 90 days prior to the start of construction activities, all offsite businesses and residents within 300 feet of the project site will be notified of the planned construction activities. The notification will include a brief description of the project, the activities that would occur, the hours when construction would occur, and the construction period's overall duration. The notification should include the telephone numbers of the City's and contractor's authorized representatives that are assigned to respond in the event of a noise or vibration complaint.
- The project applicant and contractors will prepare a Construction Noise Control Plan prior to issuance of any grading, demolition, and/or building permits. The details of the Construction Noise Control Plan, including those details listed herein, will be included as part of the permit application drawing set and as part of the construction drawing set.
- At least 10 days prior to the start of construction activities, a sign will be posted at the entrance(s) to the job site, clearly visible to the public, which includes permitted construction days and hours, as well as the telephone numbers of the City's and contractor's authorized representatives that

are assigned to respond in the event of a noise or vibration complaint. If the authorized contractor's representative receives a complaint, he/she will investigate, take appropriate corrective action, and report the action to the City.

- During the entire active construction period, equipment and trucks used for project construction will utilize the best available noise control techniques (e.g., improved mufflers, equipment re-design, use of intake silencers, ducts, engine enclosures, and acoustically attenuating shields or shrouds), wherever feasible.
- Include noise control requirements for equipment and tools, including concrete saws, to the maximum extent feasible. Such requirements could include, but are not limited to, erecting temporary plywood noise barriers between areas where concrete saws will be used and nearby sensitive receptors; performing work in a manner that minimizes noise; and undertaking the noisiest activities during times of least disturbance to nearby sensitive receptors.
- During the entire active construction period, stationary noise sources will be located as far from sensitive receptors as possible, and they will be muffled and enclosed within temporary sheds, or insulation barriers or other measures will be incorporated to the extent feasible.
- During the entire active construction period, noisy operations will be conducted simultaneously to the degree feasible in order to reduce the time periods of these operations.
- Select haul routes that avoid the greatest amount of sensitive use areas and submit to the City of Cupertino Public Works Department for approval prior to the start of the construction phase.
- Signs will be posted at the job site entrance(s), within the on-site construction zones, and along queueing lanes (if any) to reinforce the prohibition of unnecessary engine idling. All other equipment will be turned off if not in use for more than 5 minutes.
- During the entire active construction period and to the extent feasible, the use of noise producing signals, including horns, whistles, alarms, and bells will be for safety warning purposes only. The construction manager will use smart back-up alarms, which automatically adjust the alarm level based on the background noise level, or switch off back-up alarms and replace with human spotters in compliance with all safety requirements and laws.

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 2 miles of an airport. The nearest public airports are San Jose International Airport, approximately 5.1 miles to the northeast, and Palo Alto Airport, approximately 10.5 miles to the northwest. At these distances from the aircraft facilities, the proposed project would not expose residents or patrons to excessive noise levels from aircraft noise. *No impacts* 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. The nearest heliports are Mc Candless Towers Heliport, approximately 4.3 miles to the northeast, and County Medical Center Heliport, approximately 4.5 miles to the southeast. The nearest private airport is Moffett Federal Airfield, approximately 6.1 miles to the northwest. 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 impacts* related to noise from private airstrip would occur and no mitigation measures would be required.

XII. POPULATION AND HOUSING

Would the proposed 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)?	❒	❒	❒	■
b) Displace substantial numbers of existing housing units, necessitating the construction of replacement housing elsewhere?	❒	❒	❒	■
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	❒	❒	❒	■

EXISTING CONDITIONS

The project is anticipated to be complete within the buildout projections of the General Plan (2040). According to ABAG, Cupertino would have 33,350 jobs by 2040.[76]

The site is currently developed with commercial uses only. Applying a generation rate of 1 job to 450 square feet for commercial land uses to the existing 3,385 square feet restaurant, the existing restaurant generates up to approximately 7 jobs. The existing 10,044 square feet commercial building on the project site is currently vacant and, therefore, does not have any existing jobs.

[76] Association of Bay Area Governments, *Plan Bay Area 2040, Appendix A: Growth Forecast by Jurisdiction*, https://www.planbayarea.org/sites/default/files/pdf/JHCS/May_2012_Jobs_Housing_Connection_Strategy_Appendices_Low_Res.pdf, accessed May 30, 2018.

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)?

The proposed project would construct a 185-room hotel and would not directly result in any additional new population growth or employment growth beyond what was accounted for in the General Plan. Persons staying temporarily in a place, such as the proposed hotel, are not considered permanent residents. Thus, the proposed project would not directly increase permanent population through guests at the hotel. In addition, the proposed project is not a regionally significant employer and it is anticipated that future employees of the proposed project would come from Cupertino and the surrounding Bay Area communities. As described in Chapter 3, Project Description, of this Initial Study, the operation of the project is estimated to generate up to 93 employees on the project site. As described under Existing Conditions above, the existing land uses on the site have the potential to generate up to 7 employees, resulting in about 86 net new employees on the site. According to the ABAG, Cupertino is projected to have 30,110 jobs by 2020 about the time project would be completed (i.e., 2021). The estimated 86 net new jobs generated by project operation would be well within forecast employment increases in Cupertino. The proposed project's potential impact on growth from new employment would be *less than significant*.

Additionally, the proposed project does not include the construction of infrastructure or roads which would indirectly induce additional population growth. Therefore, a *less than significant* impact would result in this respect. No mitigation measures would be required.

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

The project site does not contain any residential units and would not directly displace housing. Additionally, the project is not a regional employer, and would not cause additional housing to be constructed elsewhere. It is anticipated that future employees of the proposed project would come from Cupertino and the surrounding Bay Area communities. Therefore, the project would have *no impact* associated with the displacement of substantial numbers of housing.

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

The project site does not contain any residential units and would not directly displace people. Therefore, the project would have *no impact* associated with the displacement of substantial numbers of people.

XIII. PUBLIC SERVICES

Would the proposed 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?	❒	❒	■	❒
Police protection?	❒	❒	■	❒
Schools?	❒	❒	❒	■
Libraries?	❒	❒	❒	■

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.
- Cupertino High School and Sedgwick Elementary School in the Cupertino Union School District are approximately 1.5 miles to the south, while Laurelwood Elementary School in the Santa Clara Unified School District is located approximately 1.5 miles to the northeast in the City of Santa Clara.
- 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.

A recent discussion of the existing conditions for each of these service providers is provided in Chapter 4.12 of the General Plan EIR.

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 primary 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 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 above in Section XII, Population and Housing, above, the proposed project would result in a 185-room hotel and no new permanent residents. The proposed project is within the 1,339-hotel-room maximum evaluated in the General Plan EIR and would not directly result in any additional new population growth or employment growth beyond what was accounted for in the General Plan EIR. Because impacts to public service providers were determined to be less than significant in the General Plan EIR and the proposed project is within the number of hotel rooms evaluated in the General Plan EIR, impacts to public services providers as a result of the proposed project would also be *less than significant*. No mitigation measures would be required. Furthermore, the property tax generated from the proposed hotel would support the City's public services funds that are used in part to maintain some City services. Likewise and pursuant to Senate Bill 50,[77] the project applicant would be required the school impact fees required for commercial development that would deem any impacts to the Cupertino Union School District *less than significant*.

XIV. PARKS AND RECREATION

Would the proposed 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?	❒	❒	■	❒

[77] Senate Bill 50 amended California Government Code Section 65995, which contains limitations on Education Code section 17620, the statute that authorizes school districts to assess development fees within school district boundaries.

Would the proposed project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant	No Impact
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?	❒	❒	■	❒

EXISTING CONDITIONS

The City of Cupertino Recreation and Community Services is responsible for the maintenance of 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 is a total of approximately 156 acres of parkland in Cupertino, or approximately 2.7 acres per 1,000 residents, based on an existing population of 58,302. The City parks nearest to the project site are Portal Park, located approximately one mile to the southwest, Jenny Strand Park, located approximately three-quarters of a mile to the southeast, and Westwood Oaks Park, located approximately one-half mile to the east of the site.

Regional park facilities operated by the Midpeninsula Regional Open Space District and the Santa Clara County Parks could be used by residents of the project site. The closest Midpeninsula Regional Open Space District parks to Cupertino are the Fremont Older, Picchetti Ranch, and Rancho San Antonia, which are located just southwest and west of the city boundaries, respectively. Santa Clara County Park facilities that serve Cupertino include Rancho San Antonio County Park, south of I-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?

The proposed project would increase the number of persons and level of activity of the project site; however, no families with children or other permanent residents that are assumed to frequently use the existing neighborhood and regional parks would be introduced as a result of the proposed hotel. Accordingly, the project is not expected to increase the use of any existing neighborhood and regional parks or other recreational facilities.

As described above in Section XII, Population and Housing, the estimated 93 total employees (86 net new employees) would likely be residents of Cupertino or the surrounding Bay Area and would not relocate from other locations thus generating new population to the city. The proposed project would construct a 185-room hotel, which is within the 1,339-hotel-room maximum evaluated in the General Plan EIR and would not directly result in any additional new population growth or employment growth beyond what was accounted for in the General Plan EIR. Because impacts to parks were determined to be less than

significant in the General Plan EIR and the proposed project is within the number of hotel rooms evaluated in the General Plan EIR, impacts to parks and recreational services as a result of the proposed project would also be *less than significant*. No mitigation measures would be required. Furthermore, the Transient Occupancy Tax generated from the proposed hotel would support the City's public services funds that are used in part to maintain the City's recreational facilities.

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, unlike permanent residents in Cupertino, future patrons of the hotel are not expected to use park and recreational facilities, therefore the proposed project would not result in substantial deterioration or trigger the construction of new built facilities over and beyond foreseen in the long-range planning completed for the regional park facilities of the project site. The Transient Occupancy Tax generated from the proposed hotel would also support the City's public services funds that are used in part to maintain the City's recreational facilities. Because impacts to parks were determined to be less than significant in the General Plan EIR and the proposed project is within the number of hotel rooms evaluated in the General Plan EIR, impacts to parks and recreational services as a result of the proposed project would also be *less than significant*. No mitigation measures would be required.

XV. TRANSPORTATION AND CIRCULATION

Would the proposed 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?	❒	❒	■	❒
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?	❒	❒	■	❒
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?	❒	❒	❒	■
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	❒	❒	❒	■
e) Result in inadequate emergency access?	❒	❒	❒	■

Would the proposed project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant	No Impact
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?	❒	❒	❒	■

METHODOLOGY

The following is based on the Traffic Impact Analysis (TIA) prepared for the proposed project. The TIA is included in Appendix D, Transportation Impact Analysis, 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 traffic impact analysis evaluates the near-term impacts of the project under Existing and Background conditions. The TIA was prepared following the guidelines of the cities of Cupertino, Sunnyvale, and Santa Clara, as well as the 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) are guidelines for assessing the transportation impacts of development projects and identifying whether improvements are needed to roadways, bike facilities, sidewalks, and transit services for CMP roadways The TIA guidelines have been adopted by local agencies within Santa Clara County, and are applied to analyze the regional transportation system. For projects that would generate fewer than 100 net new peak hour vehicle trips, a CMP analysis is not required. Although the proposed project is expected to generate fewer than 100 net peak hour trips, a CMP analysis was prepared because the calculated number of net new peak hour trips nearly meets the 100-trip threshold.[78]

Thresholds of Significance

Thresholds of significance are used to establish what constitutes an impact. For the purposes of this Initial Study, the criteria used to determine significant impacts on signalized intersections is based on the level of service standards of the city in which the intersection is located: Cupertino, Sunnyvale and Santa Clara. Project impacts also were analyzed according to the County Congestion Management Program (CMP) methodology for the CMP study intersections and freeway segments.

Definition of Significant Intersection Impacts

A project would create a significant adverse impact on traffic conditions at a signalized intersection in the cities of Cupertino, Sunnyvale or Santa Clara if for either AM or PM peak hour:

[78] The proposed project is anticipated to generate 96 AM (morning) and 89 PM (evening) trips. See Table 4-16 under impact discussion TRANS-1.

1. The level of service at the intersection under background conditions drops below the applicable level of service standard when project traffic is added, or
2. An intersection that operates below the applicable level of service standard under background conditions experiences an increase in critical-movement delay of four (4) or more seconds and the volume-to-capacity ratio (V/C) increases by 1 percent (0.01) or more when project traffic is added.

An exception to these significance thresholds applies when the addition of project traffic reduces the amount of average delay for critical movements (i.e., the change in average delay for critical movements is negative). In this case, the significance threshold is an increase in the critical V/C value by 1 percent (0.01) or more.

CMP Definition of Significant Intersection Impacts

The definition of a significant impact at a CMP intersection is the same as described above, except that the CMP standard for acceptable level of service is LOS E or better. Thus, a CMP intersection that operates at LOS F would fail to meet the CMP level of service standard.

A significant impact according to the standards used by the cities of Cupertino, Sunnyvale, Santa Clara, and CMP standards is mitigated to a less-than-significant level when measures are implemented that would restore intersection conditions to its level of service standard or to an average delay that eliminates the project impact.

Freeway Segment Impact Criteria

The CMP defines an acceptable level of service for freeway segments as LOS E or better. A project is said to create a significant impact on traffic conditions on a freeway segment if for either AM or PM peak hour:

1. The level of service on the freeway segment degrades from an acceptable LOS E or better under existing conditions to an unacceptable LOS F with the addition of project trips, or
2. The level of service on the freeway segment is already operating at an unacceptable LOS F and the number of project trips added to the segment constitutes at least 1 percent (0.01) of capacity of the segment.

A significant impact by CMP standards is said to be satisfactorily mitigated when measures are implemented that would restore freeway conditions to existing conditions or better.

Intersection Level of Service

Signalized Study Intersections

The cities of Cupertino, Sunnyvale, and Santa Clara evaluate level of service at signalized intersections based on the *2000 Highway Capacity Manual* (HCM) level of service methodology using TRAFFIX software. This method evaluates signalized intersection operations on the basis of average control delay

time for all vehicles at the intersection. The correlation between average control delay and level of service at signalized intersections is shown in Table 4-10.

TABLE 4-10 SIGNALIZED INTERSECTION LEVEL OF SERVICE DEFINITIONS BASED ON CONTROL DELAY

LOS	Description	Average Control Delay (seconds per vehicle)
A	Signal progression is extremely favorable. Most Vehicles are during the green phase and do not stop at all. Short cycle lengths may also contribute to the very low vehicle delay.	10.0 or less
B+	Operations characterized by good progression and/or short cycle lengths. More vehicles stop than with LOS A, causing higher levels of average vehicle delay.	10.1 to 12.0
B		12.1 to 18.0
B-		18.1 to 20.0
C+	Higher delays may result from fair progression and/or longer cycle lengths. Individual cycle failures may begin to appear at this level. The number of vehicles stopping is significant, though may still pass through the intersection without stopping.	20.1 to 23.0
C		23.1 to 32.0
C-		32.1 to 35.0
D+	The influence of congestion becomes more noticeable. Longer delays may result from some combination of unfavorable signal progression, long cycle lengths, or high volume-to-capacity ratios. Many vehicles stop and individual cycle failures are noticeable.	35.1 to 39.0
D		39.1 to 51.0
D-		51.1 to 55.0
E+	This is considered to be the limit of acceptable delay. These high delay values generally indicate poor signal progression, long cycle lengths, and high volume-to-capacity ratios. Individual cycle failures occur frequently.	55.1 to 60.0
E		60.1 to 75.0
E-		75.1 to 80.0
F	This level of delay is considered unacceptable to most drivers. This condition often occurs with oversaturation, that is, when arrival flow rates exceed the capacity of the intersection. Poor progression and long cycle lengths may also be major contribution causes of such delay levels.	greater than 80.0

Source: Transportation Research Board, 2000 Highway Capacity Manual (Washington, D.C., 2000) page 10 to 16. Santa Clara Valley Transportation Authority Traffic Level of Service Analysis Guidelines (June 2003), Table 2. See Table 1 of the Transportation Impact Analysis prepared for the proposed project by Hexagon Transportation Consultants.

The cities of Cupertino, Sunnyvale, and Santa Clara level of service standard for signalized intersections is LOS D or better, except on roadways considered "regionally significant" within Sunnyvale and on CMP facilities within Santa Clara, which have a standard of LOS E. Of the four study intersections located in the City of Sunnyvale, one is designated a CMP intersection. The Santa Clara study intersection is also a CMP intersection.

CMP Intersections

The designated level of service methodology for the CMP also is the 2000 HCM operations method for signalized intersections, using TRAFFIX. The CMP level of service standard for signalized intersections within Sunnyvale and Santa Clara is LOS E or better. Within the City of Cupertino, the level of service standard for all signalized intersections, including CMP intersections, is LOS D or better.

Freeway Segment Level of Service

As prescribed in the CMP technical guidelines, the level of service for freeway segments is estimated based on vehicle density where density refers to the number of vehicles per mile per lane (vpmpl)

The CMP specifies that a capacity of 2,300 vehicles per hour per lane (vphpl) be used for mixed-flow lane segments that are three lanes or wider in one direction, and a capacity of 2,200 vphpl for mixed-flow lane segments that are two lanes wide in one direction. A capacity of 1,800 vphpl was used for high occupancy vehicle (HOV) lanes. The CMP defines an acceptable level of service for freeway segments as LOS E or better. The correlation between vehicle density and level of service on freeway segments is shown in Table 4-11.

TABLE 4-11 FREEWAY LEVEL OF SERVICE DEFINITIONS BASED ON DENSITY

LOS	Description	Density (Vehicles Per Mile Per Lane)
A	Average operating speeds at the free-flow speed generally prevail. Vehicles are almost completely unimpeded in their ability to maneuver within the traffic stream.	11.0 or less
B	Speeds at the free-flow speed are generally maintained. The ability to maneuver within the traffic stream is only slightly restricted, and the general level of physical and psychological comfort provided to drivers is still high.	11.1 to 18.0
C	Speeds at or near the free-flow speed of the freeway prevail. Freedom to maneuver within the traffic stream is noticeably restricted, and land changes require more vigilance on the part of the driver.	18.1 to 26.0
D	Speeds begin to decline slightly with increased flows at this level. Freedom to maneuver within the traffic stream is more noticeably limited, and the driver experiences reduced physical and psychological comfort levels.	26.1 to 46.0
E	At this level, the freeway operates at or near capacity. Operations in this level are volatile, because there are virtually no useable gaps in the traffic stream, leaving little r0om to maneuver within the traffic stream.	46.1 to 58.0
F	Vehicular flow breakdowns occur. Large queues form behind breakdown points.	greater than 58.0

Source: Santa Clara Valley Transportation Authority, Traffic Impact Analysis Guidelines Updated March 2009 (Based on the Highways Capacity Manual (2000), Washington D.C.) See Table 2 of the Transportation Impact Analysis prepared for the proposed project by Hexagon Transportation Consultants.

Intersection Queuing

The analysis of intersection level of service was supplemented with an analysis of traffic operations for intersections where the project would add a significant number of left turns. The operations analysis is based on vehicle queuing for high demand left-turn movements at intersections. Vehicle queues were estimated using a Poisson probability distribution, which estimates the probability of the number of vehicles for a vehicle turning movement to determine the average number of vehicles in the queue per lane. The basis of the queuing analysis is as follows: (1) the Poisson probability distribution is used to estimate the 95th percentile maximum number of queued vehicles per signal cycle for a particular movement; (2) the estimated maximum number of vehicles in the queue is translated into a queue length, assuming 25 feet per vehicle; and (3) the estimated maximum queue length is compared to the existing or planned available storage capacity for the movement. This analysis thus provides a basis for estimating future turn pocket storage requirements at signalized intersections.

The 95th percentile queue length value indicates that during the morning (AM) or evening (PM) peak hour, a queue of this length or less would occur on 95 percent of the signal cycles. Or, a queue length longer

than the 95th percentile queue would only occur on 5 percent of the signal cycles (about 3 cycles during the peak hour for a signal with a 60-second cycle length). Therefore, left-turn storage pocket designs based on the 95th percentile queue length would ensure that storage space would be exceeded only 5 percent of the time. The 95th percentile queue length is also known as the "design queue length."

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; however, this process is still underway.[79] SB 743 requires the California Governor's Office of Planning and Research to amend the CEQA Guidelines to provide an alternative to level of service 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. Amendments to the CEQA Guidelines to address SB 743 are scheduled to apply statewide as soon as January 1, 2020.

VMT is a useful metric in understanding the overall effects of a project on the transportation system. VMT is the sum of all of the vehicle trips generated by a project multiplied by the lengths of their trips to and from the site on an average weekday. A vehicle driven one mile is one VMT. Therefore, a project with a higher VMT would have a greater environmental effect than a project with a low VMT.

The trip lengths vary by the land use type and the trip purpose. For example, a trip from a residence to a job may be longer than the trip from a residence to a neighborhood school. The VMT values stated below represent the full length of a given trip, and are not truncated at city, county, or region boundaries.

Many factors affect travel behavior and trip lengths such as density of land use, diversity of land uses, design of the transportation network, distance to high-quality transit, and demographics. Low-density development separated from other land uses and located in areas with poor access to transit generates more automobile travel and higher VMT compared to development located in urban areas with more access to transit.

As discussed in the General Plan EIR, the VMT per capita is projected to increase from 10.5 to 10.9 under General Plan buildout conditions. The proposed project would construct a 185-room hotel, which is consistent with the land use evaluated in the General Plan EIR and would not directly result in any additional new population growth or employment growth beyond what was accounted for in the General

[79]State of California Office of Planning and Research, Transportation Impacts (SB 743), http://opr.ca.gov/ceqa/updates/sb-743/, accessed August 24, 2018.

Plan EIR. Accordingly, implementation of the project would be consistent with and would have no effect on the VMT estimates presented in the General Plan EIR.

EXISTING WITHOUT PROJECT CONDITIONS

The existing conditions without the proposed project for intersections, freeway segments, pedestrian and bicycle facilities, as well as transit services are discussed below.

Existing without Project Intersection Operations

The results of the intersection level of service analysis show that all but one of the study intersections currently operate at LOS D or better during both the AM and PM peak hours of traffic. The CMP intersection of Lawrence Expressway and Homestead Road currently operates at LOS E during both the AM and PM peak hours of traffic, which is considered acceptable when measured against the CMP standard (LOS E). Therefore, all the study intersections are currently operating at acceptable levels of service. The results of the level of service analysis for Existing Conditions are presented in Table 4-12.

TABLE 4-12 EXISTING INTERSECTION LEVEL OF SERVICE RESULTS

ID #	Intersection	Jurisdiction/ CMP[a]	LOS Threshold	Peak Hour[b]	Delay	LOS
1	Wolfe Road / El Camino Real	Sunnyvale (CMP)	E	AM	53.6	D-
				PM	43.0	D
2	Wolfe Road / Fremont Avenue	Sunnyvale	D	AM	51.9	D-
				PM	45.6	D
3	Wolfe Road / Marion Way	Sunnyvale	D	AM	10.6	B+
				PM	15.9	B
4	Wolfe Road / Inverness Avenue	Sunnyvale	D	AM	12.5	B
				PM	15.2	B
5	De Anza Boulevard / Homestead Road	Cupertino (CMP)	D	AM	35.7	D+
				PM	36.4	D+
6	Wolfe Road / Homestead Road	Cupertino	D	AM	38.5	D+
				PM	43.2	D
7	Lawrence Expressway / Homestead Road	Santa Clara (CMP)	E	AM	69.7	E
				PM	74.8	E
8	Wolfe Road / Apple Park Way	Cupertino	D	AM	14.1	B
				PM	21.3	C+
9	Wolfe Road / Pruneridge Avenue	Cupertino	D	AM	21.2	C+
				PM	18.3	B-
10	Wolfe Road / I-280 Northbound Ramps	Cupertino (CMP)	D	AM	8.3	A
				PM	7.0	A
11	Wolfe Road / I-280 Southbound Ramps	Cupertino (CMP)	D	AM	13.9	B
				PM	7.5	A
12	Wolfe Road / Vallco Parkway	Cupertino	D	AM	22.1	C+
				PM	20.1	C+
13	Wolfe Road / Stevens Creek Boulevard	Cupertino (CMP)	D	AM	39.9	D
				PM	39.9	D

Notes All of the study intersections are signalized.
a. Intersection jurisdiction and identification of CMP (Congestion Management Program) intersections.
b. AM = morning peak hour, PM = evening peak hour.
Source: See Table 4 of the Transportation Impact Analysis prepared for the proposed project by Hexagon Transportation Consultants.

Existing without Project Freeway Operations

Traffic volumes for the study freeway segments were obtained from the 2016 CMP Annual Monitoring Report, which contains the most recent data collected for freeway segments located in Santa Clara County. The results of the analysis are summarized in Table 4-13. The results show that the following directional freeway segments currently operate at an unacceptable LOS F:

- I-280, eastbound between SR 85 and De Anza Boulevard – PM Peak Hour
- I-280, westbound between SR 85 and De Anza Boulevard – AM Peak Hour
- I-280, eastbound between De Anza Boulevard and Wolfe Road – PM Peak Hour
- I-280, westbound between De Anza Boulevard and Wolfe Road – AM Peak Hour
- I-280, eastbound between Wolfe Road and Lawrence Expressway – PM Peak Hour
- I-280, westbound between Wolfe Road and Lawrence Expressway – AM Peak Hour
- I-280, westbound between Lawrence Expressway and Saratoga Avenue – AM peak hour

TABLE 4-13 EXISTING FREEWAY (I-280) LEVEL OF SERVICE RESULTS

Freeway Segment	Peak Hour	Number of Lanes		Density		LOS	
		Mixed	HOV	Mixed	HOV	Mixed	HOV
Eastbound							
SR 85 to De Anza Boulevard	AM	3	1	22	12.1	C	B
	PM			**106.0**	83.0	**F**	**F**
De Anza Boulevard to Wolfe Road	AM	3	1	22.0	22.1	C	C
	PM			61.0	42.0	**F**	D
Wolfe Road to Lawrence Expressway	AM	3	1	21.0	12.1	C	B
	PM			**77.0**	52	**F**	E
Lawrence Expressway to Saratoga Avenue	AM	3	1	37	14	D	B
	PM			26	15	C	B
Westbound							
Saratoga Avenue to Lawrence Expressway	AM	3	1	**78.0**	**70**	**F**	**F**
	PM			25.0	12	C	B
Lawrence Expressway to Wolfe Road	AM	3	1	**72.0**	70	**F**	**F**
	PM			26.0	14	C	B
Wolfe Road to De Anza Boulevard	AM	3	1	**75.0**	48	**F**	E
	PM			26.0	10	C	A
De Anza Boulevard to SR 85	AM	3	1	**76.1**	42.6	**F**	E
	PM			26.0	10.0	C	A

Notes: **Bold** font indicates substandard level of service.
Source: See Table 5 of the Transportation Impact Analysis prepared for the proposed project by Hexagon Transportation Consultants.

Existing without Project Pedestrian, Bicycle, and Transit Facilities

Pedestrian Facilities

Pedestrian facilities consist of sidewalks, crosswalks, and pedestrian signals. In the vicinity of the project site, sidewalks exist along both sides of Wolfe Road and Homestead Road, providing pedestrian access to and from the project site; however, sidewalks are missing on Pruneridge Avenue along the project frontage. Marked crosswalks with pedestrian signal heads and push buttons are provided on most approaches of the signalized study intersections except the intersections along Wolfe Road at Apple Park Way, Pruneridge Avenue, and the I-280 northbound and southbound ramps. Marked crosswalks are provided along the following approaches:

- North and east crossings at Wolfe Road and Apple Park Way
- North, east, and west crossings at Wolfe Road and Pruneridge Avenue
- West crossing at Wolfe Road and I-280 northbound ramps
- East crossing at Wolfe Road and I-280 southbound ramps

Although some sidewalk and crosswalk connections are missing, the overall network of sidewalks and crosswalks in the study area has adequate connectivity and provides pedestrians with safe routes to transit services and other points of interest in the vicinity of the project site.

The *2018 Cupertino Pedestrian Transportation Plan* (Pedestrian Plan) contains goals, policies, and specific recommendations to increase the walkability of Cupertino, including the Pedestrian Guidelines. The 2018 Pedestrian Plan is a companion document to the *City of Cupertino Bicycle Transportation Plan* (discussed below). It includes specific recommendations to improve pedestrian conditions. Consistent with the 2018 Pedestrian Plan and any other applicable recommendations, the project applicant would be required to contribute to implementing any recommended pedestrian improvements in the project area.

Bicycle Facilities

Bicycle facilities in the study area are comprised of Class II bicycle lanes, and Class III bicycle routes. 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. Class III Bikeway (Bike Route) 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. Bike routes serve either to: a) provide continuity to other bicycle facilities, or b) designate preferred routes through high demand corridors. Bike lanes in the area include the following:

- North-south bicycle connections in the study area include Class II bike lanes along Wolfe Road between Stevens Creek Boulevard and Fremont Avenue in Sunnyvale, where it transitions into a Class III bike route. Bike lanes are lanes on roadways designated for use by bicycles with special lane markings, pavement legends, and signage. Bike routes are existing streets that accommodate bicycles but are not separate from the existing travel lanes. Bike routes are typically designated

only with signage or with painted shared lane markings (Sharrows) on a road that indicate to motorists that bicyclists may use the full travel lane.

- East-west bicycle connections in the study area consist of Class II bike lanes along Homestead Road between Lafayette Street and Foothill Expressway, Stevens Creek Boulevard between Lawrence Expressway and California Oak Way, and along Vallco Parkway between Tantau Avenue and Wolfe Road.
- Class III bike routes are also present in the vicinity of the project site, along Marion Way between Oriole Avenue and Wolfe Road.

In 2016, the City of Cupertino adopted its *Bicycle Transportation Master Plan* (Bike Plan), which is a citywide plan to encourage bicycling as a safe, practical and healthy alternative to the use of the family car. The Bike Plan illustrates Cupertino's current bicycle network, identifies gaps in the network, and proposes improvement projects to address the identified gaps.[80] The 2016 Bike Plan includes standards for engineering, encouragement, education, and enforcement intended to improve the bicycle infrastructure in the City to enable people to bike to work and school, to use a bicycle to run errands, and to enjoy the health and environmental benefits that bicycling provides cyclists of every age. Consistent with the 2016 Bike Plan and any other applicable recommendations the project applicant would be required to contribute to implementing the recommended bike improvements in the project area.

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 Vallco Parkway, Stevens Creek Boulevard, Wolfe Road/Miller Avenue, and Tantau Avenue.

Public Transportation Facilities

Transit Service

Nearby transit services are described below and Table 4-14 summarizes the destinations, closest stop to the project site, hours/days of operation, and service frequencies for transit services within walking distance.

[80] City of Cupertino, 2016 Bicycle Transportation Plan, Figure 3-7: Bikeway projects.

TABLE 4-14 EXISTING TRANSIT SERVICE

Routes	From	To	Distance to Nearest Stop[a]	Weekdays		Saturdays	
				Operating Hours[b]	Peak Headway[c]	Operating Hours[b]	Peak Headway[c]
VTA BUS SERVICE							
Local Bus Routes							
26	Sunnyvale / Lockheed Martin Transit Center	Eastridge Transit Center	0.10	5:20 am to 11:20 pm	30	7:17 am to 10:40 pm	30
23[d]	De Anza College	Alum Rock Transit Center	0.80	5:20 am to 1:05 am (next day)	15 to 20	6:10 am to 12:11 am (next day)	15 to 20
81	Moffett Field/Ames Center	San Jose State University	0.10	6:15 am to 9:05 pm	25 to 35	9:30 am to 4:30 pm	60
Express Bus Routes							
101[d]	Camden & Highway 85	Palo Alto	0.55	6:20 am to 8:20 am 4:10 pm to 6:45 pm	2 NB Runs (AM) 2 SB Runs (PM)	No Service	
182[d]	Palo Alto	IBM/Bailey Avenue	0.60	7:30 am to 8:30 am 5:05 pm to 6:10 pm	1 SB Run (AM) 1 NB Run (PM)	No Service	

Notes: AM = morning commuter period; PM = evening commute period; NB = northbound; SB = southbound; VTA = Santa Clara Valley Transportation Authority
a. Approximate distance in miles from nearest stop to project site.
b. Operating hours consider earliest and latest stop at each bus lines closest stop to the project site.
c. Headways are defined as the time interval between two transit vehicles traveling in the same direction over the same route.
d. These routes provide access to the Vallco Shopping Center Park and Ride Lot.
Source: See Table 3 of the Transportation Impact Analysis prepared for the proposed project by Hexagon Transportation Consultants.

Commuter Rail Service

Caltrain is a commuter 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. Currently, Baby Bullet service is provided both in the northbound and southbound directions 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 hours.

The nearest station to the project site is the Lawrence Station, which is located on Lawrence Expressway approximately three miles northwest of the project site. During the 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 a.m. and ends at 1:20 a.m. 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.

BACKGROUND WITHOUT PROJECT CONDITIONS

This section describes the background traffic conditions without the proposed project. The background traffic conditions are defined as conditions just prior to completion of the proposed project. Traffic volumes for background conditions consist of volumes from existing traffic volumes plus traffic generated by other approved projects in the vicinity of the site. The transportation network under background conditions would be the same as the existing transportation network because there are no planned and funded transportation improvements at the study intersections. Background peak hour traffic volumes were estimated by adding to existing traffic volumes the trips generated by nearby approved but not yet completed or occupied projects in the cities of Cupertino, Sunnyvale, and Santa Clara. Trip generation estimates for the approved projects were based on their respective traffic studies, if available, and on Institute of Transportation Engineers (ITE) trip rates.

Background without Project Intersection Operations

As shown in Table 4-15, the results of the level of service analysis show that most of the study intersections would continue to operate at LOS D or better during both the AM and PM peak hours of traffic under background conditions. The CMP intersections of Wolfe Road/El Camino Real (#1) and Lawrence Expressway/Homestead Road (#7) both would operate at LOS E during the AM peak hour of traffic, which is considered acceptable when measured against the CMP standard. However, the Lawrence Expressway/Homestead Road (#7) intersection would operate at an unacceptable LOS F during the PM peak hour due to additional traffic from approved developments in the study area. The intersection level of service calculation sheets are provided in Appendix C of the TIA, which is included in Appendix D of this Initial Study.

TABLE 4-15 BACKGROUND INTERSECTION LEVEL OF SERVICE RESULTS

					Existing Conditions		Background Conditions	
ID #	Intersection	Jurisdiction/ CMP[a]	LOS Threshold	Peak Hour[b]	Delay	LOS	Delay	LOS
1	Wolfe Road / El Camino Real	Sunnyvale (CMP)	E	AM	53.6	D-	55.3	E+
				PM	43.0	D	44.1	D
2	Wolfe Road / Fremont Avenue	Sunnyvale	D	AM	51.9	D-	53.2	D-
				PM	45.6	D	47.5	D
3	Wolfe Road / Marion Way	Sunnyvale	D	AM	10.6	B+	10.5	B+
				PM	15.9	B	15.9	B
4	Wolfe Road / Inverness Avenue	Sunnyvale	D	AM	12.5	B	12.5	B
				PM	15.2	B	15.3	B
5	De Anza Boulevard / Homestead Road	Cupertino (CMP)	D	AM	35.7	D+	36.2	D+
				PM	36.4	D+	37.3	D+

TABLE 4-15 BACKGROUND INTERSECTION LEVEL OF SERVICE RESULTS

ID #	Intersection	Jurisdiction/ CMP[a]	LOS Threshold	Peak Hour[b]	Existing Conditions		Background Conditions	
					Delay	LOS	Delay	LOS
6	Wolfe Road / Homestead Road	Cupertino	D	AM	38.5	D+	40.7	D
				PM	43.2	D	46.2	D
7	Lawrence Expressway / Homestead Road	Santa Clara (CMP)	E	AM	69.7	E	72.3	E
				PM	74.8	E	**82.1**	**F**
8	Wolfe Road / Apple Park Way	Cupertino	D	AM	14.1	B	19.4	B-
				PM	21.3	C+	27.8	C
9	Wolfe Road / Pruneridge Avenue	Cupertino	D	AM	21.2	C+	26.6	C
				PM	18.3	B-	22.4	C+
10	Wolfe Road / I-280 Northbound Ramps	Cupertino (CMP)	D	AM	8.3	A	9.9	A
				PM	7.0	A	6.9	A
11	Wolfe Road / I-280 Southbound Ramps	Cupertino (CMP)	D	AM	13.9	B	18.4	B-
				PM	7.5	A	8.3	A
12	Wolfe Road / Vallco Parkway	Cupertino	D	AM	22.1	C+	24.4	C
				PM	20.1	C+	21.7	C+
13	Wolfe Road / Stevens Creek Boulevard	Cupertino (CMP)	D	AM	39.9	D	40.8	D
				PM	39.9	D	40.7	D

Note: All of the study intersections are signalized.
a. Intersection jurisdiction and identification of CMP (Congestion Management Program) intersections.
b. AM = morning peak hour, PM = evening peak hour.
Source: See Table 6 of the Transportation Impact Analysis prepared for the proposed project by Hexagon Transportation Consultants.

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?*

After applying the ITE trip rates for hotels, appropriate trip reductions for being within walking distance of services at Cupertino Village and implementation of a Transportation Demand Management (TDM) program with financial and dedicated shuttle provisions as well as trip credits for the existing uses (Duke of Edinburgh Restaurant only), the proposed hotel project would generate 1,636 net new daily vehicle trips, with 96 new trips occurring during the AM peak hour and 89 new trips occurring during the PM peak hour. The project is estimated to generate 272 net new weekday morning (AM) peak hour vehicle trips (48 inbound and 224 outbound) and 421 net new weekday evening (PM) peak hour vehicle trips (268 inbound and 153 outbound). Using the inbound/outbound splits contained in the ITE *Trip Generation Manual*, the project would produce 56 new inbound and 40 new outbound trips during the AM peak hour, and 36 new inbound and 53 new outbound trips during the PM peak hour. A summary of the project's trip generation is shown in Table 4-16 below.

TABLE 4-16 PROJECT TRIP GENERATION ESTIMATES

	Daily		AM Peak Hour				PM Peak Hour			
Land Use	Rate	Trips	Rate	In	Out	Total	Rate	In	Out	Total
Proposed Uses										
Boutique Hotel with 185 rooms[a]	12.23	2,263	0.62	67	48	115	0.73	66	69	135
Hotel and Retail Internal Mixed-Use Reduction (10%)[b]		-226		-6	-5	-11		-7	-7	-14
TDM Reduction for Financial Incentives (5%)[c]		-113		-3	-2	-5		-3	-3	-6
TDM Reduction for Shuttle Program (5%)[c]		-68		-2	-1	-3		-2	-2	-4
Subtotal		1,856		56	40	96		54	57	111
Existing Uses										
Duke of Edinburgh Restaurant (3,385 square feet)[c]		-220		0	0	0		18	4	22
Net Project Trips		**1,636**		**56**	**40**	**96**		**36**	**53**	**89**

Note: TDM = Transportation Demand Management
a. Trip generation based on average trip rates for Hotel (land use 310. Occupied Rooms) published in ITE's Trip Generation Manual, 10th Edition, 2017.
b. Trip reduction based on Standard Auto Trip Reduction Rates published in VTA's *Transportation Impact Analysis Guidelines*, 2014.
c. Trip credits base on PM peak hour count conducted on March 27, 2018. Daily trip credit calculated by multiplying PM peak hour trips by a factor of 10.
Source: See Table 7 of the Transportation Impact Analysis prepared for the proposed project by Hexagon Transportation Consultants.

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 plus Project Conditions.* In addition to the Existing conditions without the project discussed previously, the Existing plus Project conditions were evaluated by adding traffic from the proposed project.
- *Background plus Project Conditions*. In addition to the Background conditions without the project discussed previously, the Background plus Project conditions were evaluated by adding traffic from the other approved developments in the vicinity of the site.

Existing plus Project Conditions

Intersection levels of service were calculated with the project traffic added to evaluate the operating conditions of the intersections and identify potential impacts to the roadway system. The results of the intersection level of service calculations for Existing plus Project conditions are presented in Table 4-17.

TABLE 4-17 EXISTING PLUS PROJECT INTERSECTION LEVEL OF SERVICE RESULTS

					Existing without Project		Existing plus Project		
ID	Intersection	Jurisdiction/ CMP[a]	LOS Threshold[b]	Peak Hour[c]	Delay	LOS	Delay	LOS	Increment in Critical Delay
1	Wolfe Road / El Camino Real	Sunnyvale (CMP)	E	AM	53.6	D-	53.7	D-	0.0
				PM	43.0	D	43.1	D	0.2
2	Wolfe Road / Fremont Avenue	Sunnyvale	D	AM	51.9	D-	52.1	D-	0.3
				PM	45.6	D	45.7	D	0.4
3	Wolfe Road / Marion Way	Sunnyvale	D	AM	10.6	B+	10.6	B+	0.0
				PM	15.9	B	15.9	B	0.0
4	Wolfe Road / Inverness Avenue	Sunnyvale	D	AM	12.5	B	12.5	B	0.0
				PM	15.2	B	15.2	B	0.0
5	De Anza Boulevard / Homestead Road	Cupertino (CMP)	D	AM	35.7	D+	35.7	D+	0.0
				PM	36.4	D+	36.5	D+	0.1
6	Wolfe Road / Homestead Road	Cupertino	D	AM	38.5	D+	38.6	D+	0.0
				PM	43.2	D	43.3	D	0.3
7	Lawrence Expressway / Homestead Road	Santa Clara (CMP)	E	AM	69.7	E	69.7	E	0.2
				PM	74.8	E	74.9	E	0.1
8	Wolfe Road / Apple Park Way	Cupertino	D	AM	14.1	B	14.0	B	0.0
				PM	21.3	C+	21.3	C+	0.0
9	Wolfe Road / Pruneridge Avenue	Cupertino	D	AM	21.2	C+	22.8	C+	1.4
				PM	18.3	B-	20.6	B-	2.7
10	Wolfe Road / I-280 Northbound Ramps	Cupertino (CMP)	D	AM	8.3	A	8.3	A	0.1
				PM	7.0	A	6.9	A	-0.1
11	Wolfe Road / I-280 Southbound Ramps	Cupertino (CMP)	D	AM	13.9	B	14.0	B	0.1
				PM	7.5	A	7.5	A	0.0
12	Wolfe Road / Vallco Parkway	Cupertino	D	AM	22.1	C+	22.0	C+	0.0
				PM	20.1	C+	20.1	C+	0.0
13	Wolfe Road / Stevens Creek Boulevard	Cupertino (CMP)	D	AM	39.9	D	40.0	D	0.2
				PM	39.9	D	40.0	D	0.1

a. Intersection jurisdiction and identification of CMP (Congestion Management Program) intersections.
b. LOS Threshold is the lowest acceptable LOS (the threshold between acceptable and unacceptable level of service).
c. AM = morning peak hour, PM = evening peak hour.
Source: See Table 8 of the Transportation Impact Analysis prepared for the proposed project by Hexagon Transportation Consultants.

As shown on Table 4-17 above, the level of service analysis shows that all the study intersections would operate at an acceptable level of service (LOS D or better for City-controlled intersections and LOS E or better for CMP intersections) during both the AM and PM peak hours of traffic. However, because it would take approximately 2 years to complete the construction of the project and begin operating the hotel, the proposed project would not have any effect on the existing 2018 conditions. For this reason, no impact conclusions are drawn from the existing 2018 conditions scenario. The criteria that define a significant project impact at a signalized intersection in the cities of Cupertino, Sunnyvale, and Santa Clara are based on comparing Background plus Project conditions to Background without Project Conditions that would be in effect at the time the proposed project would operating, which is discussed below.

Background plus Project Conditions

The level of service analysis from the Background plus Project conditions is summarized in Table 4-18.

TABLE 4-18 BACKGROUND PLUS PROJECT INTERSECTION LEVEL OF SERVICE RESULTS

					Background without Project Conditions		Background plus Project Conditions			
ID #	Intersection	Jurisdiction/ CMP[a]	LOS Threshold[b]	Peak Hour[c]	Delay	LOS	Delay[d]	LOS	Increment in Critical Delay	Increment in Critical V/C
1	Wolfe Road / El Camino Real	Sunnyvale (CMP)	E	AM	55.3	E+	55.4	E+	0.0	0.001
				PM	44.1	D	44.2	D	0.2	0.003
2	Wolfe Road / Fremont Avenue	Sunnyvale	D	AM	53.2	D-	53.3	D-	0.4	0.007
				PM	47.5	D	47.6	D	0.4	0.006
3	Wolfe Road / Marion Way	Sunnyvale	D	AM	10.5	B+	10.4	B+	0.0	0.003
				PM	15.9	B	15.9	B	0.0	0.004
4	Wolfe Road / Inverness Avenue	Sunnyvale	D	AM	12.5	B	12.5	B	0.0	0.003
				PM	15.3	B	15.3	B	0.0	0.003
5	De Anza Boulevard / Homestead Road	Cupertino (CMP)	D	AM	36.2	D+	36.3	D+	0.0	0.001
				PM	37.3	D+	37.3	D+	0.1	0.001
6	Wolfe Road / Homestead Road	Cupertino	D	AM	40.7	D	40.8	D	0.3	0.007
				PM	46.2	D	46.4	D	0.4	0.005
7	Lawrence Expressway / Homestead Road	Santa Clara (CMP)	E	AM	72.3	E	72.4	E	0.2	0.002
				PM	**82.1**	**F**	**82.3**	**F**	**0.5**	**0.002**
8	Wolfe Road / Apple Park Way	Cupertino	D	AM	19.4	B-	19.4	B-	0.0	0.000
				PM	27.8	C	27.8	C	0.0	0.003
9	Wolfe Road / Pruneridge Avenue	Cupertino	D	AM	26.6	C	27.9	C	1.2	0.014
				PM	22.4	C+	24.5	C	2.7	0.026
10	Wolfe Road / I-280 Northbound Ramps	Cupertino (CMP)	D	AM	9.9	A	10.1	B+	0.3	0.009
				PM	6.9	A	6.9	A	0.0	0.007
11	Wolfe Road / I-280 Southbound Ramps	Cupertino (CMP)	D	AM	18.4	B-	18.8	B-	0.5	0.006
				PM	8.3	A	8.3	A	0.0	0.002
12	Wolfe Road / Vallco Parkway	Cupertino	D	AM	24.4	C	24.4	C	0.0	0.002
				PM	21.7	C+	21.7	C+	0.0	0.002
13	Wolfe Road / Stevens Creek Boulevard	Cupertino (CMP)	D	AM	40.8	D	40.9	D	0.2	0.005
				PM	40.7	D	40.7	D	0.1	0.002

Note: All of the study intersections are signalized.
a. Intersection jurisdiction and identification of CMP (Congestion Management Program) intersections.
b. LOS Threshold is the lowest acceptable LOS (the threshold between acceptable and unacceptable level of service).
c. AM = morning peak hour, PM = evening peak hour.
d. **Bold** indicates a substandard level of service; however, it does not indicate a significant impact because it does not increase delay by 4 seconds or 1 percent compared to existing conditions.
Source: See Table 9 of the Transportation Impact Analysis prepared for the proposed project by Hexagon Transportation Consultants.

The results presented in Table 4-18 show that all but one of the study intersections would continue to operate at an acceptable level of service (LOS D or better for City-controlled intersections and LOS E or better for CMP intersections) during both the AM and PM peak hours of traffic under background plus project conditions. The CMP intersection of Lawrence Expressway/Homestead Road (#7) would operate at

an unacceptable LOS F during the PM peak hour under Background plus Project conditions. However, the project would not cause the intersection's critical-movement delay to increase by 4 or more seconds and the V/C to increase by 1 percent (0.01) or more compared to Background without Project conditions. Therefore, the project's impact at all intersections is considered *less than significant*.

Furthermore, the project applicant would be required to pay the required City of Cupertino Traffic Impact fees, which supports the ongoing improvements to the citywide roadway infrastructure.[81]

Construction Traffic

Demolition and construction would take place over a 24-month period, which is anticipated to begin in August 2019 and be completed 24 months later in 2021, subject to regulatory approval. During this period, the project would generate changes to the existing transportation conditions. New traffic would be generated by construction employees and construction activities, including haul trucks. Construction traffic is temporary and would generate fewer trips than the projected trips during project operation. As discussed above, the project would not result in a significant impact at any study intersection. Therefore, traffic impacts during project construction would be *less than significant*.

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) 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 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.

CMP Intersection Analysis

The impact discussion in criterion (a) above includes an evaluation of study intersections including intersections in the CMP network (#s 1, 5, 7, 10, 11, and 13). Tables 4-17 and 4-18 above 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.

CMP Freeway Segments Analysis

Traffic volumes on the study freeway segments with the project were estimated by adding project trips to the existing volumes obtained from the 2016 CMP Annual Monitoring Report. As shown on Table 4-19,

[81] City of Cupertino, City-Wide Traffic Impact Fee, https://www.cupertino.org/our-city/departments/public-works/permitting-development-services/proposed-city-wide-traffic-impact-fee, accessed on September 20, 2018.

the results of the freeway segment analysis show that the project would not cause significant increases in traffic volumes (1 percent [0.01] or more of freeway capacity) on any of the study freeway segments currently operating at LOS F, and none of the study freeway segments currently operating at LOS E or better would worsen to LOS F as a result of the project. Therefore, based on CMP freeway impact criteria, impacts would be *less than significant*.

TABLE 4-19 FREEWAY (I-280) SEGMENT CAPACITY ANALYSIS

		Existing plus Project					Project Trips				
		Mixed		HOV			Mixed		HOV		
Freeway Segment	Peak Hour	Capacity (vph)	LOS	Capacity (vph)	LOS	Total Volume	Volume	% Capacity	Volume	% Capacity	Impact?
Eastbound											
SR 85 to De Anza Boulevard	AM	6,900	C	1,800	B	8	6	0.1	2	0.1	No
	PM	**6,900**	**F**	**1,800**	**F**	5	4	0.1	1	0.1	No
De Anza Boulevard to Wolfe Road	AM	6,900	C	1,800	C	8	6	0.1	2	0.1	No
	PM	**6,900**	**F**	1,800	D	5	4	0.1	1	0.1	No
Wolfe Road to Lawrence Expressway	AM	6,900	C	11,800	B	10	8	0.1	2	0.1	No
	PM	**6,900**	**F**	1,800	E	13	10	0.2	3	0.2	No
Lawrence Expressway to Saratoga Avenue	AM	6,900	D	1,800	B	10	8	0.1	2	0.1	No
	PM	6,900	C	1,800	B	13	10	0.2	3	0.2	No
Westbound											
Saratoga Avenue to Lawrence Expressway	AM	**6,900**	**F**	**1,800**	**F**	14	11	0.2	3	0.2	No
	PM	6,900	C	1,800	B	9	7	0.1	2	0.1	No
Lawrence Expressway to Wolfe Road	AM	**6,900**	**F**	**1,800**	**F**	14	11	0.1	3	0.1	No
	PM	6900	C	1,800	B	9	7	0.1	2	0.1	No
Wolfe Road to De Anza Boulevard	AM	**6,900**	**F**	1,800	E	6	5	0.1	1	0.1	No
	PM	6,900	C	1,800	A	8	6	0.1	2	0.1	No
De Anza Boulevard to SR 85	AM	**6,900**	**F**	1,800	E	6	5	0.1	1	0.1	No
	PM	6,900	C	1,800	A	8	6	0.1	2	0.1	No

Notes **Bold** font indicates substandard level of service.
Source: *Santa Clara Valley Transportation Authority Congestion Management Program Monitoring Study*, 2016. See Table 10 of the Transportation Impact Analysis prepared for the proposed project by Hexagon Transportation Consultants.

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 is a five-story hotel building that would be 60 feet tall at the highest point and is not located in an airport influence area or within an airport land use plan. The nearest public airports are San Jose International Airport, approximately 5.1 miles to the northeast, and Palo Alto Airport, approximately 10.5 miles to the northwest. 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 impacts* 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)?

Project Access Points

As shown on Figure 3-16 in Chapter 3 of this Initial Study, vehicular and bicycle access to the project site would be from; 1) the driveway to the Cupertino Village at the North Wolfe Road/Apple Park Way (#8) intersection and 2) the North Wolfe Road/Pruneridge Avenue (#9) intersection. These locations are evaluated in criterion (a) and the level-of-service impacts were determined to be less than significant.

The driveway to the Cupertino Village at the North Wolfe Road/Apple Park Way (#8) intersection currently allows inbound and outbound right turns only from North Wolfe Road. The project proposes to modify this intersection in one of two options, which are discussed below.

Wolfe Road Access Option #1:

Approval of Option #1 would result in no modifications to the turn movements at the North Wolfe Road/Pruneridge Avenue (#9) intersection and modifications to the driveway to the Cupertino Village at the North Wolfe Road/Apple Park Way (#8) would prohibit outbound trips but continue to allow inbound trips limited to right turns only from North Wolfe Road. This driveway is currently limited to inbound right turns only from North Wolfe Road because the driveway does not squarely line up with the Apple Park Way leg of the intersection. This misalignment is shown on Figure 3-3 in Chapter 3 of this Initial Study. As shown on Figure 3-4 in Chapter 3 of this Initial Study, the proposed project would install a strip of landscaping between this access point and the existing Cupertino Village to the north. The landscaping improvements and narrowing of this access point would improve pedestrian and bicycle movement at this intersection, which aligns with City's General Plan visions to improve walkability by eliminating an additional and potentially unsafe driveway opening (General Plan Policy M-3.5).

The incorporation of this modification to prohibit outbound trips, would shift existing traffic from the Cupertino Village currently utilizing this right-turn exit only driveway (two outbound trips during the AM, and 20 outbound trips during the PM) to the other existing right-turn only shopping center driveway located just under 300 feet to the north. Because these volumes are considered to be a small amount, the shift would not have a noticeable effect on the driveway operations to the north.

The project-generated gross trips that are estimated to occur at North Wolfe Road/Pruneridge Avenue (#9) intersection are 34 inbound trips and 40 outbound trips during the AM peak hour, and 32 inbound trips and 57 outbound trips during the PM peak hour. Based on the traffic volumes near the project site and observations of existing traffic operations along North Wolfe Road, vehicle queues are not expected to exceed a few (two to three) vehicles in length during the peak hours. Given that this driveway positioned as the west leg of the Wolfe Road/Pruneridge Avenue (#9) intersection, inbound and outbound left-turning project trips are made under a protected left-turn signal.

The project-generated gross trips that are estimated to occur at the driveway to the Cupertino Village at the North Wolfe Road/Apple Park Way (#8) intersection are 22 inbound trips during both the AM and PM peak hours and no outbound trips would be permitted. Based on the traffic volumes near the project site and the proposed turn-restrictions at this entrance, vehicle queuing issues would not occur.

Accordingly, no hazards are anticipated at these entrance points under Option #1. Impacts related to hazardous intersection conditions would be *less than significant*.

Wolfe Road Access Option #2:

Approval of Option #2, like Option #1, would result in no modifications to the turn movements to the North Wolfe Road/Pruneridge Avenue (#9) intersection. However, Option #2 would result in the closure of the driveway to the Cupertino Village at the North Wolfe Road/Apple Park Way (#8) intersection. Accordingly, the existing right-turn entry/exit restrictions at this intersection would be removed.

The incorporation of this modification would shift existing traffic to/from the Cupertino Village currently utilizing this right-turn entrance/exit only driveway (two inbound and two outbound trips during the AM, and 15 inbound and 20 outbound trips during the PM) to the other existing right-turn only shopping center driveway located just under 300 feet to the north. Because these volumes are considered to be a small amount, the shift would not have a noticeable effect on the driveway operations to the north.

Project-generated traffic entering the project site from the north (22 AM and PM inbound trips) would be shifted south to the Wolfe Road/Pruneridge Avenue (#9) intersection. With implementation of this site access option, the level of service at the Wolfe Road/Pruneridge Avenue (#9) intersection would remain unchanged at LOS C or better during both peak hours under all traffic scenarios. Thus, with Option #2, project site access would remain adequate. Accordingly, no hazards would occur at these entrance points under this option and impacts would be *less than significant*.

Like Option #1, landscaping would be installed but would be expanded from the strip shown on Figure 3-3 in Chapter 3 to the entire width of the closed intersection and the sidewalk and bike lanes would be continued through the closed intersection gap. While both options would improve pedestrian and bicycle movement in the project area aligns with City's General Plan visions to improve walkability by eliminating a driveway opening (General Plan Policy M-3.5).

In summary, both options would result in less than significant impacts, but Option #2, which would completely close the driveway to the Cupertino Village at the at the North Wolfe Road/Apple Park Way (#8) intersection would eliminate the potential for illegal left turns into the site from northbound North Wolfe Road and illegal attempts to align with the lane allowing U-turns to go in the northbound direction on North Wolfe Road at the Apple Park Way intersection that have been observed and reported to City staff. Additionally, Option #2 would more fully align with General Plan Policy M-3.5 improve pedestrian and bicycle movement in the project area.

Sight Distance

There are no existing trees or visual obstructions along the project frontage to obscure sight distance at the project driveways. All proposed landscaping would be routinely maintained at the project access points to be free and clear of any obstructions to provide adequate sight distance, thereby ensuring that exiting vehicles can see pedestrians on the sidewalk and vehicles and bicycles traveling on North Wolfe Road. In addition, the proposed hotel signage would be located to maintain the existing Caltrans-acceptable sight distance of 300 feet for North Wolfe Road to ensure an unobstructed view for drivers exiting the site. Note this site distance is based on a speed limit of 40 miles per hour. However, Wolfe Road is posted at 35 miles per hour; therefore, this is a conservative distance. Safety impacts associated with sight distance would be *less than significant*.

Truck Circulation

The designated loading area for delivery trucks is proposed to be located on the northern edge of the project site, adjacent to Cupertino Village. A truck loading dock would be accessed through the loading area. The preliminary site plan was reviewed for truck access using truck turning-movement templates for a truck types similar in size to small emergency vehicles, garbage trucks, and small to medium delivery and moving trucks (e.g., single-unit 30-foot (SU-30) trucks). Based on the preliminary site plan configuration, the off-street loading space would measure 18 feet wide by 38 feet long by 14 feet high and would provide adequate access for SU-30 truck types. While the 14-foot height would not cause a safety concern, the City standard is 15 feet high and the project may need to be revised during the approval process. Due to this loading dock dimension, trucks at this site would be limited to SU-30 or less and signs will be posted at this location identifying these limits. Safety impacts associated with truck circulation would be *less than significant*.

e) Would the project result in inadequate emergency access?

Access to the proposed project would generally be the same as under existing conditions. As described in criterion (d) above, no hazardous driving conditions due to a design feature would occur and adequate access for emergency vehicles would be provided. Emergency vehicles would continue to access the site in much the same way it is accessed today. 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 through all phases of construction and operation. Compliance with the provisions of the CFC and the CBC (described above), would ensure that adequate access would be provided. Therefore, the proposed project would not result in inadequate emergency access, *no impacts* 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?

Pedestrian facilities in the study area consist of sidewalks, crosswalks, and pedestrian signals at signalized intersections. The project is expected to increase the number of pedestrians using the sidewalks and crosswalks in the area. Project plans show existing sidewalks of approximately 8 feet in width backed by landscaping along its Wolfe Road frontage. The project would also construct a new 5-foot wide sidewalk along the southern frontage of the site. Although some sidewalk and crosswalk connections are missing along Pruneridge Avenue, the overall network of sidewalks and crosswalks in the study area has adequate connectivity and provides pedestrians with safe routes to transit services and other points of interest. Note that the project would not eliminate any existing pedestrian facilities, nor would it conflict with any adopted plans or policies any of the proposed for new pedestrian facilities.

There are some existing bike facilities in the immediate vicinity of the project site (see Chapter 2 for details). There are also many planned additional bicycle facilities in the study area, including buffered bike lanes along Wolfe Road, Homestead Road, and De Anza Boulevard, as well as a Class I bikeway along Blaney Avenue and the Cupertino Loop Trail south of I-280. The project would not remove any bicycle facilities, nor would it conflict with any adopted plans or policies for new bicycle facilities. However, the project applicant would still be required to pay the required City of Cupertino Traffic Impact fees, which supports the ongoing improvements to the citywide bicycle infrastructure.

The project site is well-served by VTA bus routes. The closest bus stops are located a two-minute walk (about 500 feet) to and from the project site, providing access to local bus routes 26 and 81. Additional bus routes are available at the Vallco Shopping Center Park & Ride Lot, located about a mile south of the project site, and Bus Route 26 provides direct access to the Vallco Shopping Center. The VTA has not established policies or significance criteria related to transit vehicle delay. The new transit trips generated by the project are not expected to create demand in excess of the transit service that is currently provided.

In summary, 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. Accordingly, impacts would be *less than significant*.

XVI. UTILITIES AND SERVICE SYSTEMS

Would the proposed 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?	❒	❒	■	❒
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?	❒	❒	■	❒
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?	❒	❒	■	❒
d) Have insufficient water supplies available to serve the project from existing and identified entitlements and resources?	❒	❒	■	❒
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?	❒	■	❒	❒
f) Not be served by a landfill with sufficient permitted capacity to accommodate the buildout of the project's solid waste disposal needs?	❒	❒	■	❒
g) Comply with federal, state, and local statutes and regulations related to solid waste?	❒	❒	■	❒
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?	❒	❒	■	❒

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.[82] However, according to the Santa Clara County Integrated Waste Management Plan, the landfills in the County (including NISL where the City's collected solid waste is currently being landfilled) have adequate disposal capacity beyond 2026. [83] The City, therefore, has options for landfill service once the City's existing contract with NISL ends in 2023.
- Gas and electricity would be supplied to the project site by Pacific Gas & Electric (PG&E).

A water supply assessment (WSA) is required pursuant to Senate Bill 610 (SB 610) for certain projects such as hotel or motel developments exceeding 500 rooms. Because this development is within the 500-room threshold, a WSA would not be required and was not prepared for this project.

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.[84] The NPDES Order sets out a framework for compliance and enforcement applicable to operation of the SJ/SCWPCP and its effluent, as well as those contributing influent to the SJ/SCWPCP. This NPDES Order 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, serving as the Discharger, has an approved pretreatment program, which includes approved local limits as required by prior permits. The SJ/SCWPCP is required to monitor the permitted discharges in order to evaluate compliance with permit conditions.

The proposed hotel 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

[82] CalRecycle website, http://www.calrecycle.ca.gov/SWFacilities/Directory/43-AN-0003/Detail/, accessed May 8, 2018.
[83] Santa Clara County Integrated Waste Management Plan, County of Santa Clara Environmental Resources Agency, 1996.
[84] 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-%204-09.pdf, accessed May 8, 2018.

treatment standards established by the RWQCB. Impacts to sanitary wastewater quality would be *less than significant*.

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 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 consultation with the City of Cupertino and includes consideration of development in the city through the 2040 buildout horizon of the General Plan. Therefore, development of the proposed project would not require 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 IX, Hydrology and Water Quality, above, the proposed project would not require the expansion of existing storm drain facilities. The project would involve the redevelopment of a previously developed site and a decrease in impervious surface is expected. All new development that, like the proposed project, creates or replaces 10,000 square feet or more of impervious surface would be subject to Santa Clara Valley Urban Runoff Pollution Prevention Program Provision C.3 guidelines for stormwater control, as described under criterion a. Through C.3 compliance, the proposed project would involve actions to minimize runoff from the project site as described in Section IX, Hydrology and Water Quality, above. 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.

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, the water supply at project buildout year 2020 would be 13,078 acre feet[85] per year (afy) and at General Plan buildout year 2040 would be 16,984 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 in the City at a greater number

[85] One *acre-foot* equals about 326,000 gallons, or enough water to cover an *acre* of land, about the size of a football field, one *foot* deep.

of hotel rooms than proposed under the project (1,000 rooms compared to 185 rooms); therefore, water supply impacts were adequately addressed in the General Plan EIR.

The applicable water use generation rate for hotel rooms and banquet areas, such as the proposed project, would be 0.50 gallons per day per square foot (gpd/sf). Therefore, the estimated water demand is 185 hotel rooms x 390 square foot per room x 0.50 gpd/sf for a total of 72,151 gpd or 81 afy.[86] The Water Supply Evaluation prepared for the General Plan EIR estimated a total of 1,339 hotel rooms (1,000 new rooms plus 339 existing rooms) would generate water demand of 261,100 gpd or 293 afy. Accordingly, the proposed project's water demand would not exceed the available water supply in 2020 at project buildout or by the General Plan buildout year (2040). Accordingly, impacts to water supply under the proposed project would be *less than significant*.

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 contractual wastewater limits for the collection systems of the CSD or City of Santa Clara.

Based on the May 2007 *City of Santa Clara Sewer Capacity Assessment*, the estimated wastewater generation rate for hotel uses is 100 gpd per room. Applying this generation rate, the proposed 185-room hotel would generate up to 18,500 gpd or approximately 0.0185 mgd of wastewater.

The SJ/SCWPCP's current total capacity of 450 mgd. Combined, the proposed project's wastewater generation (0.0185 mgd) and the existing wastewater generated (105 mgd) would not exceed the SJ/SCWPCP's current total capacity of 450 mgd.

The CSD has a contractual maximum treatment allocation of 7.85 mgd, on average, with the SJ/SCWPCP. At the time of the General Plan EIR, the wastewater generation of 5.3 mgd was estimated by the CSD.[87] Combined, the existing wastewater flow (5.3 mgd) plus the proposed project (0.0185 mgd) would not exceed the City's contractual allocation limits (7.85 mgd). Furthermore, the proposed 185-room hotel is within the 1,339-hotel-room limit evaluated in the General Plan EIR; therefore, no new impact would result.

The CSD wastewater system flows through a portion of the City of Santa Clara's sewer system. The contractual agreement between CSD and the City of Santa Clara, for this portion of the Santa Clara sewer system, allows 13.8 mgd during peak wet weather flows. The existing CSD peak wet weather flow into the

[86] The SB 610 Water Supply Assessment, prepared for CalWater by Yarne & Associates, Inc., March 1, 2016 for the certified General Plan EIR.

[87] City of Cupertino, General Plan (Community Vision 2015–2040, Appendix B: Housing Element Technical Report, 4.3 Environmental, Infrastructure & Public Service Constraints, page B-93.

Santa Clara system is 10.7 mgd.[88]Therefore, there is an available capacity of approximately 3.1 mgd during peak wet weather flows for the CSD service area, which includes the project site. A peak wet weather flow multiplier of four times the average dry weather flow was used to establish the available wastewater generation capacity for average wastewater flows for the proposed project.[89] Therefore, the available sewer capacity of 3.1 mgd during peak wet weather flow equates to approximately 0.775 mgd of available capacity for average dry weather flow. Incorporating estimated wastewater generation from the proposed project and from other potential projects as established by the General Plan and other approved projects, the total capacity needed to serve these projects is approximately 0.749 mgd.[90] Because the needed capacity (0.749 mgd) is less than the total available average dry weather capacity (0.775 mgd), there is adequate sewer capacity in the contractual agreement between CSD and the City of Santa Clara to serve the project and the General Plan buildout.

According to the City, there is the possibility that additional hydraulic modeling could be completed by the CSD on the CSD wastewater system prior to issuing building permits for the proposed project, which is anticipated to be operating by year 2021. If additional hydraulic modeling is performed on the CSD system prior to issuing building permits for the Cupertino Village Hotel project that indicates that construction and operation of the proposed hotel would exceed the 13.8 mgd contractual limit through the City of Santa Clara and CSD a significant impact would occur. With implementation of Mitigation Measure UTIL-1, impacts would be *less than significant*.

Mitigation Measure UTIL-1: No building permits shall be issued by the City for the proposed Cupertino Village Hotel Project that would result in exceeding the permitted peak wet weather flow capacity of 13.8 mgd through the Santa Clara sanitary sewer system. The project applicant may demonstrate, to the satisfaction of the City of Cupertino and Cupertino Sanitary District (CSD), that the proposed hotel would not exceed the peak wet weather flow capacity of the Santa Clara sanitary sewer system by implementing one or more of the following methods:

1) Reduce inflow and infiltration in the CSD system to reduce peak wet weather flows; or

2) Increase on-site water reuse, such as increased grey water use, or reduce water consumption of the fixtures used within the proposed project, or other methods that are measurable and reduce sewer generation rates to acceptable levels, to the satisfaction of the CSD.

The proposed project's estimated wastewater generation shall be calculated using the generation rates used by the *San Jose-Santa Clara Water Pollution Control Plant Specific Use Code & Sewer Coefficient* table in the May 2007, *City of Santa Clara Sanitary Sewer Capacity Assessment*,[91] unless

[88] Mark Thomas. Email communication with Cupertino Public Works. July 19, 2018.
[89] A four times multiplier is generally considered a conservative figure.
[90] Sewage coefficients use to calculate the sewer generation rates for the various uses in the project and the General Plan buildout were taken from the San Jose - Santa Clara Water Pollution Control Plant Specific Use Code & Sewer Coefficient table and from the City of Santa Clara Sanitary Sewer Capacity Assessment, May 2007.
[91] Mark Thomas and Associates. Email communication with Cupertino Public Works. July 19, 2018.

alternative (i.e., lower) generation rates achieved by the proposed project are substantiated by the project applicant based on evidence to the satisfaction of the CSD.

Alternatively, if the prior agreement between CSD and the City of Santa Clara that currently limits the permitted peak wet weather flow capacity of 13.8 mgd through the Santa Clara sanitary sewer system were to be updated to increase the permitted peak wet weather flow, this would also render any impacts to be less than significant. If this were to occur prior to the City's approval of building permits, then Mitigation Measure UTIL-1 would no longer be required to be implemented.

Implementation of the Mitigation Measure UTIL-1 would guarantee that no development on the project site could occur that would exceed 13.8 mgd peak wet weather flow contractual limit through the City of Santa Clara and CSD by ensuring that no building permit would be issued for any structures or units that result in the contractual limit being exceeded until: (1) additional capacity is available through the City of Santa Clara's sewer system; (2) improvements would be made to the CSD sewer system that reduce the peak wet weather flows that enter the City of Santa Clara system; (3) improvements would be made on the project site that ensure the contractual limit is not exceed; or (4) the completion of any combination of these approaches that adequately addresses potential capacity issues. Accordingly, impacts would be *less than significant with mitigation.*

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, above, 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 and has not secured a new landfill contract. However, according to the Integrated Waste Management Plan, the landfills in the County (including NISL where the City's collected solid waste is currently being landfilled) have adequate disposal capacity beyond 2026. [92] The City, therefore, has options for landfill service once the City's existing contract with NISL ends in 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.

Waste management for the proposed project would focus on waste, recycling, and composting. 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 CMC Chapter 16.72, Recycling and Diversion of Construction and Demolition Waste, and the City's Zero Waste Policy, which requires the recycling or diversion at least 65 percent of all generated construction and

[92] Santa Clara County Integrated Waste Management Plan, County of Santa Clara Environmental Resources Agency, 1996.

demolition (C&D) waste by salvage or by transfer to an approved facility.[93,94] Prior to the issuance of any demolition, grading, and/or building permits, the applicant is required to submit a properly completed Waste Management Plan. The Waste Management Plan shall do the following:

- Identify the materials to be diverted from disposal by recycling, reused on the project, or salvaged for future use or sale.
- Specify if materials would be sorted on-site or mixed for transportation to a diversion facility.
- Identify the diversion facility where the material collected will be taken.
- Identify construction methods employed to reduce the amount of waste generated.
- Specify that the amount of materials diverted shall be calculated by weight or volume, but not by both.

Compliance with CMC Chapter 16.72 and the City's Zero Waste Policy would reduce solid waste and construction-related impacts on the landfill capacity.

The operation of the project is estimated to generate approximately 86 net new employees on the site. In 2016, the city of Cupertino's actual disposal rate for employees was 4.5 pounds per person per day (PPD), a much lower disposal rate than the estimated target disposal rate of 8.1 PPD.[95] The city of Cupertino's disposal rates for employees have been below target rates and steadily decreasing since 2007, with the exception of 2014, when the rate (9.8 PPD) exceeded the target (8.10 PPD).[96] The project would also include temporary residents at the hotel. According to CalRecycle, the disposal rate of hotels is estimated to be 2 pounds per day for each room.[97] Applying these disposal rates, the project would generate approximately 1,067 pounds per day or 0.5 tons per day of new waste,[98] 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 have a less-than-significant impact with regard to staying within the 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

[93] Cupertino Municipal Code, Title 16, Buildings and Construction, Chapter 16.72, Recycling and Diversion of Construction and Demolition Waste, Section 16.72.040, Diversion Requirement.

[94] City of Cupertino, Public Works, Garbage & Recycling, https://www.cupertino.org/our-city/departments/environment-sustainability/waste, accessed October 4, 2018.

[95] CalRecycle, "Jurisdiction per Capita Disposal Trends: Cupertino," http://www.calrecycle.ca.gov/, accessed June 10, 2018.

[96] CalRecycle, "Jurisdiction per Capita Disposal Trends: Cupertino," http://www.calrecycle.ca.gov/, accessed June 10, 2018.

[97] CalRecycle, "Estimated Solid Waste Generation Rate," https://www2.calrecycle.ca.gov/WasteCharacterization/General/Rates, accessed June 10, 2018.

[98] (8.1 PPD x 86 net new employees) + (2 PPD x 185 rooms) = 1,067 PPD

established by CalRecycle. As part of the *Countywide Integrated Waste Management Plan* to address waste management conditions within Santa Clara County, Cupertino adopted a Source Reduction and Recycling Element (SRRE)[99] and Household Hazardous Waste Element (HHWE)[100] in compliance with the California Integrated Waste Management Act.[101] 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. Additionally, in December 2017, the City adopted a Zero Waste Policy.[102] According to the Zero Waste Policy, the City will require, through the City's waste hauling franchise agreement, steadfast and ongoing efforts by the City's franchisee to maintain a minimum residential and commercial waste diversion rate of 75 percent with a goal of reaching and maintaining 80 percent by 2025.These programs will be sufficient to ensure that future development in Cupertino, including the proposed project, would not compromise 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 CMC Chapter 16.72, requiring that a minimum of 65 percent of C&D debris be diverted from landfill.[103] Additionally, the City's Zero Waste Policy also requires that all private construction projects that come through the City's permitting process, and all City projects (through contract requirements), to recover and divert at least 65 percent of the construction waste generated by the project. 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 and replace them with new structures that would meet the current Building and Energy Efficiency Standards. The 2013 Building and Energy Efficiency Standards became effective July 1, 2014. The 2013 Standards are 30 percent more energy efficient than previous standards for non-residential buildings. The project provides connectivity to existing transit, bicycle and pedestrian facilities and locates a hotel development in close proximity to existing hotel-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 X, Land Use, above, the proposed project complies with the General Plan land use designation requirements as well as the Zoning district requirements and would not

[99] City of Cupertino, Public Works, Source Reduction and Recycling Element, September 21, 1992.
[100] City of Cupertino, Public Works, Household Hazardous Waste Element, September 21, 1992.
[101] Cupertino Municipal Code, Title 9, Health and Sanitation, Chapter 9.6, Solid Waste, Non-Organic Recycling and Recycling Areas, Section 9.16.010(a), Purpose.
[102] City of Cupertino, Public Works, Garbage & Recycling, https://www.cupertino.org/our-city/departments/environment-sustainability/waste, accessed October 4, 2018.
[103] Cupertino Municipal Code, Title 16, Buildings and Construction, Chapter 16.72, Recycling and Diversion of Construction and Demolition Waste, Section 16.72.040, Diversion Requirement.

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.

XVII. 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?	❒	❒	■	❒
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)?	❒	■	❒	❒
c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	❒	❒	■	❒

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?

The project site is in an urbanized and extensively developed area of Cupertino. Almost entirely built out with commercial and residential development, and associated surface parking, the project site has few green spaces and trees within and surrounding the on-site buildings. 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. The implementation of Mitigation Measures BIO-1, CULT-1, CULT-2, and TCR-1 would serve to protect nesting birds and unknown cultural resources. Therefore, implementation of the

proposed project would result in a *less-than-significant* impact to the quality of the environment, wildlife, and major periods of California history or prehistory.

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)?

CEQA Guidelines Section 15355 defines cumulative impacts as two or more individual effects which, when considered together, are considerable or which compound or increase other environmental impacts. Cumulative impacts may result from individually minor, but collectively significant projects taking place over a period of time. CEQA Guidelines Section 15130(b) advises that a discussion of cumulative impacts should reflect both the severity of the impacts and the likelihood of their occurrence. To accomplish these two objectives, CEQA Guidelines Section 15130 permits two different methodologies for completion of a cumulative impact analysis and allows for a reasonable combination of the two approaches:

- The 'list' approach permits the use of a list of past, present, and probable future projects producing related or cumulative impacts, including projects both within and outside the city; and
- The 'projections' approach allows the use of a summary of projections contained in an adopted plan or related planning document, such as a regional transportation plan, or in an EIR prepared for such a plan. The projections may be supplemented with additional information such as regional modeling.

Table 4-20 shows the other reasonably foreseeable projects in Cupertino and how they relate to the maximum buildout potential evaluated in the General Plan EIR.

TABLE 4-20 REASONABLY FORESEEABLE DEVELOPMENT PROJECTS IN CUPERTINO

	Hotel	Residential	Commercial	Office
General Plan EIR: Maximum Development Potential	1,339	4,421	1,343,679	4,040,231
Total Foreseeable Development	86	3,938	620,000	1,833,000
Marina Plaza[a]	*122*	*188*		*23,000*
The Hamptons Redevelopment[a]		*600*		
The Forum[a]		*23*		
Westport Cupertino[b]		*204*	*20,000*	
De Anza Hotel[b]	*140*			
Vallco[c]	*339*	*2,923*	*600,000*	*1,810,000*
General Plan EIR: Remaining Development Potential	738	483	723,679	2,207,231

Notes:
a. The project has been approved.
b. The project is under review.
c. The buildout numbers are a sum of the greatest buildout potential for this site and are derived from the approved Vallco Town Center Specific Plan and the approved Vallco SB 35 Application.
Source: City of Cupertino, 2018.

The General Plan EIR evaluated the cumulative effects using the summary of projections approach provided for in CEQA Guidelines Section 15130(b)(1)(B). The General Plan EIR took into account growth from the General Plan within the Cupertino city boundary and Sphere of Influence (SOI), in combination with projected growth in the rest of Santa Clara County and the surrounding region, as forecast by ABAG.

The General Plan EIR included an assessment of the redevelopment of the project site with mixed-use, hotel, retail, and residential projects. The hotel assumptions included an evaluation of up to 300 hotel rooms, which is greater than the proposed 185-room Cupertino Village Hotel. Therefore, as shown in Table 4-20, the project when combined with the other reasonably foreseeable projects in Cupertino would not exceed the maximum buildout potential evaluated in the General Plan EIR. The impact discussions in Section I through Section XVI above 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 EIR. As shown, the project's impacts were determined to be less than significant or less than significant with mitigation in the cumulative context. However, since the certification of the General Plan EIR, the City has approved new development at the Vallco project site. While, as shown in Table 4-20, this development at the Vallco site is consistent with the maximum buildout potential in the General Plan EIR for citywide cumulative discussions (e.g., population and housing, water supply, etc.), the General Plan EIR did not evaluate the specific amount of buildout at the Vallco site that is shown in Table 4-20, therefore, localized cumulative impacts such as traffic, noise, and utilities infrastructure were not captured in the General Plan EIR. Accordingly, the cumulative impact discussion presented below includes a discussion of the cumulative impacts associated with the Vallco site specific development.

The discussion below addresses two aspects of cumulative impacts: (1) would the effects of the cumulative development result in a cumulatively significant impact on the resources in question and, if that cumulative impact is likely to be significant, (2) would the contributions to that impact from the project, which is the subject of this Initial Study, be cumulatively considerable. Per CEQA Guidelines Section 15064(h)(1), "cumulatively considerable" means that the incremental effects of an individual project are significant when viewed in connection with the effects of past, current, and probable future projects. The CEQA Guidelines state that a lead agency has discretion to determine if a project's contribution to a significant cumulative impact is cumulatively considerable.

As discussed in the sections below, the implementation of the proposed project would not be expected to contribute to or result in significant cumulative impacts. The following provides cumulative impact analysis for each impact area discussed in this Initial Study under both scenarios:

- Aesthetics: The cumulative impact for aesthetics includes potential future development under the proposed project combined with effects of development on lands in close proximity to the project site that together would result in a substantial adverse effect on a designated scenic vista or if it would result in a substantial degradation of the visual quality or character in the vicinity of the project site. Due to the existing buildings and natural topography, the new buildings at the Vallco site together with the proposed project would not obstruct any public views to the distant scenic mountains. Therefore, the cumulative development would not result in a cumulatively significant impact to scenic resources and impacts from the proposed project would not be cumulatively considerable.

The project site is not located on a State scenic highway and no cumulative impact would occur; therefore, the project would also not contribute to a cumulative impact with respect to scenic highways.

Due to the distance of the Vallco site, the cumulative development would not result in a cumulatively significant impact to the visual character or light and glare of the Cupertino Village area and impacts from the proposed project would not be cumulatively considerable. Like the proposed project, other development in the city of Cupertino, including development at the Vallco site would be subject to the City's design review process to ensure that project features such as building design, landscaping, site planning, and signage, are consistent with the City's adopted plans, regulations, and design standards, as required. Moreover, similar to the proposed project, other projects would be required to be in conformance with General Plan goals and policies that seek to preserve and enhance the character of existing neighborhoods in Cupertino. The uniform application of these regulations, goals, and policies would ensure that all development in Cupertino is compatible with its surroundings upon approval. Additionally, the design review requirement as well as subsequent CEQA review, if necessary, would give the City the opportunity to evaluate projects' potential impacts on scenic resources prior to approval. Therefore, the proposed project would not contribute to or result in a significant cumulative impact. Cumulative impacts would be *less than significant*.

- Air Quality: Emissions affecting air quality are, by their nature, regionally and globally cumulative impacts; therefore, the discussion in Section II, Air Quality, of this Initial Study, evaluates cumulative conditions. As discussed in Section II, the San Francisco Bay Area Air Basin (SFBAAB) is currently designated as a nonattainment area for California and national O_3, California and national fine inhalable particular matter ($PM_{2.5}$), and California coarse inhalable particulate matter (PM_{10}) ambient air quality standards (AAQS). Any project that does not exceed or can be mitigated to less than the Bay Area Air Quality Management District (BAAQMD) significance levels will not result in a significant or cumulatively considerable impact. The proposed project would result in a less-than-significant impact with implementation of Mitigation Measures AQ-1 and AQ-2. Therefore, implementation of the proposed project would not contribute to or result in a cumulative impact with respect to air quality. Cumulative impacts would be *less than significant*.
- Biological Resources: The potential impacts of a proposed project on biological resources tend to be site-specific, and the overall cumulative effect is dependent on the degree to which significant vegetation and wildlife resources are protected on a particular site. This includes preservation of well-developed native vegetation (e.g., marshlands, native grasslands, oak woodlands, riparian scrub and woodland, etc.), populations of special-status plant or animal species, and wetland features (including seasonal wetlands and drainages). Environmental review of specific development proposals in the vicinity of a development site should serve to ensure that important biological resources are identified, protected, and properly managed, and to prevent any significant adverse development-related impacts, including development for the remaining undeveloped lands in the surrounding area.

  As discussed in Section III, Biological Resources, of this Initial Study, the footprint of the project site lacks any sensitive biological resources. In addition, compliance with Mitigation Measure BIO-1 and City's Tree Protection Ordinance, CMC Section 14.80.050 the projects impacts would be less than significant with mitigation. Accordingly, the project would not contribute to any cumulative impacts

on special-status species, sensitive natural communities, or regulated wetlands. And the impacts associated with future development facilitated by the proposed project would not contribute to a cumulative reduction of important wildlife habitat. Therefore, implementation of the proposed project would have a *less-than-significant* cumulative impact with respect to biological resources.

- Cultural and Tribal Cultural Resources: The cumulative impact for cultural and tribal cultural resources includes development under the proposed project combined with effects of development on lands within Cupertino and the region. The proposed project, in conjunction with development on lands within the city, has the potential to cumulatively impact cultural resources including archaeological and paleontological deposits, human remains, and tribal cultural resources. As discussed in Sections IV Cultural and Section V, Tribal Cultural Resources, of this Initial Study, the project site is not included in the California Register and is not included as a designated historic resource in the City's Historic Resource Inventory database; thus, the proposed project would result in no impact to historic architectural resources. Compliance with Mitigation Measures CULT-1, CULT-2, as well as Health and Safety Code Section 7050.5 and the CEQA Guidelines Section 15064.5(e), would ensure that implementation of the proposed project would have a less-than-significant impact to unknown archaeological resources, paleontological resources, human remains, or tribal cultural resources. Accordingly, the proposed project would not create or contribute to a cumulative impact on cultural resources. Additionally, the existing federal, State, and General Plan policies serve to protect cultural resources Cupertino. Other projects in Cupertino would be required to comply with these regulations to avoid impacts to historical, archaeological, paleontological resources, human remains, and tribal cultural resources to the maximum extent practicable. Therefore, in combination with past, present, and reasonably foreseeable projects, the project would result in a *less-than-significant* cumulative impact with respect to cultural resources.
- Geology and Soils: The proposed project or another project the surrounding vicinity would be required to meet the latest standards set forth in the California Building Code. The California Building Code requirements, along with requirements in the CMC, ensure that any development on unstable soil or expansive soil is regulated to minimize potential hazards. The CMC includes requirements for the performance and review of geological investigations prior to the issuance of building permits in a State-designated Alquist-Priolo fault zone. Moreover, in combination with foreseeable development in the surrounding area, implementation of the proposed project would not change the geology or soil characteristics of the project area as a whole. The proposed project would not result in a significant impact with respect to geology and soils, and would not significantly contribute to cumulative impacts in this regard. Therefore, the cumulative impacts associated with potential future development allowed by the proposed project, together with anticipated cumulative growth, would result in a *less-than-significant* cumulative impact with respect to geology and soils.
- Greenhouse Gas Emissions: Emissions contributing to the accumulation of GHG emissions are by nature regionally and globally cumulative impacts; therefore, the discussion in Section VII, Greenhouse Gas Emissions, of this Initial Study, evaluates cumulative impacts. As discussed in Section VII, the proposed project would not exceed BAAQMD's bright-line screening threshold of 1,100 metric tons of carbon dioxide equivalent ($MTCO_2e$). The proposed project as well as cumulative projects would also be subject to measures in the City's CAP in addition to statewide measures to reduce GHG

emissions. Therefore, the proposed project would not substantially contribute to long-term cumulative GHG emissions and cumulative impacts would be *less than significant.*

- Hazards and Hazardous Materials: As discussed in Section VIII, Hazards and Hazardous Materials, of this Initial Study, the project site includes no hazardous materials. The proposed project would introduce a hotel development on the project site, which could release hazardous materials into the environment during construction, but this type of use would not involve the use of hazardous materials large enough quantity (cleansers, degreasers, pesticides, and fertilizers) to create a hazard to the public or the environment. Standard precautions and best management practices to prevent spills would minimize exposure of hazardous materials to people and the environment would be carried out in accordance with applicable local, State, and federal laws described in Section VIII. Therefore, the proposed project would not contribute to a significant cumulative hazardous materials impact. In addition, the project site is not in the vicinity of a private airstrip or airport, located in a wildfire hazard area, and would not obstruct any routes identified in the City of Cupertino Emergency Operations Plan. Accordingly, implementation of the proposed project would not contribute to a significant cumulative impact related to airports, wildfires, or interference with an emergency response plan. Future development on the project site and other future development in Cupertino would be required to comply with the existing regulations, which ensure the protection of worker and community safety during construction, in addition to other local, State and federal regulations discussed in Section VIII aimed at protecting public safety. As such, the cumulative impacts from of the proposed project would be *less than significant*.
- Hydrology and Water Quality: The geographic context used for the cumulative assessment of water quality and hydrology impacts is the Calabazas Creek watershed. As discussed in Section IX, Hydrology and Water Quality, the proposed project would be required to comply with State and local policies that would reduce hydrology and water quality impacts to less-than-significant levels. Any new development in Cupertino and the Calabazas Creek watershed would be subject, on a project-by-project basis, to independent CEQA review, if necessary, as well as policies in the General Plan, design guidelines, zoning codes, adherence to applicable City requirements that protect water quality. More specifically, potential changes from cumulative development related to stormwater quality, stormwater flows, drainage, impervious surfaces, and flooding would be minimized via the implementation of stormwater control measures, retention, and low impact development measures, and review by City personnel that could require additional measures to reduce potential flooding impacts.

  Compliance with the San Francisco Bay Regional Water Quality Control Board's (San Francisco Bay RWQCB's) Municipal Regional Permit (MRP) would require best management practices and low impact development features to be included in any proposed project. These best management practices include site design, source control, and treatment control measures that provide both flow control and treatment to runoff before it enters the storm drain system or receiving water bodies. In addition, all projects that disturb over 1 acre or more would be required to prepare a Storm Water Pollution Prevention Plan (SWPPP) with erosion and sediment controls that address construction impacts.

All cumulative projects would be subject to similar permit requirements. The water quality regulations implemented by the San Francisco Bay RWQCB take a basin-wide approach and consider water quality impairment in a regional context. For example, the NPDES Construction Permit ties receiving water limitations and basin plan objectives to terms and conditions of the permit, and the MRP works with all municipalities to manage stormwater systems to be collectively protective of water quality. For these reasons, impacts to water quality for the proposed project are not cumulatively considerable and the cumulative impact would be *less than significant.*

- Land Use: As discussed in Section X, Land Use, of this Initial Study, the proposed project would not conflict with any applicable land use plans, policies, or regulations. In addition, the proposed project would not physically divide an existing community, nor would the proposed project conflict with an adopted conservation plan. Therefore, the proposed project would not contribute to or result in a significant cumulative impact land use and planning impact. Cumulative impacts would be *less than significant*.
- Noise: As discussed in Section XI, Noise, of this Initial Study, the proposed hotel could increase the community noise environment around the area due to stationary sources from construction equipment and building operation (e.g., heating, ventilation, and air conditioning equipment on top of the future buildings) and from vehicles trips traveling to and from the project site. However, operation of the proposed hotel would not exceed the City's noise standards, and impacts from construction noise could be reduced to less-than-significant levels with implementation of Mitigation Measure NOISE-1. There are no reasonably foreseeable cumulative projects in the area of the proposed project that could increase the community noise level. To determine the cumulative traffic noise level increase, the Cumulative Plus Project traffic volumes in the Vallco Special Area Specific Plan Transportation Impact Analysis [104] were compared to the existing traffic volumes. The permanent noise level increase was estimated to be 2.9 dBA or less on study roadway segments. A noise level increase of 3 dBA community noise equivalent level (CNEL) is considered barely perceptible in outdoor environments and would not represent a potentially significant noise increase. Accordingly, the proposed project would not contribute to or result in a significant cumulative impact. Cumulative impacts would be *less than significant*.
- Population and Housing: Impacts of cumulative growth are considered in the context of their consistency with regional planning efforts. As described in Section XII, Population and Housing, the proposed project would not induce a substantial amount of growth or require the construction of replacement housing elsewhere. As shown in Table 4-20, the cumulative projects are within the scope of development evaluated in the General Plan EIR which was found to be consistent with the regional growth projections (i.e., Plan Bay Area). The proposed project would be an infill hotel development and would not indirectly induce substantial growth through the extension of roads or other new infrastructure that would lead to additional growth outside the project site. Therefore, implementation of the proposed project would be consistent with these regional growth projections and would not induce substantial regional population growth. Thus, the proposed project would not

[104] Cumulative Plus Project traffic volumes were obtained from the Vallco Special Area Specific Plan Transportation Impact Analysis, May 22, 2018.

contribute to cumulative growth that would displace substantial numbers of people or housing or exceed planned levels of growth. As future projects are proposed, they would be required to demonstrate consistency with regional growth projections the same as the proposed project. Therefore, cumulative impacts would be *less than significant*.

- Public Services: The primary purpose of a public services impact analysis is to examine the impacts associated with physical improvements to public service facilities required to maintain acceptable service ratios, response times or other performance objectives. Public service facilities need improvements (i.e., construction, renovation or expansion) as demand for services increase. Increased demand is typically driven by increases in population. A significant environmental impact would occur if a proposed project would exceed the ability of public service providers to adequately serve residents, thereby requiring construction of new facilities or modification of existing facilities resulting in a physical impact to the environment. As with the proposed project, future development in Cupertino would be required to undergo project review and comply with the most recent California Building Code as California Fire Code as incorporated into the CMC and General Plan policies required to reduce impacts to public services. In addition, future projects would also be required to pay all developer impact fees to the school districts that serve their sites pursuant to Section 65996 of the California Government Code, which is deemed to fully mitigate the impacts of new development on school services. As discussed in Section XIV, Public Services, of this Initial Study, the proposed project would not cause any of the public service providers that serve the project site to construct a new facility or modify an existing facility in order to meet their performance objectives. Accordingly, the cumulative development would not result in a cumulatively significant impact to public services and impacts from the proposed project would not be cumulatively considerable. Cumulative impacts would be *less than significant*.
- Parks and Recreation: Like the proposed project, the cumulative projects in Cupertino that introduce new residents to Cupertino would be required to comply with the parkland requirements in the CMC, which requires new housing projects to provide 3.0 acres of parkland per 1,000 population or pay the equivalent parkland in-lieu fee. The use of parkland fees supports the development, acquisition, and renovation of park facilities and recreational facilities. In addition, other proposed hotels, like the proposed project would be pay the City's Transient Occupancy Tax that would support the City's public services funds that are used in part to maintain the City's recreational facilities. Accordingly, the cumulative development would not result in a cumulatively significant impact to park and recreation facilities and impacts from the proposed project would not be cumulatively considerable. Therefore, cumulative impacts would be *less than significant.*
- Transportation and Circulation: As discussed in Section XV, Transportation and Circulation, the TIA for the proposed project includes additional traffic generated by approved projects only. The Future Growth scenario volumes were calculated by applying a 1.2 percent annual growth factor that would capture new growth in the area to the project's buildout year of 2021. The TIA does not consider specific development projects, such as the development permitted on the Vallco site. Furthermore due to the minimal trips generated (less than 100 daily trips) the TIA evaluated CMP intersections only per the CMP Guidelines. As shown in Section XV, the proposed project's traffic-related impacts were found to be less than significant at project buildout year of 2021.

The EIR prepared for the Vallco development under the Specific Plan scenario was required to evaluate the cumulative long-range transportation impacts, which included the proposed Cupertino Village Hotel. The Vallco EIR found that the proposed Vallco development, under the Specific Plan option, would result in significant impacts to the CMP intersections that would be affected by the proposed project as follows:

- Wolfe Road/Fremont Avenue #2 (Vallco intersection 23)
- De Anza/Homestead #5(Vallco intersection #8);
- Homestead/North Wolfe #6 (Vallco Intersection #26)
- Homestead/Lawrence #7 (Vallco Intersection #48)
- Vallco/North Wolfe #12(Vallco intersection #31)

Accordingly, the cumulative development would result in a cumulatively significant impact. The proposed Cupertino Village Hotel project is anticipated to be constructed and operating by 2021. Because the full buildout development at Vallco is not anticipated to be online prior to this time, the proposed project's analysis that captured the 1.2 percent growth rate in the City would adequately address the level of cumulative development that could occur by year 2021 and would not result in a cumulatively considerable impact. Furthermore, the project applicant would be required to pay the required City of Cupertino Traffic Impact fees, which supports the ongoing improvements to the citywide roadway infrastructure.[105] No other significant cumulative impacts would occur with respect to safety, transit and impacts to other modes of transportation (i.e., pedestrians and bicycle infrastructure). Accordingly, cumulative impacts are considered *less than significant*.

- Utilities and Service Systems: Impacts evaluated under Section XVI, Utilities and Service Systems, are assessed in their cumulative context. Same as the proposed project, future projects developed in Cupertino would be required to demonstrate there are adequate supplies and capacity to serve their projects in addition to the other users in the service provider's area. Cumulative development would also be required to comply with regulations that reduce water use, solid waste disposal, and conserve energy as described in Section XVI. Therefore, cumulative impacts would be *less than significant.*

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.*

[105] City of Cupertino, City-Wide Traffic Impact Fee, https://www.cupertino.org/our-city/departments/public-works/permitting-development-services/proposed-city-wide-traffic-impact-fee, accessed on September 20, 2018.

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5. Mitigation Monitoring and Reporting Program

This Mitigation Monitoring and Reporting Program (MMRP) has been prepared for the Cupertino Village Hotel Project. The purpose of the MMRP is to ensure the implementation of project-specific 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 5-1 MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measures	Party Responsible for Implementation	Implementation Timing	Agency Responsible for Monitoring	Monitoring Action	Monitoring Frequency
AIR QUALITY					
Mitigation Measure AQ-1: The project's construction contractor shall comply with the following Bay Area Air Quality Management District best management practices for reducing construction emissions of fugitive dust (PM_{10} 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. ▪ Pave, apply water twice daily or as often as necessary to control dust, or apply (non-toxic) soil stabilizers on 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 2 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). ▪ 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.	Applicant	During construction	City of Cupertino Public Works and Building Departments	Plan Review and Approval	During scheduled construction site inspections
Mitigation Measure AQ-2: Prior to issuance of any grading, demolition and/or building permits, the construction contractor(s) shall demonstrate the following, during construction, on all plans:	Applicants	During construction	City of Cupertino Public Works and Building	Plan Review and Approval	During scheduled construction site inspections

TABLE 5-1 MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measures	Party Responsible for Implementation	Implementation Timing	Agency Responsible for Monitoring	Monitoring Action	Monitoring Frequency
▪ The use of construction equipment fitted with Level 3 Diesel Particulate Filters for all equipment of 50 horsepower or more. ▪ 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. ▪ Ensure that all nonessential idling of construction equipment is restricted to 2 minutes, which is in compliance with California Air Resources Board Rule 2449, which limits idling to 5 minutes or less. ▪ Ensure that all construction plans submitted to the City of Cupertino Planning Department and/or Building Division clearly show the requirement for Level 3 Diesel Particulate Filters emissions standards for construction equipment over 50 horsepower.			Departments		
BIOLOGICAL RESOURCES					
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. The construction contractor shall indicate the following on all construction plans, if construction activities and any required tree removal occur during the breeding season (February 1 and August 31). Preconstruction surveys shall: ▪ Be conducted by a qualified biologist prior to tree removal or grading, demolition, or construction activities. Note that preconstruction surveys are not required for tree removal or construction, grading, or demolition activities outside the nesting period. ▪ Be conducted no more than 14 days prior to the start of tree removal or construction. ▪ Be repeated at 14-day intervals until construction has been initiated in the area after which surveys can be stopped. ▪ Document locations of active nests containing viable eggs or young	Applicant	Prior to construction During construction	Qualified biologist in consultation with California Department of Fish and Wildlife as needed	Preconstruction Survey	Once for survey; ongoing if nesting birds identified and until they have left the nest

MITIGATION MONITORING AND REPORTING PROGRAM

TABLE 5-1 MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measures	Party Responsible for Implementation	Implementation Timing	Agency Responsible for Monitoring	Monitoring Action	Monitoring Frequency
birds. Protective measures for active nests containing viable eggs or young birds shall be 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 the 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. ▪ Monitoring active nests within an exclusion zone on a weekly basis throughout the nesting season to identify signs of disturbance and confirm nesting status. ▪ An increase in the radius of an exclusion zone 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.					
CULTURAL RESOURCES					
Mitigation Measure CULT-1: If any prehistoric or historic subsurface cultural resources are discovered during ground-disturbing (including grading, demolition and/or construction) 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 of Cupertino Building Department and the archaeologist shall meet to determine the appropriate avoidance measures or other	Applicant	During construction	Consulting archeologist and City of Cupertino Public Works Department	Plan Review and Approval	As needed if resources are unearthed

TABLE 5-1 MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measures	Party Responsible for Implementation	Implementation Timing	Agency Responsible for Monitoring	Monitoring Action	Monitoring Frequency
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 implemented. ▪ Work may proceed on other parts of the project site while mitigation for historical resources or unique archaeological resources is being carried out.					
Mitigation Measure CULT-2: The construction contractor shall incorporate the following in all grading, demolition, and construction plans: ▪ In the event that fossils or fossil-bearing deposits are discovered during grading, demolition, or building, excavations within 50 feet of the find shall be temporarily halted or diverted. ▪ The contractor shall notify the City of Cupertino Building Department and a City-approved 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 applicant determines that avoidance is not feasible, the	Applicant	During construction	Consulting paleontologist and City of Cupertino Public Works Department	Plan Review and Approval	As needed if resources are unearthed

MITIGATION MONITORING AND REPORTING PROGRAM

TABLE 5-1 MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measures	Party Responsible for Implementation	Implementation Timing	Agency Responsible for Monitoring	Monitoring Action	Monitoring Frequency
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.					
TRIBAL CULTURAL RESOURCES					
Mitigation Measure TCR-1: Implement Mitigation Measure CULT-1.	Applicant	During construction	Consulting archeologist and City of Cupertino Public Works Department	Plan Review and Approval	As needed if resources are unearthed
NOISE					
Mitigation Measure NOISE-1: The following shall be incorporated in all demolition, grading, and construction plans, as required by the CMC, construction activities shall take place only during daytime hours of 7:00 a.m. and 8:00 p.m. on weekdays, and 9:00 a.m. to 6:00 p.m. on weekends. In addition, the following best management practices shall be observed: ▪ At least 90 days prior to the start of construction activities, all offsite businesses and residents within 300 feet of the project site will be notified of the planned construction activities. The notification will include a brief description of the project, the activities that would occur, the hours when construction would occur, and the construction period's overall duration. The notification should include the telephone numbers of the City's and contractor's authorized representatives that are assigned to respond in the event of a noise or vibration complaint. ▪ The project applicant and contractors will prepare a Construction Noise Control Plan prior to issuance of any grading, demolition, and/or building permits. The details of the Construction Noise Control Plan, including those details listed herein, will be included as part of the permit application drawing set and as part of the construction drawing set. ▪ At least 10 days prior to the start of construction activities, a sign will be posted at the entrance(s) to the job site, clearly visible to the	Applicant	During construction	City of Cupertino Public Works and Building Departments	Plan Review and Approval	During scheduled construction site inspections

TABLE 5-1 MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measures	Party Responsible for Implementation	Implementation Timing	Agency Responsible for Monitoring	Monitoring Action	Monitoring Frequency
public, which includes permitted construction days and hours, as well as the telephone numbers of the City's and contractor's authorized representatives that are assigned to respond in the event of a noise or vibration complaint. If the authorized contractor's representative receives a complaint, he/she will investigate, take appropriate corrective action, and report the action to the City. ▪ During the entire active construction period, equipment and trucks used for project construction will utilize the best available noise control techniques (e.g., improved mufflers, equipment re-design, use of intake silencers, ducts, engine enclosures, and acoustically attenuating shields or shrouds), wherever feasible. ▪ Include noise control requirements for equipment and tools, including concrete saws, to the maximum extent feasible. Such requirements could include, but are not limited to, erecting temporary plywood noise barriers between areas where concrete saws will be used and nearby sensitive receptors; performing work in a manner that minimizes noise; and undertaking the noisiest activities during times of least disturbance to nearby sensitive receptors. ▪ During the entire active construction period, stationary noise sources will be located as far from sensitive receptors as possible, and they will be muffled and enclosed within temporary sheds, or insulation barriers or other measures will be incorporated to the extent feasible. ▪ During the entire active construction period, noisy operations will be conducted simultaneously to the degree feasible in order to reduce the time periods of these operations. ▪ Select haul routes that avoid the greatest amount of sensitive use areas and submit to the City of Cupertino Public Works Department for approval prior to the start of the construction phase. ▪ Signs will be posted at the job site entrance(s), within the on-site construction zones, and along queueing lanes (if any) to reinforce the prohibition of unnecessary engine idling. All other equipment will be turned off if not in use for more than 5 minutes.					

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Mitigation Measures	Party Responsible for Implementation	Implementation Timing	Agency Responsible for Monitoring	Monitoring Action	Monitoring Frequency
▪ During the entire active construction period and to the extent feasible, the use of noise producing signals, including horns, whistles, alarms, and bells will be for safety warning purposes only. The construction manager will use smart back-up alarms, which automatically adjust the alarm level based on the background noise level, or switch off back-up alarms and replace with human spotters in compliance with all safety requirements and laws.					
UTILITIES AND SERVICE SYSTEMS					
Mitigation Measure UTIL-1: No building permits shall be issued by the City for the proposed Cupertino Village Hotel Project that would result in exceeding the permitted peak wet weather flow capacity of 13.8 mgd through the Santa Clara sanitary sewer system. The project applicant may demonstrate, to the satisfaction of the City of Cupertino and Cupertino Sanitary District (CSD), that the proposed hotel would not exceed the peak wet weather flow capacity of the Santa Clara sanitary sewer system by implementing one or more of the following methods: 1. Reduce inflow and infiltration in the CSD system to reduce peak wet weather flows; or 2. Increase on-site water reuse, such as increased grey water use, or reduce water consumption of the fixtures used within the proposed project, or other methods that are measurable and reduce sewer generation rates to acceptable levels, to the satisfaction of the CSD. The proposed project's estimated wastewater generation shall be calculated using the generation rates used by the *San Jose-Santa Clara Water Pollution Control Plant Specific Use Code & Sewer Coefficient* table in the May 2007, *City of Santa Clara Sanitary Sewer Capacity Assessment*,[106] unless alternative (i.e., lower) generation rates achieved by the proposed project are substantiated by the project applicant based on evidence to the satisfaction of the CSD.	Applicant	Prior to construction	City of Cupertino Public Works and Building Departments	Plan Review and Approval	During scheduled construction site inspections

[106] Mark Thomas and Associates. Email communication with Cupertino Public Works. July 19, 2018.

6. Organizations and Persons Consulted

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

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ORGANIZATIONS AND PERSONS CONSULTED

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