VP1 Apple Office Project
CEQA Guidelines Section 15183 Checklist

City of Cupertino

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October 2022

Table of Contents

TABLE OF CONTENTS

SOURCES

In addition to the technical appendices, all documents cited in this report and used in its preparation are hereby incorporated by reference into this CEQA Guidelines Section 15183 Checklist. Copies of documents referenced herein are available for review at the City of Cupertino Community Development Department at 10300 Torre Avenue, Cupertino, California 95014.

TABLE OF CONTENTS

LIST OF FIGURES

LIST OF TABLES

TABLE OF CONTENTS

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1. Introduction

This document was prepared pursuant to the California Environmental Quality Act (CEQA) (Public Resources Code Sections 21000 *et seq.*) and CEQA Guidelines (California Code of Regulations Sections 15000 *et seq.*). Pursuant to CEQA Guidelines Section 15051, the City is the lead agency for the proposed project. This document is a CEQA Guidelines Section 15183 Checklist (15183 Checklist) for the VP1 Apple Office Project (proposed project) has been prepared by the City of Cupertino (City) to determine if the proposed project may have a significant effect on the environment.

The proposed Vallco Parkway 1 (VP1) Apple Office project (proposed project) is located on a 7.96-acre site that is proposed for redevelopment by Apple Inc. (the project applicant). The project site is located at 19191 Vallco Parkway at the intersection of Vallco Parkway and North Tantau Avenue. The project site is surrounded by Interstate 280 and office uses to the north across Interstate 280; office uses to the east across North Tantau Avenue; commercial, office, and hotel uses to the south across Vallco Parkway; and office uses to the west across Calabazas Creek. The project site is currently developed with an office building between 1980 and 1982 and operated by the project applicant, with associated surface parking and landscaping.[1] The proposed project would involve demolishing the existing office building and redeveloping the site with a four-story, office building with commercial space, and an automobile parking garage with two underground levels. The proposed office building with the mechanical equipment screening on the roof would have a building height of 70 feet and 6 inches, and 58 feet and 6 inches at the parapet, and 56 feet and 6 inches at the roofline, and the parking structure would have a building height of 42 feet and 4 inches at the photovoltaic solar panel roofline. All proposed structures would include bicycle parking and landscaping.

The project site is assigned Assessor's Parcel Number (APN) 316-20-117. The General Plan land use designation for the project site is Commercial/Office/Residential with a maximum residential density of 35 dwelling units per acre. The Zoning District is Planned Development with Industrial Park and General Commercial (P(MP, CG)) uses. The project site is located in the planning areas of the *Heart of the City Special Area (South Vallco area).* Guiding policy documents include the *2015 Cupertino General Plan, the Heart of the City Specific Plan,* and the *South Vallco Master Plan*. A detailed description of the proposed project is provided in Chapter 3, *Project Description*, of this 15183 Checklist.

[1] EKI Environment & Water. 2021, May. *Phase 1 Environmental Site Assessment and Subsurface Investigation Report.* Prepared for Apple Inc. and approved by the City of Cupertino.

1.1 CEQA GUIDELINES STREAMLINING EXEMPTION

CEQA Guidelines Article 12, *Special Situations*, identifies circumstances for which certain CEQA-compliance procedures may apply. CEQA Guidelines Section 15183, *Projects Consistent with a Community Plan or Zoning,* provides a special streamlining process that exempts qualifying projects from additional analysis to reduce the need to prepare repetitive environmental studies. Pursuant to CEQA Guidelines Section 15183(a), CEQA mandates that projects that are consistent with development density established by existing zoning, community plan, or general plan policies for which an Environmental Impact Report (EIR) was certified shall not require additional environmental review, except as might be necessary to examine whether there are project-specific significant effects which are peculiar to the project or its site.

As described in greater detail in Section 3.1.4, *Land Use and Zoning*, the project site is within the Heart of the City Special Area, which is a key mixed-use, commercial corridor in Cupertino, and in the South Vallco Park area, which is intended as a regional commercial district with retail/commercial/office as the primary uses. The proposed office and retail project is consistent with those designations, as well as with the Commercial/Office/Residential General Plan land use designation, which applies to the mixed-use areas that are predominantly commercial and office uses. The proposed project is also consistent with the Planned Development with Industrial Park and General Commercial (P(MP,CG)) zoning district, which, among other uses, allows retail food, drug, apparel, or hardware stores, full-service restaurants, professional and commercial office services and other commercial services.

The Cupertino City Council certified the *General Plan Amendment, Housing Element Update, and associated Rezoning Project Environmental Impact Report* (EIR) in December 2014 and then had subsequent addenda that were approved by the City Council in October 2015, August 2019, December 2019, December 2019, and October 2021, together hereinafter "General Plan EIR." [2] The General Plan EIR is a program EIR, prepared pursuant to CEQA Guidelines Section 15168.

The General Plan EIR included an evaluation of development within the Heart of the City Special Area and the South Vallco Park area, where the proposed project is located. The evaluation in the General Plan EIR assumed a total of 4,040,231 square feet of office in the city, and 2,700,000 square feet of office space for the Heart of the City Special Area and a maximum height of 90 feet within the South Vallco Park area. The cumulative impacts of past, present, and probable future development, in conjunction with overall General Plan buildout, including redevelopment of the project site, were evaluated in the General Plan EIR. As shown in Table 1-1, *Reasonably Foreseeable Development Projects in Cupertino*, the project (2,300 square feet of commercial and 280,020 net new square feet of office uses) when combined with the other reasonably foreseeable projects in Cupertino would not exceed the maximum buildout potential evaluated in the General Plan EIR.

[2] City of Cupertino, certified General Plan Amendment, Housing Element Update, and Associated Rezoning EIR, (December 2014) State Clearinghouse Number 2014032007, and approved Addenda (October 2015, July 2019, August 2019, December 2019, October 2021).

TABLE 1-1 REASONABLY FORESEEABLE DEVELOPMENT PROJECTS IN CUPERTINO

	Hotel (rooms)	Residential (units)	Commercial (sq. ft.)	Office (sq. ft.)
General Plan EIR: Maximum Development Potential	1,339	4,421	1,343,679	4,040,231
Foreseeable Development				
Marina Plaza [b]		*206*	*41,268*	
The Hamptons Redevelopment [a]		*600*		
The Forum [a]		*23*		
The Village Hotel [a]	*185*			
De Anza Hotel [a]	*155*			
Westport [b]		*267*	*20,000*	
Public Storage [a, d]			*209,485*	
22690 Stevens Creek Boulevard [b]		*9*		
Canyon Crossings [b]		*18*	*4,536*	
Scandinavian Design [a]			*2,235*	
1655 South De Anza Boulevard [b]		*34*	*7,595*	
Vallco [a, c]		*2,402*	*400,000*	*1,810,000*
Leon Townhomes [b]		*6*		
Total Foreseeable Development	***340***	***3,565***	***685,119***	***2,230,231***
General Plan EIR: Remaining Development Potential	999	856	658,560	1,810,000

Notes: square feet = sq. ft.
a. The project has been approved.
b. The project is under review.
c. The buildout numbers are for the Vallco SB 35 Application (0 hotel rooms, 2,402 units, 1,810,000 square feet commercial, and 400,000 square feet commercial).
d. The storage facility site currently has existing storage facilities and the square footage shown in this table is the net new.
Source: City of Cupertino, 2022.

Pursuant to CEQA Guidelines Section 15183, if an impact is not peculiar to the parcel or to the project, has been addressed as a significant effect in the prior EIR, or can be substantially mitigated by the imposition of uniformly applied policies or standards, then an additional EIR need not be prepared for the project solely on the basis of that impact.

As such, this CEQA Guidelines Section 15183 Checklist indicates whether the proposed project would result in an impact that: (1) is peculiar to the project or the project site; (2) is substantially mitigated by uniformly applicable development standards; (3) is a previously identified significant effect that was adequately address in the General Plan EIR; or (4) is a new less than significant impact not addressed in the General Plan EIR.

With respect to a peculiar impact, CEQA Guidelines Section 15183(f), states that an effect of a project on the environment shall not be considered peculiar to the project or the parcel for the purposes of this section if uniformly applied development policies or standards have been previously adopted by the city or county with a finding that the development policies or standards will substantially mitigate that environmental effect when applied to future projects, unless substantial new information shows that the

policies or standards will not substantially mitigate the environmental effect. The finding shall be based on substantial evidence which need not include an EIR. Based upon CEQA Guidelines Section 15183(f), this analysis identifies the Cupertino General Plan policies and, when applicable, uniformly applicable development standards, that apply to the development of the proposed project and have been determined in the General Plan EIR to substantially mitigate environmental effects. To the extent that the project covered in the General Plan EIR policies and/or actions substantially mitigate a particular proposed project impact, the impact shall not be considered peculiar, pursuant to CEQA Guidelines Section 15183(f), thus eliminating the requirement for further environmental review.

With regard to CEQA Guidelines Section 15183(b)(3), the proposed project would not result in potentially significant off-site impacts as off-site improvements are not proposed or required within a previously undisturbed area. The proposed project would also not result in potentially significant cumulative impacts which were not evaluated in the General Plan EIR, as would be expected for a project that is within the General Plan buildout and consistent with the General Plan land use designations and policies. This is demonstrated in the analysis contained within this 15183 Checklist.

1.2 REPORT ORGANIZATION

Chapter 1: Introduction. This chapter provides an introduction and overview of the 15183 Checklist document.

Chapter 2: Executive Summary. A summary of the pertinent details for the proposed project, including lead agency contact information, proposed project location, and General Plan and Zoning designations are in this chapter. This chapter also summarizes the significant impacts that could occur from construction and operation of the proposed project and identifies the mitigation measures recommended to reduce the impact to a less-than-significant level.

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 G, *Environmental Checklist Form*, this chapter identifies and discusses anticipated impacts from the proposed project, providing substantiation of the findings made.

Chapter 5: Organizations and Persons Consulted. This chapter presents a list of City, other agencies, and consultant team members that contributed to the preparation of the 15183 Checklist.

2. *Executive Summary*

2.1 PROJECT INFORMATION

1.	Project Title:	VP1 Apple Office 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:	Gian Martire Senior Planner 408-777- 3319
4.	Project Location:	19191 Vallco Parkway Cupertino, CA 95014
5.	Project Applicant's Name and Address:	Apple Inc. One Apple Parkway Cupertino, CA 95014
6.	General Plan Land Use Designation:	Commercial/Office/Residential
7.	Zoning:	Planned Development with Industrial Park and General Commercial P(MP, CG)
8.	Description of Project:	See Project Description in Chapter 3
9.	Surrounding Land Uses and Setting:	See page 3-1 of Chapter 3, Project Description
10.	Other Public Agency Required Approval:	See page 3-26 of Chapter 3, Project Description

2.2 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, *Environmental Analysis*, of this 15183 Checklist.

☐ Aesthetics	☐ Agriculture & Forestry Resources	☐ Air Quality
☐ Biological Resources	☐ Cultural Resources	☐ Energy
☐ Geology & Soils	☐ Greenhouse Gas Emissions	☐ Hazards & Hazardous Materials
☐ Hydrology & Water Quality	☐ Land Use & Planning	☐ Mineral Resources
☐ Noise	☐ Parks & Recreation	☐ Population & Housing
☐ Public Services	☐ Transportation	☐ Tribal Cultural Resources
☐ Utilities & Service Systems	☐ Wildfire	☐ Mandatory Findings of Significance

2.3 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: _____ _____

Gian Martire — Date

Senior Planner

3. *Project Description*

The project applicant, Apple Inc., is proposing the VP1 Apple Office Project (proposed project) that would involve the demolition of the existing structures and the construction and operation of an office building and automobile parking garage. 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

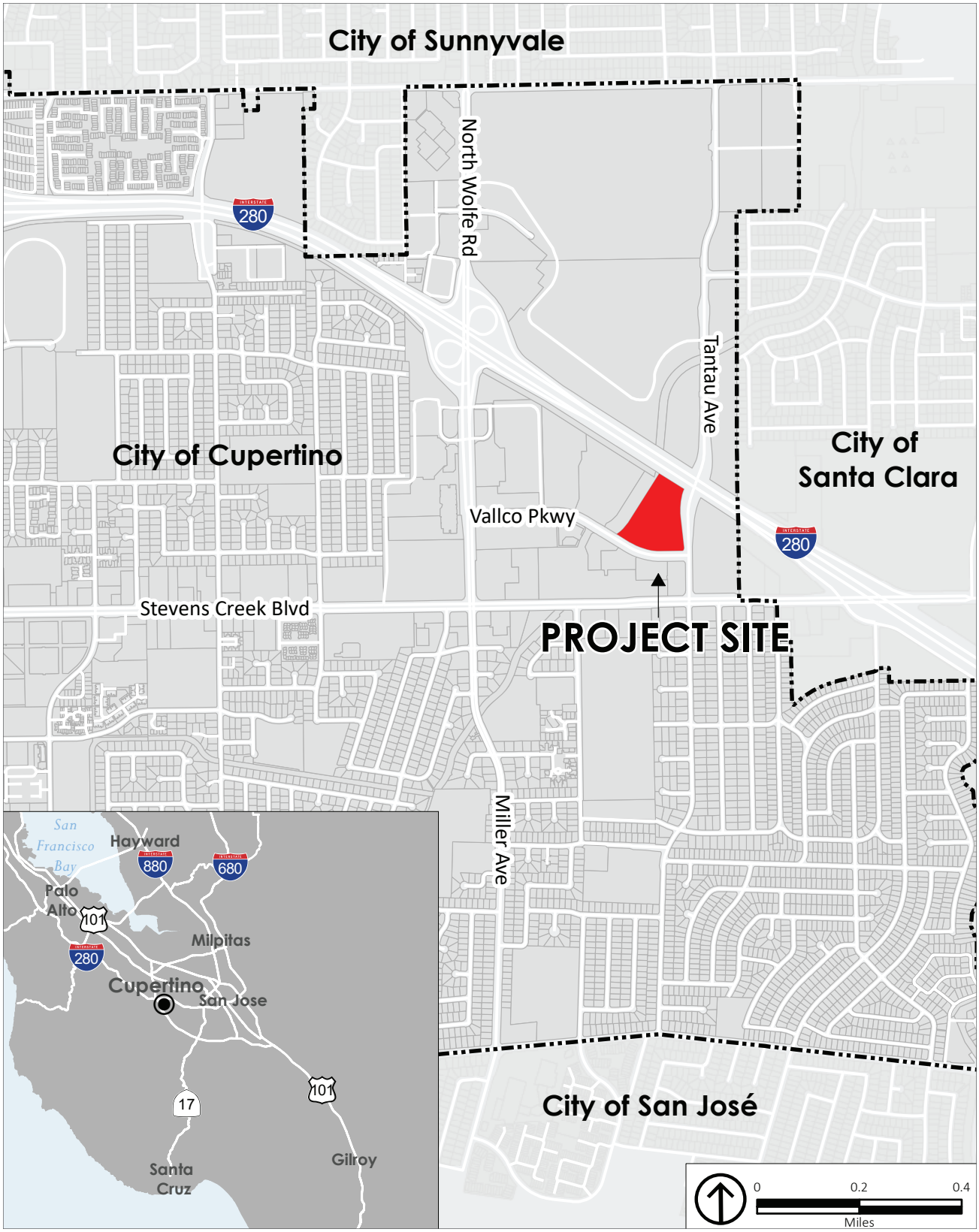
3.1.1 REGIONAL LOCATION

As shown on Figure 3-1, *Regional and Vicinity Map*, the project site is in the city of Cupertino located in the northwestern portion of Santa Clara County. Cupertino is roughly 45 miles south of San Francisco and 13 miles west of downtown San José. Interstate 280 (I-280), also referred to as Junipero Serra Trail), and County Road G2, also referred to as Lawrence Expressway, provide regional access to the project site.

3.1.2 LOCAL SETTING

The project site is located at 19191 Vallco Parkway in the northeast region of the city of Cupertino at the intersection of Vallco Parkway and North Tantau Avenue. North Tantau Avenue to the east of the project site and Vallco Parkway to the south of the project site are both four-lane roadways.

As shown on Figure 3-2, *Aerial View of the Project Site*, the project site is bounded by I-280 to the north, North Tantau Avenue to the east, Vallco Parkway to the south and a channelized section of Calabazas Creek to the west. Surrounding uses in the vicinity of the project site include office uses to the north across I-280, office uses to the east across North Tantau Avenue, office uses to the west across a channelized section of Calabazas Creek, and office, hotel, and commercial uses to the south across Vallco Parkway.



Source: ESRI, 2017; PlaceWorks, 2021.

Project Site
Cupertino City Limit

Figure 3-1
Regional and Vicinity Map

Source: STUDIOS architecture, 2021.

Figure 3-2
Aerial View of the Project Site

Sensitive receptors include places with people that have an increased sensitivity to air pollution, noise, or environmental contaminants. These sites can include schools, parks and playgrounds, day care centers, hotels, senior housing, nursing homes, hospitals, and residential dwelling units. Sensitive receptors within 0.25 miles (1,320 feet)[3] of the project site include:

- Sunflower Learning Center and TLC Preschool to the southeast, a second Sunflower Learning Center location, Silicon Valley Korean School, and Cupertino High School to the south of the project site.
- Jenny Strand Park to the northeast and Main Street Park to the southwest of the project site.
- The Residence Inn Hotel to the west of the project site, and the Woodcrest Hotel to the southeast of the project site.
- Kaiser Permanente medical facility/clinic to the southwest of the project site.
- Residential neighborhoods to the northeast, south, and west of the project site, including the Main Street Cupertino Lofts, Nineteen800 Apartments, and Stevens Creek Village Apartments.

3.1.3 EXISTING SITE SETTING

SITE CHARACTER

As shown on Figure 3-3, *Existing Conditions,* the site is currently developed with an approximately 141,000 square-foot, two-story office building with associated surface parking and ornamental landscaping. In 1939, the site was occupied by an orchard and a pre-channeled Calabazas Creek. The orchard trees diminished in density from 1953 to 1980, when the trees were removed, and the Calabazas Creek was channelized to its current configuration.[4] Review of the historical data available for the site reveals that the development of the site in its current form occurred between 1980 and 1982.[5] According to the Department of Toxic Substance Control, organic pesticides warrant further testing for orchards or other agricultural uses that were active after 1950.[6] Due to the age of the existing building, it is unlikely that it contains asbestos-containing materials or lead-based paint, which were regulated in construction starting in the 1970's.

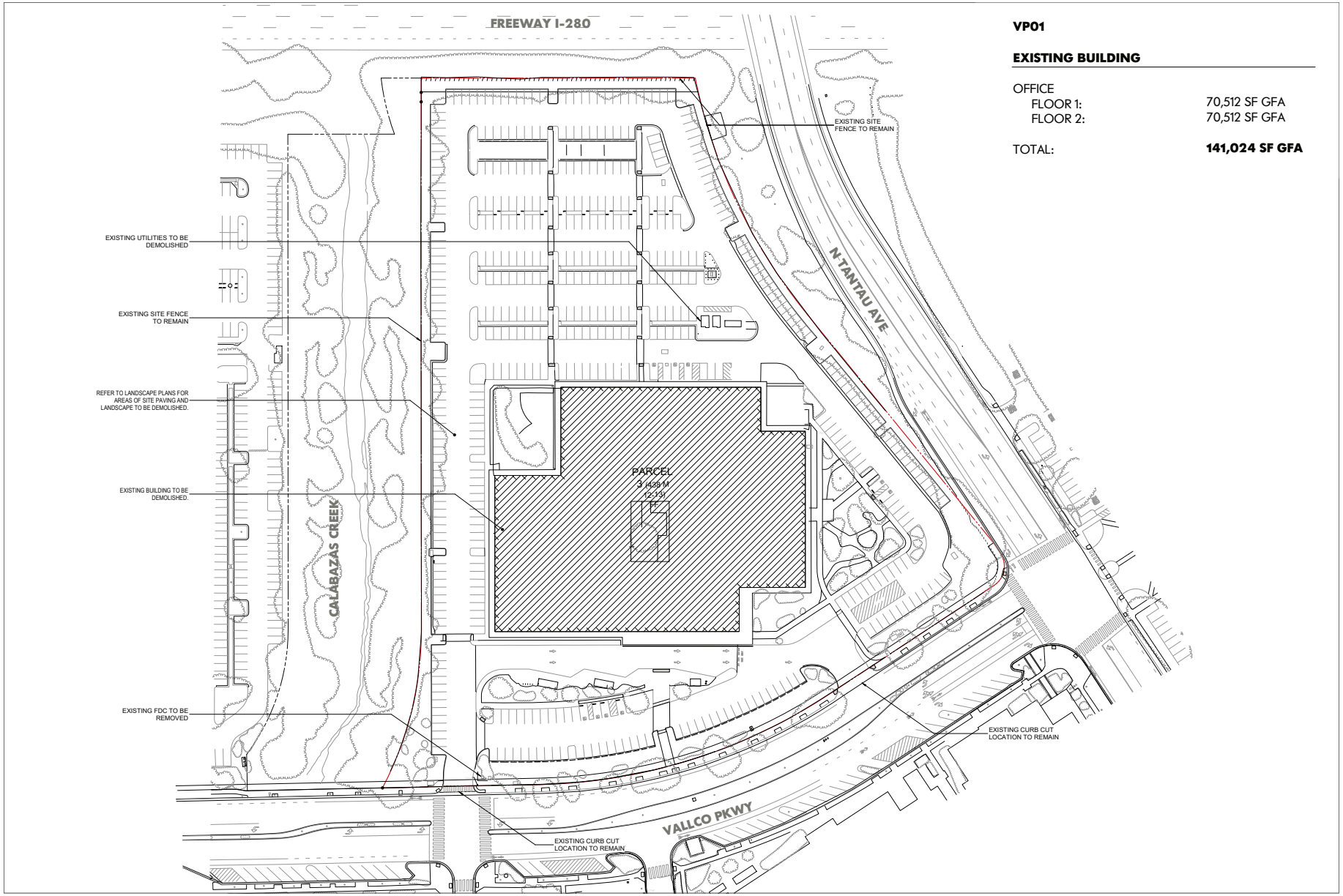
[3] This distance is consistent with criterion (c) in Section VIII, *Hazards and Hazardous Materials*, which asks "Would the project emit hazardous emissions or handle hazardous materials, substances or waste within 0.25 miles of an existing or proposed school?"

[4] EKI Environment & Water. 2021, May. *Phase 1 Environmental Site Assessment and Subsurface Investigation Report.* Prepared for Apple Inc. and approved by the City of Cupertino.

[5] EKI Environment & Water. 2021, May. *Phase 1 Environmental Site Assessment and Subsurface Investigation Report.* Prepared for Apple Inc. and approved by the City of Cupertino.

[6] California Department of Toxic Substances Control California Environmental Protection Agency, *Interim Guidance for Sampling Agricultural Properties,* page 3, August 7, 2008.

PROJECT DESCRIPTION



Source: STUDIOS architecture, 2022.

0 160
Scale (Feet)

Figure 3-3
Existing Conditions

VEGETATION AND LANDCOVER

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." Property with this classification 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. Landscaping on-site includes 208 mature, native and non-native trees ranging from 10 feet to 60 feet in height. The trees consist of 13 different species, including California Black Oak (*Quercus kelloggii*), Chinese Pistache (*Pistacia chinensis*), Coast live oak (*Quercus agrifolia*), Coast Redwood (*Sequoia sempervirens*), Cork oak (*Quercus suber*), Evergreen ash (*Fraxinus uhdei*), Holly Oak (*Quercus ilex*), London plane (*Platanus x acerifolia*), Olive (*Olea europaea*), Southern live oak (*Quercus virginiana*), Trident maple (*Acer buergerianum*), Valley oak (*Quercus lobata*), and Willow oak (*Quercus phellos*).[8]

The California Natural Diversity Database (CNDDB) has no record of special-status plant and animal species on the project site or urbanized areas within a 1-mile area surrounding the project site. There are no natural lands within a 1-mile area of the project site.

The project site is located within a California Department of Forestry and Fire Protection (CAL FIRE) designated Local Responsibility Area (LRA) and outside of very high fire hazard severity zone (VHFHSZ). The project site is not near lands designated as a State Responsibility Area (SRA) by CAL FIRE. The project site is not located within the Cupertino or CAL FIRE designated wildland-urban interface (WUI), which is an area of transition between wildland (unoccupied land) and land with human development (occupied land).[9]

The site is generally flat with an average elevation of 177 feet above mean sea level with a general topographic gradient of north-northeast.[10] The surficial geology consists of young and old alluvial fan deposits, which is comprised of highly variable mixtures of fine-grained sands, silt and clays, and minor gravels[11] and are not considered to be unique. No paleontological resources have been identified on the project site; however, the presence of Pleistocene deposits that are known to contain fossils indicates that

[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] Oakley, Sam. 2021, March. *Vallco Parkway 1 Campus Tree Inventory & Assessment with Protection Guidelines.* Arborwell Professional Tree Management. Prepared for Apple Inc.

[9] California Department of Forestry and Fire Protection (CAL FIRE). 2018. Wildland-Urban Interface Fire Threat. http://www.arcgis.com/home/item.html?id=d45bf08448354073a26675776f2d09cb, accessed December 14, 2021; City of Cupertino Municipal Code, Title 16, *Building and Construction*, Chapter 16.74. *Wildland Urban Interface Fire Area*; City of Cupertino. 2015. General Plan: Community Vision 2015-2040, Health and Safety Chapter, Figure HS-1.

[10] EKI Environment & Water. 2021, May. *Phase 1 Environmental Site Assessment and Subsurface Investigation Report.* Prepared for Apple Inc. and approved by the City of Cupertino.

[11] EKI Environment & Water. 2021, May. *Phase 1 Environmental Site Assessment and Subsurface Investigation Report.* Prepared for Apple Inc. and approved by the City of Cupertino.

the overall city, including the project site, could contain paleontological resources.[12] Unique geological features are not common in Cupertino. The geologic processes are generally the same as those in other parts of the state, country, and even the world. The geology and soils on the project site are common throughout the city and region and are not considered to be unique.

The existing impervious area is 282,318 square feet. Stormwater from the site drains to a network of City-maintained storm drains in North Tantau Avenue and Vallco Parkway that collect runoff from city streets and carry it to the creeks that run through Cupertino to the San Francisco Bay. The project site is within an area where some of the storm drains are sufficient in conveying the water from a 10-year storm, based on the 2018 *Storm Drain Master Plan*.

3.1.4 LAND USE AND ZONING DESIGNATIONS

GENERAL PLAN

The site is located in the Heart of the City Special Area[13] and the South Vallco Park area.[14] The site has a General Plan Land Use Designation of Commercial/Office/Residential at a maximum residential density of 35 dwelling units per acre.[15] A description of these land use designations is provided below.

Heart of the City Special Area

The Heart of the City Special Area is a key mixed-use, commercial corridor in Cupertino. The Heart of the City Special Area is guided by the *Heart of the City Specific Plan*. The *Heart of the City Specific Plan* is split into five subareas, the East Stevens Creek Boulevard subarea along Stevens Creek Boulevard, north to I-280, and between Portal Avenue and Stern Avenue, which encompasses the project site. The primary use for the East Stevens Creek Boulevard subarea is retail/commercial/commercial office uses, with secondary uses of office above ground level, and supporting uses including residential/residential mixed-use.[16] Within the subarea, the project site is also within the *South Vallco Master Plan*, which designates the site as an office use.[17] Development in the Heart of the City Special Area and *South Vallco Master Plan* is

[12] City of Cupertino, certified *General Plan Amendment, Housing Element Update, and Associated Rezoning EIR*, (December 2014) State Clearinghouse Number 2014032007 (October 2015), and approved Addenda (October 2015, July 2019, August 2019, December 2019, and October 2021).

[13] *City of Cupertino General Plan (Community Vision 2015-2040)*, Chapter 2, Planning Areas, page PA-5.

[14] *City of Cupertino General Plan (Community Vision 2015-2040)*, Chapter 3, Land Use and Community Design Element, Figure LU-1, Community Form Diagram, page LU-17.

[15] City of Cupertino Land Use Map adopted November 15, 2005 and amended August 20, 2019.

[16] City of Cupertino. 2014, December. *Heart of the City Specific Plan*. https://www.cupertino.org/home/showdocument?id=415.

[17] City of Cupertino. 2008. *South Vallco Master Plan a Conceptual Guideline*. https://www.cupertino.org/home/showdocument?id=1975.

envisioned to create a greater sense of place, more community identity, and a positive and memorable experience for residents, workers, and visitors of Cupertino.[18]

South Vallco Park Area

The South Vallco Park area is one of the key entry points into the city. This area is intended as a regional commercial district with retail/commercial/office as the primary uses. General Plan Policy LU-18.2 (South Vallco) states that the South Vallco areas should be retained and enhanced as a mixed-use retail, office, and residential district with a pedestrian-oriented, downtown atmosphere.[19]

Commercial/Office/Residential Land Use Designation

The Commercial/Office/Residential land use designation applies to the mixed-use areas that are predominantly commercial and office uses. Supporting residential may be allowed to offset job growth, better balance the citywide jobs to housing ratio, and when they are compatible with the primarily non-residential character of the area.[20] 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.[21] Office use means administrative, professional, and research and development activities. Products developed, manufactured, or assembled here are not intended to be mass-produced for sale on these land uses.[22] The General Plan figure LU-1, indicates that the maximum residential density for the South Vallco area is 35 dwelling unit per acre.

ZONING DISTRICT

The project site is within the Planned Development with Industrial Park and General Commercial (P(MP,CG)) zoning district. As described in CMC Section 19.80.010, *Purpose*, 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.[23] CMC Chapter 19.80, *Planned Development*, also allows a project proponent to propose development standards for their specific project.

[18] *City of Cupertino General Plan (Community Vision 2015-2040)*, Chapter 2, Planning Areas, page PA-5.

[19] *City of Cupertino General Plan (Community Vision 2015-2040)*, Chapter 3, Land Use and Community Design Element, page LU-49.

[20] *City of Cupertino General Plan (Community Vision 2015-2040)*, Appendix A: Land use definitions, Planning Areas, page A-6.

[21] *City of Cupertino General Plan (Community Vision 2015-2040)*, Appendix A: Land use definitions, Planning Areas, page A-4.

[22] *City of Cupertino General Plan (Community Vision 2015-2040)*, Appendix A: Land use definitions, Planning Areas, page A-5.

[23] City of Cupertino Municipal Code, Title 19, Zoning, Chapter 19.80, *Planned Development*, Section 19.80.010, *Purpose*.

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 type of use allowed on the project site is Industrial Park and/or General Commercial. While the Industrial Park zoning district allows industrial uses that are incompatible with commercial and residential uses but perform important storage, manufacturing, or servicing functions in the city,[24] the proposed project is compatible with the surrounding land uses. Properties within this zoning district are located near central business areas, arterial traffic routes, along railroad lines, or where specialized services for residential areas should be concentrated. However, this zoning district recognizes that industrial uses are incompatible with schools, daycare centers, convalescent care centers, and other sensitive receptors and these uses are prohibited in the Industrial Park zoning district. General Commercial (CG) allows commercial uses such as retail food, drug, apparel, or hardware stores, full-service restaurants, professional and commercial office services, laundry facilities, non-auto related repair services, and personal services, along with several other specialty uses.[25]

3.1.5 CUPERTINO MUNICIPAL CODE REQUIREMENTS

SETBACKS

Development on the site would be required to provide sufficient space for adequate light, air and visibility at intersections, and general conformity to yard requirements of adjacent or nearby zones, lot or parcels. Pursuant to the *Heart of the City Specific Plan*, development on the site would be required to have a 35-foot setback from the edge of the curb for the front of the project site along both Vallco Parkway and North Tantau Avenue. Side setbacks are required to be one-half the height of the building, or 10 feet, whichever is greater, and rear setbacks are required to be 1.5 times the height of the building, with a minimum of 20 feet.[26]

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. 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 greater than 1 acre in size, including cemeteries, are required to submit water budget calculations and audits of established landscapes.[27]

[24] City of Cupertino Municipal Code, Title 19, Zoning, Chapter 19.72, *Light Industrial and Industrial Park Zones*, Section 19.72.010, *Purpose*.

[25] City of Cupertino Municipal Code, Title 19, *Zoning*, Chapter 19.60, *General Commercial*, Section 19.60.030, *Permitted, Conditional and Excluded Uses in General Commercial Zoning Districts.*

[26] City of Cupertino, 2014, *Heart of the City Specific Plan*, Development Standards and Design Guidelines, pages 15-16.

[27] City of Cupertino Municipal Code, Title 14, *Streets, Sidewalks and Landscaping*, Chapter 14.15, *Landscape Ordinance.*

TREE REQUIREMENTS

According to the Vegetation Map shown in the Environmental Resources and Sustainability Element of the General Plan, the project site is within the urban forest (i.e., trees in the city).[28] The City recognizes that every tree on both public and private property is an important part of Cupertino's urban forest and contributes significant economic, environmental, and aesthetic benefits of the community.[29] CMC Chapter 14.12, *Trees*, establishes regulations for the planting, care, and maintenance of public trees, and provides for the continuous maintenance of the public trees, with the goal of encouraging preservation of trees. The City funds the planting and maintenance of public trees through payment of reimbursement costs as a conditions of building permit issuance.[30]

CMC Chapter 14.18, *Protected Tree Ordinance*, provides regulations for the protection, preservation, and maintenance of trees of certain species and sizes.[31] Removal of a protected tree requires a permit from the City. "Protected" trees include trees of a certain species and size on private property in all zoning districts; heritage trees whether on private or public property 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. Since the existing development is on property that requires a development application, all existing trees on the site are considered Protected trees.[32]

BIRD SAFE DESIGN ORDINANCE

The City of Cupertino Bird Safe Design Ordinance, CMC Chapter 19.102, *Glass and Lighting Standards*, which contains specific building and site design measures to reduce bird mortality from windows or other specific glass features known to increase the risk of bird collisions and to reduce light pollution known to contribute to bird mortality and reduced visibility of the night sky. These guidelines, are applicable to any project that is required to obtain a building permit or a Permit pursuant to CMC Title 19, *Zoning*, including the proposed project. CMC Section 19.102.030, *Bird-safe Development Requirements*, includes:

- Glass requirements for new or replacement windows of twelve square feet or more and facades requiring no more than 10 percent of the surface area of the façade be untreated glass between the ground and 60 feet above ground. Treatments can include opaque glass, window muntins,[33] exterior insect screens, exterior netting, or special glass treatments such as fritting to provide visual cues and reduce the likelihood of bird collisions.

[28] *City of Cupertino General Plan (Community Vision 2015-2040)*, Chapter 6, *Environmental Resources and Sustainability Element*, Figure ES-1.

[29] City of Cupertino. Tree Protection and Tree Removal link on the City's website. Accessed May 26, 2021 at https://www.cupertino.org/our-city/departments/community-development/planning/residential-development/tree-protection-tree-removal.

[30] City of Cupertino Municipal Code, Title 14, *Streets, Sidewalks and Landscaping,* Chapter 14.12, *Trees*.

[31] City of Cupertino Municipal Code, Title 14, *Streets, Sidewalks and Landscaping*, Chapter 14.18, *Protected Trees.*

[32] City of Cupertino Municipal Code, Title 14, Streets, Sidewalks and Landscaping, Chapter 14.18, Protected Trees.

[33] Muntin refers to the vertical dividers that separate glass panes in a window. Muntin applies only to the inner vertical pieces.

- Indoor lighting requirements to program automatic sensors and timer to turn off at 11:00 p.m., within two hours after business closes, or the addition of filtering with the use of interior or exterior blinds.
- Design requirements to avoid funneling of flight paths along buildings or trees to building facades; avoid use of highly reflective glass or highly transparent glass; and avoid glass skyways or walkways, freestanding glass walls, transparent building corners, or other design elements where trees, landscaping, water features, or the sky is visible form the exterior.

OUTDOOR LIGHTING REQUIREMENTS

CMC Section 19.102.040, *Outdoor Lighting Requirements*, includes requirements to reduce light pollution throughout the city. These requirements prohibit outdoor lighting that blinks, flashes, or rotates; outdoor lighting that projects above the horizontal plane; lighting that unnecessarily illuminates other lots or interferes with the enjoyment of that lot; high-intensity discharge lighting for recreation courts or private property; and spotlights. Outdoor lighting that is not prohibited, must abide by the following:

- All outdoor light must be fully shielded fixtures directed downward to meet the particular need and away from adjacent properties.
- Illumination levels cannot exceed one foot-candle onto an adjacent property and maximum light intensity cannot exceed a maintained value of ten foot-candles when measured at finished grade.
- All light sources must have a maintained correlated color temperature of 3,000 Kelvin or less.[34]
- All outdoor lighting must be turned off by 11:00 p.m. or when people are no longer present in exterior areas, except for security lighting required and designed according to the California Building Code.
- Automated control systems should be used to meet lighting requirements.
- Lighting design must compliment building and landscaping, and fixtures must be appropriate in height, intensity, and scale to the use.

STANDARD ENVIRONMENTAL PROTECTION REQUIREMENTS

CMC Section 17.04, *Standard Environmental Protection Requirements*, identifies environmental protection standards that all construction projects must meet, including environmental mitigation measures required as part of the General Plan. These requirements apply to every project within the city and are demonstrated through the submittal of construction management or permit plans prior to issuance of permits. Development projects must submit a technical report for air quality, hazardous materials, vehicle miles traveled, and construction vibrations when specific criteria are met. This section also includes nine distinct permit submittal requirements for each topic area, including the follow:

1. Air Quality
2. Hazardous Materials
3. Greenhouse Gas Emissions and Energy
4. Biologic Resources
5. Cultural Resources
6. Hydrology and Water Quality
7. Noise and Vibration
8. Paleontological Resources
9. Utilities and Service Systems

[34] The kelvin is the base unit of temperature in the International System of Units (SI), having the unit symbol K

UTILITIES AND ENERGY

Energy Conservation

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 California Building Standards Code, throughout the State of California.[35] 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*, adopts the CALGreen requirements and makes it part of the CMC along with local amendments for projects in the city. The City's Green Building Ordinance contains mandatory, minimum required 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. For the non-residential component, development greater than 50,000 square-feet is required to comply with Leadership in Energy and Environmental Design (LEED) Silver requirements. CMC Section 16.58.230, *Alternate Green Building Standards,* permits applicants to apply an alternate green building standard for a project in lieu of the LEED Silver standards that meet the same intent of conserving resources and reducing solid waste. CMC Section 16.58.220, *Table 101.10 of the 2019 California Green Building Standards Code*, requires a Third-Party LEED Certification Alternate Reference Standard verification, which must provide a certification document for LEED within 18 months of final occupancy of the building. CMC Section 16.58.420, *Electric vehicle (EV) charging—Non-residential*, requires new office buildings with over 10 parking space to have 20 percent of available parking as Level 2 EV Charging Spaces, 10 percent of available parking as Level 1 EV Ready Circuits, and 30 percent of available parking as EV Capable spaces.

The California Energy Code (Part 6, Title 24) was adopted as part of the California Building Standards Code (Title 24) to reduce wasteful and unnecessary energy consumption in newly constructed and existing buildings. The City of Cupertino has adopted the California Energy Code, with local amendments, as CMC Chapter 16.54, *Energy Code*. CMC Section 16.54.100(2), *Scope for Newly Construction Building*, requires all newly constructed buildings to be All-Electric Buildings. All-Electric Buildings are defined as a building that has no natural gas or propane plumbing installed within the building, and that uses electricity as the

[35] California Code of Regulations, Title 24, Part 11, January 1, 2020, California Green Buildings Standards Code, https://codes.iccsafe.org/content/CAGBSC2019/copyright.

sole source of energy for its space and water heating.[36] The City approved reach codes in February 2020,[37] which go above California Energy Code requirements to reduce energy, water, and associated greenhouse gas emissions.

Solid Waste Reduction

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, the City adopted a Zero Waste Policy.[38] 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.

Water Quality

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 project applicant proposes to redevelop the project site with an office building that includes commercial space, three outdoor open space plazas, and a separate parking garage. The proposed project would include associated surface parking and landscaping. The combined building footprint of the office building (approximately 75,500 square feet) and separate parking garage (35,250 square feet) would be 110,680 square feet. See Figure 3-4, *Conceptual Site Plan*.

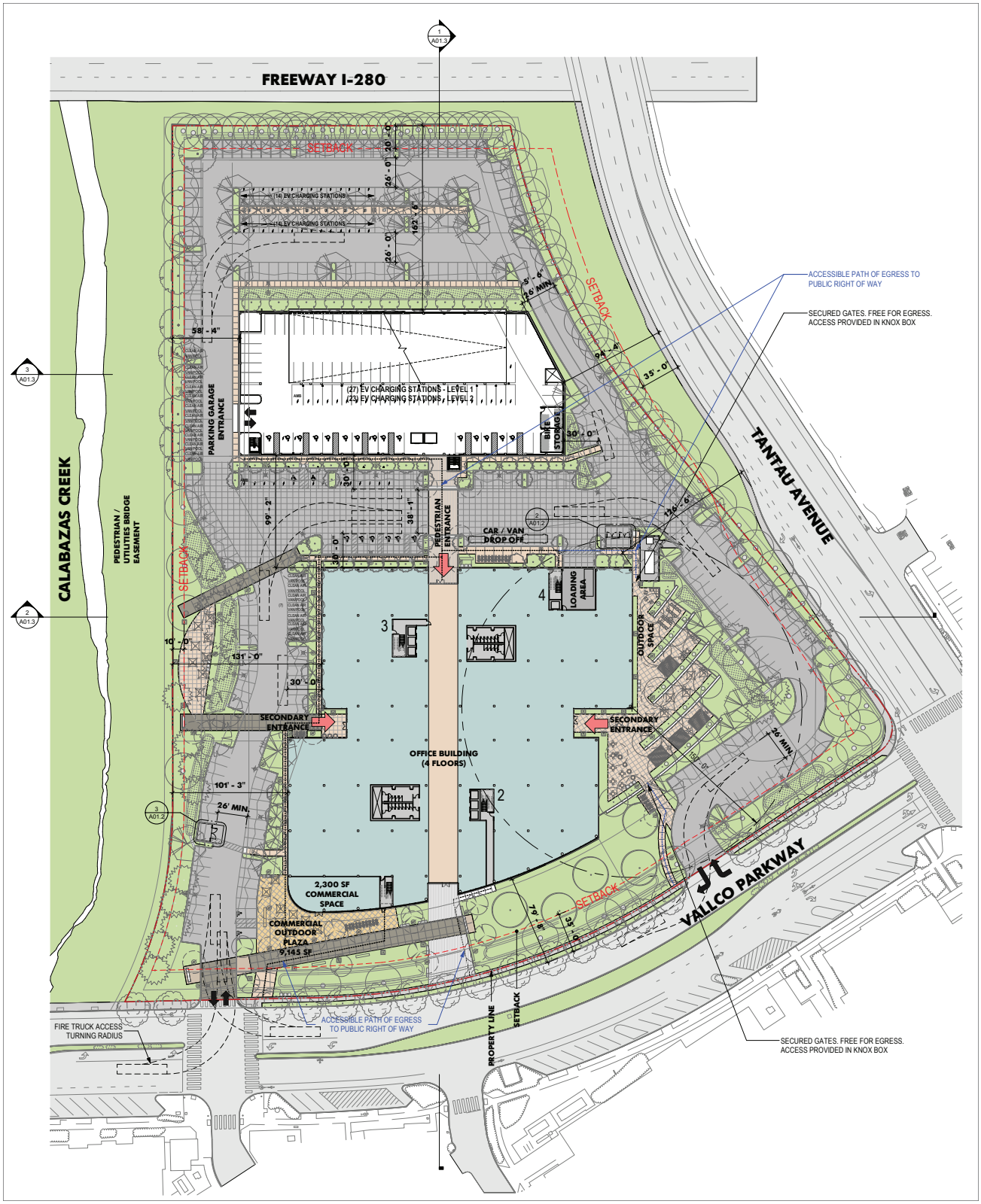
The following provides a detailed description of the key project components. A complete set of preliminary project plans are available on the City's website at www.cupertino.org/applevallcoparkway and at the City of Cupertino Community Development Department at 10300 Torre Avenue, Cupertino, California 95014.

[36] Cupertino Municipal Code Section 16.54.110, Definitions and Rules of Construction.

[37] Cities may adopt more stringent building codes for energy use than those required by the California Building Standards Code (Title 24 of the California Code of Regulations) , which are known as "reach codes."

[38] City of Cupertino. Other Service Providers. https://www.cupertino.org/our-city/departments/other-service-providers, accessed June 29, 2021.

PROJECT DESCRIPTION



Source: STUDIOS architecture, 2022.

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Scale (Feet)

Figure 3-4
Conceptual Site Plan

3.2.1 PROPOSED OFFICE/COMMERCIAL BUILDING, OPEN SPACE PLAZAS, AND PARKING GARAGE

OFFICE BUILDING

The proposed project would demolish the existing office building and construct a new office building with commercial space. Table 3-1, *Proposed Office Building Details,* shows the total square footage.

TABLE 3-1 PROPOSED OFFICE BUILDING DETAILS

	Use Type by Square Feet	
	Office	Commercial
Proposed Project	280,020	2,300
Existing Development	141,000	0
Net New	***139,020***	***2,300***

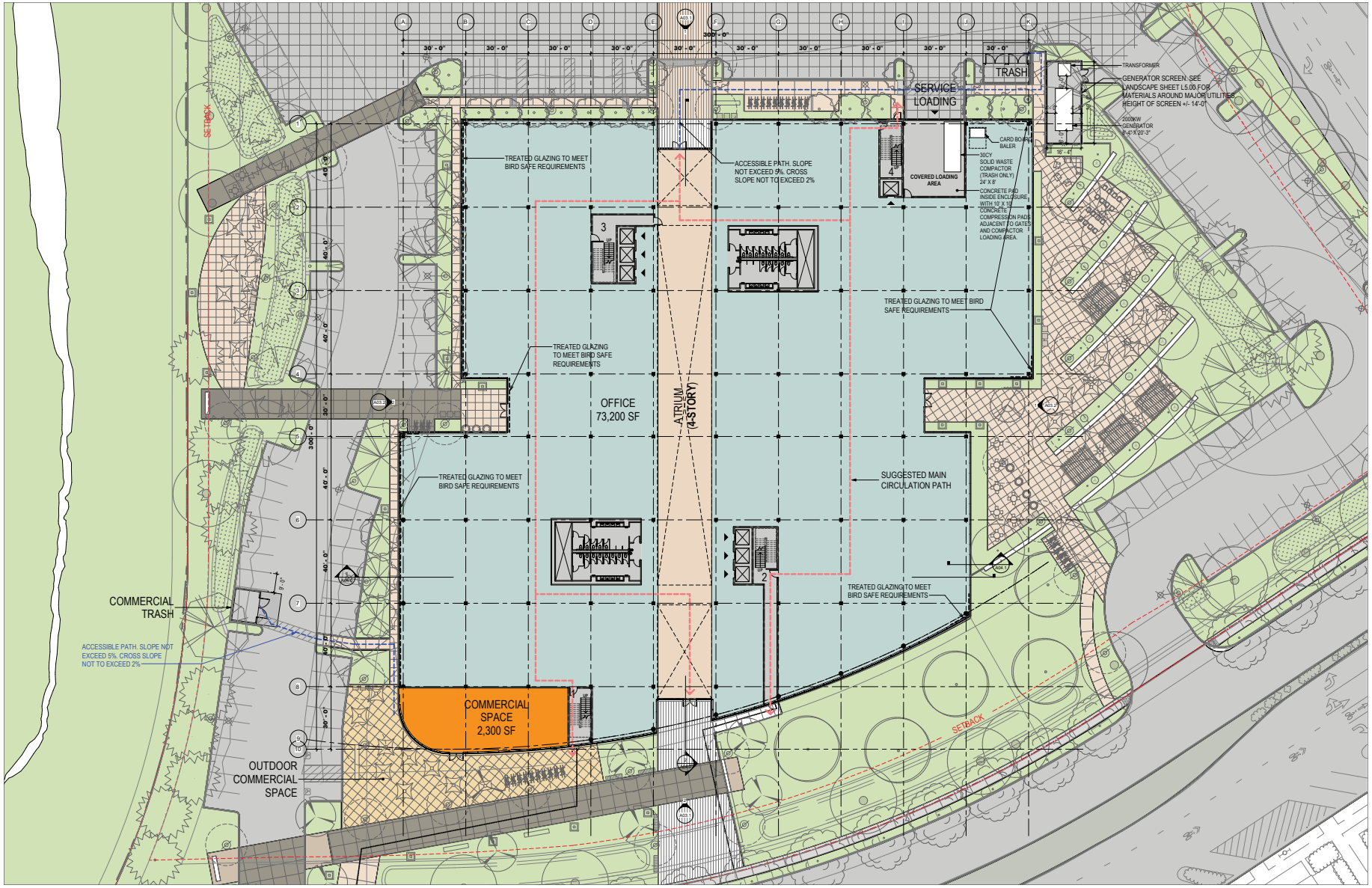
Note: Numbers are rounded.
Source: Project Applicant, Site Plans, May 23, 2022.

The proposed office building would have a footprint of approximately 75,500 square feet. The first floor would be primarily office space with commercial space located on the southwest corner. The commercial space is made up of both indoor and outdoor space, with the outdoor space occupying approximately 9,150 square feet. The first floor would include covered loading areas on the northeast corner of the building. The second, third, and fourth floors would include office space. The mechanical equipment and heating, ventilation, and air conditioning (HVAC) unit would be located on the roof and would be screened by a parapet[39] on all sides of the building (see discussion in Section 3.2.2, *Building Heights*, below). See Figure 3-5, *First Floor Plan*, and Figure 3-6, *Roof Plan*.

The project includes two trash and recycling enclosures. The trash and recycling enclosure for the office space would be located outside on the northeast corner of the building. The commercial space trash and recycling enclosure would be located on the southwestern portion of the project site, adjacent to the commercial space. The trash and recycling enclosures would be accessed by the waste management company on trash day from the internal roadway network. A 2,000-kilowatt emergency generator and transformer would be located outside of the northeast corner of the office building, adjacent to the office building trash and recycling enclosure. See Figure 3-5, *First Floor Plan*.

[39] A parapet is a low protective wall along the edge of a roof, bridge, or balcony.

PROJECT DESCRIPTION



Source: STUDIOS architecture, 2022.

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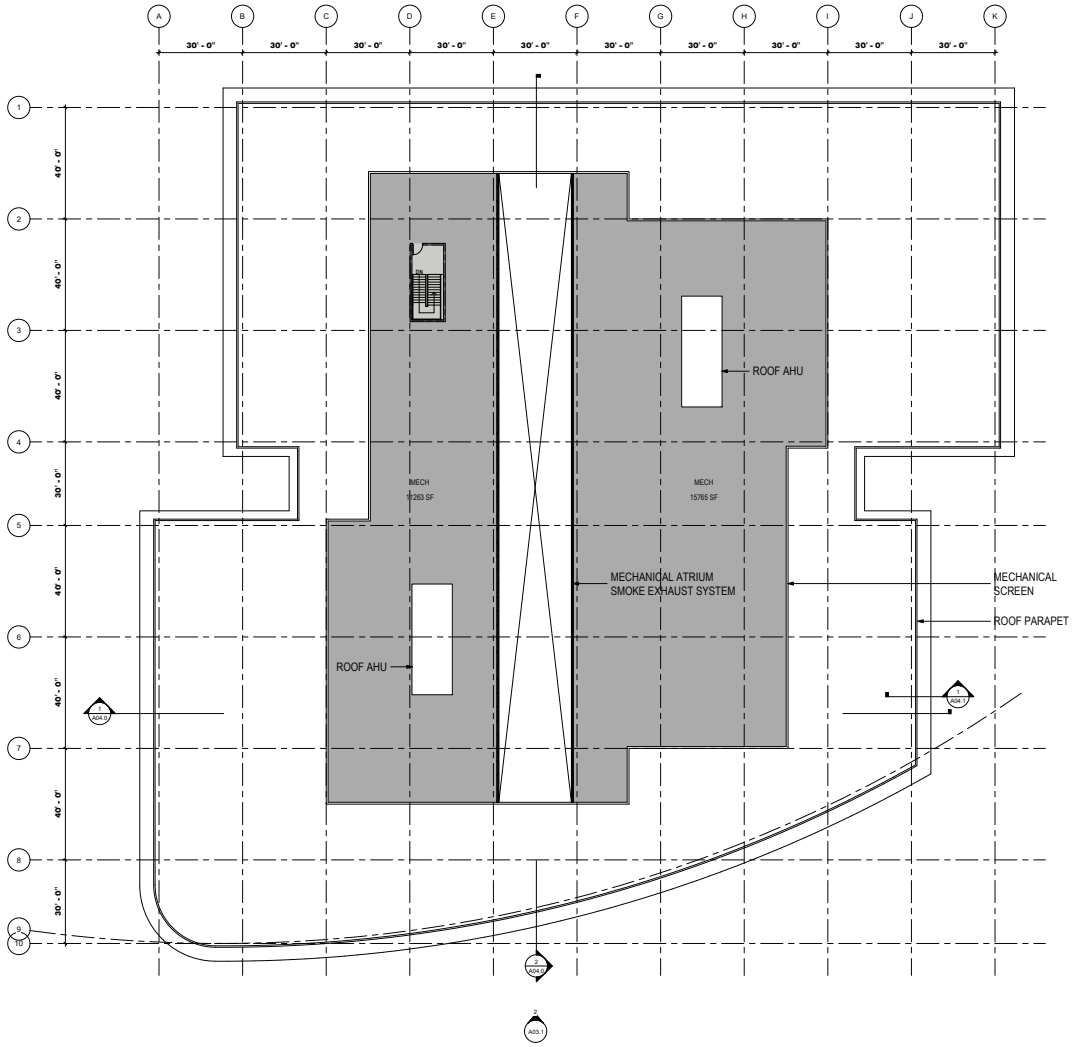
Scale (Feet)

Figure 3-5
First Floor Plan

PROJECT DESCRIPTION



Source: STUDIOS architecture, 2022.

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Scale (Feet)

Figure 3-6
Roof Plan

OPEN SPACE PLAZAS

The proposed project would include three outdoor open space plazas on the southern half of the project site totaling 21,706 square feet. The outdoor dining and gathering plaza for office employees would be located on the eastern side of the building. The outdoor commercial plaza would be located on the southern side of the building adjacent to the commercial space. Another overlook plaza would be located on the western side of the building adjacent to the Calabazas Creek. See Figure 3-7, *Open Space Plan*.

PARKING GARAGE

The proposed parking garage would have a total of six-levels, with four aboveground and two belowground and have a building footprint of 35,250 square feet. Table 3-2, *Proposed Parking Garage Details* shows the total square footage, parking spaces, and bicycle spaces by building level. The parking garage would be located on the northern portion of the project site. The parking garage would provide automobile parking spaces, including accessible spaces[40] that are compliant with the CBC, electric vehicle charging stations (see Section 3.2.8, *Sustainability Features*, below), and van/pool parking spaces. Bicycle parking would consist of 70 Class 1 bike stalls on the first floor of the parking garage and 58 Class 2 bike racks on the northern and southern sides of the office building.[41] The project would also consist of 131,891 square feet of surface parking and hardscaped areas, including 314 surface parking spaces for automobiles. See Figure 3-8, *Parking Garage*.

TABLE 3-2 PROPOSED PARKING GARAGE DETAILS

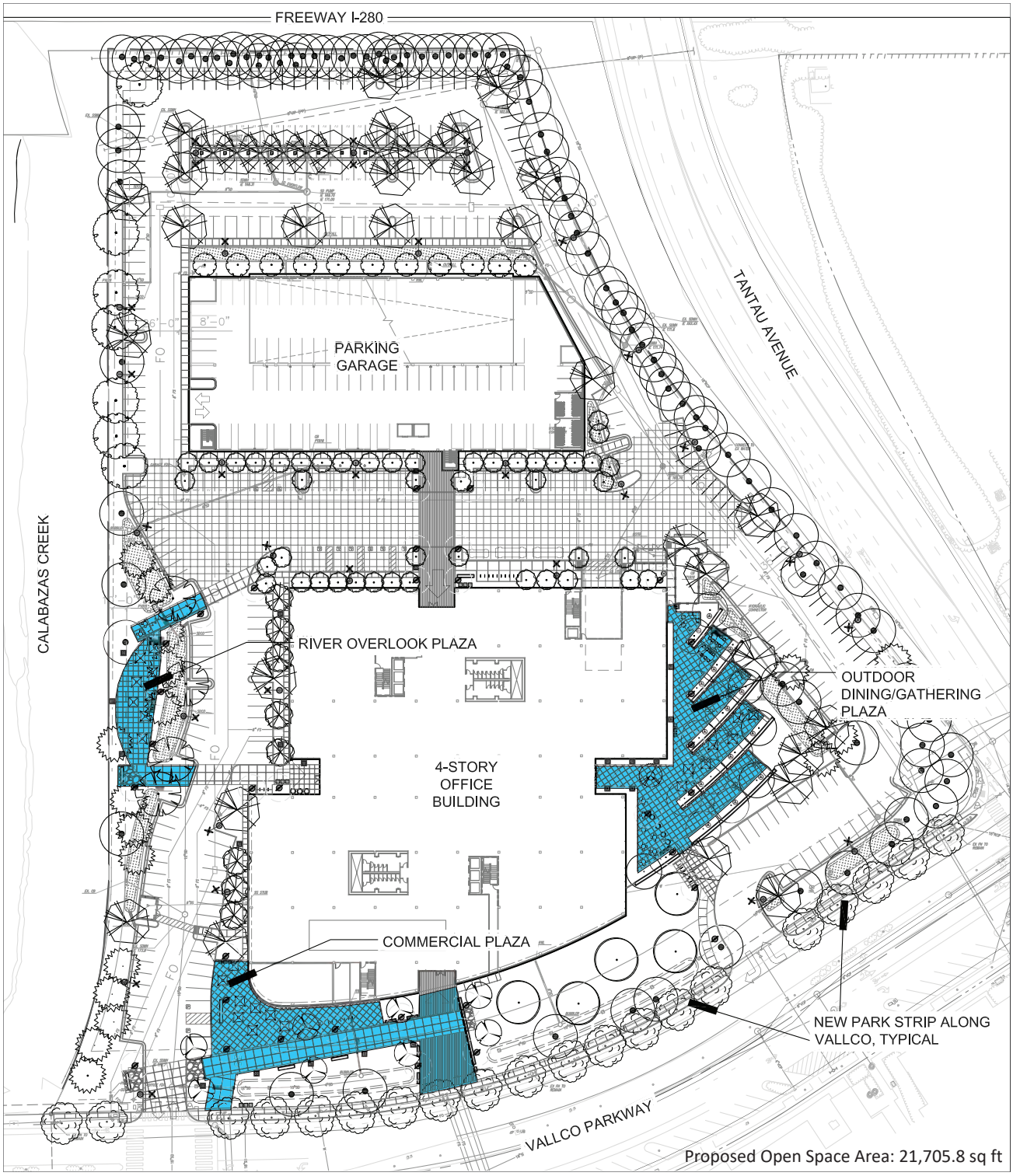
	Building Square Feet	Automobile Parking Spaces	Bicycle Parking Spaces
Lower Level 1	36,040	107	
Lower Level 2	36,040	109	
Level 1	35,250	97	70 Class 1 spaces
Level 2	35,250	109	0
Level 3	35,250	109	0
Level 4 / Roof	35,250	69	0
Total	**213,080**	**600**	**70**

Source: Project Applicant, Site Plans, May 23, 2022.

[40] Accessible spaces are required for compliance with the Americans with Disabilities Act.

[41] Class 1 bicycle spaces include lockers or secure rooms, and Class 2 bicycle spaces are publicly accessible bicycle racks.

PROJECT DESCRIPTION

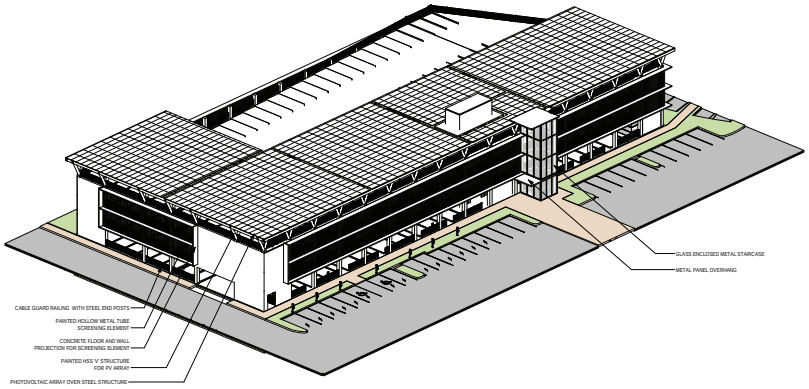


Source: STUDIOS architecture, 2022. The Guzzardo Partnership, Inc., 2022.

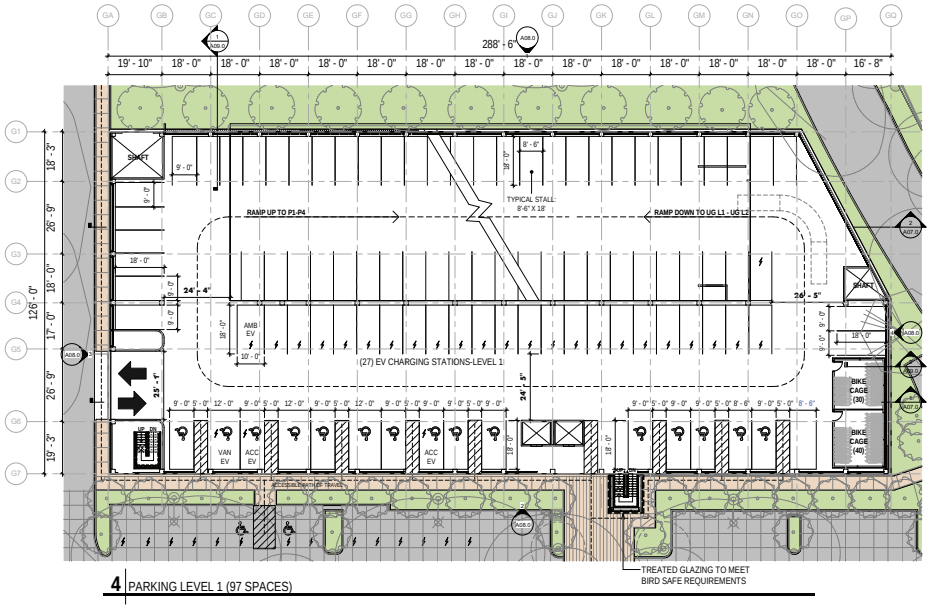
0 120
Scale (Feet)

Figure 3-7
Open Space Plazas

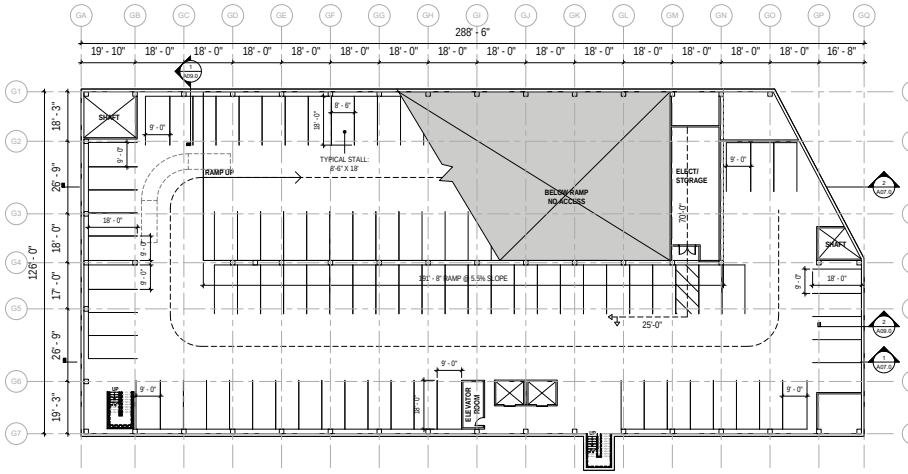
PROJECT DESCRIPTION



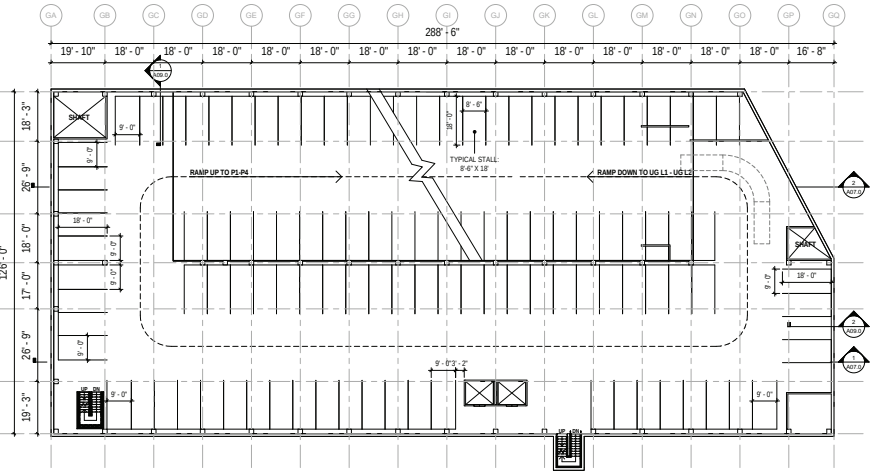
2 PARKING AXON - FULL PV ARRAY



4 PARKING LEVEL 1 (97 SPACES)



1 PARKING LOWER LEVEL 2 (107 SPACES)



3 PARKING LOWER LEVEL 1 (109 SPACES)

Source: STUDIOS architecture, 2022.

0 65
Scale (Feet)

Figure 3-8
Parking Garage

3.2.2 BUILDING HEIGHTS

The proposed office building and parking garage would be four stories tall. As shown on Figure 3-9, *Office Building Elevations,* the maximum height of the office building would be 70 feet and 6 inches with mechanical equipment screening on the roof, 58 feet and 6 inches at the parapet, and 56 feet and 6 inches at the roofline. As shown on Figure 3-10, *Parking Garage Elevations,* the proposed parking garage would also be 42 feet and 4 inches at the photovoltaic solar panel roofline.

3.2.3 EMPLOYEE ESTIMATES

Based on General Plan EIR,[42] commercial space generates approximately 1 job per 450 square feet and the project applicant uses a standard of 1 job per 250 square feet for office employees, which is more conservative than the City's standard of 1 job per 300 square feet. According to this office employee ratio, the existing approximately 141,000 square-foot office building holds approximately 564 employees.[43] The proposed 280,020 square-foot office building would generate 1,120 employees and the proposed 2,300 square-foot commercial space would generate 5 employees.[44] In total, the proposed project would generate 1,125 employees (office plus commercial). Accordingly, the proposed project would have a net increase of 561 new employees. It is anticipated that future employees would be drawn from other Apple office buildings, in additional to areas where existing employees are located, including San Jose, San Francisco, Cupertino, Sunnyvale, Santa Clara, and other jurisdictions in the San Francisco Bay Area.[45]

3.2.4 CIRCULATION AND ACCESS

VEHICULAR ACCESS

As shown on Figure 3-4, *Conceptual Site Plan* (see above), vehicle access to the proposed project would be via two ingress and egress driveways on Vallco Parkway along the southern edge of the project site. The westernmost driveway would have a signalized intersection and protected left turn for vehicles traveling east on Vallco Parkway. The easternmost driveway would only be accessible for vehicles traveling west along Vallco Parkway due to a landscaped center median along the roadway. When leaving the project site, vehicles could turn left, right, or go straight out of the westernmost driveway and only turn right out of the easternmost driveway.

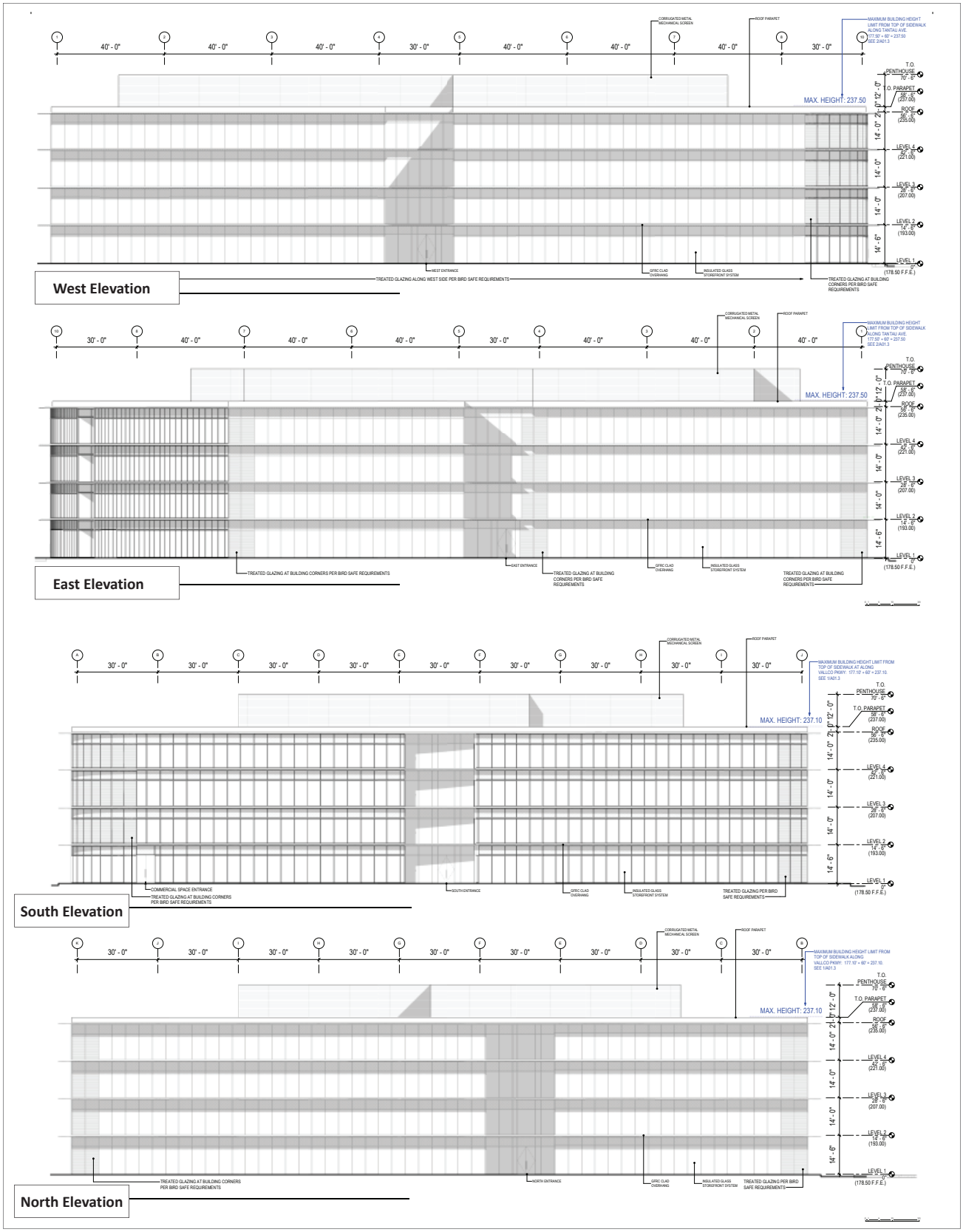
[42] City of Cupertino, certified General Plan Amendment, Housing Element Update, and Associated Rezoning EIR, State Clearinghouse Number 2014032007. December 2014. Table 4.11-3.

[43] 41,000 square feet of office space divided by 250 square feet equals 564 employees.

[44] 280,820 square feet of office space divided by 250 square feet equals 1,120 employees and 2,300 square feet of commercial space divided by 450 square feet equals 5 employees.

[45] LSA Associates. June 2013. Apple Campus 2 Project EIR; Setting, Impact, and Mitigation Measures; Population, Employment, and Housing; Figure V.C-2: Residential Location of Current Employees on the Project Site.

PROJECT DESCRIPTION



Source: STUDIOS architecture, 2022.

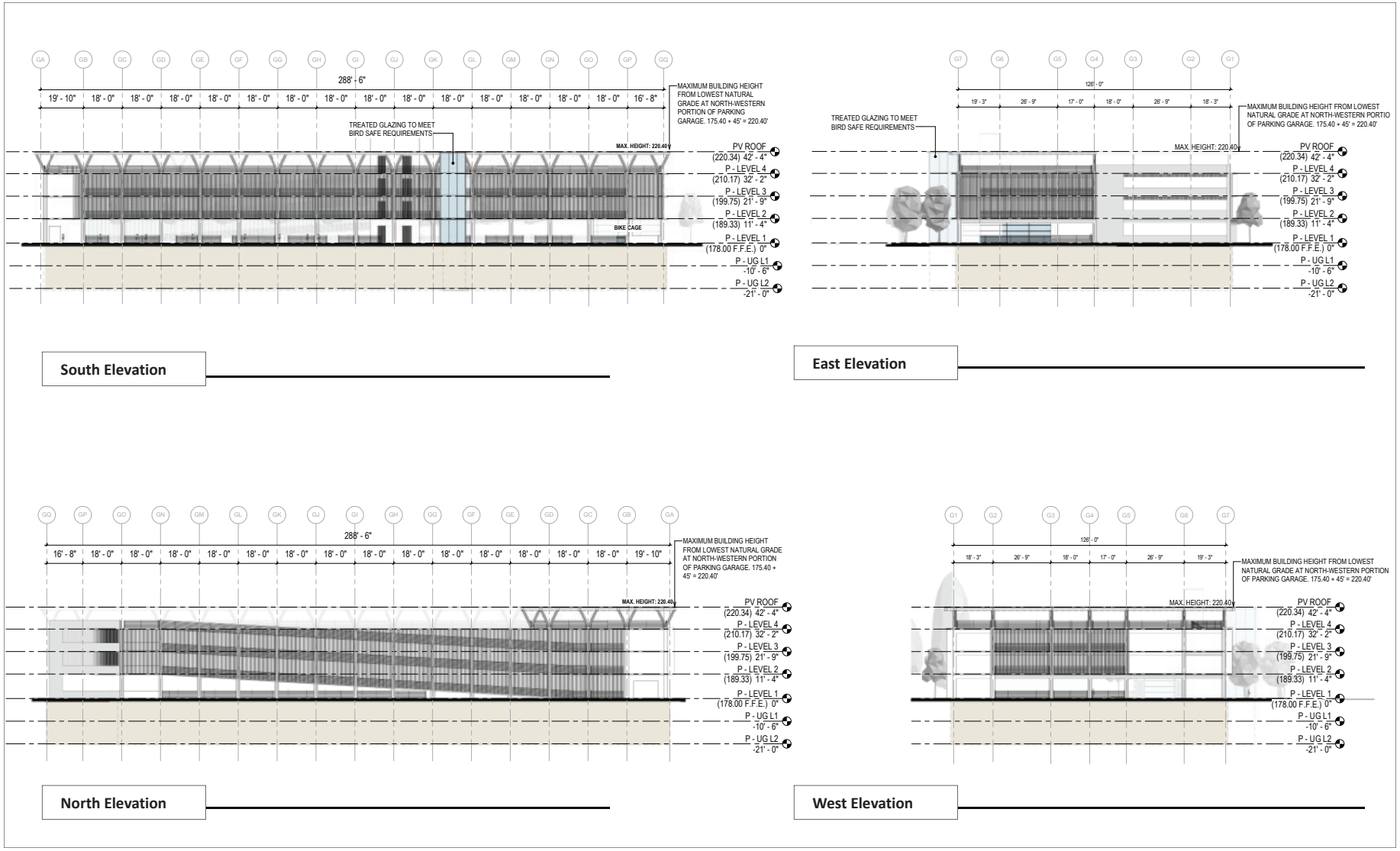
0 55

Scale (Feet)

Figure 3-9

Office Building Elevations

PROJECT DESCRIPTION



Source: STUDIOS architecture, 2022.

0 70
Scale (Feet)

Figure 3-10
Parking Garage Elevations

Both vehicular driveways would lead to an internal roadway network that wraps around both the proposed office building and parking garage. The entrance to the parking garage would be on the western side of the project site and a car or van drop off area would be located on the north side of the proposed office building. Proposed emergency access and waste management access would be the same as the proposed vehicle access.

PEDESTRIAN AND BICYCLE ACCESS

Class II bike lanes currently exist on both sides of Vallco Parkway and North Tantau Avenue.[46] The proposed project does not include alterations to the existing bike lanes. Bicycle access to the site would occur via the two vehicle driveways and the pedestrian entrance off of Vallco Parkway. Pedestrian facilities associated with the proposed project include sidewalks and pedestrian entrances to the proposed office and commercial uses of the building. Sidewalks surround the eastern and southern edges of the project site along Vallco Parkway and North Tantau Avenue. Pedestrian access to the project site would be via two walkways along Vallco Parkway adjacent to the proposed commercial outdoor plaza and through the outdoor employee dining and gathering plaza. The office building would have pedestrian entrances on each side of the building and the commercial space would have an entrance on the southern side of the building. Internal walkways would lead to each of the three plazas and surround the proposed office building and parking garage.

3.2.5 LANDSCAPING

The proposed project would include pervious landscaped surfaces, as shown on Figure 3-11, *Landscaping Plan*. Compared to existing landscaping, there would be an increase in 21,366 square feet of landscaping on site. (see Stormwater Management section below) The proposed project would include landscaping throughout the project site's interior and the surrounding perimeter, and additional landscaping in the three plazas surrounding the proposed office building. This would include a specialized creek planting area consisting of California native trees, shrubs, and groundcover that would complement the existing vegetation along the Calabazas Creek. This specialized creek planting area would include stormwater bioretention features that collect stormwater prior to being discharged into the Calabazas Creek. The proposed landscaping would be consistent with the surrounding Northern California landscape and at least 80 percent of the plants would include native and/or adaptive, low water use, and drought resistant plant materials of similar water use grouped by hydrozones, which are areas where plants are organized based on similar water use.[47]

[46] Class II bike lanes are lanes for bicyclists that are generally adjacent to the outer vehicle travel lanes and have special lane markings, pavement legends, and signage.

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

PROJECT DESCRIPTION

Source: STUDIOS architecture, 2022. The Guzzardo Partnership, Inc., 2022.

0 160
Scale (Feet)

Figure 3-11
Landscape Plan

The majority of plantings would be drought tolerant trees and shrubs, that once established, are adapted to a dry summer and intermittent rain in the winter season. There would also be appropriate landscaping in the bioretention areas required by the City's Municipal Regional Permit. As stated above in Section 3.1.5, *Cupertino Municipal Code Requirements*, the project is required to submit a Landscape Project Submittal for approval by the City.

To help reduce bird collisions and maintain a buffer between I-280 and the project site, the existing trees along the perimeter of the project site would remain; however, the proposed project would remove 94 of the existing 209 Protected trees on-site.[48] The species of the trees to be removed include Coast live oak (*Quercus agrifolia*), Valley oak (*Quercus lobata*), Evergreen ash (*Fraxinus uhdei*), Southern live oak (*Quercus virginiana*), London plane (*Platanus x acerifolia*), Cork oak (*Quercus suber*), Chinese pistache (*Pistacia chinensis*), Trident maple (*Acer buergerianum*), Willow oak (*Quercus* phellos), and Olive (*Olea europaea*).[49] The proposed project would include the planting of 182 new trees throughout the project site and perimeter, consisting of California buckeye (*Aesculus californica*), Oklahoma redbud (*Cercis canadensis var. texensis 'Oklahoma'*), Urbanite ash (*Fraxinus urbanite*), Crape myrtle (*Lagerstoemia indica*), Swan hill olive (*Olea 'Swan Hill'*), , Coast live oak (*Quercus agrifolia*), Holly oak *(Quercus ilex)*, Valley oak (*Quercus lobata*), Netleaf oak *(Quercus rugosa)*, Cork oak (*Quercus suber*), Water gum (*Tristania laurina 'Tuscarora'*), and Drake evergreen elm (Ulmus p. 'Drake').

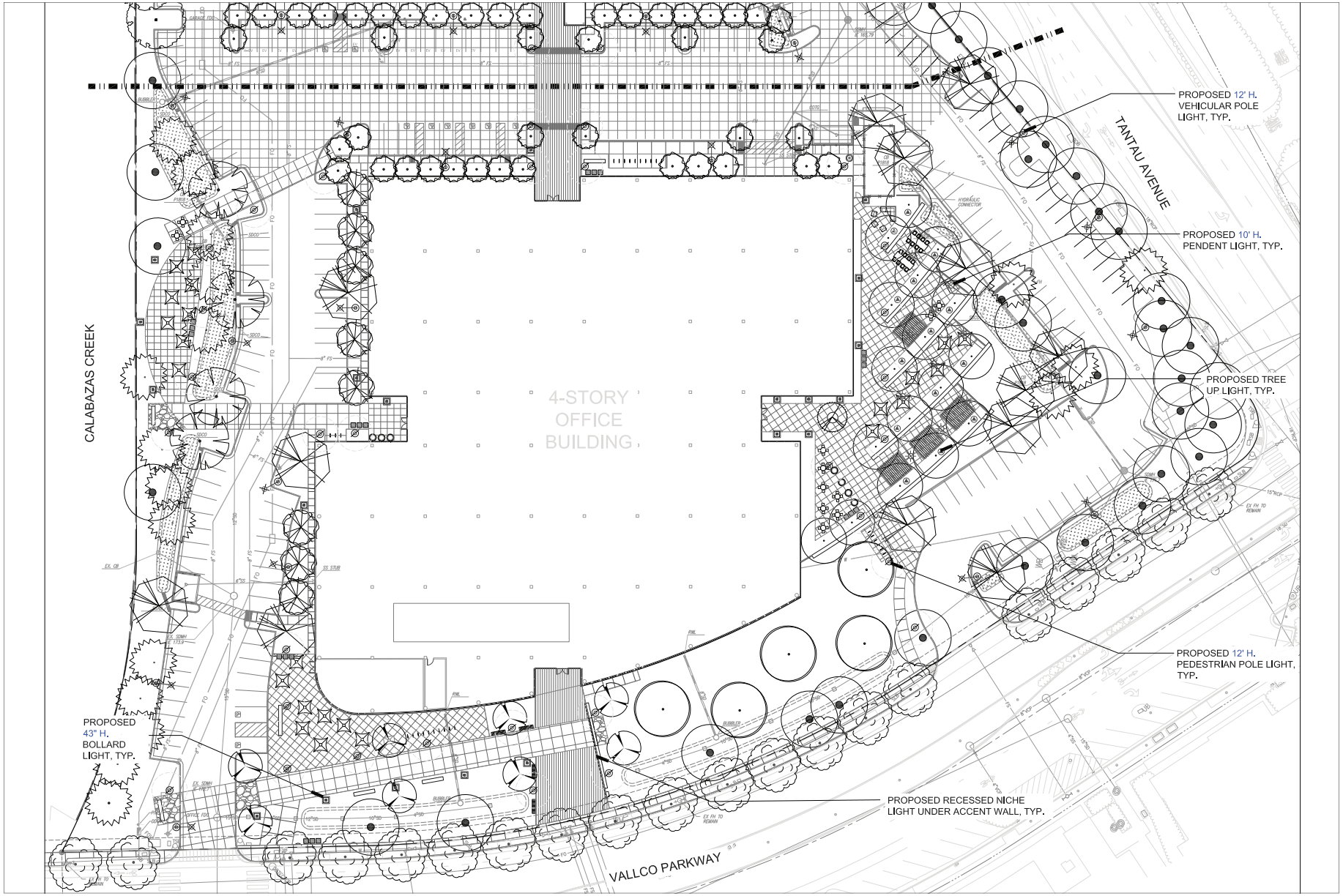
3.2.6 LIGHT, GLARE, AND MECHANICAL EQUIPMENT

As shown on Figure 3-12, *Office Building Site Lighting Plan*, and Figure 3-13, *Parking Garage Site Lighting Plan*, 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 permanent on-site lighting would be low-level illumination, downward directed, and shielded to reduce light spill or glare into surrounding properties. There would be no up-lighting on the building exteriors, except for landscaped features or trees with ten-watt incandescent bulb or LED equivalent, or where the up-lighting doesn't exceed 150 lumens, whichever is less. In landscaped and paved areas, light sources would be concealed and not visible from a public viewpoint. Unless used for safety, all outside lighting would be turned off by 11:00 p.m. All exterior surface and above-ground mounted fixtures would be complementary to the architectural theme and to the surrounding properties. The proposed project would include bird-safe glass and would comply with the CMC Chapter 19.102, *Glass and Lighting Standards*, as described in Section 3.1.5, *Cupertino Municipal Code Requirements*, to reduce glare and makes the glass visible to birds to reduce collisions. The HVAC system would be located on the roof and shielded from view by a mechanical screen facing all sides of the building (see Figure 3-6, *Roof Plan*) approximately 12 feet in height, which would also serve as a noise attenuation feature.

[48] Oakley, Sam. 2021, March. *Vallco Parkway 1 Campus Tree Inventory & Assessment with Protection Guidelines.* Arborwell Professional Tree Management. Prepared for Apple inc.

[49] Oakley, Sam. 2021, March. *Vallco Parkway 1 Campus Tree Inventory & Assessment with Protection Guidelines.* Arborwell Professional Tree Management. Prepared for Apple inc.

PROJECT DESCRIPTION



Source: STUDIOS architecture, 2022. The Guzzardo Partnership, Inc., 2022.

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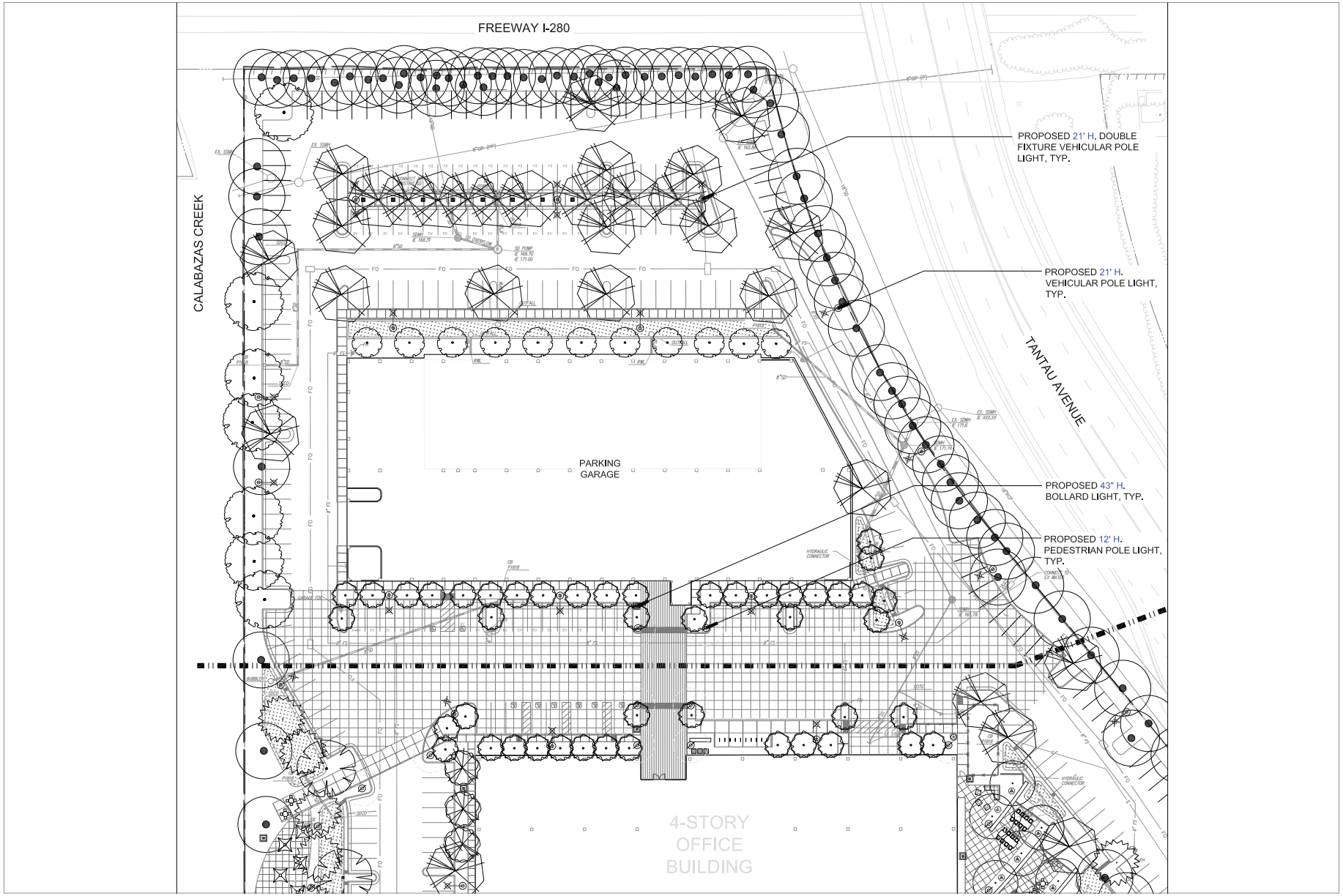
Scale (Feet)

Figure 3-12
Office Building Site Lighting Plan

PROJECT DESCRIPTION



Source: STUDIOS architecture, 2022. The Guzzardo Partnership, Inc., 2022.

Figure 3-13
Parking Garage Site Lighting Plan

3.2.7 UTILITIES AND ENERGY

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

WATER SUPPLY

The proposed project would use existing water lines along the internal road network that connect to water mains on Vallco Parkway and North Tantau Avenue. Water would be provided by California Water Service. Any new connections or replaced water lines would not encroach on undisturbed areas.

SANITARY SEWER SERVICE

As shown on Figure 3-14, *Office Building Utility Plan,* and Figure 3-15, *Parking Garage Utility Plan,* connections to the existing sanitary sewer system would be made on the northeast corner of the project site along North Tantau Avenue. Sanitary sewer service would be provided by Cupertino Sanitary District.

STORMWATER MANAGEMENT

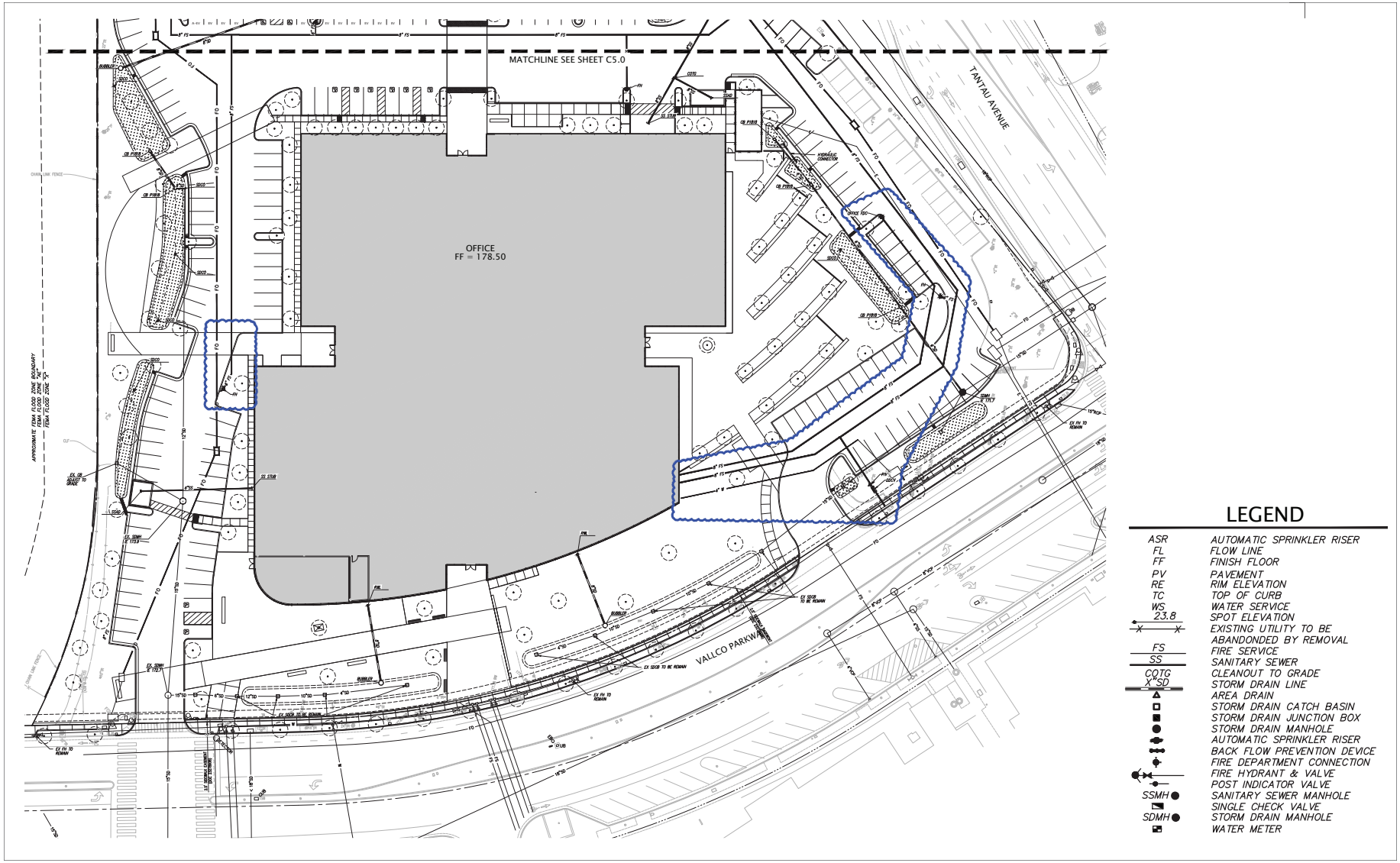
The proposed project would result in 260,952 square feet of impervious surface coverage, including the building footprint, streets, parking, plazas, and paths, as shown on Figure 3-16, *Stormwater Plan*. Compared to 282,318 square feet of impervious coverage in existing conditions, this would be a decrease of 21,366 square feet or 8 percent. The proposed project would include 86,223 square feet of pervious surfaces in the form of landscaping, nine on-site bioretention facilities (9,964 square feet) , and one flow-through planter (2,202 square feet) that would hold and treat stormwater before it is released into the City's off-site storm drain infrastructure. As a result, the proposed project would result in a decrease in the amount of runoff from the project site.

The project is required to 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. The project also must comply with CMC Chapter 9.18, *Stormwater Pollution Prevention and Watershed Protection*, described in the Utility and Energy Section above, which is intended to provide regulations and give legal effect to certain requirements of the NPDES permit issued to the City.

SOLID WASTE SERVICES

Recology South Bay (Recology) would provide curbside recycling, garbage, and compost and landscaping waste service to the project site. 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. The proposed waste management for the proposed project would focus on waste, recycling, and composting.

PROJECT DESCRIPTION

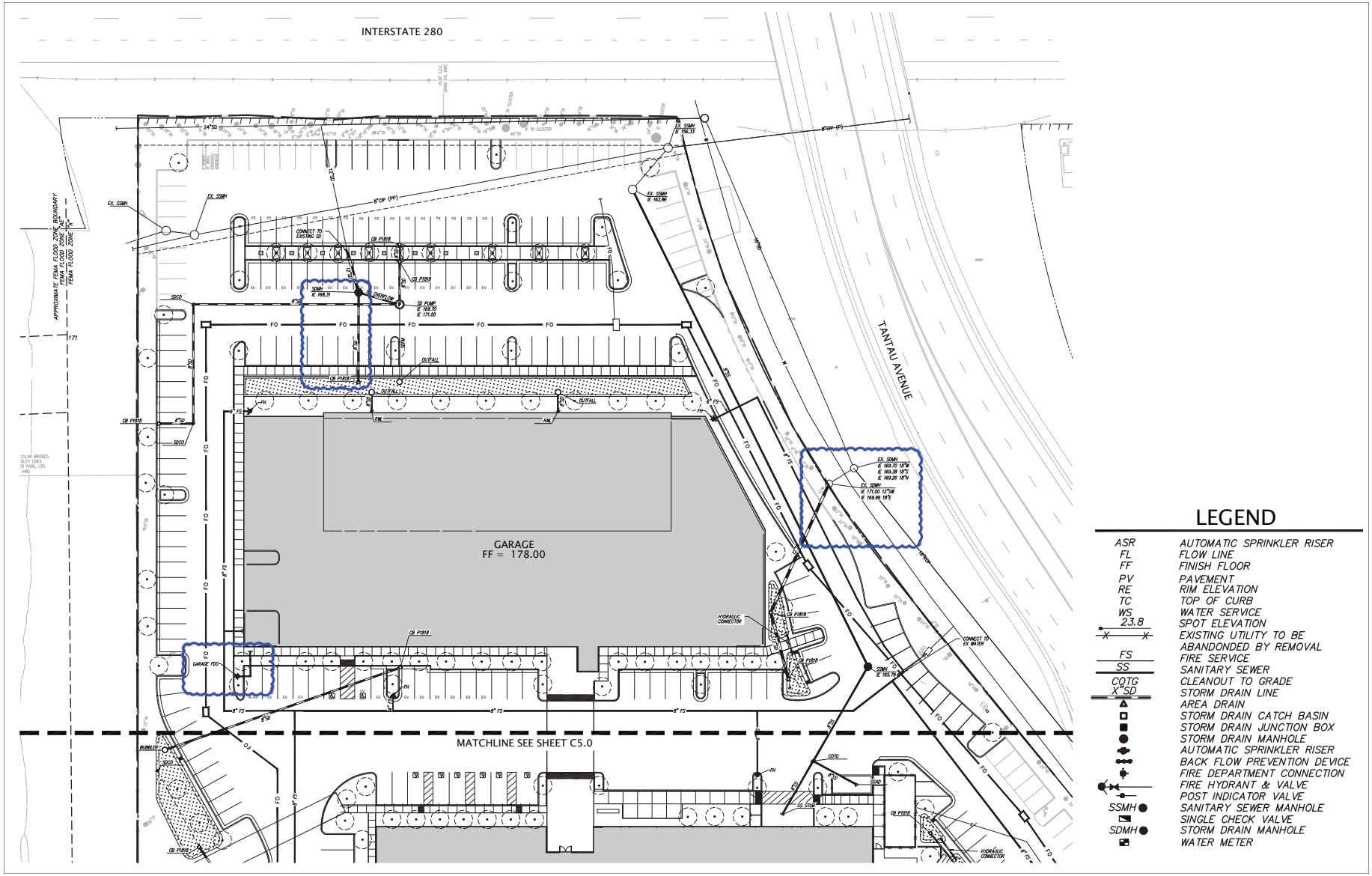


Source: Kier + Wright, 2022.

0 120
Scale (Feet)

Figure 3-14
Office Building Utility Plan

PROJECT DESCRIPTION

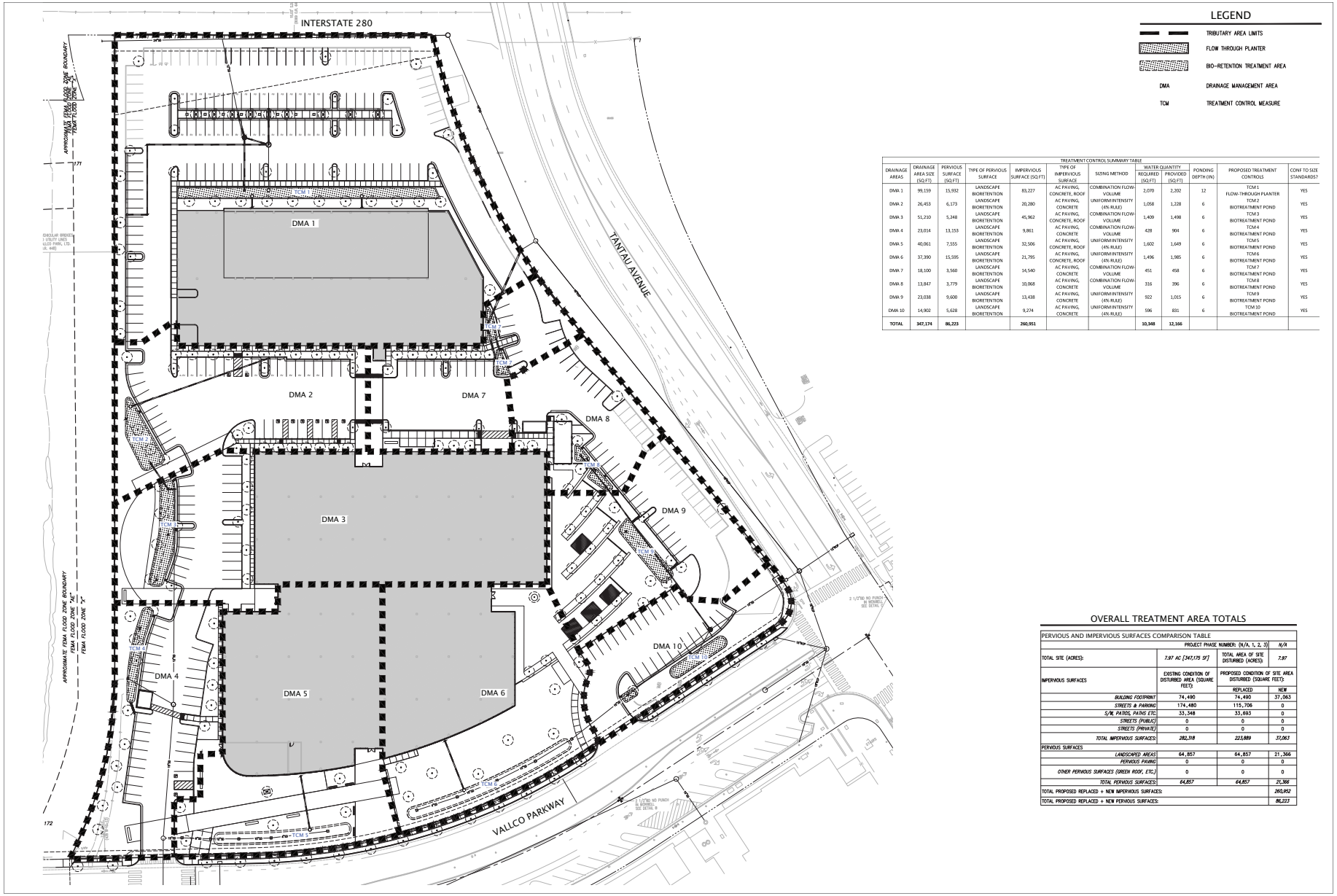


Source: Kier + Wright, 2022.

0 120
Scale (Feet)

Figure 3-15
Parking Garage Utility Plan

PROJECT DESCRIPTION



TREATMENT CONTROL SUMMARY TABLE

DRAINAGE AREAS	DRAINAGE AREA SIZE (SQ.FT)	PERVIOUS SURFACE (SQ.FT)	TYPE OF PERVIOUS SURFACE	IMPERVIOUS SURFACE (SQ.FT)	TYPE OF IMPERVIOUS SURFACE	SIZING METHOD	WATER QUANTITY REQUIRED (SQ.FT)	WATER QUANTITY PROVIDED (SQ.FT)	PONDING DEPTH (IN)	PROPOSED TREATMENT CONTROLS	CONF TO SIZE STANDARDS?
DMA 1	99,159	15,932	LANDSCAPE BIORETENTION	83,227	AC PAVING, CONCRETE, ROOF	COMBINATION FLOW-VOLUME	2,070	2,202	12	TCM 1 FLOW-THROUGH PLANTER	YES
DMA 2	26,453	6,173	LANDSCAPE BIORETENTION	20,280	AC PAVING, CONCRETE	UNIFORM INTENSITY (4% RULE)	1,058	1,228	6	TCM 2 BIOTREATMENT POND	YES
DMA 3	51,210	5,248	LANDSCAPE BIORETENTION	45,962	AC PAVING, CONCRETE, ROOF	COMBINATION FLOW-VOLUME	1,409	1,498	6	TCM 3 BIOTREATMENT POND	YES
DMA 4	23,014	13,153	LANDSCAPE BIORETENTION	9,861	AC PAVING, CONCRETE	COMBINATION FLOW-VOLUME	428	904	6	TCM 4 BIOTREATMENT POND	YES
DMA 5	40,061	7,555	LANDSCAPE BIORETENTION	32,506	AC PAVING, CONCRETE, ROOF	UNIFORM INTENSITY (4% RULE)	1,602	1,649	6	TCM 5 BIOTREATMENT POND	YES
DMA 6	37,390	15,595	LANDSCAPE BIORETENTION	21,795	AC PAVING, CONCRETE, ROOF	UNIFORM INTENSITY (4% RULE)	1,496	1,985	6	TCM 6 BIOTREATMENT POND	YES
DMA 7	18,100	3,560	LANDSCAPE BIORETENTION	14,540	AC PAVING, CONCRETE	COMBINATION FLOW-VOLUME	451	458	6	TCM 7 BIOTREATMENT POND	YES
DMA 8	13,847	3,779	LANDSCAPE BIORETENTION	10,068	AC PAVING, CONCRETE	COMBINATION FLOW-VOLUME	316	396	6	TCM 8 BIOTREATMENT POND	YES
DMA 9	23,038	9,600	LANDSCAPE BIORETENTION	13,438	AC PAVING, CONCRETE	UNIFORM INTENSITY (4% RULE)	922	1,015	6	TCM 9 BIOTREATMENT POND	YES
DMA 10	14,902	5,628	LANDSCAPE BIORETENTION	9,274	AC PAVING, CONCRETE	UNIFORM INTENSITY (4% RULE)	596	831	6	TCM 10 BIOTREATMENT POND	YES
TOTAL	**347,174**	**86,223**		**260,951**			**10,348**	**12,166**			

OVERALL TREATMENT AREA TOTALS

PERVIOUS AND IMPERVIOUS SURFACES COMPARISON TABLE

	PROJECT PHASE NUMBER: (N/A, 1, 2, 3)		N/A
TOTAL SITE (ACRES):	7.97 AC [347,175 SF]	TOTAL AREA OF SITE DISTURBED (ACRES):	7.97
IMPERVIOUS SURFACES	EXISTING CONDITION OF DISTURBED AREA (SQUARE FEET):	PROPOSED CONDITION OF SITE AREA DISTURBED (SQUARE FEET):	
		REPLACED	NEW
BUILDING FOOTPRINT	74,490	74,490	37,063
STREETS & PARKING	174,480	115,706	0
S/W, PATIOS, PATHS ETC.	33,348	33,693	0
STREETS (PUBLIC)	0	0	0
STREETS (PRIVATE)	0	0	0
TOTAL IMPERVIOUS SURFACES:	*282,318*	*223,889*	*37,063*
PERVIOUS SURFACES			
LANDSCAPED AREAS	64,857	64,857	21,366
PERVIOUS PAVING	0	0	0
OTHER PERVIOUS SURFACES (GREEN ROOF, ETC.)	0	0	0
TOTAL PERVIOUS SURFACES:	*64,857*	*64,857*	*21,366*
TOTAL PROPOSED REPLACED + NEW IMPERVIOUS SURFACES:			*260,952*
TOTAL PROPOSED REPLACED + NEW PERVIOUS SURFACES:			*86,223*

Source: Kier + Wright, 2022.

0 130
Scale (Feet)

Figure 3-16
Stormwater Plan

OTHER UTILITIES

Pacific Gas & Electric (PG&E) would supply electricity infrastructure to the project site. [50] The source of electricity would be provided through a partnership of Silicon Valley Clean Energy (SVCE), which provides a standard electricity offering from a 50 percent renewable portfolio,[51] and PG&E. SVCE also offers a 100 percent renewable option that electricity customers can opt into. The proposed development would achieve LEED Silver, or equivalent Alternative Reference Standard, consistent with the City's requirements.[52] Telephone service would be provided by AT&T and other providers.

3.2.8 SUSTAINABILITY FEATURES

The proposed project would include several features that reduce GHG emissions and help the City meet sustainability goals. These include the following:

- All Electric Buildings: Pursuant to CMC Section 16.54.100(2), *Newly Constructed Buildings*, the proposed building would be All-Electric Buildings and would have no natural gas or propane plumbing installed. Electricity would be the sole source of energy for space and water heating.
- Clean Air, Van/Pool Parking Spaces. Clean Air vehicles meet California's super ultra-low emission vehicle standards for exhaust emissions. The proposed project would include 18 parking spaces for Clean Air vehicle or Van/Pool vehicles, located along the eastern edge of the proposed office building and parking garage.
- Bicycle Parking. The proposed project would include both Class 1 lockers and Class 2 bike parking facilities. The parking garage would include 70 Class 1 bike lockers on the southwest corner of Level 1. The perimeter of the office building would include 58 Class 2 bike parking spaces.
- Photovoltaic Solar. The parking garage in the proposed project would include a photovoltaic solar array on Level 4 – roof. The photovoltaic solar panels would generate approximately 525,000 kilowatt hours per year, or five percent of the proposed project electricity demand (see Appendix A, Air Quality and Greenhouse Gas Emissions Data).
- Landscaping and Tree Cover. The proposed project would increase landscaping/pervious surface onsite by 21,366 square feet, including an increase in trees from 209 existing trees to 298 proposed trees. This would increase tree canopy cover on-site and provide shade cover for both buildings and hardscaped areas, reducing energy needed to cool the office building.
- Landscaping Water Use. All landscape zones would be irrigated with sub-surface drip irrigation and tree bubblers to maximize irrigation efficiency and comply with the Cupertino Landscape Ordinance,

[50] City of Cupertino. Other Service Providers. https://www.cupertino.org/our-city/departments/other-service-providers, accessed June 29, 2021.

[51] Silicon Valley Clean Energy. 2019. Your Choices. https://www.svcleanenergy.org/choices/, accessed on June 29, 2021.

[52] Leadership in Energy & Environmental Design is a green building program that recognizes building strategies that reduce consumption energy, and water, and reduce solid waste directly diverted to landfills. Silver typically reduce is the third highest ranking, with just being certified being the lowest and Gold and Platinum being the second highest.

and water uses would be tailored to meet CALGreen Building Standards, which as described above, requires water conservation and new buildings to reduce water consumption by 20 percent. Irrigation controls would use smart weather sensing technology to minimize irrigation water use.

- Windows and Shading. The proposed project would include shadow boxes above the windows and glass glazing on the windows, which would provide shade on the upper floors on the office building. This would reduce the energy needed to cool the office building.
- Electric Vehicle or EV Charging Stations. The proposed project would include the installation of EV charging stations. The proposed project would meet the number of EV charging stations required under the CMC Chapter 16.58, *Green Building Standards Code*, requirements as shown in Table 3-3, *Electric Vehicle Parking*.

TABLE 3-3 ELECTRIC VEHICLE PARKING SPACES

	Required Pursuant to Cupertino Municipal Code Standards [a]	Total Provided
EV Capable	275	275 (Parking Garage)
EV Ready Circuit Level 1	92	92 (Surface Parking Lot)
EV Ready Circuit Level 2	183	183 (143 Parking Garage & 40 Surface Parking Lot)
Grand Total of EV Parking Spaces		**550**

Notes: EV = electric vehicle; EVCS = electric vehicle charging station
a. Cupertino Municipal Code Chapter 16.58. *Green Building Standards Code.*
Source: City of Cupertino, PlaceWorks, 2022.

3.2.9 DEMOLITION, SITE PREPARATION, AND CONSTRUCTION

Demolition and construction would take place over an 18-month period, which is anticipated to begin in May 2023 and end in October 2024, subject to regulatory approval.[53] The project applicant proposes to demolish the existing buildings and remove portions of the existing on-site vegetation. Table 3-4, *Demolition and Construction,* shows the approximate demolition and construction phasing.

TABLE 3-4 DEMOLITION AND CONSTRUCTION

Activity	(Work Days)
Demolition	75
Site Preparation	7
Grading	210
Building Construction	294
Paving	14
Architectural Coating/Landscaping	28

Source: Construction Data Request Workbook received October 5, 2021.

Demolition would take place over a period of approximately 11 weeks, while grading and site preparation, including excavation for the subterranean levels of the parking garage, would be completed over a 7-month period. Demolition and construction work would be conducted between 7:00 a.m. to 8:00 p.m. on weekdays, as provided for in CMC Section 10.48.053, *Grading, Construction and Demolition*. Demolition and construction are not permitted on weekends or holidays for sites within 750 feet of

[53] Giving the timing of the project, it is assumed that the new buildings would be constructed in compliance with the California 2022 Building Energy Efficiency Standards (effective January 1, 2023).

residential properties.[54] Demolition debris, including soil, would be off-hauled for disposal in accordance with the

City of Cupertino's *Recycling and Diversion of Construction and Demolition Waste Ordinance*.[55] Debris to be hauled would include shrubs and trees that were planted as part of the existing urbanized landscape, approximately 141,000 square feet of building demolition debris, 168,000 square feet of asphalt/concrete material, and 58,393 cubic yards of grading and soil export. Typical equipment to be used for demolition and site preparation would include excavators, a skid steer loader, a grader, a rubber-tired dozer, scrapers, and an off-highway truck. The project construction would consist of an office building, parking garage, open space plazas, landscaping, surface parking, and hardscaped areas. See Section 3.2.1, *Proposed Office/Commercial Building, Open Space Plazas, and Parking Garage,* through Section 3.2.8, *Sustainability Features,* for more detail. No pile driving, rock blasting, or crushing would occur during the construction phase. Typical equipment to be used during construction of the project would include a backhoe, a crane, aerial lifts, a generator, a diesel pump, dumpers, rollers, and a paver.

During demolition and construction, vehicles, equipment, and materials would be staged and stored on a centrally located portion of the project site when practical. No long-term staging of equipment would occur around the perimeter of the site. No construction staging would occur in the public right-of-way. The construction site and staging areas would be clearly marked, and construction fencing would be installed to prevent disturbance and safety hazards. A combination of on- and off-site parking facilities for construction workers would be identified during demolition, grading, and construction.

3.3 REQUIRED PERMITS AND APPROVALS

Following approval of this 15183 Checklist, the following discretionary permits and approvals from the City would be required for the proposed project:

- Development Permit
- Tree Removal Permit
- Architectural and Site Approval Permit
- Bay Area Air Quality Management District Emergency generator permit

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

[54] Cupertino Municipal Code, Title 10, *Public Peace, Safety and Morals*, Chapter 10.48, *Community Noise Control*, Section 10.48.053, *Grading, Construction and Demolition*.

[55] Cupertino Municipal Code, Title 16, *Building and Construction*, Chapter 16.72, *Recycling and Diversion of Construction and Demolition Waste.*

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4. Environmental Analysis

4.1 DISCUSSION OF ENVIRONMENTAL EVALUATION

The General Plan EIR included an analysis of the project site as within the Heart of the City Special Area and South Vallco Park area. The evaluation in the General Plan EIR assumed potential redevelopment within the Heart of the City Special Area would have 2,700,000 square feet of office space and a maximum height of 90 feet within the South Vallco Park area. [56] The cumulative impacts of past, present, and probable future development, in conjunction with overall General Plan buildout, including office development within the Heart of the City Special Area, were evaluated in the General Plan EIR. The proposed project is anticipated to be completed in 2024 (subject to regulatory approval); thus, this 15183 Checklist presents an analysis of the near-term impacts of the proposed project under existing conditions and 2025 cumulative conditions.

Consistent with the analysis presented in the General Plan EIR, and due to the proposed project's location in an urbanized city setting, the project would not have a significant effect on agriculture, 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.[57] In addition, according to the 2006 mapping data from the California Department of Forestry and Fire Protection, the city does not contain any woodland or forestland cover.[58] Finally, the city does not contain land zoned for farmland or timberland production.[59] Consequently, there would be no impacts with regard to agriculture and forestry resources. The project site is not within an area designated as Mineral Resource Zone, which is an area containing mineral deposits.[60] Consequently, 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 were not evaluated further in the General Plan EIR and are not discussed further in this 15183 Checklist. After the General Plan EIR was certified, the CEQA Guidelines were amended by the Governor's Office of Planning and Research, which is the entity charged with developing guidelines to help agencies implement CEQA, and adequacy of parking is no longer considered to be a significant environmental impact. Accordingly, parking adequacy is not discussed further in this 15183 Checklist.

[56] PlaceWorks. 2015. City of Cupertino General Plan EIR, Chapter 3, Project Description, pages 3-28 to 3-30.

[57] California Resources Agency, Farmland Mapping and Monitoring Program. Santa Clara County Important Farmland 2010, accessed on June 20, 2022.

[58] California Department of Forestry and Fire Protection Fire and Resource Assessment Program, Land Cover Map, accessed on June 20, 2022.

[59] City of Cupertino, Zoning Map, http://www.cupertino.org/index.aspx?page=291, accessed on May 9, 2019.

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

I. AESTHETICS

Except as provided in Public Resources Code Section 21099 (transit priority area/major transit stop), would the proposed project:	Significant Impact Peculiar to the Project or Project Site	Impact Substantially Mitigated by Uniformly Applicable Development Standards	Impact Adequately Addressed in the General Plan EIR	New Less Than Significant Impact not Addressed in the General Plan EIR
a) Have a substantial adverse effect on a scenic vista?	no	no	yes	no
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a State scenic highway?	no	no	yes	no
c) If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?	no	no	yes	no
d) Create a new source of substantial light or glare that would adversely affect day or nighttime views in the area?	no	no	yes	no

GENERAL PLAN EIR

Chapter 4.1, *Aesthetics*, of the General Plan EIR, addressed the impacts to visual resources associated with buildout of the General Plan, including the 2,700,000 square feet of office space in the Heart of the City Special Area and a height limit of 90 feet in the South Vallco Park area at a program level. The impacts were found to be less than significant, and no mitigation measures were required.

EXISTING CONDITIONS

The project site contains an existing two-story office building bordered by surface parking and associated landscaping. Surrounding uses include office buildings ranging from two to four stories to the north across I-280; a one to two-story office building to the east; four to five-story office and commercial buildings to the south; and a two-story office building to the west. Landscaping on-site includes 208 mature, native and non-native trees ranging from 10 feet to 60 feet in height. The trees consist of 13 different species, including California Black Oak (*Quercus kelloggii*), Chinese Pistache (*Pistacia chinensis*), Coast live oak (*Quercus agrifolia*), Coast Redwood (*Sequoia sempervirens*), Cork oak (*Quercus suber*), Evergreen ash (*Fraxinus uhdei*), Holly Oak (*Quercus ilex*), London plane (*Platanus x acerifolia*), Olive (*Olea europaea*), Southern live oak (*Quercus virginiana*), Trident maple (*Acer buergerianum*), Valley oak (*Quercus lobata*), and Willow oak (*Quercus phellos*).[61]

[61] Oakley, Sam. 2021, March. *Vallco Parkway 1 Campus Tree Inventory & Assessment with Protection Guidelines.* Arborwell Professional Tree Management. Prepared for Apple Inc.

DISCUSSION

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

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

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 the 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 building heights up to 90 feet would result in a less-than-significant impact to the long-range views of the Santa Cruz Mountain Range and foothills because the maximum heights of the existing on-site and surrounding buildings and mature trees currently limit the opportunity for views of scenic vistas from street-level public viewing.

As described in Chapter 3, *Project Description*, of this 15183 Checklist, the existing two-story building would be removed and replaced by a proposed four-story office building with surface parking and a four-story parking garage. As shown on Figure 3-9, *Office Building Elevations,* the maximum height of the office building would be 70 feet and 6 inches with mechanical equipment screening on the roof, 58 feet and 6 inches at the parapet, and 56 feet and 6 inches at the roofline. As shown on Figure 3-10, *Parking Garage Elevations,* the proposed parking garage would also be 42 feet and 4 inches at the photovoltaic solar panel roofline.

The topography of the project site is essentially flat and the views from street-level public viewing to the far-field views of the Santa Cruz Mountain Range and foothills from various vantage points throughout the city are currently inhibited by existing conditions such as buildings, structures, and mature trees/vegetation. The project location is not considered a destination public viewing point nor is it visible from these scenic vistas. Furthermore, the proposed project would be subject to the Architectural and Site Review process, in accordance with Chapter 19.168, *Architectural and Site Review*, of the Zoning Ordinance, and would be required to comply with Design Standards. Accordingly, impacts under this criterion were adequately addressed in the General Plan EIR. Effects peculiar to the proposed project or the project site do not exist. Thus, pursuant to CEQA Guidelines Section 15183, the criteria for requiring further CEQA review are not met.

ENVIRONMENTAL ANALYSIS

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 eligible for listing as a designated State Scenic Highway. The project site is adjacent to I-280. However, as described in criterion (a), impacts to views of scenic resources from the I-280 view corridor were determined to be less than significant in the General Plan EIR with heights up to 90 feet on the project site. The proposed project would be subject to the Architectural and Site Review process, in accordance with CMC Chapter 19.168, and would be required to comply with Design Standards. In addition, because existing conditions currently limit views of scenic resources, including those from the I-280 viewshed, project impacts would remain consistent with the conclusions in the General Plan EIR. Accordingly, impacts under this criterion were adequately addressed in the General Plan EIR. Effects peculiar to the proposed project or the project site do not exist. Thus, pursuant to CEQA Guidelines Section 15183, the criteria for requiring further CEQA review are not met.

c) If the project in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?

The project site is in an urbanized area that is not designated or otherwise identified as a public viewing location for surrounding scenic views. Public views of scenic resources including the westward views of the foothills and ridgelines of the Santa Cruz Mountains and the segment of I-280 from the Santa Clara County line on the west to I-880 on the east are partially obstructed due to the natural topography and the existing buildings in the project area.

The proposed project would result in a change from the existing two-story building to a four-story office building and a four story parking garage. The proposed project is consistent with the Commercial/Office/Residential General Plan land use designation and the Planned Development with Industrial Park and General Commercial (P(MP,CG)) zoning district. As described in Section 3.1.4, *Land Use and Zoning Designations*, the land use designation and the zoning district are intended to support a mix of general commercial uses, including office and retail space. Accordingly, the project is considered to be consistent with the General Plan land use designation and Zoning District for the project site.

The project is subject to the City's discretionary review processes, including the Development Permit and Architectural and Site Approval Review in accordance with CMC Chapter 19.168, 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. The proposed project would not conflict with applicable zoning and other regulations governing scenic quality and it would not substantially degrade the existing visual character of the site and its surroundings, and impacts would remain consistent with the conclusions in the General Plan EIR. Accordingly, impacts under this criterion were adequately addressed in the General Plan EIR. Effects peculiar to the proposed project or the project site do not exist. Thus, pursuant to CEQA Guidelines Section 15183, the criteria for requiring further CEQA review are not met.

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 effect 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 areas contain existing sources of nighttime illumination. These include street and parking area lights, and exterior lighting on existing commercial buildings. Additional on-site light and glare is caused by surrounding land uses and traffic on surrounding roadways. As described in Chapter 3, *Project Description*, of this 15183 Checklist, the source, intensity, and type of exterior lighting for the project site would be typical for orienting site users and for safety needs (i.e., lighting on signs, pathways, and parking). All permanent on-site lighting would be low-level illumination, downward directed, and shielded to reduce light spill or glare into surrounding uses. There would be no up-lighting on the building exteriors, except for landscaped features or trees with ten-watt incandescent bulb or LED equivalent, or where the up-lighting doesn't exceed 150 lumens, whichever is less. In landscaped and paved areas, light sources would be concealed and not visible from a public viewpoint. Unless used for safety, all outside lighting would be turned off by 11:00 p.m. All exterior surface and above-ground mounted fixtures would be complementary to the architectural theme and to the surrounding properties. Where glass features are considered, glazing treatments would vary; however, the exterior glass would be designed to reduce reflection and glare in accordance with CMC Section 19.102 *Glass and Lighting Standards*. The existing roadway and proposed landscaping surrounding the project would act as a buffer to prevent light spilling on to adjacent land uses. For these reasons, impacts would remain consistent with the conclusions in the General Plan EIR. Accordingly, impacts under this criterion were adequately addressed in the General Plan EIR. Effects peculiar to the proposed project or the project site do not exist. Thus, pursuant to CEQA Guidelines Section 15183, the criteria for requiring further CEQA review are not met.

II. AIR QUALITY

Would the proposed project:	Significant Impact Peculiar to the Project or Project Site	Impact Substantially Mitigated by Uniformly Applicable Development Standards	Impact Adequately Addressed in the General Plan EIR	New Less Than Significant Impact not Addressed in the General Plan EIR
a) Conflict with or obstruct implementation of the applicable air quality plan?	no	yes	yes	no
b) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is in non-attainment under applicable federal or State ambient air quality standard?	no	no	yes	no
c) Expose sensitive receptors to substantial pollutant concentrations?	no	no	yes	no
d) Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?	no	no	yes	no

GENERAL PLAN EIR

Chapter 4.2, *Air Quality*, of the General Plan EIR, addressed the air quality impacts associated with buildout of the General Plan, including the 2,700,000 square feet of office space in the Heart of the City Special Area and a height limit of 90 feet in the South Vallco Park area at a program level. Air quality impacts were found to be significant and unavoidable in the General Plan EIR because project-specific details of future development were not available. The City adopted and incorporated mitigation measures into the General Plan to reduce air quality impacts.

Mitigation Measures AQ-2a and AQ-2b are specific measures that are to be implemented by future projects, such as the proposed project, to reduce construction-related air quality impacts. Mitigation Measure AQ-2a require applicants for future development projects to comply with the current Bay Area Air Quality Management District (BAAQMD) basic control measures for reducing fugitive dust emissions (PM_{10} and $PM_{2.5}$) during construction, and Mitigation Measure AQ-2b provides additional measures if there are significant construction exhaust emissions. Mitigation Measures AQ-4a and AQ-4b require the submittal of health risk assessments (HRAs) to the City to ensure mobile sources of TACs are considered in subsequent project-level environmental review.

Since the certification of the General Plan EIR the City has codified regulations equivalent to the General Plan mitigation measures to reduce construction-related air quality impacts in CMC Chapter 17.04, *Standard Environmental Protection Requirements*. CMC Section 17.04.050(A)(1) requires the project applicant to control fugitive dust during construction and implement the Bay Area Air Quality Management District (BAAQMD) Basic Control Measures included in the latest version of BAAQMD's CEQA Air Quality Guidelines, as subsequently revised, supplemented, or replaced, to control fugitive dust (i.e., particulate matter $PM_{2.5}$ and PM_{10}) during demolition, ground disturbing activities and/or construction. The project applicant shall include these measures in the applicable construction documents, prior to issuance of the first permit. Additionally, CMC Section 17.04.050(A)(2) requires the project applicant to control construction exhaust and describes the procedures to be implemented. The CMC requirements include:

- Control Fugitive Dust During Construction. Projects shall implement the Bay Area Air Quality Management District Basic Control Measures included in the latest version of BAAQMD's CEQA Air Quality Guidelines, as subsequently revised, supplemented, or replaced, to control fugitive dust (i.e., particulate matter PM2.5 and PM10) during demolition, ground disturbing activities and/or construction. The project applicant shall include these measures in the applicable construction documents, prior to issuance of the first permit.
- Control Construction Exhaust. Projects that disturb more than one-acre and are more than two months in duration, shall implement the following measures and the project applicant shall include them in the applicable construction document, prior to issuance of the first permit:
  a. Utilize off-road diesel-powered construction equipment that is rated by the U.S. Environmental Protection Agency (EPA) as Tier 4 or higher for equipment more than 25 horsepower. Any emissions control device used by the contractor shall achieve emissions reductions that are no less than what could be achieved by a Tier 4 interim emissions standard for a similarly sized engine, as defined by the California Air Resources Board's (CARB) regulations. Applicable

construction documents shall clearly show the selected emission reduction strategy for construction equipment over 25 horsepower.

b. Ensure that the construction contractor shall maintain a list of all operating equipment in use on the project site for verification by the City. The construction equipment list shall state the makes, models, and number of construction equipment on-site.

c. Ensure that all equipment shall be properly serviced and maintained in accordance with the manufacturer's recommendations.

- Control Volatile Organic Compound Emissions from Paint. Projects shall use low-VOC paint (i.e., 50 grams per liter [g/L] or less) for interior and exterior wall architectural coatings. The project applicant shall include the use of low-VOC paint in the applicable construction documents prior to issuance of the first permit.

EXISTING CONDITIONS

The existing office building generates criteria air pollutants from transportation sources, energy (natural gas and purchased energy), and area sources such as landscaping equipment and architectural coatings. Current land uses generate approximately 1,823 average daily trips.[62] Existing emissions associated with the proposed project are shown in Table 4-1, *Existing Criteria Air Pollutant Emissions*, below.

TABLE 4-1 EXISTING CRITERIA AIR POLLUTANT EMISSIONS

	Criteria Air Pollutants (tons/year)			
Category	ROG	NO_x	PM_{10}	$PM_{2.5}$
Existing 2021 Emissions				
Area	1	<1	<1	<1
Energy	<1	<1	<1	<1
Mobile	1	1	2	<1
Total Annual	1	1	2	<1
	Criteria Air Pollutants (lbs/day)			
	ROG	NO_x	PM_{10}	$PM_{2.5}$
Total Average Daily	8	5	10	3

Notes: Emissions may not total to 100 percent due to rounding.
Source: California Emissions Estimator Model (CalEEMod), Version 2020.4.

Where available, the significance criteria established by the BAAQMD are relied upon to make the determinations discussed below.

[62] Transportation Impact Analysis: VP1 Apple Office Project, Fehr & Peers. November 29, 2021, Table 2, Vehicle Trip Generation Estimates.

DISCUSSION

This section addresses the impacts of the proposed project on ambient air quality and the exposure of people, especially sensitive individuals, to unhealthful pollutant concentrations. A background discussion on the air quality regulatory setting, meteorological conditions, existing ambient air quality in the vicinity of the project site, and air quality modeling can be found in Appendix A, *Air Quality and Greenhouse Gas Emissions Data*, of this 15183 Checklist. The construction health risk assessment (HRA) is included in Appendix B, *Construction Health Risk Assessment*.

The primary air pollutants of concern for which ambient air quality standards (AAQS) have been established are ozone (O_3), carbon monoxide (CO), coarse inhalable particulate matter (PM_{10}), fine inhalable particulate matter ($PM_{2.5}$), sulfur dioxide (SO_2), nitrogen dioxide (NO_2), and lead (Pb). Areas are classified under the federal and California Clean Air Act as either in attainment or nonattainment for each criteria pollutant based on whether the AAQS have been achieved. The San Francisco Bay Area Air Basin (SFBAAB), which is managed by the Bay Area Air Quality Management District (BAAQMD or Air District), is nonattainment area for California and National O_3, California and National $PM_{2.5}$, and California PM_{10} AAQS.

Furthermore, 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 regional significance thresholds are not expected to generate sufficient criteria pollutant emissions to violate any air quality standard, contribute substantially to an existing or projected air quality violation, or substantially contribute to health impacts. Where available, the significance criteria established by BAAQMD may be relied upon to make the following determinations.

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

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 demolish the existing two-story office building (141,024 sf) and construct a new office building (280,820 sf), commercial space (2,300 sf) with parking garage structure. In total, this proposed project would generate 1,125 new employees and a net increase of 561 employees. Since the proposed office building encompasses less than 250,000 square feet of floor space, the proposed project is not considered a regionally significant project under CEQA Guidelines Section 15206 that would affect regional vehicle miles traveled or 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 (see criterion (b) below). The BAAQMD emissions 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*. Accordingly, impacts under this criterion were adequately addressed in the General Plan EIR. Effects peculiar to the proposed project or the project site do not exist. Thus, pursuant to CEQA Guidelines Section 15183, the criteria for requiring further CEQA review are not met.

b) 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?

Regional Short-Term 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. The proposed project must control fugitive dust during construction in accordance with CMC Section 17.04.050(A)(1), *Control Fugitive Dust During Construction*. As a result, the proposed project is required to implement the BAAQMD's best management practices. BAAQMD considers all impacts related to fugitive dust emissions from construction to be *less than significant* with implementation of BAAQMD's best management practices, which are required by the City in accordance with CMC Section 17.04.050(A)(1).

Construction Exhaust Emissions

The proposed project would result in demolition debris and would require soil export for the parking structure. Thus, the BAAQMD screening criteria for construction-related impacts would not be met. A

quantified analysis of the proposed project's construction emissions was conducted using the California Emissions Estimator Model (CalEEMod) Version 2020.4 based on information provided by the project applicant and default equipment mix for each construction activity. The approximately 17-month construction period is assumed to begin in May 2023 and end in October 2024. In accordance with CMC Section 17.04.050(A)(2), *Control Construction Exhaust*, and CMC Section 17.04.050(A)(3), *Control Volatile Organic Compound Emissions from Paint*, the construction contractor is required to utilize Tier 4 Interim engines for all equipment with more than 25 horsepower and use of low-VOC (i.e., 50 g/L) paint for all interior and exterior walls for the proposed project, respectively.

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, *Construction-Related Criteria Air Pollutant Emissions Estimates*. 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 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 (tons/year)[a]					
Year	VOC	NO_x	Fugitive PM_{10}[b]	Exhaust PM_{10}	Fugitive $PM_{2.5}$[b]	Exhaust $PM_{2.5}$[b]
2023	<1	2	<1	<1	<1	<1
2024	<1	3	<1	<1	<1	<1
Total	**1**	**5**	**<1**	**<1**	**<1**	**<1**
	Criteria Air Pollutants (average lbs/day)[a]					
Average Daily Emissions[c]	4	23	3	1	1	1
BAAQMD Average Daily Threshold	54	54	BMPs	82	BMPs	54
Exceeds Average Daily Threshold	**No**	**No**	**N/A**	**No**	**N/A**	**No**

Notes: Emissions may not total to 100 percent due to rounding. BMP = Best Management Practices; N/A = not applicable

a. Construction phasing and equipment mix are based on the preliminary information provided by the project applicant. Where specific information regarding project-related construction activities was not available, construction assumptions were based on CalEEMod defaults, which are based on construction surveys conducted by South Coast Air Quality Management District of construction equipment and phasing for comparable projects. Modeling does not include the CMC Chapter 17.04; as such, implementation of these mandatory requirements would further reduce emissions from construction emissions.

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

c. Average daily emissions are based on the total construction emissions divided by the total number of active construction days. The total number of construction days is estimated to be about 425.

Source: California Emissions Estimator Model (CalEEMod), Version 2020.4

Operational Impacts

Typical long-term air pollutant emissions are generated by area sources (e.g., landscape fuel use, aerosols, architectural coatings, and asphalt pavement), energy use, and mobile sources (i.e., on-road vehicles). 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 increase of 2,125 vehicle trips.[63] Table 4-3, *Operational Criteria Air Pollutant Emissions Estimates*, identifies the net increase in criteria air pollutant emissions associated with the proposed project compared to the baseline operation.

TABLE 4-3 OPERATIONAL CRITERIA AIR POLLUTANT EMISSIONS ESTIMATES

	Criteria Air Pollutants (average lbs/day) [a]			
Category	ROG	NO_x	PM_{10}	$PM_{2.5}$
Existing Buildout 2024 Projected Emissions				
Area	4	<1	<1	<1
Energy	<1	1	<1	<1
On-Road Mobile	4	3	11	3
Total	*8*	*4*	*11*	*3*
Proposed Land Use 2024 Emissions				
Area	6	<1	<1	<1
Energy	<1	1	<1	<1
On-Road Mobile	8	6	20	5
Total	*15*	*8*	*20*	*6*
Net Change in Emissions				
Area	3	<1	<1	<1
Energy	<1	<1	<1	<1
On-Road Mobile	4	3	9	3
Total	*7*	*4*	*9*	*3*
BAAQMD Average Daily Project-Level Threshold	**54**	**54**	**82**	**54**
Exceeds BAAQMD Threshold?	No	No	No	No
	Criteria Air Pollutants (tons/year)			
	ROG	**NO_x**	**PM_{10}**	**$PM_{2.5}$**
Net Change	*1*	*1*	*2*	*<1*
BAAQMD Annual Project-Level Threshold	**10**	**10**	**15**	**10**
Exceeds BAAQMD Threshold?	No	No	No	No

Notes: Emissions may not total to 100 percent due to rounding.
a. Average daily emissions are based on the annual operational emissions divided by 365 days.
Source: California Emissions Estimator Model (CalEEMod), Version 2020.4

[63] Transportation Impact Analysis: VP1 Apple Office Project, Fehr & Peers. November 29, 2021, Table 2, Vehicle Trip Generation Estimates.

As shown in Table 4-3, the net increase in operational emissions generated by the project would not exceed the BAAQMD daily or annual thresholds. 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*.

Summary

As described, the proposed project would not have a significant long-term operational phase impact. Additionally, implementation of the mandatory CMC Chapter 17.04, *Standard Environmental Protection Requirements*, would ensure that required fugitive dust control measures are implemented to control project-related fugitive dust generated during construction activities and would minimize construction exhaust and VOC emissions. Therefore, the project's contribution to cumulative air quality impacts would be *less than significant*. Accordingly, impacts under this criterion were adequately addressed in the General Plan EIR. Effects peculiar to the proposed project or the project site do not exist. Thus, pursuant to CEQA Guidelines Section 15183, the criteria for requiring further CEQA review are not met.

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

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* (2017) that evaluate construction-related health risks associated with residential, commercial, and industrial projects. According to the screening tables, the residences are closer than the distance of 200 meters (656 feet) that would screen out potential health risks and, therefore, could be potentially impacted from the proposed construction activities. The nearest sensitive receptors to the project site are the multi-family residential building to the southwest, Sunflower Learning Center to the south, Cupertino High School to the south, as well as the residential neighborhoods to the northeast, south and west of the project site. Consequently, a site- specific construction health risk assessment (HRA) of TACs and $PM_{2.5}$ was prepared (see Appendix B, *Construction Health Risk Assessment*, of this 15183 Checklist).

A quantified analysis of the project's construction emissions was conducted using the CalEEMod, Version 2020.4. Construction emissions were based on 395 working days of the approximate 1.5-year construction duration. The United States Environmental Protection Agency (USEPA) AERMOD, Version 9.9.5, 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. The results of the analysis are shown in Table 4-4, *Construction Risk Summary*.

TABLE 4-4 CONSTRUCTION RISK SUMMARY

Receptor	Cancer Risk (per million)	Chronic Hazards	$PM_{2.5}$ ($\mu g/m^3$)
Maximum Exposed Receptor – Off-site Resident	8.6	0.019	0.05
Sunflower Learning Center Preschool Student	0.3	0.003	0.01
Cupertino High School Student	0.3	0.006	0.01
BAAQMD Threshold	10	1.0	0.30
Exceeds Threshold?	**No**	**No**	**No**

Note: Cancer risk calculated using 2015 Office of Environmental Health Hazard Assessment Health Risk Assessment Guidance Manual. Modeling does not include the CMC Chapter 17.04; as such, implementation of these mandatory requirements would further reduce emissions and associated health risk from construction emissions.
Source: Lakes AERMOD View, 9.9.5 (2017).

The results of the construction HRA are based on the maximum receptor concentration over a 1.5-year construction exposure duration for off-site receptors, assuming 24-hour outdoor exposure.[64] Risk is based on the updated Office of Environmental Health Hazard Assessment (OEHHA) Guidance Manual:[65]

- Cancer risk for the maximum exposed off-site resident from only construction activities related to the proposed project were calculated to be 8.6 in a million and would not exceed the 10 in a million-significance threshold. Utilizing the latest 2015 OEHHA Guidance Manual, the calculated total cancer risk conservatively assumes that the risk for the MER consists of a pregnant woman in the third trimester that subsequently gives birth to an infant during the approximately 2-year construction period; therefore, all calculated risk values were multiplied by a factor of 10. In addition, it was conservatively assumed that the residents were outdoors 8 hours a day, 260 construction days per year and exposed to all of the daily construction emissions. Lastly, the cancer risk for the maximum exposed preschool and high school receptor was calculated to be 0.3 in a million, for both receptors, which would not exceed the significance threshold.
- For non-carcinogenic effects, the chronic hazard index identified for each toxicological endpoint totaled less than one for all the off-site sensitive receptors. Therefore, chronic non-carcinogenic hazards are within acceptable limits.
- The highest $PM_{2.5}$ annual concentration of 0.05 is below the BAAQMD significance threshold of 0.3 micrograms per cubic meter ($\mu g/m_3$).

Because cancer risk for the maximum exposed receptor would not exceed BAAQMD's significance thresholds due to construction activities associated with the proposed project, the project would not

[64] The 2015 Office of Environmental Health Hazard Assessment Air Toxics Hot Spots Program Guidance Manual identified that 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.

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

expose off-site sensitive receptors to substantial concentrations of air pollutant emissions during construction and impacts would be *less than significant*.

Operation Phase Community Risk and Hazards

Types of land uses that typically generate substantial quantities of criteria air pollutants and TACs include industrial (stationary sources), manufacturing, and warehousing (truck idling) land uses. These types of major air pollutant emissions sources are not included as part of the proposed project. The proposed project would not include stationary sources that emit TACs and would not generate a significant amount of heavy-duty truck trips (a source of diesel particulate matter [DPM]). 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 VTA's 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* 2050. An overarching goal of the regional *Plan Bay Area* 2050 is to concentrate development in areas where there are existing services and infrastructure rather than allocate 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 office development that is proximate to existing employment centers, roadways, transit, and bicycle and pedestrian routes, and for these reasons would be consistent with the overall goals of the *Plan Bay Area* 2050.

Furthermore, under existing and future vehicle emission rates, a project would have to increase traffic volumes at a single intersection by more than 44,000 vehicles per hour—or 24,000 vehicles per hour where vertical and/or horizontal mixing is substantially limited—in order to generate a significant CO impact. Implementation of the proposed project is anticipated to increase from existing conditions, but the proposed project 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.[66] Project implementation would generate 166 more AM (morning) peak hour trips and 192 more PM (evening) peak hour trips.[67] As a result, the project would not have the potential to substantially increase CO hotspots at intersections in the project vicinity and impacts would be *less than significant*.

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

[67] Fehr & Peers, 2021. Transportation Analysis, VP1 Apple Office Project.

Accordingly, impacts under this criterion were adequately addressed in the General Plan EIR. Effects peculiar to the proposed project or the project site do not exist. Thus, pursuant to CEQA Guidelines Section 15183, the criteria for requiring further CEQA review are not met.

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

Construction and operation of this four-story office building, commercial space, and parking garage would not generate 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. While, office uses are not associated with foul odors that constitute a public nuisance, the proposed 2,300 square feet of commercial space on the ground floor could include a food service such as a coffee shop or a bakery that could generate odors to nearby off-site residents. For these types of uses, the City may require charcoal activated filters to be installed depending on what tenants lease the space over the life of the building operation. However, these are not the types of uses that lead to odors that affect a substantial number of people.

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, odors would typically 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. As discussed further in Section VIII, *Hazards and Hazardous Materials*, the Phase I and II ESAs did not find documentation or physical evidence of soil, groundwater, or soil gas impairments associated with the use or past use of the project site.[68]

In summary, because construction-related odor emissions would be temporary and intermittent, office building development nor the 2,300 square feet of commercial space that could be used for food services over the life of the building are not considered the type of use that would generate odors that would affect a substantial number of people, and the proposed project is required to comply with BAAQMD Regulation 7, odor-related impacts to off-site land uses would be *less than significant.* Accordingly, impacts under this criterion were adequately addressed in the General Plan EIR. Effects peculiar to the proposed project or the project site do not exist. Thus, pursuant to CEQA Guidelines Section 15183, the criteria for requiring further CEQA review are not met.

[68] EKI Environment & Water, Inc., May 14, 2021. *Phase I Environmental Site Assessment and Subsurface Investigation Report, 19191 Vallco Parkway Cupertino, California.*

III. BIOLOGICAL RESOURCES

Would the proposed project:	Significant Impact Peculiar to the Project or Project Site	Impact Substantially Mitigated by Uniformly Applicable Development Standards	Impact Adequately Addressed in the General Plan EIR	New Less Than Significant Impact not Addressed in the General Plan EIR
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plan, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?	no	yes	yes	no
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?	no	no	yes	no
c) Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	no	yes	yes	no
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	no	no	yes	no
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	no	yes	yes	no
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or State habitat conservation plan?	no	no	yes	no

GENERAL PLAN EIR

Chapter 4.3, *Biological Resources*, of the General Plan EIR, addressed the impacts to biological resources associated with buildout of the General Plan, including the 2,700,000 square feet of office space in the Heart of the City Special Area and a height limit of 90 feet in the South Vallco Park area at a program level. Impacts to biological resources were found to be less than significant with implementation of mitigation measures to reduce potential impacts to birds protected under the Migratory Bird Treaty Act (MBTA). Future projects in Cupertino are required to comply with General Plan EIR Mitigation Measure BIO-1, previously adopted and incorporated into the General Plan, to ensure the protection of nesting raptors and other birds when in active use, as required by the federal MBTA and the California Fish and Game Code (CFG Code) if applicable.

Since the certification of the General Plan EIR the City has codified regulations equivalent to the General Plan mitigation measures to reduce impacts to nesting birds in CMC Chapter 17.04, *Standard Environmental Protection Requirements*. CMC Section 17.04.050(D)(1) requires the project applicant to avoid nesting birds during construction and describes the procedures to be implemented to ensure avoidance.

EXISTING CONDITIONS

The project site and surrounding area has been urbanized and supports roadways, structures, other impervious surfaces, areas of turf, and ornamental landscaping. Remnant native trees are scattered throughout the project site, together with non-native trees, shrubs, and groundcovers. The project site includes a two-story office building with associated surface parking and ornamental landscaping. The project site is bound by roadways on all sides except for the channelized Calabazas Creek to the west. The properties adjacent to the project site are mainly office use, with additional hotel and commercial uses to the south.

As previously described in Section 3.1.3, *Existing Site Setting*, the CALVEG habitat mapping program classifies the site 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. Although the channelized portion of Calabazas Creek is adjacent to the west side of the project site, the project site does not encompass this creek corridor or contain other regulated waters.

There is no existing wildlife movement corridor designation on the project site by any agency, including the United States Fish and Wildlife and the California Department of Fish and Wildlife. The CNDDB has no record of special-status plant or animal species on the project site or urbanized areas surrounding the project site. There are no natural lands within a 1-mile area of the project site. There is a possibility that birds could nest in trees and other landscaping on the project site. The nests of most bird species are protected under the MBTA when in active use and there is a remote possibility that one or more raptor species protected under the MBTA and CFG 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, together with more common raptors such as red-tailed hawk, great horned owl, and American kestrel, all of which are protected by the MBTA and CFG Code when their nests are in active use. However, no essential habitat for these or other special-status species is present on the project site due to its developed condition.

Numerous bat species are known to be in the Cupertino area, most of which are relatively common and are not considered special-status species. As previously stated, the CNDDB does not show any occurrences of special-status bats within the site vicinity or anywhere in Cupertino but does show records within several miles of Cupertino. The records include occurrences of Townsend's big-eared bat (*Corynorhinus townsendii*), hoary bat (*Lasiurus cinereus*), and Yuma myotis (*Myotis yumanensis*). These three species have no legal protected status under the State or federal Endangered Species Acts, but Townsend's big-eared bat is considered a Species of Special Concern by the California Department of Fish and Wildlife. These species have various priority rankings with the Western Bat Working Group (WBWG), ranging from "High" for Townsend's big-eared bat, "Medium" for hoary bat, to "Low-Medium" for Yuma myotis. Bat species found in the Cupertino vicinity may forage and occasionally roost in the site vicinity, but because the project site is occupied, no suitable habitats for maternity roosts are on the site.

According to the Vegetation Map shown in the *Environmental Resources and Sustainability Element* of the General Plan, most of the City including the project site is within the urban forest.[69] The City recognizes that every tree on both public and private property is an important part of Cupertino's urban forest and contributes significant economic, environmental, and aesthetic benefits of the community.[70] The tree study inventory and assessment prepared for the project included an evaluation of 208 trees on the site that represent 13 species. Since the existing development is on property that requires a development application, all existing trees on the site are considered protected.[71] The removal of on-site trees requires the approval of a Tree Removal Permit which may also require replacement trees to be planted.

DISCUSSION

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

Nesting Birds

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

[69] City of Cupertino, *General Plan (Community Vision 2015-2040)*, Chapter 6, Environmental Resources and Sustainability Element, Figure ES-1.

[70] City of Cupertino, Tree Protection and Tree Removal, https://www.cupertino.org/our-city/departments/community-development/planning/residential-development/tree-protection-tree-removal, accessed December 14, 2021.

[71] City of Cupertino Municipal Code, Title 14, *Streets, Sidewalks and Landscaping*, Chapter 14.18, *Protected Trees*.

possibility that birds protected by the MBTA and CFG Code 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. Since the certification of the General Plan EIR, the City adopted CMC Chapter 17.04, *Standard Environmental Protection Requirements,* which lists biological resources permit requirements in CMC Section 17.04.050(D) that are necessary to avoid inadvertent take of bird nests protected under the MBTA and CFG Code, which is equivalent to the General Plan EIR mitigation measure. The project applicant would be required to avoid nesting season to the extent feasible. If not feasible, the project applicant must conduct preconstruction surveys pursuant to CMC Section 17.04.050(D)(1)(b) to ensure nesting birds would be protected. Accordingly, mandatory compliance with CMC Section 17.04.050(D)(1)(b) would ensure the same less-than-significant impacts as the General Plan EIR.

Bird Collision

Avian injury and mortality resulting from collisions with buildings, towers and other man-made structures is a common occurrence in city and suburban settings. Some birds are unable to detect and avoid glass and have difficulty distinguishing between actual objects and their reflected images, particularly when the glass is transparent and views through the structure are possible. Night-time lighting can interfere with movement patterns of some night-migrating birds, causing disorientation or attracting them to the light source. The frequency of bird collisions in a particular area is dependent on numerous factors, including: characteristics of building height, fenestration (the arrangement of windows and doors on the elevations of a building) and exterior treatments of windows and their relationship to other buildings and vegetation in the area; local and migratory avian populations, their movement patterns, and proximity of water, food and other attractants, time of year; prevailing winds; weather conditions; and other variables.

The proposed office and commercial use building would alter the physical characteristics of the site; however, this change is not expected to contribute to a substantial increase in the risk of collisions to local and migratory birds. This is primarily due to the surrounding area is already intensively developed with structures with similar height, bulk, and surface treatment; the existing trees along the perimeter of the project site would remain; and the office building could have a combination of frosting and/or fritting, which reduces glare and makes the glass visible to birds to reduce collision. Because the site vicinity is already intensively developed with urban use and the site is currently developed with occupied structures, most birds, as under existing conditions, would likely acclimate to the presence of the new building once completed. The proposed project would also be required to comply with CMC Section 19.102.030, *Bird-safe Development Requirements*, which includes glass, indoor lighting, and design standards to reduce bird collisions. Pursuant to CMC Section 19.102.040, *Outdoor Lighting Requirements*, the proposed project would also be required to reduce light pollution through shielding lighting fixtures, having illumination levels not exceeding one foot-candle onto adjacent properties, maintaining lighting temperatures controls, turning off lighting when areas are not in use, installing automated control systems, and designing lighting to complement the proposed building and landscaping. With mandatory compliance with the City's bird-safe and lighting standards, the potential risk of bird collision with the new building would be extremely low and a *less-than-significant* impact.

Roosting Bats

As described in the existing conditions, the CNDDB show occurrences of Townsend's big-eared bat (*Corynorhinus townsendii*), hoary bat (*Lasiurus cinereus*), and Yuma myotis bat (*Myotis yumanensis*) within the City limits. These three species have no legal protected status under the State or federal Endangered Species Acts, but Townsend's big-eared bat is considered a Species of Special Concern by the California Department of Fish and Wildlife. Bat species found in the Cupertino vicinity may forage and occasionally roost in the site vicinity, but suitable habitat conditions for maternity roosts is absent from the project site. The potential for any special-status bat species to be present on the site is considered highly remote, given the urbanization of the site vicinity and intensity of human activity, which typically discourages possible occupation by special-status bats. Additionally, CMC Chapter 17.04, *Standard Environmental Protection Requirements,* lists biological resources permit requirements in Section 17.04.050(D)(2) to avoid special-status roosting bats during the construction phase. The proposed project would be required to seal the building when vacated from current operations or conduct bat surveys prior to construction. Accordingly, the construction and operation of the proposed project would not result in the inadvertent loss of any bats and impacts under this criterion would be *less than significant*.

In summary, based on the above, impacts under this criterion were adequately addressed in the General Plan EIR. Effects peculiar to the proposed project or the project site do not exist. Thus, pursuant to CEQA Guidelines Section 15183, the criteria for requiring further CEQA review are not met.

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

As discussed in the existing conditions above, the proposed project is located in an urbanized area where no sensitive natural communities are found. The project site does not include any wetlands or jurisdictional waters including creek corridors and associated riparian areas.[72] The nearest creek is the channelized portion of Calabazas Creek, located along the western border of the project site. The Calabazas Creek was realigned and channelized to its current location in 1978.[73] Proposed project demolition and construction activities would be located on the project site and would not disturb the Calabazas Creek riparian area. Additionally, the proposed project includes specific planting along the western border of the project site that would be California native trees, shrubs, and groundcover, as well as native juncus in the stormwater areas. Substantial adverse effect on any riparian habitat in the City, including the project site, was found to be less than significant in the General Plan EIR with mandatory compliance with existing regulations. Based on the existing conditions and the fact that the proposed project would only disturb land on the project site, impacts would be consistent with the conclusions in the General Plan EIR and would remain *less than significant*. Accordingly, impacts to riparian habitat or other sensitive natural community were adequately addressed in the General Plan EIR. Effects peculiar to

[72] City of Cupertino, *General Plan Amendment, Housing Element Update, and Associated Rezoning Project*, Chapter 4.3, Biological Resources.

[73] EKI Environment & Water. 2021. *Phase I Environmental Site Assessment and Subsurface Investigation Report*.

the proposed project or the project site do not exist. Thus, pursuant to CEQA Guidelines Section 15183, the criteria for requiring further CEQA review are not met.

c) *Would the proposed project have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?*

As discussed in the existing conditions above, there are no wetlands, jurisdictional waters, or other regulated waters on 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. However, 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 VIII, *Hydrology and Water Quality*, of this 15183 Checklist, 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 on-site infiltration that reduces pollutant loading. Incorporation of these measures can even improve upon 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*) pursuant to CMC Section 17.05.050(F), *Hydrology and Water Quality Permit Regulations,* and implement a construction Storm Water Pollution Prevention Plan (SWPPP) that requires 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 VIII, *Hydrology and Water Quality*, of this 15183 Checklist, and concludes water quality impacts would be less than significant. Accordingly, indirect impacts to wetlands and jurisdictional waters would be consistent with the conclusions in the General Plan EIR and would remain *less than significant*. Based on the above, impacts to the Calabazas Creek were adequately addressed in the General Plan EIR. Effects peculiar to the proposed project or the project site do not exist. Thus, pursuant to CEQA Guidelines Section 15183, the criteria for requiring further CEQA review are not met.

d) Would the proposed project interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?

The project site is located in an urbanized area, bordered by existing roadways and other urban uses, which precludes the presence of any important wildlife movement corridors across the site. Although he channelized portion of Calabazas Creek is adjacent to the project site to the west, the site contains no creeks or aquatic habitat that would support fish and proposed development would not interfere substantially with the movement of any native resident or migratory fish or wildlife species, or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nurseries. Wildlife species common 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. The proposed project would remove some of the existing vegetation and would retain most of the existing trees, as discussed in Section 3.2.5, *Landscaping*, above. The proposed project would also include landscaping with additional trees that would provide replacement habitat for wildlife species that may have adapted to the project site. Furthermore, as discussed in criterion (c), indirect impacts to the Calabazas Creek would be less than significant. Therefore, project impacts on the movement of fish and wildlife, wildlife corridors, or wildlife nursery sites would be consistent with the conclusions in the General Plan EIR and would remain *less than significant*. Based on the above, impacts to the Calabazas Creek were adequately addressed in the General Plan EIR. Effects peculiar to the proposed project or the project site do not exist. Thus, pursuant to CEQA Guidelines Section 15183, the criteria for requiring further CEQA review are not met.

e) Would the proposed project conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?

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 absent, and no major conflicts with the relevant policies or ordinances related to biological resources in the General Plan and/or CMC would occur. As discussed in Section 3.2.5, *Landscaping,* the proposed project includes the removal of trees conflicting with design plans. A tree inventory and assessment was conducted in November 2020 by Arborwell.[74] Because the existing development is on property that requires a development application, all existing trees on the site are considered protected.[75] Therefore, compliance with the City's Tree Ordinances (CMC Chapter 14.12, *Trees,* and Chapter 14.18, *Protected Trees*), which require replacement trees, would ensure impacts related to the removal of trees would remain consistent with the conclusions in the General Plan EIR. Additionally, Arborwell provided tree protection guidelines based on on-site conditions to eliminate undesirable consequences that may result from uninformed or careless acts and preserve trees. Therefore, impacts under this criterion would be consistent with the conclusions in the General Plan EIR and would remain *less than significant*. Accordingly, impacts to the Calabazas Creek were

[74] Arborwell, March 11, 2021. *Vallco Parkway 1 Campus Tree Inventory & Assessment With Protection Guidelines, 19191 Vallco Parkway, Cupertino, California*

[75] City of Cupertino Municipal Code, Title 14, *Streets, Sidewalks and Landscaping*, Chapter 14.18, *Protected Trees*.

adequately addressed in the General Plan EIR. Effects peculiar to the proposed project or the project site do not exist. Thus, pursuant to CEQA Guidelines Section 15183, the criteria for requiring further CEQA review are not met.

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

The project site is not located within any area designated under an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved conservation plan. Therefore, *no impact* would occur. Accordingly, impacts under this criterion were adequately addressed in the General Plan EIR. Effects peculiar to the proposed project or the project site do not exist. Thus, pursuant to CEQA Guidelines Section 15183, the criteria for requiring further CEQA review are not met.

IV. CULTURAL RESOURCES

Would the proposed project:	Significant Impact Peculiar to the Project or Project Site	Impact Substantially Mitigated by Uniformly Applicable Development Standards	Impact Adequately Addressed in the General Plan EIR	New Less Than Significant Impact not Addressed in the General Plan EIR
a) Cause a substantial adverse change in the significance of a historical resource pursuant to Section 15064.5?	no	no	yes	no
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5?	no	yes	yes	no
c) Disturb any human remains, including those interred outside of dedicated cemeteries?	no	yes	yes	no

GENERAL PLAN EIR

Chapter 4.4, *Cultural Resources*, of the General Plan EIR, addressed the impacts to Cultural and Tribal Cultural Resources (TCRs) associated with buildout of the General Plan, including the 2,700,000 square feet of office space in the Heart of the City Special Area and a height limit of 90 feet in the South Vallco Park area at a program level. The impacts were found to be less than significant, and no mitigation measures were required. The following is a summary of General Plan EIR Section, 4.4.1.2, *Existing Conditions*, which is based on the cultural resource analysis conducted by Tom Origer & Associates on July 24, 2013, included as Appendix D, *Cultural Resources Data*, of the General Plan EIR. The cultural resources study consists of archival research at the Northwest Information Center at Sonoma State University, examination of the library and files, field inspection, and contact with the Native American community. As shown in Table 4.4-2, *Cultural Resources in the Project Study Area and Vicinity*, and on Figure 4.4-1, *Cultural Resources*, of the General Plan EIR, there are no identified cultural resources on the project site.

ENVIRONMENTAL ANALYSIS

EXISTING CONDITIONS

As shown in General Plan EIR Table 4.4-2, *Cultural Resources in the Project Study Area and Vicinity*, and Figure 4.4-1, *Cultural Resources*, of the General Plan EIR, there are no identified cultural resources on the project site. Known cultural resources within 1 mile of the project site include the Vallco Fashion Park, Glendenning Barn at 10955 North Tantau Avenue, and Vallco Industrial Park. Construction of buildings on the project site was completed by 1982,[76] which is not within the 45-year age limit established by the State Office of Historic Preservation (OHP) for buildings that may be of historical value.[77] The existing building is not associated with significant cultural events or persons in California's past and does not have any distinctive historical characteristics, and as such does not have any qualifying historical value.

DISCUSSION

a) Would the proposed project cause a substantial adverse change in the significance of a historical resource pursuant to Section 15064.5?

Under CEQA, both prehistoric and historic-period archaeological sites may qualify as historical resources.[78] Archaeological resources are addressed in criterion (b), and human remains are addressed below in criterion (c), below.

There are no local, State, or federally recognized historic properties on the project site or in the immediate vicinity. As described in the Existing Conditions above, the project site contains a commercial building developed in 1982 and does not meet the criteria for listing in the California Register of Historical Resources. Additionally, the General Plan EIR does not identify the project site or existing building as a historic resource and it is not listed as a historic building.[79,80] Therefore, demolition of the existing building on the project site would not affect any historic resources, and impacts under this criterion would be consistent with the conclusions in the General Plan EIR and would remain *less than significant*. Accordingly, impacts to the prehistoric resources were adequately addressed in the General Plan EIR. Effects peculiar to the proposed project or the project site do not exist. Thus, pursuant to CEQA Guidelines Section 15183, the criteria for requiring further CEQA review are not met.

[76] EKI Environment & Water, Inc., May 14, 2021. *Phase I Environmental Site Assessment and Subsurface Investigation Report, 19191 Vallco Parkway Cupertino, California.*

[77] Public Resources Code Section 5024.1

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

[79] Office of Historic Preservation, 1995. *Instructions for Recording Historical Resources*, page 2.

[80] Office of Historic Preservation, Listed California Historical Resources, http://ohp.parks.ca.gov/ListedResources/?view=county&criteria=43, accessed December 7, 2021.

b) Would the proposed 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.

A cultural resources study was prepared for the General Plan EIR. The cultural resources study did not identify any known archeological deposits on the project site. While the site is already developed, it could still contain subsurface archeological deposits, including unrecorded Native American prehistoric archeological materials. Therefore, any project-related ground-disturbing activities have the potential to affect subsurface prehistoric archaeological resources that may be present.

CMC Chapter 17.04, *Standard Environmental Protection Requirements*, contains cultural resources permit requirements that are necessary to protect archaeological resources and tribal cultural resources in Section 17.04.050(E), *Cultural Resources Permit Requirements*. Such requirements include providing written verification to the City that contractors and construction crews have been notified of basic archeological site indicators, the potential the potential for discovery of archaeological resources, laws pertaining to these resources, and procedures for protecting cultural and tribal cultural resources. The project applicant would be required to comply with the protocols to ensure impacts to archeological resources would be reduced. With mandatory compliance with CMC Section 17.04.050(E), impacts under this criterion would be consistent with the conclusions in the General Plan EIR and would remain *less than significant*. Accordingly, impacts to the archaeological resources were adequately addressed in the General Plan EIR. Effects peculiar to the proposed project or the project site do not exist. Thus, pursuant to CEQA Guidelines Section 15183, the criteria for requiring further CEQA review are not met.

c) Would the proposed project disturb any human remains, including those interred outside of dedicated cemeteries?

Similar to the discussions under criteria (a) and (b), there are no known human remains of the project site; however, the potential to unearth unknown remains during ground disturbing activities associated with the construction of the project could occur. CMC Section 17.04.050(E), *Cultural Resources Permit Requirements* provides regulations to protect human remains and Native American burials that the project applicant would have to comply with. CMC Section 17.04.050(E)(1)(a)(iii) ensures that the applicant would comply with the State's laws and associated penalties that protect Native American and non-Native American human remains including, but not limited to, the Native American Graves Protection and Repatriation Act of 1990, Public Resources Code Section 5097, and California Health and Safety Code Section 7050 and Section 7052. CMC Section 17.04.050(E)(2), *Protect Human Remains and Native American Burials*, requires compliance with Health and Safety Code Section 7050.5 and California Public Resources Code Section 5097.98 and describes the procedures required in the event of discovery.

ENVIRONMENTAL ANALYSIS

Therefore, the impacts under this criterion would be consistent with the conclusions in the General Plan EIR and would remain *less than significant*. Accordingly, impacts to the human remains were adequately addressed in the General Plan EIR. Effects peculiar to the proposed project or the project site do not exist. Thus, pursuant to CEQA Guidelines Section 15183, the criteria for requiring further CEQA review are not met.

V. ENERGY

Would the proposed project:	Significant Impact Peculiar to the Project or Project Site	Impact Substantially Mitigated by Uniformly Applicable Development Standards	Impact Adequately Addressed in the General Plan EIR	New Less Than Significant Impact not Addressed in the General Plan EIR
a) Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?	no	yes	yes	no
b) Conflict with or obstruct a State or local plan for renewable energy or energy efficiency?	no	no	yes	no

GENERAL PLAN EIR

While these standards regarding energy impacts were adopted by the California Natural Resource Agency in December 2018 after the certification of the General Plan EIR, Chapter 4.14, *Utilities and Services Systems*, of the General Plan EIR addressed energy impacts associated with buildout of the General Plan, including the 2,700,000 square feet of office space in the Heart of the City Special Area and a height limit of 90 feet in the South Vallco Park area at a program level. Energy impacts were found to be less than significant, and no mitigation measures were required.

EXISTING CONDITIONS

PG&E supplies electricity to much of northern and central California – from Humboldt and Shasta counties in the north to Kern and Santa Barbara counties in the south – including the infrastructure for the City of Cupertino. Total electricity consumption in PG&E's service area is forecast to increase from 104,868 gigawatt-hours (GWh) in 2015 to 119,633 GWh in 2027.[81] The nearest PG&E substation to the project site is the Serra Substation on Stevens Creek Boulevard approximately 0.6 miles northeast of the project site. The nearest electricity transmission lines to the project site are located along Lawrence Expressway and Saratoga Creek, near the Serra Substation.[82]

[81] California Energy Commission (CEC). 2017. California Energy Demand Updated Forecast, 2017-2027. https://efiling.energy.ca.gov/GetDocument.aspx?tn=215275&DocumentContentId=24780, accessed on January 24, 2022.

[82] California Energy Commission (CEC), Updated December 2020. California Electric Infrastructure App, https://cecgis-caenergy.opendata.arcgis.com/apps/california-electric-infrastructure-app/explore, accessed January 24, 2022.

The current project site is served by electricity connections. Electricity is supplied to the project site via infrastructure maintained by PG&E. Silicon Valley Clean Energy (SVCE), a locally controlled public agency that has a partnership with PG&E, supplies the electricity to the project site. SVCE provides a standard 50 percent renewable energy portfolio, in addition to a 100 percent renewable option that electricity customers can opt into.

Current energy demands are derived from the operation of one two-story office building that was constructed between 1980 and 1982.[83] Current energy demand includes energy demand from vehicle trips. When applying the trip generation rate for a commercial building, the existing uses on the site generate 1,823 gross average daily trips and 7,332 daily VMT.[84]

DISCUSSION

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

Construction activities use energy 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 and vendors. The operation of the proposed office building would use energy for cooling, heating, lighting, and landscape equipment, and for vehicle trips to and from the office uses. According to the existing trip estimates described in Section XV, *Transportation*, the proposed project would generate 3,948 daily weekday vehicle trips and 11,756 daily VMT, which is 2,125 daily weekday vehicle trips and 4,424 daily VMT more than what is generated for the existing two-story office building.[85]

The proposed project would demolish the existing office building and construct a new office building that includes commercial space, three outdoor open space plazas, and a separate parking garage. The proposed utility infrastructure would connect to the existing water, sewer, storm drain system, and electricity network in the area, and would be served by an existing solid waste landfill. The proposed development would achieve LEED Silver (City's preferred method), or equivalent Alternative Reference Standard, consistent with the City's requirement (CMC Section 16.58.230). Therefore, the construction or installation of new infrastructure and capacity enhancing alterations would not be a wasteful, inefficient, or unnecessary use of energy.

The proposed project would improve connectivity for pedestrians and bicyclists as it would keep the existing Class II bike lanes on both sides of Vallco Parkway and North Tantau Avenue. There will also be sidewalks and pedestrian entrances to the proposed office building via two walkways along Vallco Parkway adjacent to the proposed commercial outdoor plaza. In addition, the proposed project would include both Class 1 lockers and Class 2 bike parking facilities. The parking garage would include 70 Class 1 bike lockers

[83] EKI Environment & Water. 2021, May. *Phase 1 Environmental Site Assessment and Subsurface Investigation Report.* Prepared for Apple Inc. and approved by the City of Cupertino.

[84] Based on trip generation rates presented in Apple Campus 2 (2013), Apple Campus 2 TIA, 2013. ITE Trip Generation Manual, 11th Edition, 2021. Fehr & Peers, 2021.

[85] Fehr & Peers, December 2021. *Transportation Analysis, VP1 Apple Office Project*.

on southwest corner of Level 1. The perimeter of the office building would include 58 Class 2 bike parking spaces. As described in Section IX, *Land Use and Planning*, below, of this 15183 Checklist, the proposed project is consistent with the General Plan land use designation and would not result in new growth potential from what was considered in the General Plan EIR.

The proposed office building would meet the 2022 Building and Energy Efficiency Standards of the California Public Resources Code, Title 24, Part 6, which applies to any project whose permit applications are applied for on or after January 1, 2023. The 2022 Building Energy Efficiency Standards improve upon the 2019 Standards and build on California's technology innovations, encouraging energy efficient approaches to encourage building decarbonization and to be responsive to climate change.[86]

As described above in Section 3.1.5, *Cupertino Municipal Code Requirements*, under subheading "Utilities and Energy," the City enforces the CALGreen Building Standards, which establish planning and design standards for sustainable site development, energy efficiency (in excess of the California Energy Code requirements), in CMC Chapter 16.58, *Green Building Standards Code Adopted*. CMC Section 16.54.100(2), *Newly Construction Building,* requires all newly constructed buildings to be All-Electric Buildings. All-Electric Buildings are defined as a building that has no natural gas or propane plumbing installed within the building, and that uses electricity as the sole source of energy for its space heating, water heating.[87] The City approved reach codes in February 2020,[88] which go above California Energy Code requirements to reduce energy, water, and associated greenhouse gas emissions. Energy conserving features of the proposed project would include new landscaping that is native and/or adaptive, and drought resistant plants to conserve water and subsequently save energy.

The City's Green Building Ordinance contains mandatory, minimum required green building techniques, including measures affecting water use efficiency and water conservation. Thus, new buildings constructed in accordance with the General Plan land use designation and to the standards identified above would not result in wasteful, inefficient, or unnecessary consumption of energy resources. Accordingly, impacts would be consistent with the conclusions in the General Plan EIR and would remain *less than significant*. Accordingly, impacts related to energy use were adequately addressed in the General Plan EIR. Effects peculiar to the proposed project or the project site do not exist. Thus, pursuant to CEQA Guidelines Section 15183, the criteria for requiring further CEQA review are not met.

b) Would the proposed project conflict with or obstruct a State or local plan for renewable energy or energy efficiency?

As discussed below in criterion (b) of Section VI, *Greenhouse Gas Emissions*, the proposed project would not conflict with the current CARB 2017 *Climate Change Scoping Plan, Plan Bay Area*, or the *Cupertino*

[86] California Energy Commission, December 2021. 2022 Building Energy Efficiency Standards, https://www.energy.ca.gov/publications/2022/2022-building-energy-efficiency-standards-residential-and-nonresidential, accessed July 21, 2022.

[87] CMC Section 16.54.110, *Definitions and Rules of Construction*.

[88] Cities may adopt more stringent building codes for energy use than those required by the California Building Standards Code (Title 24 of the California Code of Regulations), which are known as "reach codes."

Climate Action Plan 2.0, all which involve planning for use of renewable energy planning and energy efficiency standards. Additionally, as previously discussed, the proposed project would be built to the current 2022 Building and Energy Efficiency Standards of the California Public Resources Code, Title 24, Part 6. Therefore, the impacts under this criterion would be consistent with the conclusions in the General Plan EIR and would remain *less than significant*. Accordingly, impacts conflicting with plans for renewable energy and efficiency were adequately addressed in the General Plan EIR. Effects peculiar to the proposed project or the project site do not exist. Thus, pursuant to CEQA Guidelines Section 15183, the criteria for requiring further CEQA review are not met.

VI. GEOLOGY AND SOILS

Would the proposed project:	Significant Impact Peculiar to the Project or Project Site	Impact Substantially Mitigated by Uniformly Applicable Development Standards	Impact Adequately Addressed in the General Plan EIR	New Less Than Significant Impact not Addressed in the General Plan EIR
a) Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury or death involving:	no	yes	yes	no
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?	no	no	yes	no
ii) Strong seismic ground shaking?	no	yes	yes	no
iii) Seismic-related ground failure, including liquefaction?	no	yes	yes	no
iv) Landslides, mudslides, or other similar hazards?	no	no	yes	no
b) Result in substantial soil erosion or the loss of topsoil?	no	yes	yes	no
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?	no	no	yes	no
d) Be located on expansive soil, as defined by Table 18-1-B of the Uniform Building Code (1994),creating substantial direct or indirect risks to life or property?	no	yes	yes	no
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?	no	no	yes	no
f) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	no	yes	yes	no

GENERAL PLAN EIR

Chapter 4.5, *Geology, Soils, and Seismicity*, of the General Plan EIR, addressed geological and seismic-related impacts associated with buildout of the General Plan, including the 2,700,000 square feet of office space in the Heart of the City Special Area and a height limit of 90 feet in the South Vallco Park area at a program level. Impacts were found to be less than significant, and no mitigation measures were required.

The following discussion is based on project site information available in Section 4.5.1.2, *Existing Conditions*, of Chapter 4.5 and project specific information from the Geotechnical Report dated March 25, 2021, prepared for the project site by Kleinfelder, Inc. which can be found in Appendix D, *Geotechnical Report*, of this 15183 Checklist. The report discusses the findings of the geotechnical investigation, including the site soils and groundwater presence, and provides recommendations for the design and construction of the foundation of the structures.

EXISTING CONDITIONS

The site-specific Geotechnical Investigation, prepared for the proposed project by Kleinfelder, Inc.[89] The purpose of the Geotechnical Investigation was to evaluate soil and groundwater conditions at the site and provide geotechnical recommendations for project design and construction. The discussion that follows includes data from this report.

The following describes the existing conditions on the project site with respect to geology and soil:

- Geology. Among others, the project site has been mapped by the California Geological Survey (CGS) in 2002, Witter et al. in 2003, and Dibblee and Minch in 2007. The CGS (2002) indicates the site is underlain with Holocene age alluvial fan deposits consisting of clay, silt, silty sand, and clayey sand. Witter et al. (2006) indicates the same underlain materials but comprised of moderately to poorly sorted and moderately to poorly bedded sand, gravel, silt, and clay. Witter et al. (2006) also mapped the Calabazas Creek alignment as being underlain with historic stream channel deposits, consisting of unconsolidated sand, gravel, and cobbles, with minor slit and clay. Dibblee and Minch (2007) identify the majority of the site to be underlain with younger Holocene age stream alluvium with alluvial fan deposits consisting of gravel, sand, silt, and clay, and the south end of the sit to be underlain by older Holocene age alluvial fan deposits, comprised of fine-grained sand, silt, and gravel.

  Unique geologic features are those that are unique to the field of geology. Each rock unit tells a story of the natural processes operating at the time it was formed. The rocks and geologic formations exposed at the earth's surface or revealed by drilling and excavation are our only record of that geologic history. What makes a geologic unit or feature unique can vary considerably. For example, a geologic feature may be considered unique if it is the best example of its kind and has distinctive characteristics of a geologic principle that is exclusive locally or regionally, is a key piece of geologic information important to geologic history, contains a mineral that is not known to occur elsewhere in the County, or is used as a teaching tool.

  Unique geological features are not common in Cupertino. The geologic processes are generally the same as those in other parts of the state, country, and even the world. The geology and soils on the project site are common throughout the city and region and are not considered to be unique.

[89] Kleinfelder, Inc., March 25, 2021. *Geotechnical Investigation Report, Apple VP01 19191 Vallco Parkway Cupertino, CA 95014.*

- **Soils.** Web-accessible soil mapping data compiled by the United States Department of Agriculture's Soil Conservation Survey and the California Soil Resource Laboratory hosted by University of California at Davis 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-Elpaloalto and Urban Land-Stevenscreek 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.[90,91] Additionally, surface material encountered in the borings conducted as part of the Geotechnical Investigation consist of 3 inches of asphalt concreate and 6 inches of aggregate base. About 20 to 40 feet below the fill layer are stiff to hard clays with interbeds of medium dense to very dense sands and gravels. Underlying this clay later, dense to very dense gravels with occasional clay layers up to the maximum explored depth of 76.5 feet.
- **Groundwater.** During the Geotechnical Investigation, groundwater was not encountered while drilling the four borings. The California Geological Survey (2002) indicates the historic high groundwater level at the site to be deeper than 50 feet.
- **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 Earthquake Fault Zone. The nearest active fault zone is the San Andreas fault, approximately 6.5 miles southwest of the site location. However, the 2015 Working Group on California Earthquake Probabilities indicates the Monte Vista-Shannon to be the most proximal fault, located approximately 2.8 miles southwest of the site. The CGS does not zone the Monte Vista-Shannon Fault as active, but the 2012 Santa Clara County Geologic Hazards Zones Map and the General Plan considers the fault a potential surface rupture and seismic shaking hazard.
- **Liquefaction.** The CGS Seismic Hazard Zones Map of the Cupertino Quadrangle indicates that the Calabazas Creek channel is located in a liquefaction seismic hazard zone as designated by the State. Besides from the Calabazas Creek channel, the potential for soil liquefaction to impact the site is low due to the lack of groundwater within the maximum depth explored and the high density of the cohesionless soils encountered.
- **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

[90] United States Department of Agriculture Natural Resources Conservation Service, 2019. Web Soil Survey, https://websoilsurvey.sc.egov.usda.gov/App/WebSoilSurvey.aspx, accessed December 7, 2021.

[91] UC Davis California Soil Resource Laboratory, 2018. SoilWeb, https://casoilresource.lawr.ucdavis.edu/gmap/, accessed December 7, 2021.

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.

- Soil Expansion. Laboratory test conducted as part of the Geotechnical Investigation results indicate the upper 5 feet of fills and soils have a Plastic Index (PI) of about 19 to 21, which is considered as having a moderate expansion potential. In addition, some fills, and soils with high expansion potential of PI up to about 34 were reported from previous laboratory testing by others.
- Paleontological Resources. A review of the University of California's Museum of Paleontology's fossil locality database was conducted for the City of Cupertino during the General Plan Update process for the current Community Vision 2015-2040. No paleontological resources have been identified on the project site; however, the presence of Pleistocene deposits that are known to contain fossils indicates the city could contain paleontological resources.

DISCUSSION

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

Fault Rupture

As discussed in the General Plan EIR, only one Alquist-Priolo Earthquake Fault Zone has been mapped within 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 would be consistent with the conclusions in the General Plan EIR and remain *less than significant*.

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 the 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. Accordingly, mandatory compliance with the CBC would ensure the impacts of project development as they relate to strong seismic ground shaking would be consistent with the conclusions in the General Plan EIR and remain *less than significant*.

Liquefaction

As discussed above, the CGS Seismic Hazard Zones Map of the Cupertino Quadrangle indicates that the Calabazas Creek channel is located in a liquefaction seismic hazard zone. The General Plan EIR identified the potential for seismically induced liquefaction to be limited to the very narrow strip of alluvial deposits that flank Calabazas Creek adjacent to the project site. Besides the previous Calabazas Creek channel, the potential for soil liquefaction to impact the site is low due to the lack of groundwater within the maximum depth explored and the high density of the cohesionless soils encountered. The proposed project would also be required to comply with the CBC, which would minimize risks associated with liquefaction. Accordingly, mandatory compliance with CBC would ensure impacts associated with project development as they may relate to seismically induced liquefaction would be consistent with the conclusions in the General Plan EIR and remain *less than significant*.

Landslides

The site is generally flat with an elevation range of 173 to 182 feet above mean sea level.[92] 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 consistent with the conclusions in the General Plan EIR and remain *less than significant.*

In summary, based on the above, impacts under this criterion were adequately addressed in the General Plan EIR. Effects peculiar to the proposed project or the project site do not exist. Thus, pursuant to CEQA Guidelines Section 15183, the criteria for requiring further CEQA review are not met.

b) Would the proposed 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.

CMC Section 16.08.110, *Interim Erosion and Sediment Control Plan*, 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

[92] EKI Environment & Water, Inc., May 14, 2021. *Phase I Environmental Site Assessment and Subsurface Investigation Report, 19191 Vallco Parkway Cupertino, California.*

development projects. Adherence to these regulations would help reduce the impacts of project development as they relate to substantial soil erosion or loss of topsoil. Therefore, the impacts would be consistent with the conclusions in the General Plan EIR and remain *less than significant.* Accordingly, impacts related to soil erosion and loss of topsoil were adequately addressed in the General Plan EIR. Effects peculiar to the proposed project or the project site do not exist. Thus, pursuant to CEQA Guidelines Section 15183, the criteria for requiring further CEQA review are not met.

c) *Would the proposed 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 a seismically induced liquefaction hazard zone. Because of the low potential for liquefaction, the risk of lateral spreading at the site would also be low. The site is generally flat with elevation range of 173 to 182 feet above mean sea level.[93] The properties surrounding the project site are also typified by low topographic relief. Therefore, the impacts of project development as they relate to liquefaction, lateral spreading, and landslides would be consistent with the conclusions in the General Plan EIR and remain *less than significant*. Accordingly, impacts related to instability of the soil due to located in landslide, lateral spreading, subsidence, liquefaction, or collapsible soil area were adequately addressed in the General Plan EIR. Effects peculiar to the proposed project or the project site do not exist. Thus, pursuant to CEQA Guidelines Section 15183, the criteria for requiring further CEQA review are not met.

d) *Would the proposed project be located on expansive soil, as defined by Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect 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 and 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.

The proposed project would be subject to the CBC regulations and provisions, as adopted in Title 16, *Buildings and Construction* of the CMC 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. The impacts of project development as they relate to expansive soils would be consistent with the conclusions in the General Plan EIR and remain less than significant. Accordingly, impacts related to expansive soils were adequately

[93] EKI Environment & Water, Inc., May 14, 2021. *Phase I Environmental Site Assessment and Subsurface Investigation Report, 19191 Vallco Parkway Cupertino, California.*

addressed in the General Plan EIR. Effects peculiar to the proposed project or the project site do not exist. Thus, pursuant to CEQA Guidelines Section 15183, the criteria for requiring further CEQA review are not met.

e) Would the proposed project have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?

The proposed project would not include the use of septic tanks or alternative wastewater disposal systems. Accordingly, *no impact* would occur regarding soil capability to adequately support the use of septic tanks or alternative wastewater disposal systems. This is consistent with the conclusion in the General Plan EIR. Impacts under this criterion were adequately addressed in the General Plan EIR. Effects peculiar to the proposed project or the project site do not exist. Thus, pursuant to CEQA Guidelines Section 15183, the criteria for requiring further CEQA review are not met.

f) Would the proposed 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 under the proposed project could cause damage to, or destruction of, paleontological resources or unique geologic features. However, CMC Section 17.04.050(H), *Paleontological Resources Permit Requirements,* provides protocols to protect paleontological resources during construction that the project applicant must adhere to in the event that there is a find. These requirements include temporarily halting or redirecting construction activities to allow a qualified paleontologist to assess the significance of the find, monitoring the project site if the find is found to be significant, and preparing a mitigation plan to ensure the preservation of the resources. Therefore, the impacts under this criterion would be consistent with the conclusions in the General Plan EIR and remain be *less than significant*. Accordingly, impacts related to paleontological resources were adequately addressed in the General Plan EIR. Effects peculiar to the proposed project or the project site do not exist. Thus, pursuant to CEQA Guidelines Section 15183, the criteria for requiring further CEQA review are not met.

VII. GREENHOUSE GAS EMISSIONS

Would the proposed project:	Significant Impact Peculiar to the Project or Project Site	Impact Substantially Mitigated by Uniformly Applicable Development Standards	Impact Adequately Addressed in the General Plan EIR	New Less Than Significant Impact not Addressed in the General Plan EIR
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	no	yes	no	no
b) Conflict with an applicable plan, policy, or regulation of an agency adopted for the purpose of reducing the emissions of greenhouse gases?	no	yes	no	no

GENERAL PLAN EIR

Chapter 4.7, *Greenhouse Gas Emissions*, of the General Plan EIR, addressed the impacts from GHG emissions associated with buildout of the General Plan, including the 2,700,000 square feet of office space in the Heart of the City Special Area and a height limit of 90 feet in the South Vallco Park area at a program level. GHG emissions impacts under the General Plan EIR were found to be less than significant, and no mitigation measures were required. This section analyzes the types and quantities of GHG emissions from the construction and operation of the proposed project. An update to the background discussion of the GHG regulatory setting and air quality modeling in the General Plan EIR is in Appendix A, *Air Quality and Greenhouse Gas Emissions*, of this 15183 Checklist.

Since the certification of the General Plan EIR the City has codified regulations in CMC Chapter 17.04, *Standard Environmental Protection Requirements*, that require the reduction of GHG emissions and energy use in Section 17.04.050(C), *Greenhouse Gas Emissions and Energy Permit Requirements*:

- Reduce Greenhouse Gas Emissions (GHG) and Energy Use. The project applicant shall complete the City of Cupertino Climate Action Plan – Development Project Consistency Checklist, for review and approval by the City Environment and Sustainability Department prior to issuance of the first permit, to demonstrate how the project is consistent with the Cupertino Climate Action Plan, as subsequently revised, supplemented, or replaced, in order to reduce greenhouse gas emissions and conserve energy.

This section analyzes the types and quantities of GHG emissions from the construction and operation of the proposed project. An update to the background discussion of the GHG regulatory setting and air quality modeling in the General Plan EIR is in Appendix A, *Air Quality and Greenhouse Gas Emissions*, of this 15183 Checklist.

EXISTING CONDITIONS

The existing two-story office building generates GHG emissions from transportation sources, energy (natural gas and purchased energy), and area sources such as landscaping equipment (see Appendix A, *Air*

Quality and Greenhouse Gas Emissions). Current land uses generate approximately 1,823 average daily trips.[94]

DISCUSSION

Scientists have concluded that human activities are contributing to global climate change by adding large amounts of heat-trapping gases, known as GHGs, into the atmosphere. The primary source of these GHG is fossil fuel use. The Intergovernmental Panel on Climate Change (IPCC) has identified four major GHGs—water vapor, carbon dioxide (CO_2), methane (CH_4), and ozone (O_3)—that are the likely cause of an increase in global average temperatures observed within the 20th and 21st centuries. Other GHG identified by the IPCC that contribute to global warming to a lesser extent include nitrous oxide (N_2O), sulfur hexafluoride (SF_6), hydrofluorocarbons, perfluorocarbons, and chlorofluorocarbons.[95]

Information on manufacture of cement, steel, and other "life cycle" emissions that would occur as a result of the project are not applicable and are not included in the analysis. Black carbon emissions are not included in the GHG analysis because the California Air Resources Board (CARB) does not include this pollutant in the state's Assembly Bill (AB) 32 inventory and treats this short-lived climate pollutant separately. A background discussion on the GHG regulatory setting and GHG modeling can be found in Appendix A, *Air Quality and Greenhouse Gas Emissions*, of this 15183 Checklist.

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 associated with GHG emissions. For projects where there is no applicable GHG reduction plan, cumulative GHG emissions impacts are based on the state's GHG reduction goals for development projects identified by BAAQMD adopted in April 2022 *Justification Report: CEQA Thresholds for Evaluating the Significance of Climate Impacts From Land Use Projects and Plans* (Justification Report).[96]

Development of the proposed project would contribute to climate change through direct and indirect emissions of GHG from the construction activities needed to implement the project, which would generate a short-term increase in GHG emissions, as well as a long-term increase in GHG emissions from on-road mobile sources, energy use, area sources, water use/wastewater generation, and solid waste disposal. As identified in the GHG Justification Report, short-term construction activities are one-time emissions that would not substantially contribute to GHG emissions impacts. For operational phase

[94] Transportation Impact Analysis: VP1 Apple Office Project, Fehr & Peers. November 29, 2021, Table 2, Vehicle Trip Generation Estimates.

[95] Water vapor (H2O) is the strongest GHG and the most variable in its phases (vapor, cloud droplets, ice crystals). However, water vapor is not considered a pollutant, but part of the feedback loop rather than a primary cause of change.

[96] BAAQMD. 2022, April 20. The Justification Report: CEQA Thresholds for Evaluating the Significance of Climate Impacts From Land Use Projects and Plans. https://www.baaqmd.gov/~/media/files/planning-and-research/ceqa/ceqa-thresholds-2022/justification-report-pdf.pdf?la=en.

impacts, BAAQMD identified in their Justification Report that projects consistent with a local GHG reduction strategy that meets the criteria under State CEQA Guidelines Section 15183.5(b), would contribute their fair share of what will be required to achieve the state's long-term climate goals. The *City of Cupertino Climate Action Plan 2.0* (CAP 20.) was adopted by City Council in August 2022 as a qualified GHG reduction strategy. Pursuant to the CAP 2.0, projects are considered consistent with the CAP 2.0 if they are consistent with the demographic forecasts, land use assumptions, and do not conflict with the required GHG reduction measures contained in the CAP 2.0. As discussed in Section X, *Land Use and Planning*, and Section XII, *Population and Housing*, the proposed project is consistent with the demographic forecasts and land use assumptions in the CAP 2.0, which are the same as the Cupertino General Plan. As shown in Table 4-5, *Cupertino Climate Action Plan 2.0 Consistency Matrix,* the proposed project is consistent with the CAP 2.0 GHG reduction strategies and impacts would therefore be *less than significant.*

TABLE 4-5 CUPERTINO CLIMATE ACTION PLAN 2.0 CONSISTENCY MATRIX

Applicable Proposed Measure	Consistency
Measure BE-1 Reduce non-SVCE usage rate to 2 percent for residential and 10 percent for commercial by 2030 and maintain through 2040.	**Consistent.** The proposed project would comply with the current California Building and Energy Efficiency Standards to reduce energy consumptions.
Measure BE-4 Require new residential and commercial development to be all-electric at time of construction.	**Consistent.** The City of Cupertino has adopted the California Energy Code (CMC Chapter 16.54) that requires all newly constructed buildings to be All-Electric Buildings. The project applicant has not requested any exceptions to the CMC Chapter 16.54 pursuant to CMC Section 16.54.100(2)(A) that would permit using natural gas under limited circumstances approved by the City. Therefore, the proposed project would comply with this measure.
Measure TR-1 Develop and implement an Active Transportation Plan to achieve 15 percent of active transportation mode share by 2030 and 23 percent by 2040.	**Consistent.** The City is the responsible party for this measure. As stated in Chapter 3, *Project Description*, the proposed project would not remove existing Class II bicycle lanes on both sides of Vallco Parkway and North Tantau Avenue, nor would it conflict with the City's 2016 *Bicycle Transportation Plan*. Pedestrians would also have access to the site via the existing two walkways along Vallco Parkway adjacent to the proposed commercial outdoor plaza and on each side of the building. Furthermore, the proposed project would include both Class 1 lockers and Class 2 bike parking facilities. Additionally, the proposed project would have bicycling focused transportation demand management measures to encourage bicycling, as shown in Table 8, *Apple TDM Strategies*, of the *Local Transportation Analysis*, prepared for the project by Fehr & Peers in January 2022 (see Appendix E, *Transportation Analysis*, of this 15183 Checklist). Therefore, the proposed project would promote these alternative modes of transportation.
Measure TR-2 Implement public and shared transit programs to achieve 29 percent of public transit mode share by 2030 and maintain through 2040.	**Consistent.** The City is the responsible party for this measure. The proposed project is a redevelopment project near transit stations served by VTA bus route Express 101 and a transit stop on Vallco Parkway. The proposed project would not conflict with implementation of this measure.
Measure TR-3 Increase zero-emission vehicle (ZEV) adoption to 35 percent for passenger vehicles and	**Consistent.** The proposed project would result in an increase in land use intensity in a portion of the City that has access to existing transportation infrastructure and services, including a major transit

TABLE 4-5 CUPERTINO CLIMATE ACTION PLAN 2.0 CONSISTENCY MATRIX

Applicable Proposed Measure	Consistency
20 percent for commercial vehicles by 2030 and 100 percent for all vehicles by 2040.	service within 0.25 miles of the VTA bus route Express 101 and a transit stop on Vallco Parkway. To encourage transition to EVs, the proposed project includes installation of EV charging stations that comply with CMC Chapter 16.58 (see Table 3-3, *Electric Vehicle Parking Spaces*, in Section 3.2.8, *Sustainability Features*, of this 15183 Checklist
Measure W-1 Implement SB 1383 requirements and reduce communitywide landfilled organics 75 percent by 2025 and inorganic waste 35 percent by 2030 and reduce all waste 90 percent by 2040.	**Consistent.** The City is the responsible party for implementing this measure. The proposed project would include compost and green waste disposal services through the City's contracts with Recology South Bay. The materials would be collected by the City garbage waste hauler (Recology). The proposed project would not conflict with implementation of this measure.
Measure W-2 Reduce overall waste disposed to garbage, recycling, and compost per capita by 15 percent by 2035.	**Consistent.** The City is the responsible party for implementing this measure. The proposed project would include compost and green waste disposal services through the City's contracts with Recology South Bay. The materials would be collected by the City garbage waste hauler. The proposed project would not conflict with implementation of this measure.
Measure W-3 Meet or exceed the SB 1383 recycled organics products procurement requirements and sequester or avoid at least 0.018 MT CO_2e per person by through 2045.	**Consistent.** The City is the responsible party for implementing this measure. The proposed project would include compost and green waste disposal services through the City's contracts with Recology South Bay. The materials would be collected by the City garbage waste hauler. The proposed project would not conflict with implementation of this measure.
Measure WW-2 Reduce per capita water consumption 15 percent compared to 2019 levels by 2030 and maintain through 2040	**Consistent.** The proposed project would comply with SB X7-7, which requires California to achieve a 20 percent reduction in urban per capita water use by 2020 and would implement best management practices for water conservation to achieve the City's water conservation goals. As described in Chapter 3, *Project Description*, the project incorporates at least 80 percent of low-water use plants and drought resistant plant materials of similar water use grouped by hydrozones. 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 requires water conservation and requires new buildings to reduce water consumption by 20 percent. The proposed project would not conflict with implementation of this measure.
Measure CS-1 Increase carbon sequestration through tree planting by developing and implementing an Urban Forest Management Plan.	**Consistent.** The City is the responsible party for this measure. As described in Chapter 3, *Project Description*, of this 15183 Checklist, the proposed project would increase landscaping on-site and increase in number of trees. This would increase tree canopy over the buildings and hardscaped areas, reducing energy needed to cool the office building. The proposed project would include ten on-site bioretention facilities that would hold and treat stormwater before dispersal to the City's off-site storm drain infrastructure. Furthermore, the project will comply with the Santa Clara Valley Urban Runoff Pollution Prevention Program C.3 and CMC Chapter 9.18, Stormwater Pollution Prevention and Watershed Protection, to ensure ongoing compliance with the City's municipal storm water and urban runoff requirements. The proposed project would not conflict with implementation of this measure.

TABLE 4-5 CUPERTINO CLIMATE ACTION PLAN 2.0 CONSISTENCY MATRIX

Applicable Proposed Measure	Consistency

Notes: Measures BE-2 and BE-3 apply to existing development and are not applicable. Measure TR-4 is a city measure to re-focus transportation infrastructure in the City that is not applicable on a project-level. Measure CS-2 is for open space projects that can sequester CO_2, and therefore, is not directly applicable to the project.
Source: Cupertino, City of. 2022, August. City of Cupertino, Climate Action Plan 2.0.

The BAAQMD requirement to be consistent with a local GHG reduction strategy that meets the criteria under CEQA Guidelines Section 15183.5(b) and CMC Section 16.58.420 was not a requirement at the time of the General Plan EIR. However, a previously shown in Table 4-5, the proposed project complies with this mandatory BAAQMD requirement. Accordingly, the impact would be consistent with the conclusions in the General Plan EIR and would remain *less than significant*. Accordingly, impacts under this criterion were adequately addressed in the General Plan EIR. Effects peculiar to the proposed project or the project site do not exist. Thus, pursuant to CEQA Guidelines Section 15183, the criteria for requiring further CEQA review are not met.

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, *Plan Bay Area* 2050, and Cupertino's CAP 2.0. A consistency analysis with these plans is presented below.

CARB's Scoping Plan

CARB's *Climate Change Scoping Plan* (Scoping Plan) outlines the State's strategies to reduce GHG emissions in accordance with the targets established under Assembly Bill (AB) 32, Senate Bill (SB) 32, and Executive Order (EO) B-55-18. The Scoping Plan is applicable to State agencies and is not directly applicable to cities/counties and individual projects. Nonetheless, 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. CARB recently released the 2022 Scoping Plan to address measures to achieve the State's carbon neutrality goals under EO B-55-18.

Statewide strategies to reduce GHG emissions in the 2017 Climate Change Scoping Plan include: implementing SB 350, which expands the RPS to 50 percent by 2030 and doubles energy efficiency savings; expanding the Low Carbon Fuel Standards (LCFS) to 18 percent by 2030; implementing the Mobile Source Strategy to deploy zero-electric vehicle buses and trucks; implementing the Sustainable Freight Action Plan; implementing the Short-Lived Climate Pollutant Reduction Strategy, which reduces methane and hydrofluorocarbons to 40 percent below 2013 levels by 2030 and black carbon emissions to 50 percent below 2013 levels by 2030; continuing to implement SB 375; creating a post-2020 Cap-and-Trade Program; and developing an Integrated Natural and Working Lands Action Plan to secure California's land base as a net carbon sink.

Statewide strategies to reduce GHG emissions include the low carbon fuel standards, California Appliance Energy Efficiency regulations, California Renewable Energy Portfolio standard, changes in the CAFE standards, and other early action measures as necessary to ensure the State is on target to achieve the GHG emissions reduction goals of AB 32, SB 32, and EO B-55-18. In addition, new buildings are required to comply with the current Building Energy Efficiency Standards and CALGreen. The proposed project would comply with these GHG emissions reduction measures since they are statewide strategies. The project's GHG emissions would be reduced from compliance with statewide measures that have been adopted since AB 32, SB 32, and EO B-55-18 were adopted. Therefore, impacts would be *less than significant*.

Plan Bay Area

Plan Bay Area 2050, the Bay Area's Regional Transportation Plan (RTP)/Sustainable Community Strategy (SCS) that identifies the sustainable vision for the Bay Area. To achieve MTC's/ABAG's sustainable vision for the Bay Area, the *Plan Bay Area 2050* 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. The project site abuts a PDA, but the mixed-use office building is not located in a PDA.[97]

This redevelopment project would result in an increase in land use intensity in a portion of the city that has access to existing transportation infrastructure and services, including a major transit service within 0.25 miles (see Section XV, *Transportation*). The proposed project would entail development of a larger office building project that, as shown in Section 3.2.3, *Employee Estimates*, would result in a net increase of 561 employees.[98] As discussed in Section XII, *Population and Housing*, growth associated with the proposed project is consistent with ABAG projections in the General Plan EIR and would not exceed regional population and employment projects. Therefore, the impact would be consistent with the conclusions in the General Plan EIR and would remain *less than significant*.

Cupertino Climate Action Plan 2.0

The Cupertino CAP 2.0) 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,

[97] Association of Bay Area Governments (ABAG) and the Metropolitan Transportation Commission (MTC). 2020, July. Priority Development Areas (Plan Bay Area 2050). https://opendata.mtc.ca.gov/datasets/priority-development-areas-plan-bay-area-2050/explore?location=37.325687%2C-122.006463%2C17.28.

[98] City of Cupertino, certified General Plan Amendment, Housing Element Update, and Associated Rezoning EIR, State Clearinghouse Number 2014032007. December 2014. Table 4.11-3.

transportation and land use, water, solid waste, and green infrastructure sectors.[99] As described in criterion (a), the City Council adopted the CAP 2.0 in August 2022 and projects are considered consistent with the CAP 2.0 if they are consistent with the demographic forecasts, land use assumptions, and do not conflict with the required GHG reduction measures contained in the CAP 2.0.[100]

In compliance with CMC Section 17.04.050(C), *Greenhouse Gas Emissions and Energy Permit Requirements*, the project applicant must complete a consistency checklist with the City's CAP 2.0 for review and approval by the Cupertino Environment and Sustainability Department prior to issuance of the first permit. A project consistency with the adopted CAP 2.0 GHG reduction measures are shown in Table 4-5 presented in criteria (a). As shown in Table 4-3, *Cupertino Climate Action Plan 2.0 Consistency Matrix,* the proposed project is consistent with the CAP 2.0 GHG reduction strategies and impacts would therefore be *less than significant*.

Development in Cupertino, including the proposed project, is required to adhere to City-adopted policy provisions, including those contained in the adopted CAP 2.0. The CMC Chapter 17.04, *Standard Environmental Protection Requirements,* ensures that the provisions of the Cupertino CAP 2.0 are incorporated into projects and permits as part of development review and through conditions of approval. There will also be an increase in daily vehicle trips from existing conditions that will not lead to significant transportation related GHG emissions on site. In addition, the proposed office building and retail space would replace the older structures with more energy efficient structures that achieve the most current Building and Energy Efficiency Standards in order to decrease GHG emissions. The impacts under this criterion would be consistent with the conclusions in the General Plan EIR and remain be *less than significant*. Accordingly, impacts related to GHG emissions were adequately addressed in the General Plan EIR. Effects peculiar to the proposed project or the project site do not exist. Thus, pursuant to CEQA Guidelines Section 15183, the criteria for requiring further CEQA review are not met.

VIII. HAZARDS AND HAZARDOUS MATERIALS

Would the proposed project:	Significant Impact Peculiar to the Project or Project Site	Impact Substantially Mitigated by Uniformly Applicable Development Standards	Impact Adequately Addressed in the General Plan EIR	New Less Than Significant Impact not Addressed in the General Plan EIR
a) Create a significant hazard to the public or the environment through the routine transport, use or disposal of hazardous materials?	no	no	yes	no

[99] City of Cupertino, Climate Action Plan 2.0. 2022, August. https://www.cupertino.org/home/showpublisheddocument/31683/637964240923930000.

Would the proposed project:	Significant Impact Peculiar to the Project or Project Site	Impact Substantially Mitigated by Uniformly Applicable Development Standards	Impact Adequately Addressed in the General Plan EIR	New Less Than Significant Impact not Addressed in the General Plan EIR
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?	no	no	yes	no
c) Emit hazardous emissions or handle hazardous materials, substances or waste within 0.25 miles of an existing or proposed school?	no	no	yes	no
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?	no	no	yes	no
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, result in a safety hazard or excessive noise for people residing or working in the project area?	no	no	yes	no
f) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	no	no	yes	no
g) Expose people or structures, either directly or indirectly, to a significant risk of loss, injury, or death involving wildland fires?	no	no	yes	no

GENERAL PLAN EIR

Chapter 4.7, *Hazards and Hazardous Materials*, of the General Plan EIR, addressed the hazards- and hazardous materials-related impacts associated with buildout of the General Plan, including the 2,700,000 square feet of office space in the Heart of the City Special Area and a height limit of 90 feet in the South Vallco Park area at a program level. Impacts were found to be less than significant and less than significant with mitigation measures to ensure that development on sites with known hazardous contamination would be less than significant. General Plan EIR Mitigation Measures HAZ-4a and HAZ-4b are required to be implemented for sites with known contamination and potential residual contamination. As discussed in Chapter 4.7, the project site is not listed as a site with known contamination or potential residual contamination; therefore, the identified mitigation measures in the General Plan EIR do not apply to the proposed project. The following is a summary of Section, 4.7.1.2, *Existing Conditions*, of Chapter 4.7.

Since the certification of the General Plan EIR the City has codified regulations equivalent to the General Plan mitigation measures to reduce impacts related to hazardous materials in CMC Chapter 17.04, *Standard Environmental Protection Requirements*. CMC Section 17.04.040(B)(1) and Section 17.04.050(B) require the project applicant to manage soil and or groundwater contamination from hazardous materials to ensure the safety of construction workers and surrounding properties and describes the procedures to be implemented.

EXISTING CONDITIONS

The term "hazardous material," as used in this 15183 Checklist, includes all materials defined in the California Health and Safety Code Section 25501 definition of a hazardous material; that is: "A material that, because of its quantity, concentration, or physical or chemical characteristics, poses a significant present or potential hazard to human health and safety or to the environment if released into the workplace or the environment." The following discussion is based, in part, on project specific information from the following studies:

- *Phase I Environmental Site Assessment and Subsurface Investigation Report* conducted by EKI Erler & Kalinowski, Inc. dated May 7, 2007.
- *Phase I Environmental Site Assessment and Subsurface Investigation Report* conducted by EKI Environment & Water dated May 14, 2021.

Phase I ESAs and Subsurface Investigations

The Environmental Site Assessments (ESAs) and Subsurface Investigations prepared for the project site by EKI Environment & Water found that prior to the development of the existing property in 1981, the property was part of a larger orchard from the 1940s through the 1970s. Additionally, prior to 1978, Calabazas Creek flowed through the western portion of the existing property before it was channelized and the old creek drainage on the property was filled.[101]

The project site is within the Planned Development with Industrial Park and General Commercial (P(MP,CG)) zoning district, and is currently developed with an approximately 141,000 square feet of existing office building with surface parking lot. The 2007 ESA conducted by EKI showed results of prior asbestos surveys that indicated that asbestos containing materials (ACMs) are present in the mastic beneath the vinyl floor tiles in the existing janitor closets and mechanical rooms and the grey/black roofing mastic. EKI advised that these materials need to be managed appropriately in-place and may require abatement in advance of building demolition and site grading.

Agricultural chemicals (e.g., pesticides) and farm equipment may have been used or stored in the farmstead area. The 2007 subsurface investigation and sampling of shallow soils in the former farmstead area of the property did not indicate the presence of detectable concentrations of organochlorine pesticides. Agricultural-related metals were detected at concentrations consistent with typical background concentrations and below regulatory screening levels for commercial properties.

[101] EKI Environment & Water, Inc. (Formerly known as Erler & Kalinowski, Inc.), May 7, 2007. *Phase I Environmental Site Assessment and Subsurface Investigations Report, 19191 Vallco Parkway Cupertino, California;* EKI Environment & Water, Inc., May 14, 2021. *Phase I Environmental Site Assessment and Subsurface Investigation Report, 19191 Vallco Parkway Cupertino, California.*

[102] Sampling of fill soils in the former Calabazas Creek drainage identified the presence of residual concentrations of organochlorine pesticides at levels below their respective regulatory screening levels for commercial properties. [103]

Metals were detected in fill soil samples at concentrations generally within typical background concentration ranges and no petroleum hydrocarbons were detected. Soil vapor data indicated that a release of trichloroethane may have occurred to the subsurface, but there does not appear to be a significant release, given the low concentrations and lack of detection in surrounding sub-slab vapor samples. Groundwater samples contained no detectable VOCs or dissolved metals at concentration above their respective California Regional Water Quality Control Board (RWQCB) Environmental Screening Levels (ESLs).

The 2021 ESA, found evidence of Recognized Environmental Conditions (RECs). Sampling conducted by EKI identified the presence of benzene in one of four samples of sub-slab soil vapor collected beneath the site building at a concentration that slightly exceeded the RWQCB ESLs. Although the benzene concentration found presents a Phase I ESA REC, EKI concluded that the presence of benzene in sub-slab soil vapor at the concentrations measured does not present a significant vapor intrusion or other environmental condition for a large commercial building and would not require mitigation according to California vapor intrusion mitigation guidance. The following information and subsequent impact discussion are based in part on the information in these reports.

As shown in the General Plan EIR (see Table 4.7-2, *Hazardous Materials and LUST* [leaking underground storage tanks] and Figure 4.7-1, *Hazardous Material Sites*) the project site is not included on a list of hazardous materials sites complied pursuant to Government Code section 65962.5. Furthermore, the project-specific Phase I and II ESAs conducted between 2007 and 2021 did not find documentation or physical evidence of soil, groundwater, or soil gas impairments associated with the use or past use of the project site.[104] In addition, a recent search of the Department of Toxic Substances Control (DTSC) EnviroStor Database, which is the data management system for tracking our cleanup, permitting, enforcement and investigation efforts at hazardous waste facilities and sites with known contamination or sites where there may be reasons to investigate further, did not include any hazardous materials sites on the project site.[105]

[102] EKI Environment & Water, Inc., May 14, 2021. *Phase I Environmental Site Assessment and Subsurface Investigation Report, 19191 Vallco Parkway Cupertino, California.*

[103] EKI Environment & Water, Inc., May 14, 2021. *Phase I Environmental Site Assessment and Subsurface Investigation Report, 19191 Vallco Parkway Cupertino, California.*

[104] EKI Environment & Water, Inc., May 14, 2021. *Phase I Environmental Site Assessment and Subsurface Investigation Report, 19191 Vallco Parkway Cupertino, California.*

[105] California Department of Toxic Substances Control EnviroStor Database, https://www.envirostor.dtsc.ca.gov/public/map/?myaddress=19191+Vallco+Parkway, accessed December 14, 2021;

Sensitive Receptors

Under CEQA schools within 0.25 miles (1,320 feet) of a hazardous materials have an increased sensitivity to environmental contaminants. Schools, public and private, within approximately 0.25 miles (1,320 feet) of the project site include Sunflower Learning Center and TLC Preschool to the southeast, Sunflower Learning Center, Silicon Valley Korean School, and Cupertino High School to the south, and Fremont Union High School District Adult School to the west of the project site. For this analysis, the nearest receptors are the Sunflower Learning Center, approximately 850 feet to the south, and Cupertino High School students, approximately 930 feet to the south.

Airports

The project site is not located within the boundaries of any airport land use plan.[106,107] The nearest public airport to the project site is the Norman Y. Mineta San Jose International Airport, approximately 5.0 miles to the northeast.[108] The nearest heliports are McCandless Towers Heliport, approximately 4.5 miles to the northeast, and County Medical Center Heliport, approximately 4.0 miles to the east. The nearest private (military/corporate) airport is Moffett Federal Airfield, approximately 6.0 miles to the northwest.

Wildfire

The project site is located within a CAL FIRE designated LRA and outside of VHFHSZ. The project site is not near lands designated as a SRA by CAL FIRE. The project site is approximately 3 miles northeast from the nearest VHFHSZ or land designated by CAL FIRE as a SRA.[109] The project site is approximately 2 miles northeast of the WUI, which is an area of transition between wildland (unoccupied land) and land with human development (occupied land). [110]

[106] County of Santa Clara Department of Planning and Development, 2021. Airport Land Use Commission, https://www.sccgov.org/sites/dpd/Commissions/ALUC/Pages/ALUC.aspx, accessed September 13, 2021.

[107] Santa Clara County Airport Land Use Commission, 2016. Comprehensive Land Use Plan Santa Clara County, Norman Y. Mineta San Jose International Airport, https://stgenpln.blob.core.windows.net/document/ALUC_SJC_CLUP.pdf, accessed September 13, 2021.

[108] AirNav, 2016. Browse Airports, United States of America, California, http://www.airnav.com/airports/us/CA, accessed September 13, 2021.

[109] California Department of Forestry and Fire Protection. 2021. "FHSZ Viewer". https://egis.fire.ca.gov/FHSZ/, accessed June 22, 2022.

[110] California Department of Forestry and Fire Protection (CAL FIRE). 2018. Wildland-Urban Interface Fire Threat. http://www.arcgis.com/home/item.html?id=d45bf08448354073a26675776f2d09cb, accessed December 14, 2021; City of Cupertino Municipal Code, Title 16, *Building and Construction*, Chapter 16.74. *Wildland Urban Interface Fire Area*; City of Cupertino. 2015. General Plan: Community Vision 2015-2040, Health and Safety Chapter, Figure HS-1.

DISCUSSION

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

Construction Impacts

While construction activities at the project site would possibly involve the use of hazardous materials, such as petroleum-based fuels for maintenance and use of construction equipment and coatings used in construction, these materials would be transported to the site periodically by vehicles and would be present temporarily during construction. These potentially hazardous materials would not be of a type, or occur in sufficient quantities on-site, to pose a significant hazard to public health and safety or the environment, and their use during construction would be short-term. Additionally, as with proposed project operation, the use, transport, and disposal of construction-related hazardous materials would be required to conform to existing laws and regulations.

Based on the analytical results from the Phase II ESAs,[111] none of the soils at the project site that are proposed to be excavated for off-site disposal contain elevated concentrations exceeding State of California or Federal ESLs. 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. Therefore, the impacts from construction of the proposed project would be consistent with the conclusions in the General Plan EIR and remain *less than significant*.

Operational Impacts

The proposed project, an office and commercial use development, is not a type of project that would involve the routine transport or disposing of hazardous materials. Project operation would involve the use of small amounts of hazardous materials for cleaning and maintenance purposes, such as cleansers, degreasers, pesticides, and fertilizers. These potentially hazardous materials would not be of a type or be present in sufficient quantities to pose a significant hazard to public health, 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 (HMCD), and hazardous materials permits from the Santa Clara County Fire Department (SCCFD). The SCCFD also conducts inspections for fire safety and hazardous materials management of businesses, in accordance with the City of Cupertino Hazardous Materials Storage Ordinance (CMC Chapter 9.12, *Hazardous Materials Storage*). Thus, associated impacts from the

[111] The subsurface investigations completed in 2007 and 2021 are also known as Phase II ESAs.

operational phase of the project would be consistent with the conclusions in the General Plan EIR and remain *less than significant*.

In summary, based on the above, impacts under this criterion were adequately addressed in the General Plan EIR. Effects peculiar to the proposed project or the project site do not exist. Thus, pursuant to CEQA Guidelines Section 15183, the criteria for requiring further CEQA review are not met.

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

As described under criterion (a) above, operation and construction of the proposed project would involve the storage and use of common cleaning substances, building maintenance products, paints, and solvents, as well as petroleum-based fuels for maintenance and construction equipment, and coatings used in construction. Further, the 2007 ESA identified the presence of ACM is a portion of the existing building.

Construction Impacts

The 2007 ESA show results of prior asbestos surveys indicated that asbestos is present in the mastic beneath the vinyl floor tiles in the existing janitor closets and mechanical rooms and the grey/black roofing mastic. The 2007 ESA recommends appropriate in-place management of roofing mastic and possible abatement in advance of building demolition and site grading. An impact could occur if construction of the proposed project creates conditions where hazardous materials could easily contaminate surrounding soil, water, or air. However, removal of these types of hazardous materials would be conducted by contractors licensed to remove and handle these materials and in accordance with existing federal, State, and local regulations, including United States Environmental Protection Agency's National Emission Standards for Hazardous Air Pollutants (Code of Federal Regulation Part 61), Bay Area Air Quality Management District's Regulation 11, Title 8 of the California Codes of Regulations, the Unified Program, and the City's General Plan Health and Safety Element Policy HS-6.1, and would ensure that risks associated with demolition and the transport, storage, use, and disposal of such materials would be reduced to the maximum extent practical. 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 set forth by the Santa Clara County HMCD would be required through the duration of the construction of each individual development project. Consequently, associated impacts from the construction and demolition phases of the project would be consistent with the conclusions in the General Plan EIR and remain *less than significant* under this criterion.

Operational Impacts

The proposed project, an office and commercial use development, is not considered the type of project that would create a hazardous materials threat 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, *Hazardous Materials Release Response Plans and Inventory*. As the CUPA, Santa Clara County HMCD is required to regulate hazardous materials business plans (HMBP) and chemical inventories, 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 to mitigate hazardous release, procedures, and equipment to minimize potential damage of a hazardous materials release, and provisions for immediate notification of the Governor's Office of Emergency Services (Cal OES) and other emergency-response personnel, such as the SCCFD. Implementation of the emergency response plan facilitates rapid response in the event of an accidental spill or release to reduce potential adverse impacts. Furthermore, Santa Clara County HMCD is required to conduct ongoing routine inspections to ensure compliance with existing laws and regulations; to identify safety hazards that could cause or contribute to an accidental spill or release; and to suggest preventive 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, operational impacts would be consistent with the conclusions in the General Plan EIR and remain *less than significant* under this criterion.

In summary, based on the above, impacts under this criterion were adequately addressed in the General Plan EIR. Effects peculiar to the proposed project or the project site do not exist. Thus, pursuant to CEQA Guidelines Section 15183, the criteria for requiring further CEQA review are not met.

c) Would the proposed project emit hazardous emissions or handle hazardous materials, substances or waste within 0.25 miles of an existing or proposed school?

As describe in the Existing Conditions above, there are schools within approximately 0.25 miles (1,320 feet) of the project site. There are no known plans of a proposed school in this range. As discussed in criterion (a) and (b), 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, impacts related to hazardous emissions or hazardous material handling to schools or other sensitive receptors that are within 0.25 miles of the project site would be consistent with the conclusions in the General Plan EIR and remain *less than significant*.

Also see Section II, *Air Quality*, criterion (c), which concludes through the preparation of a site-specific construction HRA, that the potential for impacts to sensitive receptors, including schools within 0.25-miles of the project site, due to the release of hazardous materials during construction would be less than significant.

In summary, based on the above, impacts under this criterion were adequately addressed in the General Plan EIR. Effects peculiar to the proposed project or the project site do not exist. Thus, pursuant to CEQA Guidelines Section 15183, the criteria for requiring further CEQA review are not met.

d) Would the proposed 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 described in the Existing Conditions section above, the project site is not included on a list of hazardous materials sites complied pursuant to Government Code section 65962.5. Therefore, *no impact* would occur under this criterion. Accordingly, based on the above, impacts under this criterion were adequately addressed in the General Plan EIR. Effects peculiar to the proposed project or the project site do not exist. Thus, pursuant to CEQA Guidelines Section 15183, the criteria for requiring further CEQA review are not met.

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 proposed project result in a safety hazard or excessive noise for people living or working in the project area?

As described in the Existing Conditions above, the project site is not located within the boundaries of any airport land use plan or within 2 miles of a public airport or public-use airport. Therefore, *no impacts* would occur. Accordingly, based on the above, impacts under this criterion were adequately addressed in the General Plan EIR. Effects peculiar to the proposed project or the project site do not exist. Thus, pursuant to CEQA Guidelines Section 15183, the criteria for requiring further CEQA review are not met.

f) Would the proposed project impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?

The City of Cupertino Office of Emergency Management is responsible for coordinating agency response to disasters or 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)[112] establishes policy direction for emergency planning, mitigation, response, and recovery activities within the city. The Cupertino EOP addresses interagency coordination, procedures to maintain communications with County and State emergency response teams, and methods to assess the extent of damage and management of volunteers.

The proposed project would not block roads and would not impede emergency access to surrounding properties or neighborhoods. As described in the project description section above, emergency vehicle access would be provided via two ingress and egress driveways on Vallco Parkway along the southern edge of the project site.

[112] City of Cupertino, Office of Emergency Services, adopted June 18, 2019. *Emergency Operations Plan. http://records.cupertino.org/WebLink/DocView.aspx?id=777459&dbid=0&repo=CityofCupertino&cr=1.*

During demolition and construction, vehicles, equipment, and materials would be staged and stored on a centrally located portion of the project site when practical. No long-term staging of equipment would occur around the perimeter of the site. No construction staging would occur in the public right-of-way. The construction site and staging areas would be clearly marked, and construction fencing would be installed to prevent disturbance and safety hazards. A combination of on- and off-site parking facilities for construction workers would be identified during demolition, grading, and construction.

The proposed project would not interfere with an adopted emergency response plan, or emergency evacuation plan; therefore, impacts would be consistent with the conclusions in the General Plan EIR and remain *less than significant* under this criterion. Accordingly, based on the above, impacts under this criterion were adequately addressed in the General Plan EIR. Effects peculiar to the proposed project or the project site do not exist. Thus, pursuant to CEQA Guidelines Section 15183, the criteria for requiring further CEQA review are not met.

g) Would the proposed project expose people or structures, either directly or indirectly, to a significant risk of loss, injury, or death involving wildland fires?

The project site is fully developed and is surrounded by built-out urban uses. As described in Existing Conditions above, the project site is not in or near a VHFHSZ or WUI area.[113] Because the project is located outside of a designated fire hazard area or WUI, the proposed project would not subject people or structures to wildfire hazards and impacts would be consistent with the conclusions in the General Plan EIR and remain *less than significant*. Accordingly, based on the above, impacts under this criterion were adequately addressed in the General Plan EIR. Effects peculiar to the proposed project or the project site do not exist. Thus, pursuant to CEQA Guidelines Section 15183, the criteria for requiring further CEQA review are not met. Please see Section XVIII, *Wildfire,* for additional discussion on wildfire hazards.

IX. HYDROLOGY AND WATER QUALITY

Would the proposed project:	Significant Impact Peculiar to the Project or Project Site	Impact Substantially Mitigated by Uniformly Applicable Development Standards	Impact Adequately Addressed in the General Plan EIR	New Less Than Significant Impact not Addressed in the General Plan EIR
a) Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?	no	No	yes	no

[113] California Department of Forestry and Fire Protection (CAL FIRE). 2018. Wildland-Urban Interface Fire Threat. http://www.arcgis.com/home/item.html?id=d45bf08448354073a26675776f2d09cb, accessed December 14, 2021; City of Cupertino Municipal Code, Title 16, *Building and Construction*, Chapter 16.74. *Wildland Urban Interface Fire Area*; City of Cupertino. 2015. General Plan: Community Vision 2015-2040, Health and Safety Chapter, Figure HS-1.

ENVIRONMENTAL ANALYSIS

Would the proposed project:	Significant Impact Peculiar to the Project or Project Site	Impact Substantially Mitigated by Uniformly Applicable Development Standards	Impact Adequately Addressed in the General Plan EIR	New Less Than Significant Impact not Addressed in the General Plan EIR
b) Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?	no	No	yes	no
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would: i) Result in substantial erosion or siltation on- or off-site; ii) Substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site; iii) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or iv) Impede or redirect flood flows?	no	No	yes	no
d) In a flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?	no	No	yes	no
e) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?	no	No	yes	no

GENERAL PLAN EIR

Chapter 4.8, *Hydrology and Water Quality*, of the General Plan EIR, addressed the hydrology- and water quality-related impacts associated with buildout of the General Plan, including the 2,700,000 square feet of office space in the Heart of the City Special Area and a height limit of 90 feet in the South Vallco Park area at a program level. Impacts were found to be less than significant, and no mitigation measures were required. The following is a summary of Section, 4.8.1.2, *Existing Conditions*, of Chapter 4.8.

EXISTING CONDITIONS

The project site lies within the Calabazas Creek watershed. No creeks are present on the project site, but a channelized portion of Calabazas Creek is adjacent to the west of the project site. In addition to the natural drainage system, a network of storm drains on North Tantau Avenue and Vallco Parkway collect runoff from City streets and the project site 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 2018 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 located in an area where the storm drains are potentially deficient (Vallco Parkway and North Tantau Avenue) in conveying a 10-year storm. The storm drains beneath Vallco Parkway, near the intersection of North Tantau Avenue, are currently under capacity and designated as low priority for replacement.[114]

The project site lies within the Santa Clara Subbasin of the Santa Clara Valley Groundwater Basin, as does the entire city. In 2019, approximately 37 percent of the water used in Santa Clara County was pumped from groundwater.[115] 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 and the Central Valley Project. Additional details on water usage and local water purveyors are provided in Section XVI, *Utilities and Service Systems,* of this 15183 Checklist.

Santa Clara Valley streams do not receive discharges from industrial or municipal wastewater sources.[116] 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 NPDES permit program was established by the federal Clean Water Act to regulate municipal and industrial discharges to surface waters of the United States from their municipal separate storm sewer systems (MS4s). Municipal storm water discharge in the City of Cupertino is subject to the Waste Discharge Requirements of Municipal Regional Permit (MRP; Order Number R2-2022-0018) and NPDES Permit Number CAS612008, which became effective on July 1, 2022.

The San Francisco Bay RWQCB monitors surface water quality through implementation of the Water Quality Control Plan for the San Francisco Bay Basin (Basin Plan) and designates beneficial uses for surface water bodies and groundwater within the Santa Clara Valley. The Basin Plan also contains water quality criteria for groundwater. Groundwater quality in the Santa Clara subbasin is generally considered to be good, with no treatment beyond disinfection required at major retailer wells.[117]

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 or sea level rise.[118,119] There are no large bodies of water within the city of Cupertino or near the project site.

[114] Schaaf & Wheeler Consulting Civil Engineers, September 2018. *City of Cupertino Storm Drain Master Plan.*

[115] Santa Clara Valley Water District, July 2020. *Annual Groundwater Report for Calendar Year 2019.*

[116] Santa Clara Basin Watershed Management Initiative, revised August 2003. *Watershed Management Plan, Volume One Watershed Characteristics Report, Unabridged 2003 Revision.*

[117] Santa Clara Valley Water District, July 2020. *Annual Groundwater Report for Calendar Year 2019.*

[118] Association of Bay Area Governments, March 2020. Hazard Viewer, https://abag.ca.gov/our-work/resilience/data-research/hazard-viewer, accessed December 14, 2021.

[119] San Francisco Bay Conservation and Development Commission. 2017. Adapting to Rising Tides, Bay Shoreline Flood Explorer. https://explorer.adaptingtorisingtides.org/home.

DISCUSSION

a) Would the proposed project violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?

Because the project would disturb one or more acres during construction, the project applicant would be required to comply with the NPDES Permit and submit Permit Registration Documents to the California State Water Resources Control Board prior to the start of construction. The Permit Registration Documents include a Notice of Intent (NOI) and a site-specific construction Stormwater Pollution Prevention Plan (SWPPP). The SWPPP describes the incorporation of BMPs to control sedimentation, erosion, and hazardous materials contamination of runoff during construction. New requirements by the State Water Resources Control Board would also require the project applicant to prepare a construction SWPPP that includes post-construction treatment measures aimed at minimizing stormwater runoff. With implementation of these measures, water quality impacts during construction would be consistent with the conclusions in the General Plan EIR and remain *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 maintained in perpetuity. The proposed project would provide ten landscaped bioretention water treatment areas throughout the project site. As described in in Section 3.2.7, *Utilities and Energy*, of this 15183 Checklist, the proposed project would reduce impervious surfaces on the project site compared to existing conditions and exceed the required stormwater management quantity. 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 consistent with the conclusions in the General Plan EIR and remain *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, 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 consistent with the conclusions in the General Plan EIR and remain *less than significant*.

In summary, impacts under this criterion were adequately addressed in the General Plan EIR. Effects peculiar to the proposed project or the project site do not exist. Thus, pursuant to CEQA Guidelines Section 15183, the criteria for requiring further CEQA review are not met.

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

The proposed project would be connected to municipal water supplies and does not propose any groundwater wells on the property. Water is supplied to the project site 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 *2020 Urban Water Management Plan* for the Los Altos Suburban District of Cal-Water, 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 2045.[120] Therefore, the project would not result in a depletion of groundwater supplies or result in a lowering of groundwater levels. Water supply is discussed further 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, impacts on groundwater recharge would be consistent with the conclusions in the General Plan EIR and remain *less-than-significant*.

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 quantity of impervious surfaces, as discussed in Section 3.2.7, *Utilities and Energy*, of this 15183 Checklist. The project would install landscaped bioretention areas, which would contribute to groundwater recharge by infiltration. The use of site design features required by provision C.3 of the Municipal Regional Permit (MRP) and compliance with the City of Cupertino General Plan policies would reduce the impact of impervious surfaces on groundwater recharge. Therefore, impacts to groundwater supplies and groundwater recharge would be consistent with the conclusions in the General Plan EIR and remain *less than significant*.

In summary, impacts under this criterion were adequately addressed in the General Plan EIR. Effects peculiar to the proposed project or the project site do not exist. Thus, pursuant to CEQA Guidelines Section 15183, the criteria for requiring further CEQA review are not met.

c) Would the proposed project substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would: (i) Result in substantial erosion, siltation, or flooding on- or off-site; (ii) Substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site; (iii) Create or contribute runoff water which would exceed the capacity

[120] California Water Service, June 2021. *2020 Urban Water Management Plan, Los Altos Suburban District*, Chapter 4, *Water Use Characterization*.

of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or (iv) Impede or redirect flood flows?

The project site is currently developed with a two-story office building that is connected to the City's storm drain system. The proposed demolition and construction activities would not involve the alteration of any natural drainage channels or any watercourse.

As described in the 2018 *Storm Drain Master Plan*, the project site is located in an area where the storm drain mains are potentially deficient in conveying the water from a 10-year storm. The mains within Vallco Parkway, near the intersection of North Tantau Avenue are currently under capacity and designated as low priority for replacement.[121] However, the proposed project would not exacerbate this existing condition. The proposed project would provide ten on-site bioretention facilities that would hold and treat stormwater generated on-site before it is released into the City's off-site storm drain infrastructure.

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

During construction, project applicants are subject to the NPDES construction 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. Therefore, the impacts would be consistent with the conclusions in the General Plan EIR and remain *less than significant*. Accordingly, impacts under this criterion were adequately addressed in the General Plan EIR. Effects peculiar to the proposed project or the project site do not exist. Thus, pursuant to CEQA Guidelines Section 15183, the criteria for requiring further CEQA review are not met.

[121] Schaaf & Wheeler Consulting Civil Engineers, September 2018. *City of Cupertino Storm Drain Master Plan.*

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

As discussed above, 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 or sea level rise hazard zone. There are no large bodies of water in the vicinity of the project site, therefore there would be no potential for seiches to impact the project site. The project site is also outside of the Stevens Creek Reservoir dam inundation zone.[122] 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.[123] Therefore, *no impact* would occur under this criterion. Accordingly, impacts under this criterion were adequately addressed in the General Plan EIR. Effects peculiar to the proposed project or the project site do not exist. Thus, pursuant to CEQA Guidelines Section 15183, the criteria for requiring further CEQA review are not met.

e) Would the proposed project conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?

The project site is not within the purview of a sustainable groundwater management plan. The San Francisco Bay RWQCB monitors surface water quality through implementation of the Water Quality Control Plan for the San Francisco Bay Basin, also referred to as the "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.

As required by stormwater 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. These best management practices 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 several bioretention areas to treat and detain runoff prior to discharge to the City's storm drain system. In addition, as discussed in criterion (b), the project would be connected to municipal water supplies and does not propose any groundwater wells on the property. The depth of groundwater is estimated to be deeper than 50 feet below ground surface. The proposed project would include the excavation of soil for the parking garage. However, the proposed parking garage would be at its lowest, 21 feet below ground surface and therefore would not disturb groundwater. 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 consistent with the conclusions in the

[122] Santa Clara County Fire Department. 2012. *Joint Stevens Creek Dam Failure Plan.*

[123] Association of Bay Area Governments, March 2020. Hazard Viewer, https://abag.ca.gov/our-work/resilience/data-research/hazard-viewer, accessed December 14, 2021.

ENVIRONMENTAL ANALYSIS

General Plan EIR and remain *less than significant* and the proposed project would not conflict with or obstruct the implementation of the Basin Plan. Accordingly, impacts under this criterion were adequately addressed in the General Plan EIR. Effects peculiar to the proposed project or the project site do not exist. Thus, pursuant to CEQA Guidelines Section 15183, the criteria for requiring further CEQA review are not met.

X. LAND USE AND PLANNING

Would the proposed project:	Significant Impact Peculiar to the Project or Project Site	Impact Substantially Mitigated by Uniformly Applicable Development Standards	Impact Adequately Addressed in the General Plan EIR	New Less Than Significant Impact not Addressed in the General Plan EIR
a) Physically divide an established community?	no	no	yes	no
b) Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?	no	no	yes	no

GENERAL PLAN EIR

Chapter 4.9, *Land Use and Planning*, of the General Plan EIR, addressed impacts to land use and planning associated with buildout of the General Plan, including the 2,700,000 square feet of office space in the Heart of the City Special Area and a height limit of 90 feet in the South Vallco Park area at a program level. Impacts were determined to be less than significant, and no mitigation measures were required. The following is a summary of Section, 4.9.1.2, *Existing Conditions*, of Chapter 4.9.

EXISTING CONDITIONS

The General Plan land use designation for the project site is Commercial/Office/Residential and the project site is within the Planned Development with Industrial Park and General Commercial (P(MP,CG)) zoning district. A complete description of the land use designation and zoning district is presented in Section 3.1.4, *Land Use and Zoning Designations*, of this 15183 Checklist.

DISCUSSION

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

Because the development of the proposed project would occur on a site that is currently developed for commercial use, the proposed project 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, impacts would be consistent with the conclusions in the General Plan EIR and remain *less than significant* under this criterion. Accordingly, impacts under this criterion were

adequately addressed in the General Plan EIR. Effects peculiar to the proposed project or the project site do not exist. Thus, pursuant to CEQA Guidelines Section 15183, the criteria for requiring further CEQA review are not met.

b) Would the proposed project cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?

The proposed project does not include a request for amendments to the existing General Plan land use designation or zoning district. The proposed project would continue the existing development pattern on the project site by demolishing the existing office building and constructing a new office building with commercial space. The General Plan EIR evaluated building heights up to 90 feet on the project site and determined that impacts would be less than significant with respect aesthetics and hazards. The height of the proposed building at 70 feet and 6 inches tall at its highest point is within the scope of what was evaluated in the General Plan EIR (i.e., up to 90 feet tall), therefore, as described in Section I, *Aesthetics*, no aesthetic-related impacts would occur. Additionally, the project is not within an airport land use plan, and no impact associated with hazards due to the additional height would occur.

Furthermore, the proposed project would be consistent with the types of development envisioned in the General Plan, South Vallco Park area, Heart of the City Special Area, and the *Heart of the City Specific Plan*. Therefore, impacts would be consistent with the conclusions in the General Plan EIR and remain *less than significant* under this criterion. Accordingly, impacts under this criterion were adequately addressed in the General Plan EIR. Effects peculiar to the proposed project or the project site do not exist. Thus, pursuant to CEQA Guidelines Section 15183, the criteria for requiring further CEQA review are not met.

XI. NOISE

Would the proposed project result in:	Significant Impact Peculiar to the Project or Project Site	Impact Substantially Mitigated by Uniformly Applicable Development Standards	Impact Adequately Addressed in the General Plan EIR	New Less Than Significant Impact not Addressed in the General Plan EIR
a) Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or in other applicable local, state, or federal standards?	no	yes	yes	no
b) Generation of excessive groundborne vibration or groundborne noise levels?	no	no	yes	no
c) For a project located within the vicinity of a private airstrip or 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?	no	no	yes	no

GENERAL PLAN EIR

Chapter 4.10, *Noise*, of the General Plan EIR addressed the impacts from noise and vibration associated with buildout of the General Plan, including the 2,700,000 square feet of office space in the Heart of the City Special Area and a height limit of 90 feet in the South Vallco Park area at a program level. Noise impacts were found to be significant and unavoidable in the General Plan EIR because the project-specific details for future development were not available. No feasible mitigation measures were identified to reduce noise impacts to a less-than-significant level and project-specific noise evaluation is required to assess noise impacts from the proposed demolition and construction of the site.

Since the certification of the General Plan EIR the City has codified regulations to reduce impacts related to construction noise and vibration in CMC Chapter 17.04, *Standard Environmental Protection Requirements*. CMC Section 17.04.040(D), *Vibration Technical Report Requirements,* and Section 17.04.050(G), *Noise and Vibration Permit Requirements,* requires the project applicant to study and mitigate impacts from vibration to off-site properties when specific construction equipment is used and to notice surrounding land uses of pending construction noise and manage noise during construction. These sections describe the procedures to be implemented.

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.

The project site is a bounded by Interstate (I-280) to the north; North Tantau Avenue and office uses to the east; Vallco Parkway, office, and commercial uses to the south, and the Calabazas Creek and office uses to the west. The nearest noise-sensitive receptor to the project site are single-family homes approximately 800 feet to the northeast of the project site across I-280; single-family homes approximately 750 feet to the south of the project site across Stevens Creek Boulevard; and the Residences Inn Hotel approximately 185 feet to the southwest. The noise environment in the project area is primarily characterized by highway traffic from I-280 and roadway traffic from North Tantau Avenue and Stevens Creek Boulevard.

The nearest public airports is Norman Y. Mineta San Jose International Airport, approximately 5.0 miles to the northeast.[124] The nearest heliports are McCandless Towers Heliport, approximately 4.5 miles to the northeast, and County Medical Center Heliport, approximately 4.0 miles to the east. The nearest private (military/corporate) airport is Moffett Federal Airfield, approximately 6.0 miles to the north. The project site is not located in within an airport land use plan.

[124] AirNav, 2016. Browse Airports, United States of America, California, http://www.airnav.com/airports/us/CA, accessed September 13, 2021.

Based on the noise contour map in the General Plan Health and Safety Element (Attachment D, *Community Noise Fundamentals*, of the General Plan*)*, the project site and project area are within the 65 to 70+ dBA Community Noise Equivalent Level (CNEL) noise contours, with ambient noise levels decreasing at further distance from I-280.[125] It is important to note that with the Supreme Court decision regarding the assessment of the environment's impacts on projects (*California Building Industry Association (CBIA) v. Bay Area Air Quality Management District (BAAQMD)*, 62 Cal. 4th 369 (No. S 213478) issued December 17, 2015), it is generally no longer the purview of the CEQA process to evaluate potential impacts from the environment onto any given project. As a result, while the noise from existing sources is accounted for as part of the baseline, the direct effects of existing outside (exterior) noise from nearby noise sources as it relates to land use compatibility of the project is no longer a required topic for impact evaluation under CEQA. No determination of significance is required or made in this 15183 Checklist.

DISCUSSION

a) Would the proposed project result in generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or in other applicable local, state, or federal 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 permanent traffic-related increases, noise impacts can be placed 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 (dBA) 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 dBA. The last category includes changes in noise level of less than 1 dBA 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 dBA 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 dBA increase in traffic-generated noise levels. For the purposes of this analysis, an increase of 3 dBA CNEL is used as the threshold for a substantial increase.

Project-Related Construction Noise

In terms of the proposed construction activities, the demolition, 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

[125] *City of Cupertino General Plan (Community Vision 2015-2040)*, Appendix D, Community Noise Fundamentals, page D-12.

saws, dozers, graders, tractors, loaders, backhoes, excavators, generators, forklifts, welders, rollers, paving equipment, rollers, air compressors, and a crane.

Two types of short-term noise impacts could occur during construction: (1) mobile-source noise from the transport of workers, material deliveries, and debris/soil hauling and (2) stationary-source noise from use of construction equipment. Construction activities are anticipated to last approximately 18 months. 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 local roadways. 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. Additionally, site access would be through I-280, Stevens Creek Boulevard and North Tantu Avenue which have thousands existing daily traffic volumes (ADT). Therefore, noise impacts from construction-related truck traffic would be *less than significant* at noise-sensitive receptors along the construction routes.

Construction Equipment

According to CMC Section 10.48.053, *Grading, Construction and Demolition,* 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) and exempt from the City's daytime and nighttime maximum noise level limits, 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. Only one of these two criteria must be met. In addition, construction is prohibited on holidays and within 750 feet of residential areas on weekends, holidays, and during the nighttime, 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 on-site 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, can have maximum, short-duration noise levels of up 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 dBA 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.

Construction noise levels would create a substantial temporary increase in ambient noise levels in the vicinity of the project. However, the proposed project would be required to comply with CMC Section 17.04.050(G)(2), *Manage Noise During Construction,* which requires the applicant and contractor to submit a Construction Noise Control Plan to the City's Planning Department for review and approval prior to issuance of the first permit. The Construction Noise Control Plan would demonstrate compliance with daytime and nighttime decibel limits based on the type of construction equipment, distance of construction activities from sensitive receptors, site terrain, and other project features. Additional requirements of CMC Section 17.04.050(G)(2) include selecting haul routes that avoid the greatest amount of sensitive uses, posting signs that reinforce the prohibition of unnecessary engine idling, and the use of noise producing signals only for safety warning purposes. Furthermore, 10 days prior to the start of ground disturbing activities, the project applicant would be required to send out notices to off-site businesses within 500 feet of the project site. Therefore, noise impacts from construction equipment would be *less than significant* at noise-sensitive receptors.

Project-Related Operational Noise

Stationary-Source Noise

Noise from sources such as people talking and using outdoor common areas, or property maintenance may contribute to the total noise environment within the direct vicinity of the proposed project site. However, these types of noise sources are commonly associated with uses that already exist on the project site. Noise sources associated with landscape maintenance activities 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 occasional property maintenance and operational activities associated with the proposed project would be *less than significant.*

The proposed office building will have the mechanical HVAC equipment on the rooftop enclosed by corrugated metal screen on all sides of the building. The exterior mechanical and HVAC equipment associated with the proposed use are expected to be similar to the existing office uses. Typical HVAC units range from approximately 75 dBA L_{eq} at a distance of 3 feet. The nearest noise-sensitive receptor is the Residence Inn Hotel approximately 185 feet to the south. As mentioned above, noise attenuates conservatively 6 dBA per doubling of distance. Therefore, at 185 feet HVAC noise would reduce to

approximately 39 dBA. This does not account for additional attenuation from the 12-foot corrugated metal screen walls, providing approximately an additional 5 dBA in noise reduction. Furthermore, the HVAC and mechanical equipment would be located at least 30 feet from the edge of the roof line. Therefore, the noise level associated with future rooftop HVAC on the office building would be below the CMC Section 10.48.040 standards.

Therefore, impacts from stationary noise from HVAC and mechanical equipment would be *less than significant.*

Mobile-Source Noise

The proposed project would result in a net increase of 2,125 daily weekday vehicle trips in when compared to existing traffic trips associated with the existing office building. However, the primary source of traffic noise near the project site is derived from I-280 to the north. According to the Transportation Analysis, prepared by Fehr and Peers in January 2022 (see Appendix E, *Transportation Analysis*, of this 15183 Checklist), approximately 40 percent of the daily vehicle trips (1,579 gross daily trips and 850 net new daily trips) would occur along I-280. This increase in daily trips along I-280 would not substantially increase permanent mobile-source ambient noise in the vicinity of the project site. As stated above, a project would have to result in the doubling of existing traffic trips to result in a 3 dBA noise increase. Highways experience hundreds of thousands of trips per day and arterial roadways experiences tens of thousands of trips. Therefore, impacts from mobile noise sources would be *less than significant.*

In summary, impacts under this criterion were adequately addressed in the General Plan EIR. Effects peculiar to the proposed project or the project site do not exist. Thus, pursuant to CEQA Guidelines Section 15183, the criteria for requiring further CEQA review are not met.

b) Would the proposed project result in generation of excessive groundborne vibration or groundborne noise levels?

Operational Vibration

Operation of the proposed project would not generate substantial levels of vibration because there are no known sources of vibrational energy associated with the proposed project, such as industrial machinery or railroad operations. Thus, impacts from operational vibration would be *less than significant.*

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 4-6, *Construction Equipment Vibration Levels*, lists reference vibration levels for different types of commonly used construction equipment.

TABLE 4-6 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

Notes: PPV = Peak Particle Velocity in inches per second
Source: Federal Transit Administration (FTA), *Transit Noise and Vibration Impact Assessment*, 2018.

Proposed construction would include demolition and grading, which would include equipment such as loaders and bulldozers. Paving activities may also generate construction vibration and would include equipment such as pavers and rollers. Using the vibration source level of construction equipment provided in Table 4-6 and the construction vibration assessment guidelines published by the Federal Transit Administration's (FTA), the vibration impacts associated with the proposed project were assessed in terms of potential architectural damage due to vibration.

The City does not have specific, vibration-related standards. Thus, project-related construction vibration was evaluated for its potential to cause minor architectural damage based on FTA's architectural damage criteria. 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 facade to the nearest location of potential construction activities.

A peak particle velocity (PPV) of 0.2 inches/second (in/sec) is used as the threshold for "non-engineered timber and masonry buildings" (which is conservatively applied to the surrounding structures). At a distances greater than 25 feet, a vibratory roller (which has the highest PPV velocity) would generate vibration levels less than 0.2 in/sec PPV. The nearest structures to the project site are the buildings across Vallco Parkway approximately 125 feet to the south. All other building, including residential structures are further away. Therefore, impacts from construction vibration would be *less than significant.* Accordingly, impacts under this criterion were adequately addressed in the General Plan EIR. Effects peculiar to the proposed project or the project site do not exist. Thus, pursuant to CEQA Guidelines Section 15183, the criteria for requiring further CEQA review are not met.

c) For a project located within the vicinity of a private airstrip or 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 proposed 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 project would not expose people residing or working in the project area to excessive aircraft noise levels. Therefore, impacts are *less than significant.* Accordingly, impacts under this criterion were adequately addressed in the General Plan EIR. Effects peculiar to the proposed project or the project site do not exist. Thus, pursuant to CEQA Guidelines Section 15183, the criteria for requiring further CEQA review are not met.

XII. POPULATION AND HOUSING

Would the proposed project:	Significant Impact Peculiar to the Project or Project Site	Impact Substantially Mitigated by Uniformly Applicable Development Standards	Impact Adequately Addressed in the General Plan EIR	New Less Than Significant Impact not Addressed in the General Plan EIR
a) Induce substantial unplanned 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)?	no	no	yes	no
b) Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?	no	no	yes	no

GENERAL PLAN EIR

Chapter 4.11, *Population and Housing*, of the General Plan EIR, addressed the impacts to population growth and displacement associated with buildout of the General Plan, including the 2,700,000 square feet of office space in the Heart of the City Special Area and a height limit of 90 feet in the South Vallco Park area at a program level. Impacts were determined to be less than significant, and no mitigation measures were required.

As discussed in the General Plan EIR, the General Plan would introduce approximately 12,998 new residents[126] and 16,855 new jobs[127] to Cupertino. These new residents and jobs combined with existing conditions would result in 71,200 residents, 24,040 households, and 33,110 jobs at the 2040 buildout

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

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

horizon.[128] The proposed project is anticipated to be complete in 2024 As discussed in the General Plan EIR, according to the Association of Bay Area Governments (ABAG), Cupertino is projected to have 62,500 residents and 30,110 jobs by 2020 and 66,800 residents and 31,370 jobs by 2030.

EXISTING CONDITIONS

There is no population on-site because the site is currently developed with office uses. The existing building has been occupied by computer and technology companies for offices, and research and development from 1981 to the present. As discussed in Section 3.2.3, *Employee Estimates*, of this 15183 Checklist, the existing approximately 141,000 square foot office building currently holds approximately 564 employees.

DISCUSSION

a) *Would the proposed project induce substantial unplanned 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 result in a planned level of growth based on the local growth projections in the General Plan. The proposed project does not include a request amendments to the existing General Plan land use designation or zoning district. As discussed in Section 3.2.3, *Employee Estimates,* of this 15183 Checklist, the proposed project would result in a net increase of 561 new employees for a total of 1,125 employees. Conservatively assuming all 561 net new employees would move to Cupertino, the new residents would represent 4.3 percent of the residential growth and 3.3 percent of the employee growth projected in the General Plan EIR.[129]

This level of growth would be consistent with the regional planning objectives established for the Bay Area, and the proposed growth at the project site was considered in the General Plan and the General Plan EIR. Furthermore, the developable area at the project site and the surrounding area is already developed and is well served by utility and transportation infrastructure. As discussed in Section IX, *Land Use and Planning*, the project is consistent with the General Plan land use and zoning district. Accordingly, there impacts related to substantial unexpected population growth or growth for which inadequate planning has occurred would be consistent with the conclusions in the General Plan EIR and remain *less than significant.* Accordingly, impacts under this criterion were adequately addressed in the General Plan EIR. Effects peculiar to the proposed project or the project site do not exist. Thus, pursuant to CEQA Guidelines Section 15183, the criteria for requiring further CEQA review are not met.

[128] City of Cupertino, 2015. Cupertino General Plan Community Vision 2015-2040, Housing Element, Table HE-2.

[129] 561 new residents divided by 12,988 General Plan EIR projected residents = 4.3 percent.
561 net new employees divided by 16,855 General Plan EIR projected employees = 3.3 percent

ENVIRONMENTAL ANALYSIS

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

The project site does not contain any residential units and would not displace housing. Impacts associated with the displacement of substantial numbers of housing would be consistent with the conclusions in the General Plan EIR and remain *less than significant*. Accordingly, impacts under this criterion were adequately addressed in the General Plan EIR. Effects peculiar to the proposed project or the project site do not exist. Thus, pursuant to CEQA Guidelines Section 15183, the criteria for requiring further CEQA review are not met.

XIII. PUBLIC SERVICES

Would the proposed project:	Significant Impact Peculiar to the Project or Project Site	Impact Substantially Mitigated by Uniformly Applicable Development Standards	Impact Adequately Addressed in the General Plan EIR	New Less Than Significant Impact not Addressed in the General Plan EIR
a) Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, or the need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for any of the public services:	no	no	yes	no
i) Fire protection?	no	no	yes	no
ii) Police protection?	no	no	yes	no
iii) Schools?	no	no	yes	no
iv) Libraries?	no	no	yes	no
v) Other public facilities?	no	no	yes	no

GENERAL PLAN EIR

Chapter 4.12, *Public Services and Recreation*, of the General Plan EIR, addressed the impacts to public service providers and public parks associated with buildout of the General Plan, including the 2,700,000 square feet of office space in the Heart of the City Special Area and a height limit of 90 feet in the South Vallco Park area at a program level. Impacts were determined to be less than significant, and no mitigation measures were required.

EXISTING CONDITIONS

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

- The City of Cupertino contracts with Santa Clara County Fire District (SCCFD) for fire protection, emergency, medical, and hazardous materials services.
- The City of Cupertino contracts with Santa Clara County Sheriff's Office (Sheriff's Office) and West Valley Patrol Division for police protection services.
- The Santa Clara County Library District governs and administers seven community libraries, one branch library, two bookmobiles, the Home Service Library, and the 24-7 online library for all library users. The closest library to the project site is the Cupertino Library located at 10800 Torre Avenue in Cupertino.

DISCUSSION

a) Would the proposed 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: (i) fire protection, (ii) police protection, (iii) schools, (iv) libraries, or (v) other public facilities?

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 may need improvements (i.e., construction, renovation, or expansion) as demand for services increase. Increased demand is typically driven by increases in population. The proposed project would have a significant environmental impact if it would exceed the ability of public service providers to adequately serve residents, thereby requiring construction of new facilities or modification of existing facilities.

As discussed in Section XI, *Population and Housing*, above, the proposed project would result in a net increase of employees and no new permanent residents at the project site. Given the proposed project would represent about 0.7 percent of the expected increase in population foreseen in General Plan and regional planning efforts, and because the proposed project would not increase what was accounted for in the General Plan EIR, which found impacts to be less than significant under full buildout conditions, it would not exceed contribute to the need for new construction or expansion of an existing fire, police, school, or library facilities that would serve the project site. 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 jobs and residents evaluated in the General Plan EIR, impacts to public services providers as a result of the proposed project would also be *less than significant*. Therefore, impacts would be consistent with the conclusions in the General Plan EIR and remain *less than significant* under this criterion. Accordingly, impacts under this criterion were adequately addressed in the General Plan EIR. Effects peculiar to the proposed project or the project site do not exist. Thus, pursuant to CEQA Guidelines Section 15183, the criteria for requiring further CEQA review are not met.

XIV. PARKS AND RECREATION

Would the proposed project:	Significant Impact Peculiar to the Project or Project Site	Impact Substantially Mitigated by Uniformly Applicable Development Standards	Impact Adequately Addressed in the General Plan EIR	New Less Than Significant Impact not Addressed in the General Plan EIR
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?	no	no	yes	no
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?	no	no	yes	no

GENERAL PLAN EIR

Chapter 4.12, *Public Services and Recreation*, of the General Plan EIR, addressed impacts to public services associated with buildout of the General Plan, including the 2,700,000 square feet of office space in the Heart of the City Special Area and a height limit of 90 feet in the South Vallco Park area at a program level. Impacts to public services were determined to be less than significant as a result of intensified development of the project site.

EXISTING CONDITIONS

The City of Cupertino Public Works Department is responsible for the maintenance of the City's 16 parks, five special use sites, nine school sports fields, and four trail corridors.[130] 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 224 acres of parkland in Cupertino, or approximately 3.7 acres per 1,000 residents, according to the October 2019 *City of Cupertino Parks and Recreation System Master Plan.* The parks nearest[131] to the project site are Jenny Strand Park about 1 mile to the northeast in the city of Santa Clara, Creekside Park and Wilson Park about 1 mile to the south/southwest, Main Street Park about 0.4 miles to the southwest, and Portola Park about 1 mile to the west.

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

[130] City of Cupertino, 2020*. Parks and Recreation System Master Plan, Introduction.*

[131] The distance to the listed parks is measured by the most direct walking route and not as the crow flies, which is how distance is measured for potential air quality impacts.

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?

Due to the proposed type of uses, office and commercial, the proposed project would not have a significant effect on parks and recreation. The proposed project would increase the number of persons and level of activity of the project site in comparison to existing uses. However, because the proposed project is an office use with limited commercial, the residential population of the city would not be directly increased with the addition of the project site. In addition, it is anticipated that future employees of the proposed project would come from Cupertino and the surrounding Bay Area communities. Therefore, the proposed project would not result in a substantial indirect population increase such that the use of any existing neighborhood and regional parks or other recreational facilities would be increased.

Although the parks nearest[132] listed above, are in walking distance to the project site, it is not anticipated that employees of the proposed project would routinely visit or use these recreational facilities to the degree that would 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. In addition, the proposed project includes three on-site outdoor open spaces for employees and guests to the office/commercial spaces. Therefore, impacts on the City's recreational facilities and those in the neighboring city of Santa Clara would be consistent with the conclusions in the General Plan EIR and remain *less than significant* under this criterion. Accordingly, impacts under this criterion were adequately addressed in the General Plan EIR. Effects peculiar to the proposed project or the project site do not exist. Thus, pursuant to CEQA Guidelines Section 15183, the criteria for requiring further CEQA review are not met.

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 employees are not expected to use park and recreational facilities to the same degree, therefore the proposed project would not result in substantial deterioration or cause the need for construction of new built facilities beyond the facilities accounted for in the long-range planning completed for the regional park facilities in the city. Additionally, the proposed project's developer impact fees that support the City's parks and recreation

[132] The distance to the listed parks is measured by the most direct walking route and not as the crow flies, which is how distance is measured for potential air quality impacts.

fund would render the project's impact on the City's recreational facilities less than significant. The project does not propose the construction of a park or any physical alterations to an existing park or recreational facilities; however, the payment of impact fees would go toward supporting the City's park fund that could be applied to the construction or expansion of recreational facilities that could have an adverse physical effect on the environment. It is not known at what time or location such facilities would be required or what the exact nature of these facilities would be, so it cannot be determined what specific environmental impacts would occur from their construction and operation. Because the payment of impact fees is a City-requirement to offset the project's fair share of impacts to parklands, the City would be responsible for any review in accordance with CEQA, as necessary, which would ensure that any environmental impacts are disclosed and mitigated to the extent possible for any future City project related to the expansion of or improvement to a City recreational facility. Accordingly, impacts to park and recreational facilities as a result of the proposed project would be consistent with the conclusions in the General Plan EIR and remain *less than significant* under this criterion. Accordingly, impacts under this criterion were adequately addressed in the General Plan EIR. Effects peculiar to the proposed project or the project site do not exist. Thus, pursuant to CEQA Guidelines Section 15183, the criteria for requiring further CEQA review are not met.

XV. TRANSPORTATION

Would the proposed project:	Significant Impact Peculiar to the Project or Project Site	Impact Substantially Mitigated by Uniformly Applicable Development Standards	Impact Adequately Addressed in the General Plan EIR	New Less Than Significant Impact not Addressed in the General Plan EIR
a) Conflict with a program, plan, ordinance, or policy addressing the circulation system, including transit, roadway, bicycle, and pedestrian facilities?	no	no	yes	no
b) Conflict or be inconsistent with CEQA Guidelines Section 15064.3, subdivision (b)?	no	no	yes	no
c) Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	no	no	yes	no
d) Result in inadequate emergency access?	no	no	yes	no

GENERAL PLAN EIR

While these standards regarding transportation impacts were adopted by the California Natural Resource Agency in December 2018 after the certification of the General Plan EIR, Chapter 4.13, *Transportation and Circulation*, of the General Plan EIR, addressed the impacts to the transportation network in the Cupertino area associated with buildout of the General Plan, including the 2,700,000 square feet of office space in the Heart of the City Special Area and a height limit of 90 feet in the South Vallco Park area at a program level. Impacts related to pedestrians, bicycles, transit, and emergency access were found to be less than significant and no mitigation measures were required. The General Plan EIR also found that the implementation of the General Plan would support and would not conflict with plans, programs and

policies regarding bicycle or pedestrian facilities, or decrease the performance and safety of such facilities. As discussed in the General Plan EIR, the VMT per capita is projected to increase from 10.5 (2013) to 10.9 (2040). While the General Plan EIR found impacts associated with transportation level of service to be significant and unavoidable, with the passage of SB 743 (September 2013) and the subsequent adoption of revised CEQA Guidelines (December 2018), level of service, also referred to as LOS, can no longer be used as a criterion for identifying significant transportation impacts under CEQA.

METHODOLOGY

The following discussion of impacts is based in part on the *Transportation Analysis*, prepared for the project by Fehr & Peers in December 2021 (see Appendix E, *Transportation Analysis*, of this 15183 Checklist).

EXISTING CONDITIONS

Pedestrian Facilities

Walkability is defined as the ability to travel easily and safely between various origins and destinations without having to rely on automobiles or other motorized travel. The ideal "walkable" community includes wide sidewalks, a mix of land uses such as residential, employment, and shopping opportunities, a limited number of conflict points with vehicle traffic, and easy access to transit facilities and services.

Pedestrian facilities consist of crosswalks, sidewalks, pedestrian signals, and off-street paths, which provide safe and convenient routes for pedestrians to access destinations such as institutions, businesses, public transportation, and recreation facilities.

All major roadways in the area have at least one sidewalk on one side of the roadway, except for I-280. Within about a half-mile radius of the project site, sidewalks are provided on both sides of Vallco Parkway, Tantau Avenue, Steven Creeks Boulevard, and North Wolf Road. At the Tantau Avenue and Stevens Creek Boulevard intersection, north-south pedestrian movements are prohibited along the east leg of the intersections. Crosswalks are provided at all signalized intersections in the area. No crosswalks are provided at the project site's driveway on Vallco Parkway.

The 2018 *Cupertino Pedestrian Transportation Plan* (Pedestrian Plan) contains goals, policies, and specific recommendations to increase the walkability of Cupertino, including the Pedestrian Guidelines.[133] The 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 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.

[133] City of Cupertino, February 2018. *Pedestrian Transportation Plan*.

Bicycle Facilities

Bicycle facilities on and near the project site include the following:

- **Bike Paths (Class I).** Paved trails that are separated from roadways
- **Bike Lanes (Class II).** Lanes on roadways designated for use by bicycles through striping, pavement legends, and signs
- **Bike Routes (Class III).** Designated roadways for bicycle use by signs or other markings may or may not include additional pavement width for cyclists
- **Bikeways (Class IV).** Right-of-way designated for bicycle travel and protected from other vehicle traffic through grade separation, flexible posts, inflexible physical barriers, or parked cars

Class II bicycle lanes are provided on Vallco Parkway, Tantau Avenue, Stevens Creek Boulevard, Finch Avenue, and Wolf Road/Miller Avenue. In addition, Class IV paint buffered bike lanes are provided on Stevens Creek Boulevard, with Class IV separated bike lanes provided between Wolfe Road and Tantau Avenue. Class III bike routes are provided on Miller Avenue between Stevens Creek Boulevard and Calle De Barcelona. A combination of Class II bicycle lanes and Class III bicycle routes connect the project site to the Sunnyvale and Lawrence Caltrain stations.

In 2016, the City adopted a *Bicycle Transportation Plan* (Bike Plan), which illustrates the current bicycle network, identifies gaps, and proposes improvement projects to address the gaps.[134] Design and construction is in progress for Stevens Creek Boulevard to be separated from the vehicle lane with concrete buffers (Class IV) between Cupertino city limits west of Foothill Boulevard and Tantau Avenue. The outside through lanes on Stevens Creek Boulevard will be converted to right-turn-only lanes at several intersections along the corridor. The improvement project will include separate bicycle signal phasing at several intersections along the corridor as well.

The City also conducted a feasibility study to evaluate the proposed Junipero Serra Trail as a Class I trail that would run parallel to the existing Junipero Serra Channel near I-280 between Mary Avenue and the Calabazas Creek adjacent to the project site. The trail would provide a connection between the Don Burnett Bicycle-Pedestrian Bridge at Vallco Parkway and Mary Avenue.

The VTA *Santa Clara Countywide Bicycle Plan* (CBP) was adopted in 2018 and guides the development of major bicycle facilities in the County.[135] Several Cross-Country Bicycle Corridors travel through the study area, including routes along Vallco Parkway, Stevens Creek Boulevard, Tantau Avenue, and Wolfe Road/Miller Avenue. The 2018 CBP identifies the corridors along Stevens Creek Boulevard and Tantau Avenue as Priority Cross-Country Bicycle Corridors, which have funding priority.

[134] City of Cupertino, June 2016. *Bicycle Transportation Plan*.
[135] Santa Clara Transportation Authority (VTA), May 2018. *Santa Clara Countywide Bicycle Plan*.

Transit Facilities

The project site is directly served by Santa Clara Valley Transportation Authority (VTA) buses and indirectly by Caltrain commuter rail service.

The closest bus stop is located within 0.2 miles from the project site, providing access to local Bus Route 23 at the Stevens Creek Boulevard and Tantau Avenue intersection. Bus Route 23 provides transportation between De Anza College and the Alum Rock Transit Center, with a peak headway of 10 minutes, which qualifies as a high-quality transit corridor. Route 23 is augmented by limited stop service (Route 523) between Lockheed Martin Transit Center and the Berryessa BART Station. The closest bus stop for Bus Route 523 are located at Stevens Creek Boulevard and Wolfe Road/Miller Avenue, 0.6 miles from the project site. Bus Route 56 provides service between the Lockheed Martin Transit Center and Tamien Station operating on Wolfe Road. The nearest bus stop for Bus Route 56 is about 0.5 miles from the project site. Bus Route 101 is an express bus route that operated on the I-280 and Stevens Creek Boulevard connecting the Park & Ride lot at the Camden Avenue and SR-85 interchange to Palo Alto. This route has a bus stop at the Vallco Parkway and Perimeter Road intersection.

Caltrain is a passenger rail service that runs from downtown San Francisco to downtown San Jose with a limited number of commute period trains running farther south to Gilroy. The Lawrence Station is the closest Caltrain station accessible form the project site and is roughly a 15-minute car ride. The Sunnyvale Station is the closest Caltrain Station for transit use and is a 35-minute ride from the project site using the 23 or 523 bus lines. During the week, the Sunnyvale Station is served by both the Limited A and B Caltrain services, whereas the Lawrence Station is served by the Limited B Caltrain service.

Daily Trips

The exiting trip generation was estimated by applying the land-use specific trip generation rates to the size of each land use component. Trip generation rates can be obtained from the institute of Transportation Engineers (ITE) Trip Generation Manual. For the purposes of estimating vehicle trips, standard retail trip generation rates from Strip retail Plaza (ITE 822) from ITE's Trip Generation Manual (11th Edition) were applied for commercial use calculations and Apple-specific average vehicle trip rates from the Apple Campus 2 TIA (2013) were applied for the office use calculations. As shown in Table 4-7, *Existing and Proposed Trip Generation Estimates,* the existing development on site generates 1,823 daily trips, 164 morning peak-hour trips and 168 evening peak-hour trips. The net new trips assume the Apple TDM strategies currently employed at the Infinite Loop, De Anza, Mariani, and Apple Campus 2 buildings would also be incorporated for the proposed project. The applicable TDMs are listed in Table 8, *Apple TDM Strategies*, of the *Local Transportation Analysis*, prepared for the project by Fehr & Peers in January 2022 (see Appendix E, *Transportation Analysis*, of this 15183 Checklist).

TABLE 4-7 EXISTING AND PROPOSED TRIP GENERATION ESTIMATES

Land Use	Trip Generation Rate Source	Quantity	Units [a]	Daily Trips	AM Peak Hour			PM Peak Hour		
					In	Out	Total	In	Out	Total
Proposed Project										
Office [b]	Apple	280	ksf	3,621	289	36	325	50	283	333
Retail	ITE 822	2.3	ksf	327	3	2	5	13	14	27
Project Generated Trips (A):				3,948	292	38	330	63	297	360
Existing										
Existing Office (B)	Apple	141	ksf	1,823	146	18	164	25	143	168
Proposed Project Net New Project Trips (C=A-B):				**2,125**	**146**	**20**	**166**	**38**	**154**	**192**

Notes:
a. ksf= 1,000 square feet.
b. Based on trip generation rates presented in Apple Campus 2 (2013).
Source: Apple Campus 2 TIA, 2013; ITE Trip Generation Manual, 11th Edition, 2021; Fehr & Peers, 2022.

DISCUSSION

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

Operational Traffic

As shown previously in Table 4-7, *Existing and Proposed Trip Generation Estimates,* the proposed project would introduce 2,125 net new daily trips, including 166 net new AM (morning) trips and 192 net PM (evening) trips. As discussed under criterion (b) below, the proposed project is presumed to have a less-than-significant impact due to its location in an existing high quality transit corridor. The proposed project is consistent with the General Plan transportation goals by maintaining bicycle and pedestrian friendly facilities along the site's adjacent roadways as well as including sufficient on-site parking that provides safe travel to building entrances. Additionally, the proposed project is located within the limits of the 2014 *Heart of the City Specific Plan* and does not conflict with its policies. The 2016 *Bicycle Transportation Plan* and 2018 *Pedestrian Transportation Pla*n aim to improve bicycle and pedestrian access and safety. The proposed project does not conflict with the goals of these plans nor does it impede their implementation, as the there are no plans to modify or remove any existing bicycle or pedestrian facilities. The City adopted the *Neighborhood Traffic Calming Program* in 2020 that seeks to address neighborhood concerns and reduce the speed and volume of traffic on local residential and residential collector streets. Since the proposed project is not a traffic calming project nor does it affect existing traffic calming devices, the proposed project has no conflicts with the *Neighborhood Traffic Calming Program*. Accordingly, the impacts under this criterion would be consistent with the conclusions in the General Plan EIR and remain *less than significant*.

Construction Impacts

Demolition and construction would take place over an 18-month period, which is anticipated to begin in May 2023 and end in October 2024, subject to regulatory approval. During this period, the project would result in changes to 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. During demolition and construction, vehicle, 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. Therefore, no hazards for pedestrians and bicyclists in the area would occur during this phase. Accordingly, the impacts under this criterion would be consistent with the conclusions in the General Plan EIR and remain *less than significant*.

In summary, impacts under this criterion were adequately addressed in the General Plan EIR. Effects peculiar to the proposed project or the project site do not exist. Thus, pursuant to CEQA Guidelines Section 15183, the criteria for requiring further CEQA review are not met.

b) Would the proposed project conflict or be inconsistent with CEQA Guidelines Section 15064.3, subdivision (b)?

Pursuant to CEQA Guidelines Section 15064.3(b)(1), projects within 0.25 miles of either an existing major transit stop or a stop along an existing high quality transit corridor should be presumed to cause a less-than-significant transportation impact. On February 16, 2021, the City adopted CMC Chapter 17.08, *Evaluation of Transportation Impacts Under the California Environmental Quality Act*, which provides screening criteria and vehicle miles traveled (VMT) thresholds for land-use development projects, transportation projects, and other projects pursuant to the CEQA. As discussed in Section I, *Aesthetics*, the location of the project site meets this criteria. Accordingly, no transportation impacts related to VMT from the proposed project are presumed and no quantified VMT analysis is presented in this 15183 Checklist. The impacts would be consistent with the conclusions in the General Plan EIR and remain *less than significant* under this criterion. Accordingly, impacts under this criterion were adequately addressed in the General Plan EIR. Effects peculiar to the proposed project or the project site do not exist. Thus, pursuant to CEQA Guidelines Section 15183, the criteria for requiring further CEQA review are not met.

Note that a VMT estimate was prepared for use in the GHG emissions analysis in Section VI, *Greenhouse Gas Emissions*, and can be found in Appendix E, *Transportation Analysis*, of this 15183 Checklist.

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

The proposed project would introduce a new office and retail building where an office building currently exists and is consistent with the General Plan land use designation and zoning district. The proposed redevelopment project does not propose any street network changes, nor any changes to pedestrian and bicycle facilities. As a result, the proposed project does not generate any new features that would

substantially increase hazards or an incompatible use. Therefore, impacts related to safe roadways would be consistent with the conclusions in the General Plan EIR and remain *less than significant* under this criterion. Accordingly, impacts under this criterion were adequately addressed in the General Plan EIR. Effects peculiar to the proposed project or the project site do not exist. Thus, pursuant to CEQA Guidelines Section 15183, the criteria for requiring further CEQA review are not met.

d) Would the proposed project result in inadequate emergency access?

As discussed in Chapter 3, *Project Description,* of this 15183 Checklist, emergency vehicles may currently access the project site via the two existing driveways off of Vallco Parkway. Both driveways are to be maintained by the proposed project, thus preserving emergency vehicle access to the project site the same as existing conditions. Therefore, impacts related to emergency access would be consistent with the conclusions in the General Plan EIR and remain *less than significant* under this criterion. Accordingly, impacts under this criterion were adequately addressed in the General Plan EIR. Effects peculiar to the proposed project or the project site do not exist. Thus, pursuant to CEQA Guidelines Section 15183, the criteria for requiring further CEQA review are not met.

XVI. TRIBAL CULTURAL RESOURCES

Would the proposed project:	Significant Impact Peculiar to the Project or Project Site	Impact Substantially Mitigated by Uniformly Applicable Development Standards	Impact Adequately Addressed in the General Plan EIR	New Less Than Significant Impact not Addressed in the General Plan EIR
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. 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.	no	yes	yes	no

GENERAL PLAN EIR

While these standards regarding tribal cultural resources were adopted by the California Natural Resource Agency in July 2016 after the certification of the General Plan EIR, as described above in Section III, *Cultural Resources*, the General Plan EIR addressed impacts to cultural resources associated with associated with buildout of the General Plan, including the 2,700,000 square feet of office space in the Heart of the City Special Area and a height limit of 90 feet in the South Vallco Park area at a program level. The impacts were found to be less than significant, and no mitigation measures were required. The cultural resources study prepared for the General Plan EIR consists of archival research at the Northwest Information Center at Sonoma State University, examination of the library and files, field inspection, and contact with the Native American community. The cultural resources study addressed impacts associated with archeological resources, including those of Native Americans. 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, including those affiliated with Native Americans, present on the project site.

EXISTING CONDITIONS

Assembly Bill (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" (TCR) to the specific cultural resources protected under CEQA.[136] 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. The City received a request to be notified about projects in the city of Cupertino from the Tamien Nation on May 28, 2021, as the city is within the geographic area with which they are traditionally and culturally affiliated. The City participates in the consultation process with the Tamien Nation as required.

A TCR 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 TCR.

[136] 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 III, *Cultural Resources*, is applicable to impacts to tribal cultural resources. As discussed under criteria (b) and (c) in Section III, no known archeological resources, ethnographic sites or Native American remains are located on the project site. As discussed under criterion (b) in Section III, CMC Chapter 17.04, *Standard Environmental Protection Requirements,* lists Cultural Resources Permit Requirements protocols in Section 17.04.050(E), *Cultural Resources Permit Requirements,* that the project applicant would be required to comply with to protect archaeological resources and tribal cultural resources. As discussed under criterion (c) in Section III, compliance with State and federal regulations would reduce the likelihood of disturbing or discovering human remains, including those of Native Americans. Therefore, compliance with CMC Chapter 17.04 and State and federal regulations related to the protection of human remains would reduce impacts to tribal cultural resources to a *less-than-significant* level. Accordingly, impacts under this criterion were adequately addressed in the General Plan EIR. Effects peculiar to the proposed project or the project site do not exist. Thus, pursuant to CEQA Guidelines Section 15183, the criteria for requiring further CEQA review are not met.

XVII. UTILITIES AND SERVICE SYSTEMS

Would the proposed project:	Significant Impact Peculiar to the Project or Project Site	Impact Substantially Mitigated by Uniformly Applicable Development Standards	Impact Adequately Addressed in the General Plan EIR	New Less Than Significant Impact not Addressed in the General Plan EIR
a) Require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?	no	no	yes	no

Would the proposed project:	Significant Impact Peculiar to the Project or Project Site	Impact Substantially Mitigated by Uniformly Applicable Development Standards	Impact Adequately Addressed in the General Plan EIR	New Less Than Significant Impact not Addressed in the General Plan EIR
b) Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry, and multiple dry years?	no	yes	yes	no
c) 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?	no	yes	yes	no
d) Generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?	no	yes	yes	no
e) Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?	no	no	yes	no

GENERAL PLAN EIR

Chapter 4.14, *Utilities and Services Systems*, of the General Plan EIR, addressed the impacts to water supply, wastewater, and solid waste associated with buildout of the General Plan, including the 2,700,000 square feet of office space in the Heart of the City Special Area and a height limit of 90 feet in the South Vallco Park area at a program level. Impacts were found to be less than significant with mitigation. The City is required to implement General Plan Mitigation Measures UTIL-6a through UTIL-6c, and UTIL-8, which were previously adopted and incorporated into the General Plan, to ensure impacts related to wastewater and solid waste are less than significant. General Plan Mitigation Measures UTIL-6a through UTIL-6c require the City to work with the Cupertino Sanitary District (CSD) to increase the available citywide treatment and transmission capacity, identify appropriate and current wastewater generation rates that are approved by CSD and establish a monitoring and tracking system for wastewater generation to better understand the City's need for potential capacity upgrades from CSD. General Plan Mitigation Measure UTIL-8 requires the City to continue current recycling and zero-waste practices, monitor solid waste generation, and seek new landfill sites to replace the Altamont and Newby Island landfills, at such time that these landfills are closed. These mitigation measures, which were previously adopted by the City and incorporated into the General Plan, will be implemented by the City on an ongoing basis.

EXISTING CONDITIONS

The following utility and service providers would serve the proposed project:

- The Cupertino Sanitary District (CSD) provides sanitary sewer services for the project site. Wastewater would be treated at the San José/Santa Clara Water Pollution Control Plant (SJ/SCWPCP).
- 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.

- Recology South Bay (Recology) would provide curbside recycling, garbage, and compost and landscaping waste service to the project site.
- Electricity infrastructure would be supplied to the project site by PG&E. Electricity would be supplied by Silicon Valley Clean Energy.
- Telephone service would be provided by AT&T and other providers.

Wastewater

The CSD maintains approximately 194.5 miles of sewer mains including the infrastructure in the vicinity of the project site.[137] The collected wastewater from the CSD service area is conveyed to the San José/Santa Clara Water Pollution Control Plant (SJ/SCWPCP) through mains and interceptor lines shared with both the cities of San José and Santa Clara. The CSD is one of five tributary agencies that have a contractual treatment allocation agreement with the SJ/SCWPCP. The CSD has a contractual treatment allocation with the SJ/SCWPCP of 7.85 million gallon per day (mgd), on average. CSD wastewater flow to the SJ/SCWPCP was 5.3 mgd at the time of the General Plan EIR.[138] The CSD wastewater system also flows through a portion of the City of Santa Clara's sewer system. The contractual agreement between CSD and the City of Santa Clara is 13.8 mgd during peak wet weather flows. The existing CSD peak wet weather flow into the Santa Clara system is modeled at 13.29 mgd.[139]

Water Supply

The California Water Service (Cal Water) provides locally produced groundwater, and local surface water purchased from the Santa Clara Valley Water District to the City of Los Altos, fringe sections of the cities of Cupertino, Los Altos Hills, Mountain View, Sunnyvale, and adjacent unincorporated areas of Santa Clara County. Most of Cal Water's customers are residential.[140] Cal Water also provides water to commercial, industrial, and governmental customers. Cal Water sources water from the Santa Clara Valley Water District (SCVWD) and the Santa Clara Subbasin.[141] According to the Cal Water *2020 Urban Water Management Plan*, the 2020 water use target was estimated at 185 gallons per capita per day (gpcd) and

[137] Cupertino Sanitary District, 2012. *Sewer System Management Plan*, page 74.

[138] 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.

[139] Mark Thomas. Cupertino Sanitary District Flow Modeling Analysis Homestead Flume Outfall to City of Santa Clara. February 20, 2019.

[140] California Water Service, June 2021. *2020 Urban Water Management Plan, Los Altos Suburban District*, Chapter 3, *System Description*.

[141] California Water Service, June 2021. *2020 Urban Water Management Plan, Los Altos Suburban District*, Chapter 6, *Water Supply Characterization.*

the actual water use was 166 gpcd, in compliance with the target.[142] In 2020, the Cal Water's actual water supply was 13,023-acre feet (af)[143] and the projected water supply for 2025 is 13,007 af.[144]

Solid Waste

Recology provides curbside recycling, garbage, and compost and yard waste service to the residents of Cupertino.[145] All non-hazardous waste is collected under the Recology contract is hauled to the Newby Island Landfill for processing. The City of Cupertino has a contract with the Newby Island Resources Recovery Park and Sanitary Landfill until 2023.[146] The Newby Island Resources Recovery Park and Sanitary Landfill is permitted to receive 4,000 tons of waste per day. CalRecycle lists the expected closure date of the landfill to be January 1, 2041. The landfill has a total capacity of 57.5 million cubic yards and a remaining capacity of 21.2 million cubic yards.[147] 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.

Energy

The PG&E was incorporated in California in 1905 and provides natural gas and electric to approximately 15 million people throughout a 70,000-square-mile service area in northern and central California. The project site is currently served by existing PG&E distribution systems that would provide electricity. Electricity is supplied to the project site via infrastructure maintained by PG&E. Silicon Valley Clean Energy (SVCE), a locally controlled public agency that has a partnership with PG&E, supplies the electricity to the project site. SVCE provides a standard 50 percent renewable energy portfolio, in addition to a 100 percent renewable option that electricity customers can opt into.

DISCUSSION

a) *Would the proposed project require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or*

[142] California Water Service, June 2021. *2020 Urban Water Management Plan, Los Altos Suburban District*, Chapter 3, *System Description.*

[143] There are 325,851 gallons in 1 acre-foot.

[144] California Water Service, June 2021. *2020 Urban Water Management Plan, Los Altos Suburban District*, Chapter 4, *Water Use Characterization.*

[145] City of Cupertino, *General Plan (Community Vision 2015-2040)*, Chapter 8, *Infrastructure*, page INF-6.

[146] RecycleStuff.Org, September 14, 2021. City of Cupertino 2021-2022, Garbage and Recycling Services Fact Sheet, https://www.recyclestuff.org/Guides/Cupertino%20City%20Guide%20Nov.2021.pdf, accessed on December 14, 2021.

[147] CalRecycle, SWIS Facility/Site Activity Details, Newby Island Sanitary Landfill (43-AN-0003), https://www2.calrecycle.ca.gov/SolidWaste/SiteActivity/Details/1362?siteID=3388, accessed December 14, 2021.

telecommunications facilities, the construction or relocation of which could cause significant environmental effects?

Wastewater Treatment Facilities

The CSD sewer collection system directs wastewater to the SJ/SCWPCP, which is jointly owned by the cities of San José and Santa Clara. Municipal storm water discharges in the City of Cupertino are subject to the Waste Discharge Requirements of the new Municipal Regional Permit (MRP; Order Number R2-2022-0018) and NPDES Permit Number CAS612008, which became effective on July 1, 2022. The MRP 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. As discussed below in criterion (c), 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 consistent with the conclusions in the General Plan EIR and remain *less than significant.*

Storm Drainage

As previously discussed in Section VIII, *Hydrology and Water Quality*, the proposed project would not exceed the capacity of stormwater drainage system that serves the project site. All new development that, like the proposed project, creates and/or replaces 10,000 square feet or more of impervious surface would be subject to Provision C.3 guidelines for stormwater control. Through C.3 compliance, the proposed project would involve actions to minimize runoff from the project site as described in Section VIII, *Hydrology and Water Quality*, above. Additionally, the project would comply with CMC Chapter 9.18 described above in Section 3.2.7, *Utilities and Energy*, which is intended to provide regulations and give legal effect to certain requirements of the NPDES permit issued to the City.

As described in the 2018 *Storm Drain Master Plan*, the project site is located in an area where the storm drain mains are potentially deficient in conveying the water from a 10-year storm. The mains within Vallco Parkway, near the intersection of North Tantau Avenue are currently under capacity and designated as low priority for replacement.[148] However, the proposed project would not exacerbate this existing condition. The proposed project would provide on-site bioretention facilities that would hold and treat stormwater before it is released into the City's off-site storm drain infrastructure. 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 consistent with the conclusions in the General Plan EIR and remain *less than significant*.

[148] Schaaf & Wheeler Consulting Civil Engineers, September 2018. *City of Cupertino Storm Drain Master Plan.*

Other Utility Facilities

Other utility facilities that serve the project site include electric power and telecommunications facilities. PG&E would supply electricity infrastructure to the project site. Silicon Valley Clean Energy would provide electricity to the project site. AT&T and other providers would provide telephone service. The proposed project is the demolition of an existing office building and development of an office and commercial use building that would result in no change in land use intensity from what was evaluated in the General Plan EIR in a portion of the city that has access to existing infrastructure and services, which was accounted for in the General Plan EIR. The project would include appropriate on-site infrastructure to connect to the existing PG&E and telecommunication systems and would not require new off-site facilities and distribution infrastructure or capacity enhancing alterations to any existing facilities. Therefore, impacts would be consistent with the conclusions in the General Plan EIR and remain *less than significant*.

In summary, impacts under this criterion were adequately addressed in the General Plan EIR. Effects peculiar to the proposed project or the project site do not exist. Thus, pursuant to CEQA Guidelines Section 15183, the criteria for requiring further CEQA review are not met.

b) Would the proposed project have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry, and multiple dry years?

As shown in the General Plan EIR in Chapter 4.14, the water supply at project buildout year 2025 would be 14,055 acre feet per year (afy) and at General Plan buildout year 2040 would be 16,984 afy.[149] 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 the demolition and construction of the project site within the Heart of the City Special Area and the South Vallco Park area; therefore, water supply impacts were adequately addressed in the General Plan EIR. As discussed in Section IX, *Land Use and Planning*, the proposed project is consistent with the General Plan and the Zoning for the project site. Furthermore, the project applicant would be required to comply with CMC Chapter 17.04, *Standard Environmental Protection Requirements,* which includes Utilities and Service Systems Permit Requirements to ensure adequate water supply and infrastructure. Specifically, CMC Section 17.04.050(I)(2), *Ensure Adequate Water Supply and Infrastructure,* requires the project applicant to obtain written approval from the appropriate water service provider for water connections, service capability, and location and layout of water lines and backflow preventers, prior to issuance of the first permit. Therefore, impacts to water supply would be consistent with the conclusions in the General Plan EIR and remain *less than significant*. Accordingly, impacts under this criterion were adequately addressed in the General Plan EIR. Effects peculiar to the proposed project or the project site do not exist. Thus, pursuant to CEQA Guidelines Section 15183, the criteria for requiring further CEQA review are not met.

[149] 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.

c) Would the proposed 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?

Construction and operation of the proposed project could exceed the 13.8 mgd contractual limit through the City of Santa Clara. However, the project applicant would be required to comply with CMC Chapter 17.04, *Standard Environmental Protection Requirements*, which includes Utilities and Service Systems Permit Requirements in Section 17.04.050(I) to manage wastewater inflow and infiltration to sewer system. Specifically, CMC Section 17.04.050(I)(1), *Manage Wastewater Inflow and Infiltration to Sewer System*, requires the following of the project applicant:

- The project applicant shall demonstrate, to the satisfaction of the City of Cupertino and Cupertino Sanitary District (CSD) that the project 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:
  - Reduce inflow and infiltration in the CSD system to reduce peak wet weather flows, or
  - 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 project's estimated wastewater generation shall be calculated using the current generation rates used by the CSD unless alternative (i.e., lower) generation rates achieved by the project are substantiated by the project applicant based on evidence to the satisfaction of the CSD.
- The project applicant shall obtain a letter of clearance from the CSD and provide a copy of the letter of clearance to the City prior to issuance of the first permit.

Therefore, the impacts under this criterion would be *less than significant*. Accordingly, impacts under this criterion were adequately addressed in the General Plan EIR. Effects peculiar to the proposed project or the project site do not exist. Thus, pursuant to CEQA Guidelines Section 15183, the criteria for requiring further CEQA review are not met.

d) Would the proposed project generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?

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

The proposed waste management for the proposed project would include the management of 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 demolition (C&D) waste by salvage or by transfer to an approved facility. Prior to the permit issuance, the applicant would be required to submit a properly completed Waste Management Plan, which includes the estimated maximum amount of C&D waste that can feasibly be diverted, which facility would handle the waste, and the total amount of C&D waste that would be landfilled. 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.

In 2020, Cupertino's per capita disposal rate for employees was 2.6 PPD with the target rate of 8.1 PPD. The City's disposal rates for employees have been below target rates and steadily decreasing since 2007, with the exception of 2014, when the actual employee rate (9.8 PPD) exceeded the target rate (8.10 PPD).[150] Applying these disposal rates, the project would generate approximately 2,925 PPD or 1.5 tons per day (TPD) of new waste.[151] The current uses with an estimated 564 employees generates approximately 1,466 PPD or 0.73 TPD.[152] Therefore, the net increase in solid waste generation is 1,459 PPD or 0.73 TPD, which is well within the Newby Island Sanitary Landfill permitted daily disposal capacity of 4,000 TPD. Thus, impacts on landfill capacity would be *less than significant*. Accordingly, impacts under this criterion were adequately addressed in the General Plan EIR. Effects peculiar to the proposed project or the project site do not exist. Thus, pursuant to CEQA Guidelines Section 15183, the criteria for requiring further CEQA review are not met.

e) Would the proposed project comply with federal, state, and local management and reduction statutes and regulations related to solid waste?

The City's per capita disposal rate for employees in 2020 was 2.6 PPD which is below the 8.1 PPD target rate established by CalRecycle.[153] 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)[154] and Household Hazardous Waste Element (HHWE)[155] in compliance with the California Integrated Waste Management Act.[156] 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 quarterly by Recology.[157] Furthermore, the City

[150] CalRecycle, 2020. Jurisdiction Diversion/Disposal Rate Summary, https://www2.calrecycle.ca.gov/LGCentral/DiversionProgram/JurisdictionDiversionPost2006, accessed December 14, 2021.

[151] 2.6 PPD x 1,125 employees = 2,925.0 PPD.

[152] 2.6 PPD x 564 employees = 1,466.4 PPD.

[153] CalRecycle, 2020. Jurisdiction Diversion/Disposal Rate Summary, https://www2.calrecycle.ca.gov/LGCentral/DiversionProgram/JurisdictionDiversionPost2006, accessed December 14, 2021.

[154] City of Cupertino, Public Works, September 21, 1992. *Source Reduction and Recycling Element*.

[155] City of Cupertino, Public Works, September 21,1992. *Household Hazardous Waste Element*.

[156] 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.

[157] City of Cupertino, Shredding & Environmental Recycling, https://www.cupertino.org/our-city/departments/environment-sustainability/green-events-activities/shredding-environmental-recycling, accessed December 14, 2021.

adopted the Cupertino CAP 2.0 in August 2022 and a Zero Waste Policy in December 2017. 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.[158] 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.[159] 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*. Accordingly, impacts under this criterion were adequately addressed in the General Plan EIR. Effects peculiar to the proposed project or the project site do not exist. Thus, pursuant to CEQA Guidelines Section 15183, the criteria for requiring further CEQA review are not met.

XVIII. WILDFIRE

If located in or near State responsibility areas or lands classified as very high fire hazard severity zones, would the project:	Significant Impact Peculiar to the Project or Project Site	Impact Substantially Mitigated by Uniformly Applicable Development Standards	Impact Adequately Addressed in the General Plan EIR	New Less Than Significant Impact not Addressed in the General Plan EIR
a) Substantially impair an adopted emergency response plan or emergency evacuation plan?	no	no	yes	no
b) Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?	no	no	yes	no
c) Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?	no	no	yes	no
d) Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?	no	no	yes	no

[158] City of Cupertino, 2017. Resolution No. 17-xxx, *Zero Waste Policy*.

[159] 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*.

GENERAL PLAN EIR

While these standards regarding wildfire related impacts were adopted by the California Natural Resource Agency in December 2018 after the certification of the General Plan EIR, Chapter 4.7, *Hazards and Hazardous Materials*, of the General Plan EIR, addressed the impacts to wildfire hazards associated with buildout of the General Plan, including the 2,700,000 square feet of office space in the Heart of the City Special Area and a height limit of 90 feet in the South Vallco Park area at a program level. Impacts were found to be less than significant, and no mitigation measures were required.

This analysis addresses the questions regarding wildfire related impacts pursuant to the updated CEQA Guidelines that were adopted by the California Natural Resource Agency in December 2018.

EXISTING CONDITIONS

Wildland fire protection in California is the responsibility of either the State, local government, or the federal government. The SRA are the areas where the State of California has the primary financial responsibility for the prevention and suppression of wildland fires. The SRA includes a 31-million-acre area, in which the CAL FIRE provides a basic level of wildland fire prevention and protection services. The LRA include lands within incorporated cities, cultivated agriculture lands, and portions of the desert. LRA fire protection is typically provided by city fire departments, fire protection districts, counties, or by CAL FIRE under contract to local government.[160] CAL FIRE determines fire hazard zones within both the LRA and SRA, and jurisdictions adopt these zones locally. The LRA hazard rating reflects flame and ember intrusion from adjacent wildlands and from flammable vegetation in the urban area.

CAL FIRE designates fire hazard severity zones (FHSZs) as authorized under California Government Code Sections 51175 et seq. CAL FIRE considers many factors such as fire history, existing and potential fuel (natural vegetation), flame length, blowing embers, terrain, and typical weather for the area. There are three types of FHSZs: moderate, high, and very high.

According to the California Office of Emergency Services, a WUI is defined as any area where structures and other human development meet or intermingle within wildland vegetation.[161] In other words, an area of transition between wildland (unoccupied land) and land within human development (occupied land). Developments in the WUI exacerbate fire occurrence and fire spread in several ways, including:

- Increased numbers of human-caused wildfires.
- Wildfires become harder to fight.
- Firefighting resources are diverted from containing the wildfire to protecting lives and homes.
- Letting natural fires burn becomes impossible; leading to buildup of fuel, increasing wildfire hazard further.[162]

[160] California Department of Forestry and Fire Prevention (CAL FIRE). Frequently Asked Questions. http://www.fire.ca.gov/fireprevention fee/sra_faqs, accessed May 30, 2019.

[161] Cal OES. 2018. California State Hazard Mitigation Plan.

[162] Radeloff, Volker; Helmers, David; Kramer, H., et al. 2018. Rapid Growth of the US Wildland-Urban Interface Raises

ENVIRONMENTAL ANALYSIS

The project site is located within an LRA and the SCCFD currently provides fire protection and emergency medical services to the city and project site. The project site is located in an urbanized area and the CAL FIRE has designated the project site within a LRA, but outside of a very high fire hazard severity zone.[163] The project site is approximately 3 miles northeast from the nearest VHFHSZ or land designated by CAL FIRE as a SRA.[164] The project site is not within the City or CAL FIRE designated WUI area.[165] The project site is 1.7 miles northeast of the WUI.[166] Additionally, the project site is not located in an area designated as a fire threat by the California Public Utilities Commission.[167]

DISCUSSION

The project site is not in or near SRA or lands classified as VHFHSZs and therefore, does not meet the standard for further review under CEQA and no impact would occur in this regard. The proposed project, a redevelopment project of the same use, would not exacerbate the threat of wildfire in the City or surrounding area. The proposed project would be required to be constructed to meet the City's Fire Code (CMC Title 16, *Buildings and Construction*, Chapter 16.40, *Fire Code*), which regulates the permit processes, emergency access, hazardous material handling, and fire protection systems, including automatic sprinkler systems, fire extinguishers, and fire alarms. Wildfire, and fire-related impacts in general, would be consistent with the conclusions in the General Plan EIR and remain *less than significant*. Accordingly, based on the above, impacts under this criterion were adequately addressed in the General Plan EIR. Effects peculiar to the proposed project or the project site do not exist. Thus, pursuant to CEQA Guidelines Section 15183, the criteria for requiring further CEQA review are not met.

Wildfire Risk. Proceedings of the National Academy of Sciences (PNAS): Volume 115 No. 13. Accessed May 30, 2019 at https://www.pnas.org/content/pnas/115/13/3314.full.pdf.

[163] California Department of Forestry and Fire Protection. 2021. "FHSZ Viewer". https://egis.fire.ca.gov/FHSZ/ accessed June 22, 2022.

[164] California Department of Forestry and Fire Protection. 2021. "FHSZ Viewer". https://egis.fire.ca.gov/FHSZ/ accessed June 22, 2022.

[165] California Department of Forestry and Fire Protection (CAL FIRE). 2018. Wildland-Urban Interface Fire Threat. http://www.arcgis.com/home/item.html?id=d45bf08448354073a26675776f2d09cb, accessed December 14, 2021; City of Cupertino Municipal Code, Title 16, *Building and Construction*, Chapter 16.74. *Wildland Urban Interface Fire Area*; City of Cupertino. 2015. General Plan: Community Vision 2015-2040, Health and Safety Chapter, Figure HS-1.

[166] CAL FIRE. 2018. Wildland-Urban Interface Fire Threat. http://www.arcgis.com/home/item.html?id=d45bf08448354073a26675776f2d09cb, accessed June 4, 2020.

[167] California Public Utilities Commission. CPUC High Fire Threat District. https://capuc.maps.arcgis.com/apps/webappviewer/index.html?id=5bdb921d747a46929d9f00dbdb6d0fa2https://ia.cpuc.ca.gov/firemap/, accessed October 2, 2021.

5. Organizations and Persons Consulted

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