Initial Study/Mitigated Negative Declaration

Cupertino Pedestrian Transportation Plan Project

Prepared by

CUPERTINO

January 2018

CUPERTINO

PUBLIC WORKS DEPARTMENT
Timm Borden, Director

CITY HALL
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DRAFT
CITY OF CUPERTINO
MITIGATED NEGATIVE DECLARATION

As provided by the Environmental Assessment Procedure adopted by the City Council of the City of Cupertino on May 27, 1973, and amended on March 4, 1974, January 17, 1977, May 1, 1978, and July 7, 1980, the City of Cupertino City Council has reviewed the proposed project described below to determine whether it could have a significant effect on the environment as a result of project implementation. "Significant effect on the environment" means a substantial, or potentially substantial, adverse change in any of the physical conditions within the area affect by the project including land, air, water, minerals, flora, fauna, ambient noise, and objects of historic or aesthetic significance (CEQA Guidelines Section 15382).

PROJECT INFORMATION AND LOCATION

Project Name:	Cupertino Pedestrian Transportation Plan
Applicant:	City of Cupertino
Location:	City of Cupertino

PROJECT DESCRIPTION

The project proposes to implement the Pedestrian Transportation Plan, a plan to construct pedestrian network facilities and improvements to existing facilities throughout the City of Cupertino. New facilities would be constructed in existing right-of-way. Larger project components (i.e. pedestrian/bicycle bridges), would be subject to further environmental review to determine the extent of environmental impact.

FINDINGS OF DECISIONMAKING BODY

The City Council finds the project described is consistent with the General Plan and will not have a significant effect on the environment based on the analysis completed in the attached Initial Study. The City, before the public release of this draft Mitigated Negative Declaration (MND), has agreed to make project revisions that mitigate the project's effects to a less than significant level. The City agrees to implement the mitigation measures identified in the attached Initial Study and summarized below.

Biological Resources:

Impact BIO-1: Construction activities associated with the proposed project could result in the loss of fertile eggs, nesting raptors or other migratory birds, or nest abandonment.

MM BIO-1.1: Construction shall be scheduled to avoid the nesting season to the extent feasible. The nesting season for most birds, including most raptors in the San Francisco Bay area, extends from February through August.

MM BIO-1.2: A preconstruction nesting bird survey shall be completed by a qualified biologist prior to tree removal or any construction related activity that occurs during the breeding season (February 1 through August 31) to avoid potential impacts to nesting birds. Surveys shall be completed by a qualified biologist no more than 7 days prior to initiation of construction activities. Surveys shall include the project site, staging area, and areas within 500 feet surrounding the project site. If nesting bird activity is observed, the biologist in consultation with CDFW, will determine an adequate buffer zone and other minimization measures to ensure the nest will not be disturbed by project construction.

Cultural Resources:

Impact CUL-1: Implementation of the larger project components (e.g. pedestrian bridges) included in the proposed project could result in significant impacts to buried cultural resources, if encountered.

MM CUL-1.1: In the event of the discovery of prehistoric or historic archaeological deposits or paleontological deposits, work shall be halted within 50 feet of the discovery and a qualified professional archaeologist (or paleontologist, as applicable) shall examine the find and make appropriate recommendations regarding the significance of the find and the appropriate mitigation. The recommendation shall be implemented and could include collection, recordation, and analysis of any significant cultural materials.

MM CUL-1.2: Pursuant to Section 7050.5 of the Health and Safety Code and Section 5097.94 of the Public Resources Code of the State of California:

- In the event of the discovery of human remains during construction, there shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent remains. The Santa Clara County Coroner shall be notified and shall make a determination as to whether the remains are Native American. If the Coroner determines that the remains are not subject to his authority, he shall notify the Native American Heritage Commission who shall attempt to identify descendants of the deceased Native American. If no satisfactory agreement can be reached as to the disposition of the remains pursuant to this State law, then the landowner shall re-inter the human remains and items associated with Native American burials on the property in a location not subject to further subsurface disturbance.

MM CUL-1.3: If cultural resources are encountered, a final report summarizing the discovery of cultural materials shall be submitted to the Director of Public Works prior to issuance of building permits. This report shall contain a description of the mitigation program that was implemented (e.g., monitoring and testing program), a list of the resources found, a summary of the resources analysis methodology and conclusion, and a description of the disposition/curation of the resources. The report shall verify completion of the mitigation program to the satisfaction of the Director Public Works.

PUBLIC REVIEW PERIOD

The 30-day public circulation period for the Initial Study and draft MND began on January 12, 2018 and ended on February 10, 2018.

_____

Timm Borden
Director of Public Works

CERTIFICATE OF THE CITY CLERK

This is to certify that the above Mitigated Negative Declaration was filed in the Office of the City Clerk of the City of Cupertino on January 12, 2018

Grace Schmidt

City Clerk

TABLE OF CONTENTS

TABLE OF CONTENTS

Figures

Photos

Tables

ACRONYMS AND ABBREVIATIONS

AFY	Acre-feet per year
BAAQMD	Bay Area Air Quality Management District
CARB	California Air Resources Board
CDFW	California Department of Fish and Wildlife
CEQA	California Environmental Quality Act
CNPS	California Native Plant Society
dB	Decibel
EIR	Environmental Impact Report
ESAs	Endangered Species Acts
FEMA	Federal Emergency Management Agency
LID	Low Impact Development
MND	Mitigated Negative Declaration
NOD	Notice of Determination
NOI	Notice of Intent
NPDES	National Pollutant Discharge Elimination System
PM	Particulate Matter
PTP	Pedestrian Transportation Plan
RWF	Regional Wastewater Facility
RWQCB	Regional Water Quality Control Board
SJWC	San José Water Company
SWPPP	Storm Water Pollution Prevention Plan
TACs	Toxic Air Contaminants
TCMs	Transportation Control Measures
USEPA	U.S. Environmental Protection Agency
USFWS	United States Fish and Wildlife Service

SECTION 1.0 INTRODUCTION AND PURPOSE

1.1 PURPOSE OF THE INITIAL STUDY

The City of Cupertino as the Lead Agency, has prepared this Initial Study for the Cupertino Pedestrian Transportation Plan in compliance with the California Environmental Quality Act (CEQA), the CEQA Guidelines (California Code of Regulations §15000 et. seq.) and the regulations and policies of the City of Cupertino, California.

The project proposes to improve and expand the existing pedestrian network throughout the City of Cupertino. This Initial Study evaluates the environmental impacts that might reasonably be anticipated to result from implementation of the proposed project.

The City previously circulated an Initial Study for the proposed project from September 19, 2017 to October 18, 2017; however, the document was not adopted due to changes in the project description made prior to project approval. Therefore, the City is recirculating the Initial Study for the project which includes all of the previously evaluated and some additional pedestrian improvements in the City. Comments were received on the previous Initial Study from the California Department of Transportation (Caltrans) related to the project description and the potential need for encroachment permits. The City has considered these comments in the preparation of this updated Initial Study.

The additional improvements evaluated in the Initial Study include three new sidewalk improvements (Mary Avenue, Stevens Creek Boulevard, and Alcalde Road), a walkway (San Fernando Avenue), a new Class 1 Path (Mary Avenue), two grade separated crossings (Phar Lap Drive and McClellan Road), and the reconfiguration of the Rainbow Drive and Stelling Road intersection. These improvements are described in detail in Section 3.0 *Project Description*.

1.2 PUBLIC REVIEW PERIOD

Publication of this Initial Study marks the beginning of a 30-day public review and comment period. During this period, the Initial Study will be available to local, state, and federal agencies and to interested organizations and individuals for review. Written comments concerning the environmental review contained in this Initial Study during the 30-day public review period should be sent to:

Julie Chiu, Associate Civil Engineer
City of Cupertino, Department of Public Works
Juliec@cupertino.org
408.777.7710

1.3 CONSIDERATION OF THE INITIAL STUDY AND PROJECT

Following the conclusion of the public review period, the City of Cupertino will consider the adoption of the Initial Study/Mitigated Negative Declaration (MND) for the project at a regularly scheduled meeting. The City shall consider the Initial Study/MND together with any comments received during the public review process. Upon adoption of the MND, the City may proceed with project approval actions.

1.4 NOTICE OF DETERMINATION

If the project is approved, the City of Cupertino will file a Notice of Determination (NOD), which will be available for public inspection and posted within 24 hours of receipt at the County Clerk's Office for 30 days. The filing of the NOD starts a 30-day statute of limitations on court challenges to the approval under CEQA (CEQA Guidelines Section 15075(g)).

SECTION 2.0 PROJECT INFORMATION

2.1 PROJECT TITLE

Cupertino Pedestrian Transportation Plan

2.2 LEAD AGENCY CONTACT

Julie Chiu, Associate Civil Engineer
City of Cupertino, Department of Public Works
Juliec@cupertino.org
408.777.7710

2.3 PROJECT APPLICANT

City of Cupertino, Department of Public Works

2.4 PROJECT LOCATION

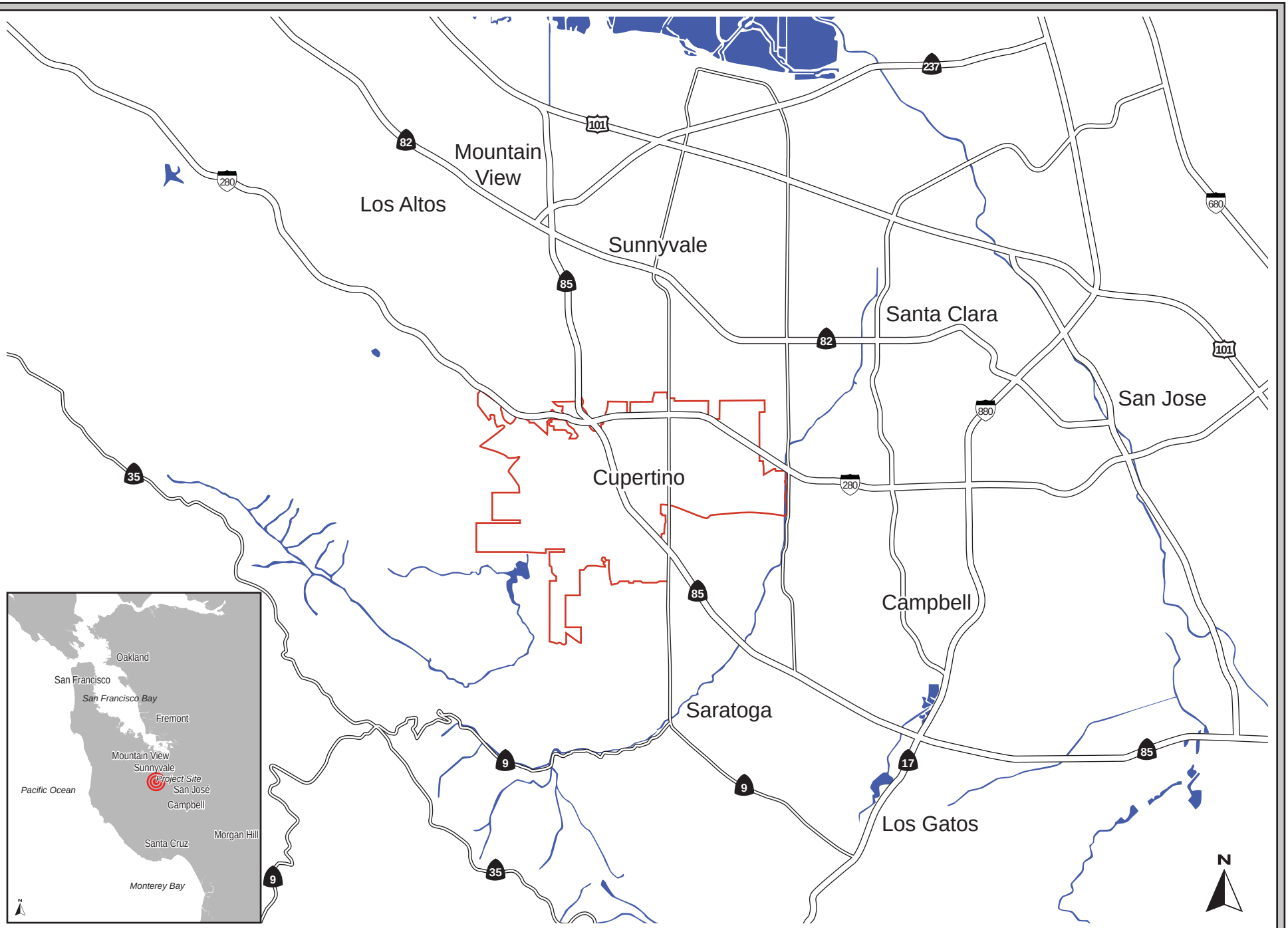
The Pedestrian Transportation Plan proposes upgrading, expanding, and installing new pedestrian facilities throughout the City of Cupertino. Regional and aerial maps of the City are shown on Figure 2.0-1 and 2.0-2.

2.5 ASSESSOR'S PARCEL NUMBER

Most of the proposed pedestrian network would be completed within existing public right-of-ways which generally, do not have individual assessor parcel numbers.

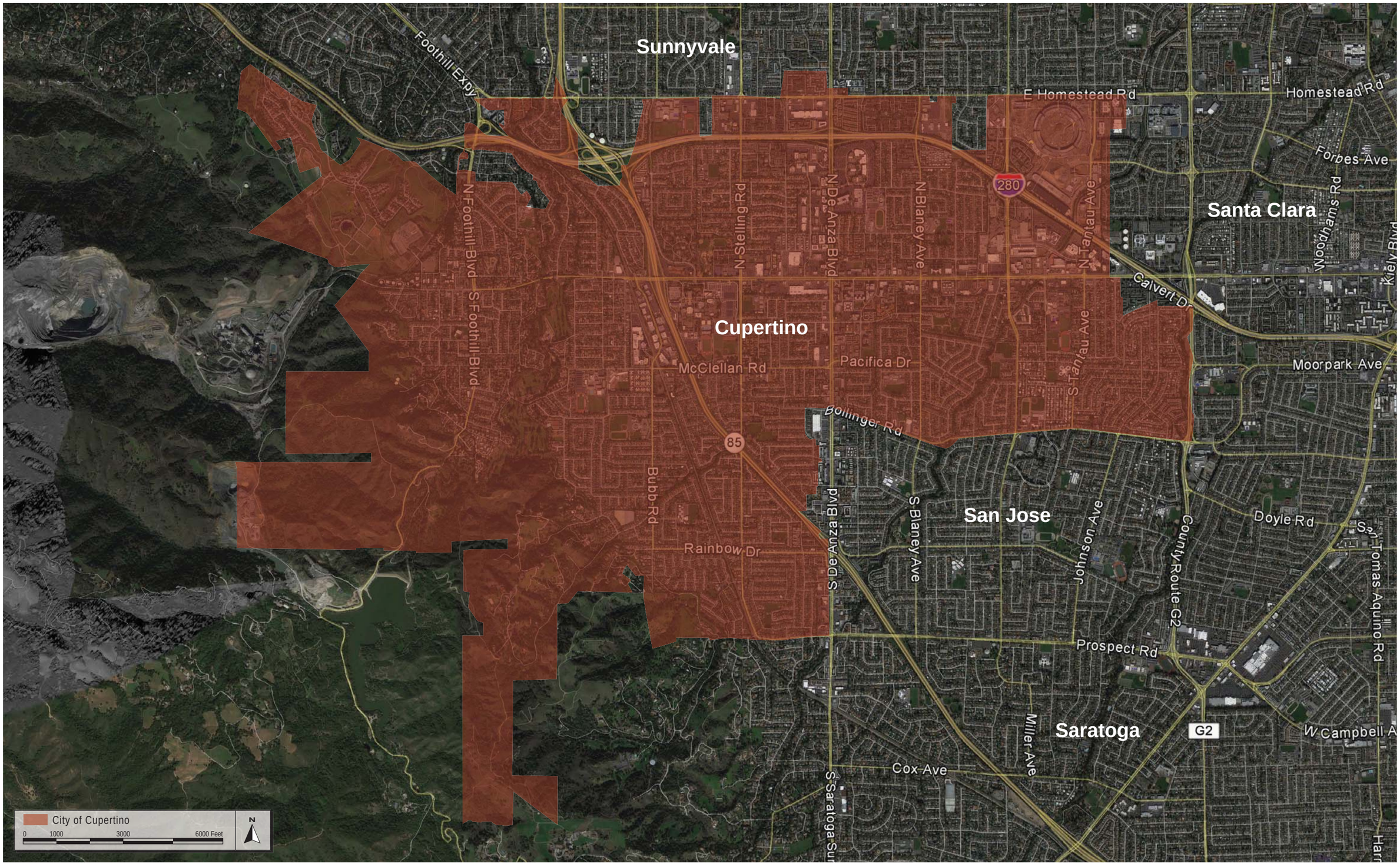
2.6 GENERAL PLAN DESIGNATION AND ZONING DISTRICT

Most of the length of the proposed pedestrian network would be completed within existing public right-of-ways, which generally do not have individual General Plan or zoning designations. The proposed pedestrian facilities run through areas with various General Plan land use designations and zoning areas throughout the City.



VICINITY MAP

FIGURE 2.0-1



AERIAL PHOTOGRAPH

FIGURE 2.0-2

SECTION 3.0 PROJECT DESCRIPTION

3.1 BACKGROUND INFORMATION

The proposed project is the update to the existing Cupertino Pedestrian Transportation Plan that was adopted in 2002. The Pedestrian Transportation Plan (PTP) serves as the blueprint for Cupertino to achieve its vision of an inviting, safe, and connected pedestrian network that enhances the quality of life for all community members and to establish a guiding framework for the development and maintenance of pedestrian facilities throughout Cupertino.

The PTP builds upon existing City policies and strategies, including the *Cupertino Bicycle Transportation Plan* (Bicycle Transportation Plan), which was adopted in 2016. Some of the proposed project components discussed in this Initial Study were also included in the Bicycle Transportation Plan.[1]

3.2 PROJECT OVERVIEW

Tables 3.2-1 – 3.2-5 below, list the proposed project components, separated by project type. Within the draft PTP, the projects are further categorized based on prioritization for implementation, which will be primarily based on the identification of funding sources. For the location of the planned improvements on maps of the City, refer to Figures 3.0-1 – 3.0-5 at the end of *Section 3.0.*

3.2.1.1 *Pedestrian Pathway Projects*

Pedestrian shared use paths are physically separated from motor vehicle traffic and are intended for use by pedestrians, bicyclists, and other non-motorized users. Pedestrian/bicycle bridges are included in pedestrian pathway projects and provide complete separation of pedestrians and bicyclists from vehicular traffic, often where no other pedestrian or bicycle facility is available. They connect transportation networks across barriers such as railroads, freeways, or other major transportation corridors. Grade-separated undercrossings are also considered to be pedestrian pathway projects.

Table 3.2-1 on the following page lists the proposed pedestrian pathway and pedestrian/bicycle bridge opportunities in the City. The listed projects were analyzed as part of the *Cupertino Bicycle Transportation Network* Initial Study. As with the Bicycle Transportation Plan, further environmental review may be required for implementation of these off-street improvements. Figure 3.0-1 shows the location of the proposed improvements on a map of the City. These improvements are those most likely to result in ground disturbance.

[1] The overlapping project components of the proposed project and the Bicycle Transportation Plan are identified in this Initial Study. The environmental review for the PTP is consistent with the environmental review of the Bicycle Transportation Plan.

Table 3.2-1 Proposed Pedestrian Pathways & Ped/Bicycle Bridges	
Recommendation	**Location**
Create pedestrian/bike connection	Imperial Ave. between Alcazar Ave. and Almaden Ave.
Enhance pedestrian/bike connection	Bandley Dr. at Greenleaf Dr.
Construct shared use path	Union Pacific ROW
Construct pedestrian/bicyclist bridge	SR-85 Bridge
Construct shared use path	I-280 Canal Path
Construct shared use path	Vallco West Pathway
Construct shared use path	Regnart Creek
Construct shared use path	Deep Cliff Golf Course
Construct shared use path	Varian Park Path
Construct pedestrian/bicyclist bridge	Carmen Rd. Bridge at Stevens Creek Blvd.
Construct shared use path	Wilson Park
Construct shared use path	San Tomas Aquino Creek Trail Extension
Construct pedestrian/bicyclist bridge	West Cupertino UPRR Crossing
Construct shared use path	The Oaks Path
Construct pedestrian/bicyclist bridge	McClellan Rd. at Stevens Creek
Construct grade-separated undercrossing	Phar Lap Dr. at Stevens Creek Blvd.
Construct grade-separated undercrossing	McClellan Rd., east or west of Stevens Creek Blvd.
Construct shared use path	Mary Ave. – Don Burnett Bridge to Stevens Creek Blvd.

3.2.1.2 *Sidewalk Improvement Locations*

Sidewalks provide a dedicated space, typically adjacent to right of ways, to safely accommodate pedestrian travel. Table 3.2-2 lists the proposed sidewalk improvement project locations in the City. Figure 3.0-2 shows the location of the proposed improvements on a map of the City.

Table 3.2-2 Proposed Sidewalk Project Locations	
Street	**Roadway Segment**
Stevens Creek Blvd.	North side, Lebanon Dr. to Lockwood Dr.
Stevens Creek Blvd.	North side, Lockwood Dr. to Prado Vista Rd.
Stevens Creek Blvd.	South side, Lockwood Dr. to Prado Vista Rd.
Stevens Creek Blvd.	South side, Camino Vista Rd. to Foothill Blvd.
Rae Lane	North side, west of Linda Vista Dr.
McClellan Rd.	North side, SR 85 to Rose Blossom Dr.
McClellan Rd.	South side, Bonny Dr. to McClellan Pl.
Foothill Blvd.	West side, Stevens Creek Blvd. to Rancho Ventura St.
Foothill Blvd.	East side, between Rancho Ventura St. and Walnut Cir.
Foothill Blvd.	East side, between Stevens Creek Blvd. and Rancho Ventura St.
Lebanon Dr.	West/south side, Stevens Creek Blvd. to Lockwood Dr.
Lockwood Dr.	East side, Stevens Creek Blvd. to Lebanon Dr.
Lebanon Dr.	East/north side, Stevens Creek Blvd. to Lockwood Dr.

Table 3.2-2 Proposed Sidewalk Project Locations	
Bubb Rd.	East side, Edward Way to Krzich Pl.
Stelling Rd.	West side, Catalano Ct. to Orion Ct.
Orange Ave.	Granada Ave. to Alcazar Ave.
Mann Dr.	Woodbury Dr. to Eaton Pl.
De Anza Blvd.	West side, Stevens Creek Blvd. to Rodrigues Ave.
Bandley Dr.	Stevens Creek Blvd. to Valley Green Dr.
Stevens Creek Blvd.	North side, SR 85 to Stelling Rd.
Byrne Ave.	McClellan Rd. to Granada Ave.
McClellan Rd.	Leandro Ave. to Orange Ave.
Beardon Rd.	Alves Rd. to Valley Green Dr.
Mary Ave. (NEW)	West side, Dog Park to Oaks Shopping Center
Stevens Creek Blvd. (NEW)	West of Phar Lap where missing, connect to proposed UPRR
Alcalde Rd. (NEW)	Avenida Lane to Foothill Blvd.

3.2.1.3 *Traffic Calming Projects*

Traffic calming uses physical engineering measures to reduce speeds, alter driver behavior, and improve conditions for non-motorized street users. Traffic calming engineering techniques include installation of tighter curb radii to slow vehicles making right turns, curb extensions, and extensions of the sidewalk or curb line into the roadway. Table 3.2-3 lists the proposed traffic calming opportunities in the City. Figure 3.0-2 shows the location of the proposed improvements on a map of the City.

Table 3.2-3 Proposed Traffic Calming Opportunities	
Recommendation	**Location**
Install mini traffic circle	Pasadena Ave. at Lomita Ave.
Square west leg of intersection	Byrne Ave. at San Fernando Ave.
Narrow curb radii	Mann Dr. at Woodbury Dr.
Narrow curb radii	Mann Dr. at Monte Ct.
Narrow curb radii	Mann Dr. at Gardenview Ln.
Narrow curb radii	Mann Dr. at Oakview Ln.
Narrow curb radii	De Anza Blvd. at Scofield Dr.
Narrow curb radii	De Anza Blvd. at Sunrise Dr.
Narrow curb radii	De Anza Blvd. at Rodrigues Ave.
Construct curb extension	Bandley Dr. at Mariani Ave. (southeast corner)
Mark high-visibility crosswalk	Bandley Dr. at Lazaneo Dr. (north leg)
Construct curb extensions	Bandley Dr. at Lazaneo Dr.
Construct curb extensions	Bandley Dr. at Alves Dr. (south leg)
Construct curb extensions	Phar Lap Dr. at Stevens Creek Blvd.
Construct curb extensions	Miller Ave. at Greenwood Dr.
Narrow curb radii	Phar Lap Dr. at Clearcreek Ct.
Narrow curb radii	Phar Lap Dr. at Oakdell Pl.
Narrow curb radii	Phar Lap Dr. at Clearwood Ct.
Reconfigure intersection	De Anza Blvd. at McClellan Rd.

Table 3.2-3 Proposed Traffic Calming Opportunities	
Recommendation	**Location**
Narrow curb radii	Estates Dr. at Glenview Ave.
Construct curb extensions	Rainbow Dr. at Gardenside Ln.
Construct curb extensions	Phil Ln. at Finch Ave.
Construct curb extensions	Finch Ave. at Calle de Barcelona (north and south legs)

3.2.1.4 *Proposed Intersection Improvements*

Table 3.2-4 lists the proposed intersection improvement opportunities in the City. Improvements to intersections include more visible crosswalk markings, installation of rectangular rapid flashing beacons (RRFB), and adjusting raised median curblines. Figure 3.0-4 shows the location of the proposed improvements on a map of the City.

Table 3.2-4 Proposed Intersection Improvements	
Recommendation	**Location**
Mark high-visibility crosswalk	Stevens Creek Blvd. at Orange Ave. (west leg)
Install pedestrian warning signs	San Fernando Ave. between Byrne Ave. and Blackberry Farm Park
Add right-turn phase	Stevens Creek Blvd. at SR 85 NB on ramp (from Class IV design)
Mark high-visibility crosswalk	Stevens Creek Blvd. at Pasadena Ave. (west leg)
Mark high-visibility crosswalk	Stevens Creek Blvd. at Imperial Ave. (west leg)
Adjust raised median curbline	Stevens Creek Blvd. at Stelling Rd.
Mark high-visibility crosswalk	Stevens Creek Blvd. at Finch Ave. (west leg)
Reconfigure travel lane geometry	Finch Ave. at Stevens Creek Blvd. (south leg)
Mark crosswalk through parking lot	De Anza Blvd., east side at Saint Joseph Parish
Install RRFB	Valley Green Dr. at Bandley Dr. (west leg)
Mark high-visibility crosswalk	Bandley Dr. at Mariani Ave. (north leg)
Consider all-way stop control	Bandley Dr. at Lazaneo Dr.
Mark high-visibility crosswalk	Stevens Creek Blvd. at Tantau Ave. (east leg)
Mark standard crosswalk	Estates Dr. at Vicksburg Dr. (east leg)
Mark standard crosswalk	Estates Dr. at Vicksburg Dr. (south leg)
Install RRFB	Miller Ave. at Greenwood Dr.
Consider stop control for Alves Dr.	Alves Dr. at Saich Way
Consider stop control for Alves Dr.	Alves Dr. at Beardon Dr.
Consider leading pedestrian interval with added right turn phase	De Anza Blvd. at I-280 EB on-ramp
Shift crosswalk to N leg; install median island and RRFB	Stelling Rd. at Alves Dr.
Mark high-visibility crosswalk	Rainbow Dr. at Gardenside Ln.
Reconfigure intersection and crosswalk	Torre Ave. at Town Center Ln.
Mark high-visibility crosswalk	Tantau Dr. at I-280 EB off-ramp
Install RRFB	McClellan Rd. at September Dr.

Table 3.2-4 Proposed Intersection Improvements	
Recommendation	**Location**
Adjust raised median curbline	Stevens Creek Blvd. at Mary Ave. (east leg)
Adjust raised median curbline	Stevens Creek Blvd. at Stelling Rd (north leg)
Adjust raised median curbline	Stevens Creek Blvd. at Stelling Rd (east leg)
Mark high-visibility crosswalk	Stevens Creek Blvd. at Mary Ave (west leg)
Mark high-visibility crosswalk	Stevens Creek Blvd. at Orange Ave. (east leg)
Mark high-visibility crosswalk	Stevens Creek Blvd. at Saich Way (west leg)
Remove existing beacon and install RRFB.	Stevens Creek Blvd. at Pasadena Ave.
Install RRFB	McClellan Rd. at Bonny Dr. (west leg)
Adjust raised median curbline	Mary Ave. at Stevens Creek Blvd. (north leg)
Reconfigure intersection and crosswalks	Rainbow Dr. at Stelling Rd.

3.2.1.5 *Other Pedestrian Projects*

Table 3.2-5 on the following page lists the other pedestrian projects, not categorized in the above tables. It is currently unknown what type of facility would be constructed on San Fernando Avenue. Therefore, it is included in this section. The list of proposed projects in Table 3.2-5 are not displayed in Figures 3.0-1 – 3.0-4.

Table 3.2-5 Other Pedestrian Projects	
Recommendation	**Location**
Remove bollards	De Anza Blvd, west side between Stevens Creek Blvd and Alves Dr.
Consider creating pedestrian connection	Hanford Dr., east end
Improve bus stop accommodation	De Anza Blvd., east side north of Lazaneao Dr. (VTA Route 55 stop)
Remove newspaper box	De Anza Blvd., west side south of Stevens Creek Blvd.
Repair stairway	McClellan Rd. at Tressler Ct.
Shorten turn lane access	Stevens Creek Blvd. at Oaks entrance (part of Class IV design)
Consolidate one-way USPS driveways	Stevens Creek Blvd., north side at USPS office
Shorten turn lane access*	Stevens Creek Blvd. at west entrance to De Anza College (part of Class IV design)
Construct walkway	San Fernando Avenue between Byrne Ave. and Blackberry Farm Park entrance
* Project was analyzed as part of the *Cupertino Bicycle Transportation Network* Initial Study. As with the Bicycle Transportation Plan, further environmental review may be required for implementation of these off-street improvements.	

3.3 STORMWATER OUTFALLS AND STORM DRAINAGE

The majority of proposed project components would be located on existing streets and within public right-of-ways that have inlets that direct stormwater into existing storm drains. In areas where new pedestrian facilities would be constructed on unpaved surfaces, the facilities would be designed to convey stormwater towards storm drains or bio-treatment areas. Stormwater treatment measures to be implemented would be consistent with the Santa Clara Valley Stormwater Municipal Permit's C.3 provisions and handbook and the City's Climate Action Plan. These would include:

- Installing self-treating and self-retaining areas in bio-treatment areas such as bioretention and rain garden landscaped areas, as permitted; and
- Reducing impervious surfaces by utilizing permeable/pervious/porous pavements.

The project would implement pre- and post-construction-related measures to conform to the City of Cupertino's Municipal Code Chapter 9.18. A discussion of the best management practices to be implemented can be found in *Section 4.9, Hydrology and Water Quality.*

3.4 IMPLEMENTATION SCHEDULE

As described previously, the City has not yet determined the sequence of project implementation. Prioritization of improvements will be determined as funding sources are identified.

3.5 CONSISTENCY WITH ZONING, PLANS, AND OTHER APPLICABLE LAND USE CONTROLS

3.5.1 Land Use & Zoning Designations

The proposed PTP network is consistent with the land use designations in the City of Cupertino's General Plan and zoning ordinance.

3.5.2 Property and Easement Acquisitions

The project would be implemented on existing streets and within paved and unpaved public right-of-ways, to the extent practical. Any proposed improvements that would result in the taking of private property and/or easements could be required to undergo further environmental review prior to project construction.

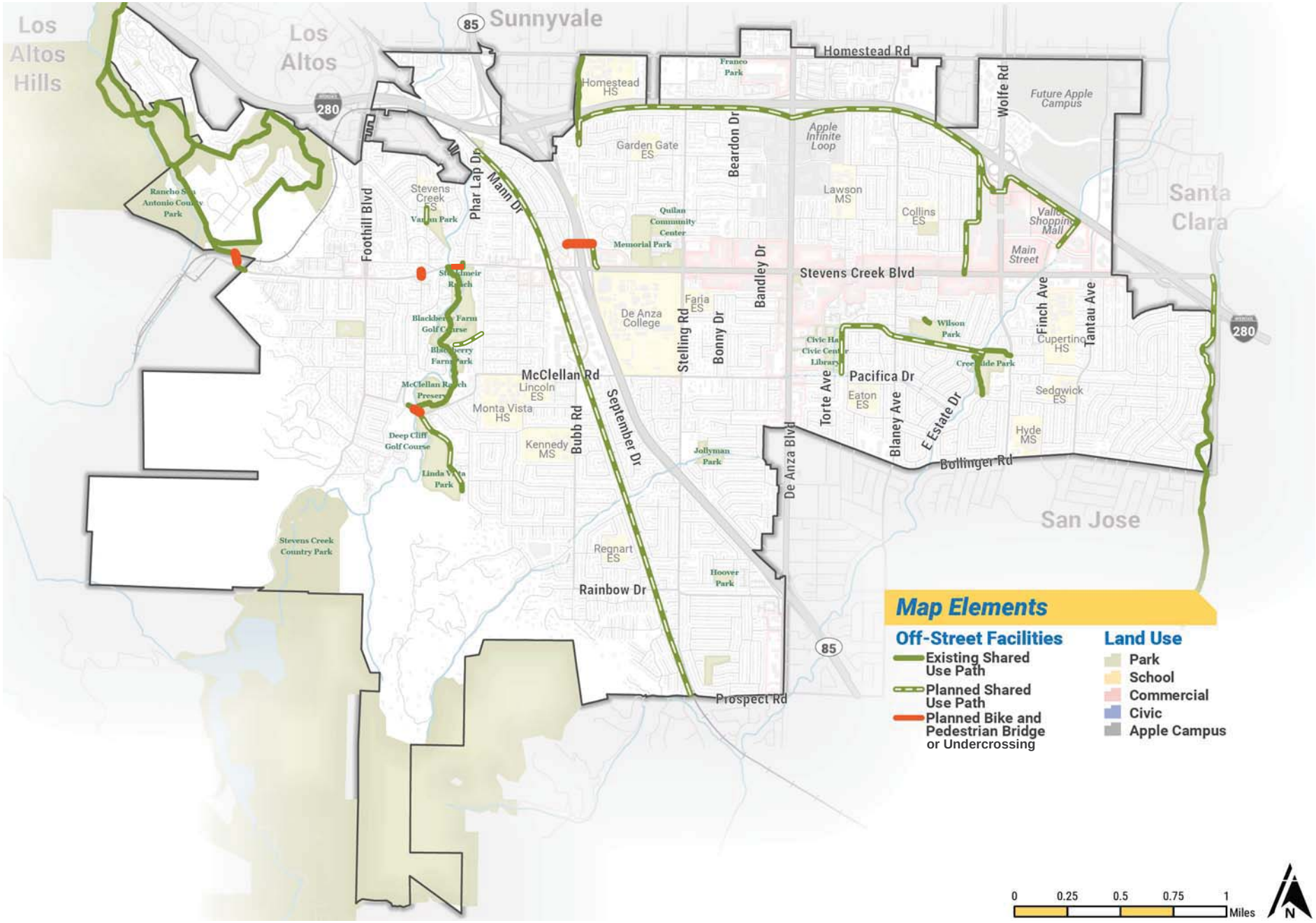
3.6 PURPOSE AND NEED

The proposed project is an update to the existing PTP that was adopted by the City in 2002. The purpose of the PTP is to establish a framework for the development and maintenance of pedestrian facilities throughout Cupertino and recommend policies, programs, and messaging to support and promote walking. The PTP seeks to:

- Improve pedestrian safety and reduce the number and severity of pedestrian-related collisions, injuries, and fatalities;
- Increase and improve pedestrian access to community destinations across the City of Cupertino for people of all ages and abilities; and

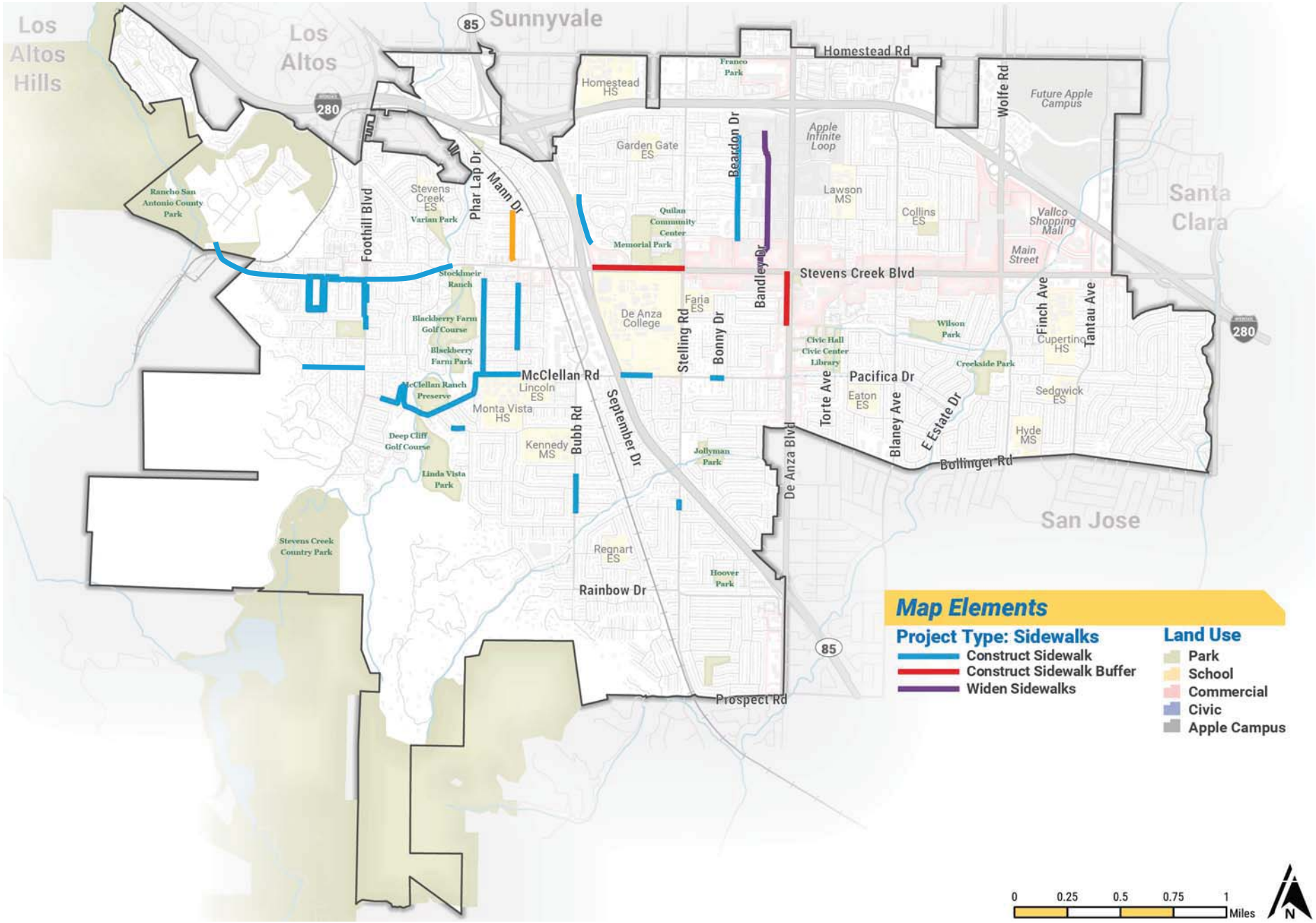
- Continue to develop a connected pedestrian network that fosters an enjoyable walking experience.

This Initial Study is intended to provide programmatic CEQA environmental clearance for the PTP as a whole. Larger projects identified in the Bicycle Transportation Plan and PTP, such as the proposed pedestrian bridges and undercrossings, are identified in this Initial Study as needing further environmental review. This Initial Study is intended to cover the full environmental review for the remaining projects, as listed in Tables 3.2-2 – 3.2-5.



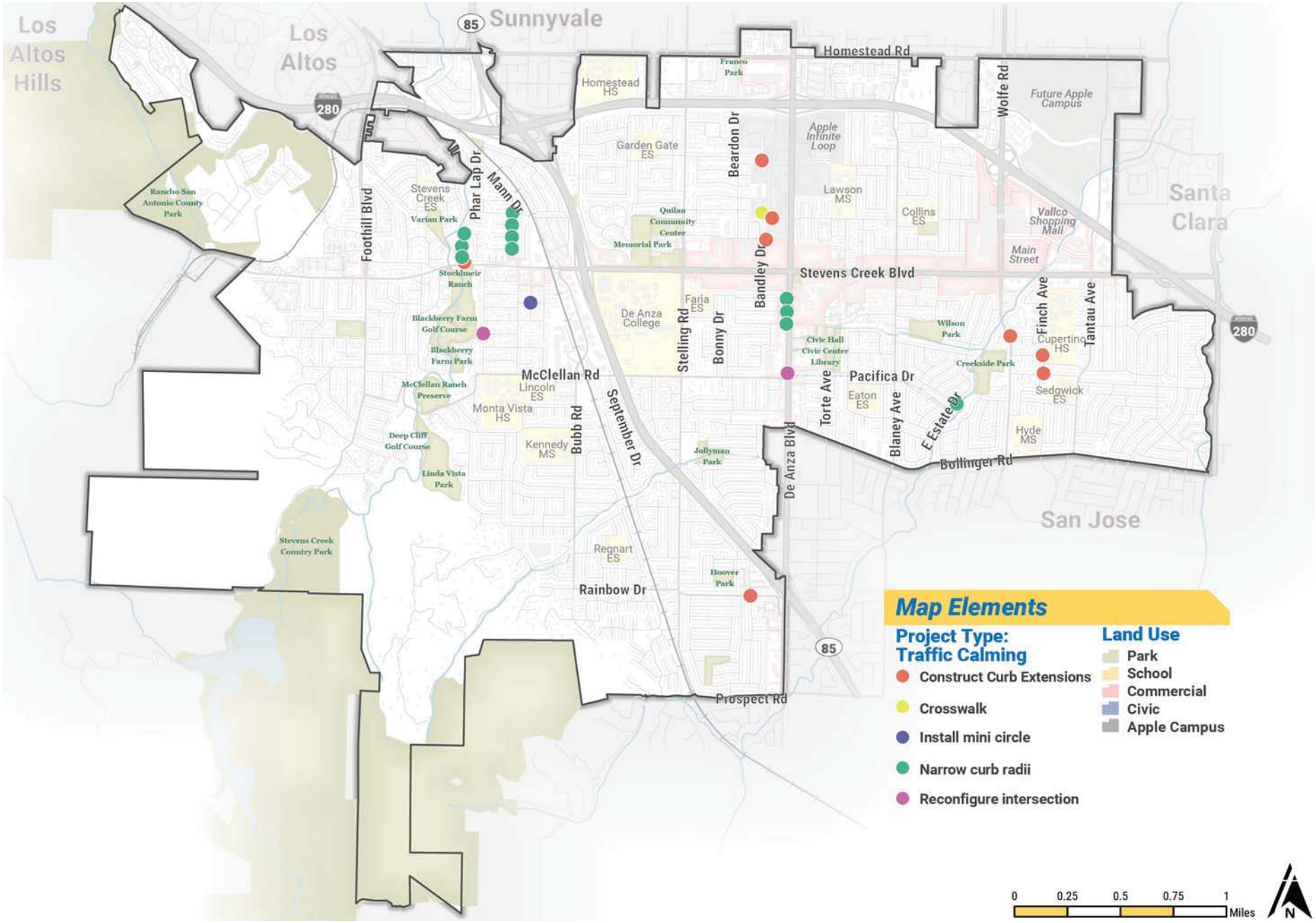
PEDESTRIAN PATHWAY PROJECTS

FIGURE 3.0-1



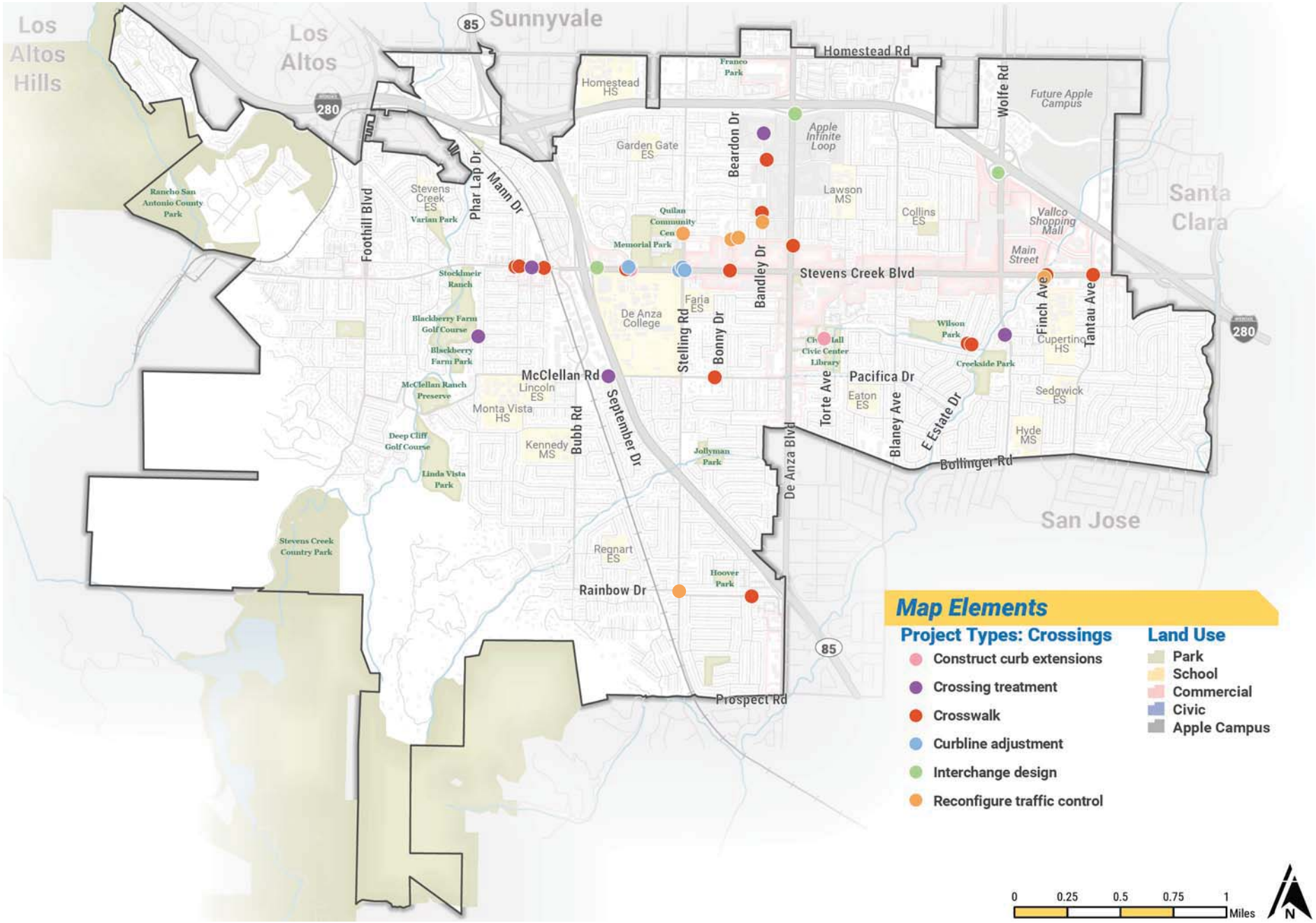
PROPOSED SIDEWALK PROJECTS

FIGURE 3.0-2



PROPOSED TRAFFIC CALMING PROJECTS

FIGURE 3.0-3



PROPOSED INTERSECTION IMPROVEMENTS

FIGURE 3.0-4

SECTION 4.0 ENVIRONMENTAL SETTING, CHECKLIST, AND IMPACT DISCUSSION

This section presents the discussion of impacts related to the following environmental subjects in their respective subsections:

4.1	Aesthetics	4.10	Land Use and Planning
4.2	Agricultural and Forestry Resources	4.11	Mineral Resources
4.3	Air Quality	4.12	Noise and Vibration
4.4	Biological Resources	4.13	Population and Housing
4.5	Cultural Resources	4.14	Public Services
4.6	Geology and Soils	4.15	Recreation
4.7	Greenhouse Gas Emissions	4.16	Transportation/Traffic
4.8	Hazards and Hazardous Materials	4.17	Utilities and Service Systems
4.9	Hydrology and Water Quality	4.18	Mandatory Findings of Significance

The discussion for each environmental subject includes the following subsections:

- **Environmental Setting** – This subsection 1) provides a brief overview of relevant plans, policies, and regulations that compose the regulatory framework for the project, and 2) describes the existing physical environmental conditions at the project sites and in the surrounding area, as relevant.

- **Checklist and Discussion of Impacts** – This subsection includes a checklist for determining potential impacts and discusses the project's environmental impact as it relates to the checklist questions. For significant impacts, feasible mitigation measures are identified. "Mitigation measures" are measures that will minimize, avoid, or eliminate a significant impact (CEQA Guidelines Section 15370). Each impact is numbered using an alphanumeric system that identifies the environmental issue. For example, **Impact HAZ-1** denotes the first potentially significant impact discussed in the Hazards and Hazardous Materials section. Mitigation measures are also numbered to correspond to the impact they address. For example, **MM NOI-2.3** refers to the third mitigation measure for the second impact in the Noise section.

- **Conclusion** – This subsection provides a summary of the project's impacts on the resource.

Important Note to the Reader

The California Supreme Court in a December 2015 opinion [*California Building Industry Association v. Bay Area Air Quality Management District,* 62 Cal. 4th 369 (No. S 213478)] confirmed that CEQA, with several specific exceptions, is concerned with the impacts of a project on the environment, not the effects the existing environment may have on a project. Therefore, the evaluation of the significance of project impacts under CEQA in the following sections focuses on impacts of the project on the environment, including whether a project may exacerbate existing environmental hazards.

The City of Cupertino currently has policies that address existing conditions (e.g., air quality, noise, and hazards) affecting a proposed project, which are also addressed in this section. This is consistent with one of the primary objectives of CEQA and this document, which is to provide objective information to decision-makers and the public regarding a project as a whole. The CEQA Guidelines and the courts are clear that a CEQA document (e.g., EIR or Initial Study) can include information of interest even if such information is not an "environmental impact" as defined by CEQA.

Therefore, where applicable, in addition to describing the impacts of the project on the environment, this chapter discusses Planning Considerations that relate to policies pertaining to existing conditions. Such examples include, but are not limited to, locating a project near sources of air emissions that can pose a health risk, in a floodplain, in a geologic hazard zone, in a high noise environment, or on/adjacent to sites involving hazardous substances.

4.1 AESTHETICS

4.1.1 Environmental Setting

4.1.1.1 *Existing Conditions*

The City of Cupertino is an urbanized area developed primarily with a mix of uses, including single- and multi-family residential, office, public/quasi-public (schools and parks), industrial, and commercial. The majority of the planned pedestrian facilities and improvements would be constructed on existing city and residential streets.

There are a number of mature and young trees located throughout the City. Representative photos of some pedestrian improvement locations and facilities are provided in Photos 1-5 on the following pages.

4.1.1.2 *Scenic Views*

The Montebello foothills at the south and west boundaries of the valley floor provide a scenic backdrop to the City of Cupertino. The central portion of the City is flat for the most part and views of the foothills from the proposed pedestrian network are obscured by existing buildings and/or trees. Neither Highway 85 nor Interstate 280 within Cupertino are designated scenic highways.

Photo 1: McClellan Road, facing west. Sidewalks and bicycle facilities are absent from McClellan on the south side of the road.

Photo 2: Intersection of McClellan Road (right) and De Anza Blvd., facing west.

Photo 3: Location of potential curb radii reduction at Sunrise Drive and S. De Anza Boulevard.

Photo 4: Location of potential installation of RRFB at intersection of Bonny Drive and McClellan Road.

Photo 5: Potential UPRR shared use path location.

4.1.2 Checklist and Discussion of Impacts

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
Would the project:					
a) Have a substantial adverse effect on a scenic vista?	☐	☐	☒	☐	1,2
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	☐	☐	☐	☒	1,2
c) Substantially degrade the existing visual character or quality of the site and its surroundings?	☐	☐	☒	☐	1,2
d) Create a new source of substantial light or glare which will adversely affect day or nighttime views in the area?	☐	☐	☐	☒	1,2

Aesthetic values are, by nature, very subjective. Opinions as to what constitutes a degradation of visual character will differ among individuals. The proposed pedestrian facilities would be constructed adjacent to existing streets, and would be visible from adjacent land uses. The following discussion addresses the proposed changes to the visual setting of the project area and factors that are part of the community's assessment of the aesthetic values of a project's design.

4.1.2.1 *Impacts to Scenic Views or Scenic Resources*

The proposed pedestrian facilities and improvements would be located in a highly developed area on the floor of the Santa Clara Valley. Scenic resources along state scenic highways would not be affected since there are no designated state scenic highways in Cupertino. For these reasons, the proposed project would not have a direct adverse effect on a scenic vista or damage scenic resources. **(No Impact)**

Scenic views from the immediate project vicinity are limited. The Montebello foothills to the south of the City are largely obscured by existing development and trees. Any proposal that includes an elevated bicycle/pedestrian bridge would require additional review of potential visual impacts. Implementation of the proposed project would not substantially block scenic views and is not anticipated to have a substantial effect on a scenic vista. **(Less Than Significant Impact)**

4.1.2.2 *Changes in Visual Character*

The project proposes to implement the PTP within the City. Most of the improvements would be completed on-street within existing right-of-ways. Project components listed in Tables 3.2-2 – 3.2-5 (see *Section 3.0*) would not result in the removal of any trees within the project vicinity. Larger projects, including the proposed pedestrian/bicycle bridges and undercrossings may require further environmental review to determine the extent of aesthetic impact, if at all.

For these reasons and those stated above, implementation of the PTP would have a less than significant impact on the visual character of areas adjacent to the proposed alignments. **(Less Than Significant Impact)**

4.1.2.3 *Light and Glare Impacts*

The proposed pedestrian network would be located along lighted streets and would not include a substantial amount of new lighting. **(Less Than Significant Impact)**

4.1.3 Conclusion

Implementation of the proposed project would not result in significant visual or aesthetic impacts. **(Less Than Significant Impact)**

4.2 AGRICULTURAL AND FORESTRY RESOURCES

4.2.1 Environmental Setting

4.2.1.1 *Existing Conditions*

Agricultural Resources

The Santa Clara County Important Farmland 2012 map designates most of Cupertino as *Urban and Built-Up Land*. *Urban and Built-Up Land* is defined as residential land with a density of at least six units per 10-acre parcel, as well as land used for industrial and commercial purposes, golf courses, landfills, airports, sewage treatment, and water control structures.

The locations of the proposed projects are within the urban area of Cupertino, and are not zoned or used for agricultural purposes, nor are they the subject of Williamson Act contracts.[2]

Forest Resources

The proposed project locations are not within lands classified as forest land or timberland. There is no forest land or timberland located in the Cupertino.

4.2.2 Checklist and Discussion of Impacts

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
Would the project:					
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	☐	☐	☐	☒	4
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	☐	☐	☐	☒	2,3,4
c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code Section 12220(g)), timberland (as defined by Public Resources Code Section 4526), or timberland zoned Timberland Production (as defined by Government Code Section 51104(g))?	☐	☐	☐	☒	2,3
d) Result in a loss of forest land or conversion of forest land to non-forest use?	☐	☐	☐	☒	1,2

[2] California Department of Conservation, Division of Land Resource Protection. *Santa Clara County Williamson Act FY 2013/2014.* 2013.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
Would the project:					
e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?	☐	☐	☐	☒	1,2

4.2.2.1 *Agricultural Resources Impact*

The project improvements, most of which are on existing City streets, are not designated, zoned, or used as farmland or for agricultural purposes. The proposed project, therefore, would not convert farmland to non-agricultural use, or otherwise result in impacts to agricultural resources. **(No Impact)**

4.2.2.2 *Forest Resources Impact*

There are no forest resources in Cupertino. The proposed project, therefore, would not impact forest resources. **(No Impact)**

4.2.3 Conclusion

Implementation of the proposed project would not result in significant impacts to agriculture or forestry resources. **(No Impact)**

4.3 AIR QUALITY

4.3.1 Environmental Setting

Clean air is a natural resource of vital importance. Pollutants in the air can cause health problems, especially for children, the elderly, and people with heart or lung problems. Healthy adults may experience symptoms during periods of intense exercise. Pollutants can also cause damage to vegetation, animals, and property.

4.3.1.1 *Regulatory Framework*

Clean Air Plan

Regional air quality management districts such as BAAQMD must prepare air quality plans specifying how state air quality standards would be met. BAAQMD's most recently adopted plan is the Bay Area 2017 Clean Air Plan (2017 CAP). The 2017 CAP focuses on two closely-related BAAQMD goals: protecting public health and protecting the climate. To protect public health, the plan describes how BAAQMD will continue its progress toward attaining all state and federal air quality standards and eliminating health risk disparities from exposure to air pollution among Bay Area communities.

The 2017 CAP includes a wide range of control measures designed to decrease emissions of the air pollutants that are most harmful to Bay Area residents, such as particulate matter, ozone, and toxic air contaminants; to reduce emissions of methane and other "super-GHGs" that are potent climate pollutants in the near-term; and to decrease emissions of carbon dioxide by reducing fossil fuel combustion.

4.3.1.2 *Existing Conditions*

Climate and Topography

The City of Cupertino is located in the Santa Clara Valley within the San Francisco Bay Area Air Basin. The City is located in proximity to both the Pacific Ocean and the San Francisco Bay, which has a moderating influence on the climate. This portion of the Santa Clara Valley is bounded to the north by the San Francisco Bay and the Santa Cruz Mountains to the southwest. The surrounding terrain greatly influences winds in the valley, resulting in a prevailing wind that follows along the northwest-southeast axis of the valley.

Regional and Local Criteria Pollutants

Major pollutants listed in "criteria" documents by the U.S. Environmental Protection Agency (USEPA) and the California Air Resources Board (CARB) include ozone, carbon monoxide, nitrogen dioxide, sulfur dioxide, and suspended particulate matter (PM). These pollutants can have health effects such as respiratory impairment and heart/lung disease symptoms.

The Bay Area is currently designated as an "attainment area," meaning the area meets the relevant standards for carbon monoxide, nitrogen dioxide, and sulfur dioxide. The region is classified as a "nonattainment area" for both the federal and state ozone standards, although a request for

reclassification to "attainment" of the federal standard is currently being considered by the USEPA. The area does not meet the state standards for particulate matter (PM_{10} and $PM_{2.5}$).

Local Community Risks/Toxic Air Contaminants and Fine Particulate Matter

Besides criteria air pollutants, there is another group of substances found in ambient air referred to as Toxic Air Contaminants (TACs). These contaminants tend to be localized and are found in relatively low concentrations in ambient air; however, exposure to low concentrations over long periods can result in adverse chronic health effects.

Fine Particulate Matter ($PM_{2.5}$) is a complex mixture of substances that includes elements such as carbon and metals; compounds such as nitrates, organics, and sulfates; and complex mixtures such as diesel exhaust and wood smoke. Long-term and short-term exposure to $PM_{2.5}$ can cause a wide range of health effects.

Common stationary source types of TACs and $PM_{2.5}$ include gasoline stations, dry cleaners, and diesel backup generators which are subject to permit requirements. The other, often more significant, common source is motor vehicles on freeways and roads.

Sensitive Receptors

BAAQMD defines sensitive receptors as facilities where sensitive receptor population groups (e.g., children, the elderly, and the acutely and chronically ill) are likely to be located. These land uses include residences, school playgrounds, child-care centers, retirement homes, convalescent homes, hospitals, and medical clinics. The proposed project includes improvements to pedestrian facilities adjacent to sensitive land uses including residential areas and schools (e.g. Lincoln Elementary School, Monta Vista High School, Cupertino high School, and De Anza College).

4.3.2 Checklist and Discussion of Impacts

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
Would the project:					
a) Conflict with or obstruct implementation of the applicable air quality plan?	☐	☐	☒	☐	1, 6
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	☐	☐	☒	☐	1,2
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is classified as non-attainment under an applicable federal or state ambient air quality standard including releasing emissions which exceed quantitative thresholds for ozone precursors?	☐	☐	☐	☒	1
d) Expose sensitive receptors to substantial pollutant concentrations?	☐	☐	☒	☐	1

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
Would the project:					
e) Create objectionable odors affecting a substantial number of people?	☐	☐	☐	☒	1

4.3.2.1 *Project-Level Significance Thresholds*

The thresholds of significance for criteria air pollutants are a net increase of 54 pounds or more per day of reactive organic gas (ROG), nitrous oxide (NO_X), and/or $PM_{2.5}$; or 82 pounds or more a day of PM_{10}. These thresholds are based on thresholds identified by BAAQMD in 2011.[3]

The BAAQMD *CEQA Air Quality Guidelines* recommend that projects be evaluated for community risk when they are located within 1,000 feet of freeways, high traffic volume roadways (10,000 average annual daily trips or more), and/or stationary permitted sources of TACs. The thresholds for TACs are an increased cancer risk of greater than 10.0 in one million, increased non-cancer risk of greater than 1.0 on the hazard index (chronic or acute), or a $PM_{2.5}$ increase of 0.3 $\mu g/m^3$.

4.3.2.2 *Clean Air Plan Consistency*

The 2017 CAP contains control measures, consistent with the state's climate protection goals, aimed at reducing Bay Area GHG emissions to 40 percent below 1990 levels by 2030 and 80 percent below 1990 levels by 2050. These control measures are organized into five categories: Stationary Source Measures, Mobile Source Measures, Transportation Control Measures (TCMs), Land Use and Local Impact Measures, and Energy and Climate Measures.

The project is the implementation of the PTP which would improve and expand upon the existing pedestrian network throughout the city. With implementation of the improvements, it is expected that pedestrian movements throughout the city would improve and would enable more pedestrians to utilize the right-of-ways, which would potentially reduce vehicles on the road. The project, therefore, supports the primary goals of the CAP in that it would reduce mobile source emissions from a reduction in vehicle miles traveled. **(No Impact)**

4.3.2.3 *Short-Term Construction-Related Impacts*

Project construction activities would be minimal and would marginally affect local air quality during the construction period, if at all. Significant construction (e.g. earthmoving) is not expected to occur

[3] As previously discussed in Section 4.0, on December 17, 2015, the California Supreme Court issued an opinion in *"CBIA vs. BAAQMD"* holding that CEQA is primarily concerned with the impacts of a project on the environment and generally does not require agencies to analyze the impact of existing conditions on a project's future users or residents unless the project risks exacerbating those environmental hazards or risks that already exist. Nevertheless, the City has policies and regulations that address existing conditions affecting a proposed project, which are included in Section 4.3.2.2.

The City has carefully considered the thresholds prepared by BAAQMD and the recent court ruling, and regards the thresholds to be based on the best information available for the San Francisco Bay Area Air Basin and conservative in terms of the assessment of health effects associated with TACs and $PM_{2.5}$. Therefore, the analysis in this Initial Study is based upon the methodologies and thresholds in the BAAQMD CEQA Air Quality Guidelines.

from project implementation. As noted in *Section 3.0 Project Description*, construction of the proposed pedestrian/bicycle bridges and undercrossings may require further environmental review to determine the extent of air quality impacts, if at all. The remainder of this discussion is related to those proposed project components that are covered by this Initial Study.

Construction activities are a source of organic gas emissions. Solvents in adhesives, non-water based paints, thinners, some insulating materials, and caulking materials would evaporate into the atmosphere and contribute to the photochemical reaction that creates urban ozone. Asphalt used in paving is also a source of organic gases for a short time after its application.

Construction Dust Emissions

Construction dust could affect local air quality at various times during construction on unpaved right-of-ways. The dry, windy climate of the area during the summer months creates a high potential for dust generation when and if underlying soils are exposed to the atmosphere. Construction activities, particularly during site area preparation, would temporarily generate fugitive dust in the form of PM_{10} and $PM_{2.5}$. However, these activities are not expected as part of the construction of most of the proposed pedestrian improvements, as they would mainly occur on existing streets.

Consistent with BAAQMD's Basic Construction Measures, the proposed project would include the following Best Management Practices to be implemented by the construction contractor to reduce air pollutant emissions to avoid any significant impacts to local air quality:

1. All exposed surfaces (e.g., staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day.

2. All visible mud or dirt track-out onto adjacent public areas shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.

3. All vehicle speeds on unpaved areas shall be limited to 15 mph.

4. All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible and feasible after grading unless seeding or soil binders are used.

5. Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations [CCR]). Clear signage shall be provided for construction workers at all access points.

6. All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation.

7. A publicly visible sign shall be posted with the telephone number and person to contact at the City of Cupertino regarding dust complaints. This person shall respond and take corrective action within 48 hours. The Air District's phone number shall also be visible to ensure compliance with applicable regulations.

Additional measures are included to reduce localized construction equipment exhaust emissions:

1. All mobile diesel-powered off-road equipment larger than 50 horsepower and operating on any site for more than two days continuously shall meet U.S. EPA particulate matter emissions standards for Tier 2 engines or equivalent; and

2. All portable diesel-powered off-road equipment (e.g., air compressors) operating on any site for more than two days continuously shall meet U.S. EPA particulate matter emissions standards for Tier 4 engines or equivalent.

Note that the construction contractor can use other comparable measures to minimize construction period DPM emissions, upon approval by the City. Such measures may be the use of alternative powered equipment (e.g., LPG-powered lifts), alternative fuels (e.g., biofuels), added exhaust devices, or a combination of measures.

The BAAQMD basic and additional construction mitigation measures to reduce air pollutant and construction equipment exhaust emissions are included in the project to avoid and/or reduce any impacts to local air quality. **(Less Than Significant Impact)**

Construction TAC and $PM_{2.5}$ Health Risks

Construction equipment generates diesel exhaust, which is a known TAC. Diesel exhaust poses both a health and nuisance impact to nearby receptors. Given that the majority of the project would require minimal site excavation/grading, if at all, and construction of the project would be relatively brief, it is not expected that the project would generate construction TACs long enough to result in human health risks. **(Less Than Significant Impact)**

4.3.2.4 *Operational-Related Impacts from the Project*

The project is the implementation and construction of a series of pedestrian facility improvements and expansions throughout the City of Cupertino. Operational use of the improvements is expected to result in a decrease in automobile use and would, therefore, be considered a beneficial air quality impact. **(No Impact)**

4.3.2.5 *Odors*

The project does not propose a use that would generate objectionable odors. **(No Impact)**

4.3.3 Conclusion

Implementation of the proposed project would not result in significant air quality impacts. **(Less Than Significant Impact)**

4.4 BIOLOGICAL RESOURCES

4.4.1 Environmental Setting

4.4.1.1 *Regulatory Framework*

Special Status Species

Threatened and Endangered Species

State and federal "endangered species" legislation has provided California Department of Fish and Wildlife (CDFW) and the U.S. Fish and Wildlife Service (USFWS) with a mechanism for conserving and protecting plant and animal species of limited distribution and/or low or declining populations. Species listed as threatened or endangered under provisions of the state and federal Endangered Species Acts (ESAs), candidate species for such listing, state species of special concern, and some plants listed as endangered by the California Native Plant Society (CNPS) are collectively referred to as "species of special status."

Permits may be required from both the CDFW and USFWS if activities associated with a proposed project will result in the take of a listed species. To "take" a listed species, as defined by the State of California, is "to hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture or kill" said species (California Fish and Game Code, Section 86). "Take" is more broadly defined by the federal Endangered Species Act to include "harm" of a listed species (16 USC, Section 1532(19), 50 CFR, Section 17.3).

Migratory Birds

State and federal laws protect most bird species. The Federal Migratory Bird Treaty Act (FMBTA: 16 U.S.C., scc. 703, Supp. I, 1989) prohibits killing, possessing, or trading in migratory birds, except in accordance with regulations prescribed by the Secretary of the Interior. This act encompasses whole birds, parts of birds, and bird nests and eggs.

Birds of Prey

Birds of prey, such as owls and hawks, are protected in California under provisions of the State Fish and Game Code, Section 3503.5, (1992), which states that it is "unlawful to take, possess, or destroy any birds in the order Falconiformes or Strigiformes (birds of prey) or to take, possess, or destroy the nest or eggs of any such bird except as otherwise provided by this code or any regulation adopted pursuant thereto." Construction disturbance during the breeding season could result in the incidental loss of fertile eggs or nestlings, or otherwise lead to nest abandonment. Disturbance that causes nest abandonment and/or loss of reproductive effort is considered a "taking" by the CDFW.

4.4.1.2 *Existing Conditions*

The City of Cupertino is an urbanized area with a diversity of land uses. The majority of the project components would be built on existing right-of-ways that are adjacent to residential, commercial, industrial, parks, and open space uses. The pedestrian pathways adjacent to creeks (e.g. Regnart Creek) may require additional environmental review as specific improvement plans are finalized. Habitats in developed urban areas are relatively low in species diversity. Species that use this habitat

are urban and suburban adapted birds, such as rock dove, mourning dove, house sparrow, scrub jay, and starling.

4.4.2 Checklist and Discussion of Impacts

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
Would the project:					
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife (CDFW) or United States Fish and Wildlife Service (USFWS)?	☐	☐	☒	☐	1,2
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 CDFW or USFWS?	☐	☐	☒	☐	1,2
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	☐	☐	☐	☒	1,2
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, impede the use of native wildlife nursery sites?	☐	☐	☐	☒	1,2
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	☐	☐	☒	☐	1,2
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?	☐	☐	☐	☒	1,2

4.4.2.1 *Biological Resources Impacts*

Adopted Plans & Policies

The project is not located within an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan.

Impacts to Special-Status Species

Given that the majority of the project improvements would be constructed on existing right-of-ways that lack suitable habitat for many special-status animal species, the project is not anticipated to result in impacts to special-status plant and animal species. The proposed bicycle and pedestrian bridges with alignment adjacent to creeks, as described in the environmental review prepared for the Bicycle Transportation Plan, may require further environmental review as project design plans are finalized. **(Less Than Significant Impact)**

Impacts to Nesting Birds and Raptors

The majority of the project area is currently developed with impervious surfaces (i.e. streets, boulevards etc.). Project components not developed with impervious surfaces are along Regnart Creek, the UPRR right-of-way, the I-280 canal, and at potential bridge locations (see Table 3.2-1). Construction related activities associated with construction of the proposed pedestrian improvements may result in disturbance to nesting birds in trees within the project area.

Impact BIO-1: Construction activities associated with the proposed project could result in the loss of fertile eggs, nesting raptors or other migratory birds, or nest abandonment. **(Significant Impact)**

The following mitigation measures would be implemented during construction of the bridges and trails identified in Table 3.2-1 to avoid abandonment of raptor and other protected migratory birds nests. Impacts would be less than significant with the following mitigation measures:

Mitigation Measures:

MM BIO-1.1: Construction shall be scheduled to avoid the nesting season to the extent feasible. The nesting season for most birds, including most raptors in the San Francisco Bay area, extends from February through August.

MM BIO-1.2: A preconstruction nesting bird survey shall be completed by a qualified biologist prior to tree removal or any construction related activity that occurs during the breeding season (February 1 through August 31) to avoid potential impacts to nesting birds. Surveys shall be completed by a qualified biologist no more than 7 days prior to initiation of construction activities. Surveys shall include the project site, staging area, and areas within 500 feet surrounding the project site. If nesting bird activity is observed, the biologist in consultation with CDFW, will determine an adequate buffer zone and other minimization measures to ensure the nest will not be disturbed by project construction.

Implementation of MM BIO-1.1 and MM BIO-1.2 would reduce impacts to nesting raptors and migratory birds to a less than significant level. **(Less Than Significant with Mitigation Incorporated)**

Impacts to Trees

Construction of the proposed pedestrian improvements would primarily occur on existing right-of-ways, and would not result in the loss of trees as a result of implementation. For the shared pedestrian/bicycle facilities discussed in the environmental review for the Bicycle Transportation Plan that would result in the loss of trees and overlap with the proposed PTP, further environmental review may be required as project designs are finalized. Mitigation measures will be included in each project, consistent with the City of Cupertino's Tree Ordinance, as necessary, to reduce potential impacts to trees to a less than significant level. All other improvements included in the proposed project would have a less than significant impact to trees. **(Less Than Significant Impact)**

4.4.3 Conclusion

The project would not impact a local habitat conservation plan. Implementation of the proposed project would have a less than significant impact on riparian habitat, riparian species, migration corridors, and trees. **(Less Than Significant Impact with Mitigation Incorporated)**

4.5 CULTURAL RESOURCES

4.5.1 Environmental Setting

Cultural resources are evidence of past human occupation and activity and include both historical and archaeological resources. These resources may be located above ground, underground, or underwater and have significance in history, prehistory,[4] architecture or culture of the nation, State of California, or local or tribal communities. Cultural resources are generally identified in historic or cultural resources inventories maintained by the county or local cities or towns, and also on the California Register of Historical Resources (California Register) and the National Register of Historic Places (National Register).

Heritage trees are considered cultural resources in the City of Cupertino and are recognized as a cultural resource in the General Plan. As defined in the Protected Trees Ordinance (Section 14.18.020), a Heritage tree is any tree or grove of trees which, because of factors including, but not limited to, its historic value, unique quality, girth, height or species, has been found by the Planning Commission to have a special significance to the community.

Paleontological resources are fossils; the remains or traces of prehistoric life preserved in the geological record. They range from well-known and well publicized fossils (such as mammoth and dinosaur bones) to scientifically important fossils (such as paleobotanical remains, trace fossils, and microfossils). Potentially sensitive areas with fossil bearing sediments near the ground surface in areas of Santa Clara County are generally in or adjacent to foothill areas rather than the younger Holocene age deposits on the valley floor. Geologic units of the Holocene age are generally not considered sensitive for paleontological resources, because biological remains younger than 10,000 years are not usually considered fossils.

4.5.2 Checklist and Discussion of Impacts

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
Would the project:					
a) Cause a substantial adverse change in the significance of an historical resource as defined in CEQA Guidelines Section 15064.5?	☐	☐	☒	☐	1,2
b) Cause a substantial adverse change in the significance of an archaeological resource as defined in CEQA Guidelines Section 15064.5?	☐	☒	☐	☐	1
c) Directly or indirectly destroy a unique paleontological resource or site, or unique geologic feature?	☐	☐	☒	☐	1
d) Disturb any human remains, including those interred outside of dedicated cemeteries?	☐	☒	☐	☐	1

[4] Events of the past prior to written records are considered prehistory.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
Would the project:					
e) 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:					
1. 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	☐	☐	☒	☐	1,2
2. 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 Resources Code Section 5024.1. In applying this criteria, the significance of the resource to a California Native American tribe shall be considered.	☐	☐	☒	☐	1,2

4.5.2.2 *Prehistoric, Historic, Archaeological, and Paleontological Resources*

Construction of the proposed pedestrian improvements would primarily occur along paved right-of-ways and would not include the removal of or impacts to identified historical resources or a site recognized in the *Cupertino General Plan* (General Plan) as a Historic Site or Commemorative Site. Implementation of the project, therefore, would not impact historic resources in the City of Cupertino. **(Less Than Significant Impact)**

The majority of the project area is currently developed with impervious surfaces (i.e. streets, boulevards etc.). Project components not developed with impervious surfaces are along Regnart Creek, the UPRR right-of-way, and the I-280 canal, and at bridge locations. Construction related activities associated with building the proposed pedestrian/bicycle bridges or undercrossings may uncover, while highly unlikely, buried prehistoric or historic deposits which could provide information on prehistory or the history of this site, its inhabitants, and the role it played in the development of the City.

Impact CUL-1: Implementation of the larger project components (e.g. pedestrian bridges and undercrossings) included in the proposed project could result in significant impacts to buried cultural resources, if encountered. **(Significant Impact)**

Mitigation Measures: As a condition of approval, the proposed project shall implement the following mitigation measures to reduce impacts to cultural resources to a less than significant level:

MM CUL-1.1: In the event of the discovery of prehistoric or historic archaeological deposits, work shall be halted within 50 feet of the discovery and a qualified professional archaeologist (or paleontologist, as applicable) shall examine the find and make appropriate recommendations regarding the significance of the find and the appropriate mitigation. The recommendation shall be implemented and could include collection, recordation, and analysis of any significant cultural materials.

MM CUL-1.2: Pursuant to Section 7050.5 of the Health and Safety Code and Section 5097.94 of the Public Resources Code of the State of California:

- In the event of the discovery of human remains during construction, there shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent remains. The Santa Clara County Coroner shall be notified and shall make a determination as to whether the remains are Native American. If the Coroner determines that the remains are not subject to his authority, he shall notify the Native American Heritage Commission who shall attempt to identify descendants of the deceased Native American. If no satisfactory agreement can be reached as to the disposition of the remains pursuant to this State law, then the land owner shall re-inter the human remains and items associated with Native American burials on the property in a location not subject to further subsurface disturbance.

MM CUL-1.3: If cultural resources are encountered, a final report summarizing the discovery of cultural materials shall be submitted to the Director of Public Works prior to issuance of building permits. This report shall contain a description of the mitigation program that was implemented (e.g., monitoring and testing program), a list of the resources found, a summary of the resources analysis methodology and conclusion, and a description of the disposition/curation of the resources. The report shall verify completion of the mitigation program to the satisfaction of the Director Public Works.

The project area is located on the valley floor and most likely contains geologic units of Holocene age; therefore, it is highly unlikely that the project area contains any paleontological resources. **(Less Than Significant Impact)**

4.5.3 Conclusion

Implementation of the proposed project would not impact historic resources. Subsurface cultural resources could be encountered during construction on unpaved surfaces. Mitigation measures are included in the project to reduce impacts to a less than significant level. **(Less Than Significant Impact with Mitigation Incorporated)**

4.6 GEOLOGY AND SOILS

4.6.1 Environmental Setting

4.6.1.1 *Existing Conditions*

Geology and Soils

The City of Cupertino is located in the western portion of the Santa Clara Valley and lower portion of the Santa Cruz Mountain foothills. The Santa Clara Valley is located within the Coast Ranges geomorphic province of California; an area characterized by northwest-trending ridges and valleys, underlain by strongly deformed sedimentary and metamorphic rocks of the Franciscan Complex. Overlying these rocks are sediments deposited during recent geologic times. The Santa Clara Valley consists of a large structural basin containing alluvial deposits derived from the Diablo Range to the east and the Santa Cruz Mountains to the west. Valley sediments were deposited as a series of coalescing alluvial fans by streams that drain the adjacent mountains. These alluvial sediments make up the groundwater aquifers of the area. Soil types at the project site include clay, similar to other low-lying areas of the City. Soil on-site has a moderate to high potential for expansion.[5]

Seismicity and Seismic Hazards

The City of Cupertino is located within the San Francisco Bay Area, which is classified as Zone 4, the most seismically active zone in the United States. The Monta Vista and San Andreas Faults are south of the City.

Hazards associated with seismic activity along regional and local faults include fault rupture, ground shaking, liquefaction, differential settlement, landslides, and waves in bodies of water. The northeast portion of Cupertino along SR 85 is located within a fault rupture hazard zone.[6]

Liquefaction

Liquefaction is the result of seismic activity and is characterized as the transformation of loose water-saturated soils from a solid state to a liquid state after ground shaking. There are many variables that contribute to liquefaction, including the age of the soil, soil type, soil cohesion, soil density, and groundwater level.

The lands adjacent to Stevens Creek, Calabazas Creek, Saratoga Creek and San Tomas Aquino Creek are located within a designated State of California Liquefaction Hazard Zone and a Santa Clara County Liquefaction Hazard Zone. [7] The remainder of the City is not located in these zones.

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. There are no open faces within the project area.

[5] Natural Resources Conservation Service. Web Soil Survey. Accessed July 13, 2017. Available at: http://websoilsurvey.sc.egov.usda.gov/App/HomePage.htm
[6] Santa Clara County. *Geologic Hazard Zones.* October 26, 2012.
[7] Ibid.

Landsliding

Landslides occur when the stability of a slope changes from a stable to unstable condition. In general, steep slopes are less stable than more gently inclined ones. Landslides can also be triggered by seismic shaking. The project's geographic scope is not located within a State of California Landslide zone.[8] The City's General Plan also maps geologic and seismic hazards. The project area is primarily on the valley floor, an area with relatively low levels of landsliding hazards.

4.6.2 Checklist and Discussion of Impacts

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
Would the project:					
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:					
1. Rupture of a known earthquake fault, as described 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 (refer to Division of Mines and Geology Special Publication 42.)?	☐	☐	☒	☐	1,2,5
2. Strong seismic ground shaking?	☐	☐	☒	☐	1,2
3. Seismic-related ground failure, including liquefaction?	☐	☐	☒	☐	1,2,5
4. Landslides?	☐	☐	☒	☐	1
b) Result in substantial soil erosion or the loss of topsoil?	☐	☐	☒	☐	1,2
c) Be located on a geologic unit or soil that is unstable, or that will become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	☐	☐	☒	☐	1,2,5
d) Be located on expansive soil, as defined in Section 1802.3.2 of the California Building Code (2007), creating substantial risks to life or property?	☐	☐	☒	☐	1,2
e) 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?	☐	☐	☐	☒	1,2

[8] County of Santa Clara. Geologic Hazards Zones Map 26. Accessed July 13, 2017. Available at: http://www.sccgov.org/sites/planning/GIS/GeoHazardZones/Documents/GeohazardMapsATLAS2.pdf.

The project does not propose to construct improvements or facilities that would require the use of septic tanks or alternative waste water disposal systems; therefore, impacts related to the use of these systems are not applicable to the proposed project and not discussed further.

4.6.2.2 *Soils Impacts*

The proposed project improvements would not be exposed to substantial slope instability, erosion, or landslide-related hazards due to the flat topography of the project area. Soils within the project area, however, have a moderate to high expansion potential. The presence of expansive soil could damage future pedestrian improvements unless avoided by incorporating appropriate engineering into grading designs. The project would not result in loss, injury, or death related to expansive soils. The project proposes to be designed and constructed in accordance with applicable standard practices in the California Building Code, as adopted by the City of Cupertino, to reduce expansive soil impacts to a less than significant level. **(Less Than Significant Impact)**

4.6.2.3 *Seismic and Seismic-Related Impacts*

The project is located in a seismically active region and would therefore, experience strong ground shaking during the lifetime of the proposed project components. While no active faults are known to cross the project area and the site does not lie within an Alquist-Priolo zone, ground shaking due to an earthquake could damage the proposed pedestrian facilities. Project components in liquefaction hazard zones would be constructed to reduce geologic hazard impacts to a less than significant level. Incorporation of standard construction measures in conformance with City policies would reduce seismic hazards and impacts to a less than significant level. **(Less Than Significant Impact)**

4.6.3 Conclusion

The project would result in less than significant seismic shaking, soil erosion, expansive soil, and other geologic impacts. **(Less Than Significant Impact)**

4.7 GREENHOUSE GAS EMISSIONS

4.7.1 Environmental Setting

Unlike emissions of criteria and toxic air pollutants, which are discussed in *Section 4.3 Air Quality* and have local or regional impacts, emissions of greenhouse gases have a broader, global impact. Global warming associated with the "greenhouse effect" is a process where greenhouse gases accumulating in the atmosphere contribute to an increase in the temperature of the earth's atmosphere over time. The principle greenhouse gases contributing to global warming and associated climate change are carbon dioxide (CO_2), methane (CH_4), nitrous oxide (N_2O), and fluorinated compounds. Greenhouse gas emissions contributing to global climate change are attributable in large part to human activities associated with the transportation, industrial/manufacturing, utility, residential, commercial, and agricultural sectors.

4.7.1.1 *Regulatory Framework*

State of California

AB 32 and Related Executive Orders and Regulations

The Global Warming Solutions Act (also known as "Assembly Bill (AB) 32") sets the State of California's 2020 greenhouse gas emissions reduction goal into law. The Act requires that the greenhouse gas emissions in California be reduced to 1990 levels by 2020. Prior to adoption of AB 32, the Governor of California also signed Executive Order S-3-05 which identified CalEPA as the lead coordinating State agency for establishing climate change emission reduction targets in California. Under Executive Order S-3-05, the state plans to reduce greenhouse gas emissions to 80 percent below 1990 levels by 2050. Additional state law and regulations related to the reduction of greenhouse gas emissions includes SB 375, the Sustainable Communities and Climate Protection Act (see discussion below), the State's Renewables Portfolio Standard for Energy Standard (Senate Bill 2X) and fleet-wide passenger car standards (Pavley Regulations).

In December 2008, the CARB approved the Climate Change Scoping Plan, which proposes a comprehensive set of actions designed to reduce California's dependence on oil, diversify energy sources, save energy, and enhance public health, among other goals. Per AB 32, the Scoping Plan must be updated every five years to evaluate the mix of AB 32 policies to ensure that California is on track to achieve the 2020 greenhouse gas reduction goal. On May 22, 2014, the First Update to the Scoping Plan was approved by the CARB. The First Update identifies opportunities to leverage existing and new funds to further reduce greenhouse gas emissions through strategic planning and targeted low carbon investments. In addition, the First Update defines climate change priorities for CARB for the next five years and sets the groundwork to achieve long-term goals set forth in Executive Orders S-3-05 and B-16-2012.[9]

[9] California Air Resources Board. "First Update to AB 32 Scoping Plan." May 27, 2014. Accessed July 27, 2017. Available at: http://www.arb.ca.gov/cc/scopingplan/document/updatedscopingplan2013.htm

Regional and Local Plans

2017 Bay Area Clean Air Plan

BAAQMD and other agencies prepare clean air plans as required under the state and federal Clean Air Acts. The Bay Area 2017 Clean Air Plan (2017 CAP) focuses on two closely-related BAAQMD goals: protecting public health and protecting the climate. Consistent with the GHG reduction targets adopted by the state of California, the 2017 CAP lays the groundwork for BAAQMD's long-term effort to reduce Bay Area GHG emissions 40 percent below 1990 levels by 2030 and 80 percent below 1990 levels by 2050. The 2017 CAP includes a wide range of control measures designed to decrease emissions of methane and other "super-GHGs" that are potent climate pollutants in the near-term; and to decrease emissions of carbon dioxide by reducing fossil fuel combustion.

City of Cupertino General Plan

The Cupertino General Plan includes an Environmental Resources/Sustainability Section, with policies that call for energy efficiency, alternative transportation planning, and green building.

Cupertino Climate Action Plan

The City of Cupertino Climate Action Plan seeks to identify emission reduction strategies that are informed by the goals, values, and priorities of the community. The Climate Action Plan describes the City's current emissions inventory and establishes future reduction targets. In addition, community-wide reduction measures and actions that can be implemented to help achieve future emission targets are described in the Climate Action Plan.

4.7.1.2 *Existing Conditions*

The City of Cupertino is highly urbanized with a diversity of land uses. Greenhouse gas emissions within the City are mostly the result of vehicle trips to, from, and throughout the City. The existing pedestrian network consists of disjointed sidewalks, pathways, and crosswalks throughout the City and does not contribute to overall greenhouse gas emissions in the area.

4.7.2 Checklist and Discussion of Impacts

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
Would the project:					
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	☐	☐	☐	☒	1,2
b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	☐	☐	☒	☐	1,2

GHG emissions worldwide cumulatively contribute to the significant adverse environmental impacts of global climate change. No single land use project could generate sufficient GHG emissions on its own to noticeably change the global average temperature. The combination of GHG emissions from

past, present, and future projects in the City of Cupertino, the entire state of California, across the nation, and around the world, contribute cumulatively to the phenomenon of global climate change and its associated environmental impacts.

4.7.2.1 *Greenhouse Gas Emissions Threshold*

As discussed in CEQA Guidelines Section 15064(b), the determination of whether a project may have a significant effect on the environment calls for careful judgment on the part of the Lead Agency and must be based to the extent possible on scientific and factual data. The first checklist question is assessed using quantitative thresholds for GHG emissions identified by BAAQMD in 2009. Using a methodology that models how new land use development in the San Francisco Bay area can meet Statewide AB 32 GHG reduction goals, BAAQMD identified a significance threshold of 1,100 metric tons of CO_2e per year.[10]

The City has carefully considered the thresholds prepared by BAAQMD and regards the quantitative thresholds to be based on the best information available for development in the San Francisco Bay Area Air Basin. Evidence supporting these thresholds has been presented in the following documents:

- BAAQMD. 2009. *CEQA Thresholds Options and Justification Report*.
- BAAQMD. 2011. *California Environmental Quality Act Air Quality Guidelines.* (Appendix D).
- CARB. 2008. Climate Change Scoping Plan. (Statewide GHG Emission Targets)

BAAQMD has not identified a threshold of significance for construction-related GHG emissions.

4.7.2.2 *Greenhouse Gas Emission Impacts from the Project*

The project is the implementation of a series of pedestrian network improvements that would facilitate a reduction in vehicle use by providing safer, alternative transportation routes throughout the City. The project, therefore, would not release or contribute to greenhouse gas emissions and is considered a beneficial impact to the environment. **(No Impact)**

4.7.2.3 *Consistency with Adopted Plans and Policies*

As discussed in *Section 4.7.1.2*, the State of California has adopted the Scoping Plan. Greenhouse gas emissions are also addressed in the City of Cupertino Climate Action Plan.

The nature of the project is such that these measures are not relevant to project operations and, therefore, cannot be implemented.

[10] In addition to this bright-line threshold, an "efficiency" threshold was identified for urban high density, transit-oriented development projects that are intended to reduce vehicle trips but that may still result in overall emissions greater than 1,100 metric tons per year. This efficiency threshold is 4.6 metric tons of CO_2e per service population (e.g., residents and employees) per year.

Sustainable Communities Strategy

Plan Bay Area, which includes a Sustainable Communities Strategy that links transportation and land use planning, grew out of California's 2008 Senate Bill 375 (Steinberg), which requires each of the state's 18 metropolitan areas to reduce greenhouse gas emissions from cars and light trucks. Plan Bay Area promotes compact, mixed-use commercial and residential development focused in Priority Development Areas that is walkable and bikeable and close to mass transit, jobs, schools, shopping, parks, recreation, and other amenities.

The project is the implementation of a series of pedestrian network improvements that would enable resident to utilize non-automobile transit routes, thus reducing greenhouse gas emissions. The project is, therefore, compliant with and contributing to achieving the Sustainable Communities Strategy.

Cupertino Climate Action Plan

The proposed project is the implementation of the PTP, which would reduce long-term emissions, consistent with the CAP.

The project would not conflict with plans, policies, or regulations for reducing greenhouse gas emissions adopted by the California legislature, CARB, BAAQMD, or City of Cupertino. **(Less Than Significant Impact)**

4.7.3 Conclusion

Implementation of the proposed project would not result in significant greenhouse gas emission impacts, would be consistent with adopted plans and policies related to the reduction of greenhouse gas emissions, and would be considered a beneficial impact. **(Less Than Significant Impact)**

4.8 HAZARDS AND HAZARDOUS MATERIALS

4.8.1 Environmental Setting

Hazardous materials encompass a wide range of substances, some of which are naturally-occurring and some of which are man-made. Examples include motor oil and fuel, metals (e.g., lead, mercury, and arsenic), asbestos, pesticides, herbicides, and chemical compounds used in manufacturing and other uses. A substance may be considered hazardous if, due to its chemical and/or physical properties, it poses a substantial hazard when it is improperly treated, stored, transported, disposed of, or released into the atmosphere in the event of an accident. Determining if such substances are present on or near project sites is important because exposure to hazardous materials above regulatory thresholds can result in adverse health effects on humans.

4.8.1.1 *Regulatory Framework*

Hazardous waste generators and users in the City are required to comply with regulations enforced by several federal, state, and county agencies. The regulations are designed to reduce the risk associated with human exposure to hazardous materials and minimize adverse environmental effects. The Santa Clara County Fire Department coordinates with the County's Hazardous Materials Compliance Division to implement the Santa Clara County Hazardous Materials Management Plan and to ensure that commercial and residential activities involving classified hazardous substances are properly handled, contained, and disposed.

4.8.1.2 *Existing Conditions*

Site Conditions

Known sources of historical hazardous materials contamination in Cupertino are mainly the result of leaking underground storage tanks. Within the project area, all known sources of hazardous materials contamination are currently in the process of remediation and/or statements of case closure for the incidents have been issued. There are no buildings within the areas of proposed project components.

4.8.2 Checklist and Discussion of Impacts

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
Would the project:					
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	☐	☐	☒	☐	1,2
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?	☐	☐	☒	☐	1,2

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
Would the project:					
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	☐	☐	☐	☒	1,2
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, will it create a significant hazard to the public or the environment?	☐	☐	☐	☒	1,2
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, will the project result in a safety hazard for people residing or working in the project area?	☐	☐	☐	☒	1,2
f) For a project within the vicinity of a private airstrip, will the project result in a safety hazard for people residing or working in the project area?	☐	☐	☐	☒	1,2
g) Impair implementation of, or physically interfere with, an adopted emergency response plan or emergency evacuation plan?	☐	☐	☐	☒	1,2
h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?	☐	☐	☐	☒	1,2,8

4.8.3 Hazards and Hazardous Materials Impacts

As described above, leaking underground storage tanks have been identified in the project area but have received a case closed status or are in the process of remediation. Improvements to existing sidewalks or the construction of new sidewalks/interchanges and spot improvements along streets and boulevards would not require extensive grading, and it is unlikely that construction activities would expose workers to contaminated soils or groundwater. **(Less Than Significant Impact)**

The project does not include the routine transport, use, or disposal of hazardous materials or emissions and would therefore, not emit or handle hazardous materials within a quarter mile of schools in the project area. **(No Impact)**

The project area is not located within an airport land use plan, wildfire hazard zone, or in the vicinity of a private airstrip. Construction of the proposed project would not interfere with an adopted emergency response plan or emergency evacuation plan. For these reasons, implementation of the

proposed project would not result in significant hazardous material impacts related to these issues. **(No Impact)**

4.8.4 Conclusion

Implementation of the proposed project, in accordance with federal, state, and local laws and regulations, would not result in a significant hazardous materials impact. **(Less Than Significant Impact)**

4.9 HYDROLOGY AND WATER QUALITY

4.9.1 Environmental Setting

4.9.1.1 *Regulatory Framework*

National Flood Insurance Program

In 1968, Congress created the National Flood Insurance Program (NFIP) in response to the rising cost of taxpayer funded disaster relief for flood victims and the increasing amount of damage caused by floods. The NFIP makes federally-backed flood insurance available for communities that agree to adopt and enforce floodplain management ordinances to reduce future flood damage.

The Federal Emergency Management Agency (FEMA) manages the NFIP and creates Flood Insurance Rate Maps (FIRMs) that designate 100-year floodplain zones and delineate other flood hazard areas. A 100-year floodplain zone is the area that has a one in 100 (one percent) chance of being flooded in any one year based on historical data. As discussed in more detail in *Section 4.9.1.2* below, some of the project components are located within a 100-year flood zone.

Water Quality (Nonpoint Source Pollution Program)

The federal Clean Water Act and California's Porter-Cologne Water Quality Control Act are the primary laws related to water quality. Regulations set forth by the U.S. Environmental Protection Agency (USEPA) and the State Water Resources Control Board have been developed to fulfill the requirements of this legislation. USEPA's regulations include the National Pollutant Discharge Elimination System (NPDES) permit program, which controls sources that discharge pollutants into the waters of the United States (e.g., streams, lakes, bays, etc.). These regulations are implemented at the regional level by the water quality control boards, which for the Cupertino area is the San Francisco Regional Water Quality Control Board (RWQCB).

Statewide Construction General Permit

The State Water Resources Control Board has implemented a NPDES General Construction Permit for the State of California. For projects disturbing one acre or more of soil, a Notice of Intent (NOI) and Storm Water Pollution Prevention Plan (SWPPP) must be prepared prior to commencement of construction.

Municipal Regional Stormwater NPDES Permit (MRP)/C.3 Requirements

The San Francisco Bay RWQCB also has issued a Municipal Regional Stormwater NPDES Permit (Permit Number CAS612008) (MRP). In an effort to standardize stormwater management requirements throughout the region, this permit replaces the formerly separate countywide municipal stormwater permits with a regional permit for 77 Bay Area municipalities, including the City of Cupertino. Under provisions of the NPDES Municipal Permit, redevelopment projects that add and/or replace more than 10,000 square feet of impervious surface, or 5,000 square feet of uncovered parking area, are required to design and construct stormwater treatment controls to treat post-construction stormwater runoff. Amendments to the MRP require all of the post-construction runoff to be treated by using Low Impact Development (LID) treatment controls, such as infiltration, evaporation, harvesting, or biotreatment facilities, where feasible.

The MRP also identifies subwatershed and catchment areas subject to hydromodification management controls. Projects that add or replace one acre of impervious surfaces are subject to the hydromodification standard and associated requirements in the MRP.[11]

City of Cupertino Municipal Code

Chapter 16.52 *Prevention of Flood Damage* of the City of Cupertino Municipal Code governs construction in Special Flood Hazard Areas (Zone A, AO, or A1-30 on FIRM maps) having special flood or flood-related erosion hazards. Under this regulation, the Director of Public Works reviews all development permits to determine that the permit requirements of this chapter have been satisfied.

Chapter 9.18 *Stormwater Pollution Prevention and Watershed Protection* of the City of Cupertino Municipal Code outlines the City's minimum requirements designed to control the discharge of pollutants into the City of Cupertino's storm drain system and to assure that discharges from the City of Cupertino storm drain system comply with applicable provisions of the Federal Clean Water Act and NPDES Permit.

4.9.1.2 *Existing Conditions*

Hydrology and Drainage

The project area is located within the West Valley Watershed. Each watershed is made up of one or more main creeks, as well as many smaller tributaries, each with its own sub-watershed. Creeks in the West Valley Watershed include portions of the Sunnyvale East Channel and Calabazas Creek, and Regnart Creek.[12] Watershed elements include not only these tributaries but groundwater. Cupertino is located within the Santa Clara Valley Groundwater Basin and includes the McClellan groundwater recharge facility.

The proposed pedestrian facility and spot improvements would be constructed on existing impervious surfaces (e.g. streets and boulevards). Runoff from the project area would connect with existing storm drains in streets which would drain into Regnart Creek and San Tomas Aquino Creek, which eventually drains into San Francisco Bay.

Groundwater

The project area is located in the Santa Clara Valley Groundwater Basin between the Diablo Mountains to the east and the Santa Cruz Mountains to the west. The City of Cupertino is located in the Santa Clara Plain Groundwater Recharge Area.[13] Groundwater in the project area varies depending on location in the City. Fluctuations in the level of subsurface water can occur due to variations in rainfall, temperature, and other factors.

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[11] Santa Clara Valley Urban Runoff Pollution Prevention Program. *Hydromodification Management (HM) Applicability Map City of Cupertino.* November 2010. Accessed July 14, 2017. Available at: http://www.scvurppp-w2k.com/HMP_app_maps/Cupertino_HMP_Map.pdf

[12] Santa Clara Valley Water District. "West Valley Watershed." Accessed July 14, 2017. Available at: http://www.valleywater.org/uploadedImages/Services/HealthyCreeksEcoSystems/WatershedInformation/WestValley/WestValley2005Mapxl.jpg?n=1070 aspx.

[13] Santa Clara Valley Water District. 2012 Groundwater Management Plan.

Water Quality

The water quality of streams, creeks, ponds, and other surface water bodies can be greatly affected by pollution carried in contaminated surface runoff. Pollutants from unidentified sources, known as non-point source pollutants, are washed from streets, construction sites, parking lots, and other exposed surfaces into storm drains. The runoff often contains contaminants such as oil, grease, plant and animal debris (e.g., leaves, dust, animal feces, etc.), pesticides, litter, and heavy metals. In sufficient concentration, these pollutants have been found to adversely affect the aquatic habitat of natural waterways such as Regnart Creek, which drains into Calabazas Creek and eventually into San Francisco Bay.

Flooding and Other Inundation Hazards

According to the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (FIRM), the majority of the City of Cupertino is located within the FEMA Flood Zone, X500. X500 Zones are areas of 500-year flood with average depths of less than 1 foot and an area inundated by 0.2% annual chance of flooding. The portions of Cupertino located within FEMA Zone A are adjacent to Calabazas Creek and Stevens Creek.[14] Areas within Zone A have a 1% annual chance of flooding. Central Cupertino is located within FEMA Flood Zone X, which are moderate risk areas within the 0.2-percent-annual-chance floodplain, areas of 1-percent-annual-chance flooding where average depths are less than 1 foot, areas of 1-percent-annual-chance flooding where the contributing drainage area is less than 1 square mile, and areas protected from the 1-percent-annual-chance flood by a levee.

The project area is not subject to flooding due to seiches or tsunamis.[15] In the event of a Stevens Creek Dam failure, sections of Cupertino would be subject to dam inundation.[16]

[14] Federal Emergency Management Agency, *Flood Insurance Rate Map, Santa Clara County, California*, Community-Panel Number 06085C0209H, May 18, 2009.
[15] Association of Bay Area Governments. *Interactive Flooding Map*. Accessed April 13, 2016. Available at: http://gis.abag.ca.gov/website/Hazards/?hlyr=femaZones
[16] City of Cupertino. *A Resolution of the City Council of the City of Cupertino Approving the Join Stevens Creek Dam Failure Plan.* October, 16, 2012. Accessed July 17, 2017. Available at: http://www.cupertino.org/index.aspx?page=1210.

4.9.2 Checklist and Discussion of Impacts

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
Would the project:					
a) Violate any water quality standards or waste discharge requirements?	☐	☐	☒	☐	1,2
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there will be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells will drop to a level which will not support existing land uses or planned uses for which permits have been granted)?	☐	☐	☐	☒	1,2
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which will result in substantial erosion or siltation on-or off-site?	☐	☐	☒	☐	1,2
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which will result in flooding on-or off-site?	☐	☐	☒	☐	1,2
e) Create or contribute runoff water which will exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?	☐	☐	☒	☐	1,2
f) Otherwise substantially degrade water quality?	☐	☐	☐	☒	1,2
g) Place housing within a 100-year flood hazard area as mapped on a Federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?	☐	☐	☐	☒	1,2
h) Place within a 100-year flood hazard area structures which will impede or redirect flood flows?	☐	☐	☐	☒	1,2,9
i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?	☐	☐	☒	☐	1,2,5
j) Inundation by seiche, tsunami, or mudflow?	☐	☐	☐	☒	1,2

4.9.2.1 *Hydrology and Drainage Impacts*

The majority of the project area is currently developed with impervious surfaces (i.e. streets, boulevards etc.). Project components not developed with impervious surfaces are along Regnart Creek, the UPRR right-of-way, the I-280 canal, and at bridge locations. Construction related activities associated with building the proposed pedestrian/bicycle bridges and undercrossings are a more likely source of substantial drainage impacts which may result in stormwater pollution associated with erosion and sedimentation. As stated previously, these project components may be required to undergo a separate, more extensive environmental review as design plans are finalized. Runoff generated by the project would flow into existing storm drains or be treated using LID stormwater controls where appropriate. The project would, therefore, not alter the existing drainage pattern of the area. **(Less Than Significant Impact)**

4.9.2.2 *Groundwater*

Except for possibly the proposed undercrossings, construction of project components in unpaved areas is not expected to excavate soils to levels that would reach groundwater. As stated previously, these project components may be required to undergo a separate, more extensive environmental review as design plans are finalized. Implementation of the proposed project would, therefore, not substantially deplete groundwater resources or interfere with groundwater recharge. **(Less Than Significant Impact)**

4.9.2.3 *Water Quality Impacts*

Construction-Related Impacts

The majority of the project is planned for implementation on existing paved right-of-ways. Project improvements on undeveloped land would require minimal grading, if at all. It is not anticipated that these improvements would generate construction-related pollutants that would adversely impact water quality. For the larger projects included in the PTP, including bicycle/pedestrian bridges and undercrossings, may require further environmental review prior to implementation to determine extent of water quality impacts. Implementation of the following standard measures during installation of the remaining projects would ensure that construction-related impacts to water quality would be reduced to a less than significant level.

In conformance with the City of Cupertino's Municipal Code Chapter 9.18, the project includes the following standard measures:

- The project shall implement construction BMPs to avoid impacts to surface water quality during construction, to the satisfaction of the Director of Public Works. Construction BMPs would include, but would not be limited to the following measures:

  - Preclude non-stormwater discharges to the stormwater system.
  - Incorporate site-specific Best Management Practices for erosion and sediment control during the construction period consistent with the NPDES permit.
  - Cover soil, equipment, and supplies that could contribute to non-visible pollution prior to rainfall events or monitor runoff.

- Perform monitoring of discharges to the stormwater system to ensure that stormwater runoff during construction is contained prior to discharge to allow sediment to settle out and filtered, if necessary to ensure that only clear water is discharged to the storm system.

Post-Construction Measures

In conformance with the City of Cupertino's Municipal Code Chapter 9.18, the project includes the following standard measures; if applicable:

- To protect groundwater from pollutant loading of urban runoff, BMPs which are primarily infiltration devices (such as infiltration trenches and infiltration basins) must meet, at a minimum, the following conditions:

  - Pollution prevention and source control BMPs shall be implemented to protect groundwater;
  - Use of infiltration BMPs cannot cause or contribute to degradation of groundwater;
  - Infiltration BMPs must be adequately maintained;
  - Vertical distance from the base of any infiltration device to the seasonal high groundwater mark must be at least 10 feet. In areas of highly porous soils and/or high groundwater table, BMPs shall be subject to a higher level of analysis (considering potential for pollutants such as on-site chemical use, level of pretreatment, similar factors); and

- Best Management Practices (BMPs) shall be selected and designed to the satisfaction of the Director of Public Works in accordance with the requirements contained in the most recent versions of the following documents:

  - City of Cupertino Post-Construction BMP Section Matrix;
  - SCVURPPP "Guidance for Implementing Storm Water Regulations for New and Redevelopment Projects;"
  - NPDES Municipal Stormwater Discharge Permit issued to the City of Cupertino by the California Regional Water Quality Control Board, San Francisco Bay Region;
  - California BMP Handbooks;
  - Bay Area Stormwater Management Agencies Association (BASMAA) "Start at the Source" Design Guidance Manual;
  - BASMAA "Using Site Design Standards to Meet Development Standards for Stormwater Quality – A Companion Document to Start at the Source;" and
  - City of Cupertino Planning Procedures Performance Standard.

Implementation of standard measures would ensure that the project would not result in significant construction-related water quality impacts. **(Less Than Significant Impact)**

Post-Construction Impacts

The project itself would not generate pollution from project operations since once it is constructed, there would be not be ongoing operations. The project itself would not create or contribute runoff since it would be maintaining similar imperviousness as existing conditions. Pollution from project

operations, if at all would be generated from pedestrians using the facilities. Implementation of standards measures, as discussed above, would ensure that the project would not result in significant post-construction water quality impacts. **(Less Than Significant Impact)**

4.9.2.4 *Flood Impacts and Other Inundation Hazards*

As discussed previously, the portions of the project area is within the 100-year, or one percent flood zone. The project does not propose to build housing and would not result in the relocation of housing elsewhere. The project, therefore, would not place housing within a 100-year flood hazard area or would impede or redirect flood flows within a 100-year flood hazard area.

The project is located in parts of Cupertino that are subject to inundation in the event of a complete failure of the Stevens Creek Dam. The facilities included in the proposed project would be subject to flooding in the event of dam failure; however, they do not increase the potential for this failure to occur. Pedestrians utilizing the facilities would not be at greater risk from the effects of dam failure when compared to other citizens of the City. Implementation of the project would not expose additional residents to a significant risk of loss, injury or death as a result of dam failure. **(Less Than Significant Impact)**

The project is not located in an area of projected sea level rise, earthquake-induced waves or mudflows. **(Less Than Significant Impact)**

4.9.3 Conclusion

Implementation of the proposed project would not result in significant hydrology or water quality impacts. **(Less Than Significant Impact)**

4.10 LAND USE AND PLANNING

4.10.1 Environmental Setting

The proposed project is the implementation of the City of Cupertino's PTP. Proposed project components are planned throughout the City of Cupertino along existing public streets, boulevards, along the I-280 canal, UPRR tracks, and Regnart Creek, as listed in Table 3.0-1 and 3.0-2. The pedestrian facilities and spot improvements are planned on existing right-of-ways and along existing maintenance roads adjacent to I-280, the UPRR tracks, and Regnart Creek.

The proposed project segments and spot improvements would be adjacent to a variety of land uses, including residential, commercial/retail, institutions, office, schools, and parks.

4.10.1.1 *Regulatory Framework*

General Plan and Zoning Ordinance

The majority of the planned improvements are located within existing City of Cupertino public roadways designated as right-of-way in the General Plan and zoning ordinance.

Other Public Agencies

Planned pedestrian facilities could be located within the right-of-ways of the Santa Clara Valley Water District (near creeks), Caltrans (all highway facilities), and California Public Utilities Commission lands (UPRR tracks).

4.10.2 Checklist and Discussion of Impacts

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
Would the project:					
a) Physically divide an established community?	☐	☐	☐	☒	1,2
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	☐	☐	☐	☒	1,2
c) Conflict with any applicable habitat conservation plan or natural community conservation plan?	☐	☐	☐	☒	1,2

4.10.2.1 *Consistency with General Plan and Zoning Ordinances*

The proposed pedestrian network would be within existing Cupertino street right-of-ways and adjacent primarily to residential and commercial/retail uses. Streets and boulevards proposed for pedestrian facilities are not subject to zoning regulations by the City of Cupertino since streets and

boulevards are considered public right-of-ways. The project is, therefore, consistent with the General Plan land use and zoning designations within the project area.

Pedestrian facilities proposed within the Santa Clara Valley Water District, Caltrans, and California Public Utilities Commission right-of-ways have not yet been designed, however, it is anticipated that the facilities would be designed consistent with the plans, policies, and requirements of those agencies. **(No Impact)**

4.10.2.2 *Land Use Compatibility*

The majority of the proposed pedestrian network would be constructed within existing City streets. The proposed sidewalk, traffic calming, intersection, and other improvements would not create a barrier to development or physically divide a community. In fact, those facilities would serve to better connect areas of the City that have limited pedestrian access. The project is not located within a habitat conservation plan or natural community conservation plan area. **(No Impact)**

4.10.3 Conclusion

Implementation of the proposed project would not result in a significant land use impact. **(No Impact)**

4.11 MINERAL RESOURCES

4.11.1 Environmental Setting

Mineral resources found and extracted in Santa Clara County include construction aggregate deposits such as sand, gravel, and crushed stone. There are several areas in the City of Cupertino that are designated by the State Mining and Geology Board under the Surface Mining and Reclamation Act of 1975 (SMARA) as containing mineral deposits which are of regional significance; however, the General Plan indicates that these areas are either depleted or unavailable due to existing development. The project area is not within one of the areas of Cupertino designated as containing mineral deposits of importance.

4.11.2 Checklist and Discussion of Impacts

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
Would the project:					
a) Result in the loss of availability of a known mineral resource that will be of value to the region and the residents of the state?	☐	☐	☐	☒	1,2
b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	☐	☐	☐	☒	1,2

4.11.2.1 *Mineral Resources Impact*

As the mineral resources in Cupertino are either depleted or inaccessible, implementation of the proposed project would not result in the loss of available mineral resources. **(No Impact)**

4.11.3 Conclusion

Implementation of the proposed project would not result in the loss of availability of a known mineral resources. **(No Impact)**

4.12 NOISE AND VIBRATION

4.12.1 Environmental Setting

Noise

Noise is defined as unwanted sound. Noise can be disturbing or annoying because of its pitch or loudness. Pitch refers to relative frequency of vibrations; higher pitch signals sound louder to people.

A decibel (dB) is measured based on the relative amplitude of a sound. Ten on the decibel scale marks the lowest sound level that a healthy, unimpaired human ear can detect. Sound levels in decibels are calculated on a logarithmic basis such that each 10 decibel increase is perceived as a doubling of loudness. The California A-weighted sound level, or dBA, gives greater weight to sounds to which the human ear is most sensitive.

Sensitivity to noise increases during the evening and at night because excessive noise interferes with the ability to sleep. Twenty-four hour descriptors have been developed that emphasize quiet-time noise events. The Day/Night Average Sound Level, L_{dn}, is a measure of the cumulative noise exposure in a community. It includes a 10 dB addition or "penalty" to noise levels from 10:00 PM to 7:00 AM to account for human sensitivity to night noise.

4.12.1.1 *Regulatory Framework*

City of Cupertino General Plan

The General Plan provides a policy framework for guiding future land use and urban design decisions and contains a system of control and abatement measures to protect residents from exposure to excessive or unacceptable noise levels.

Municipal Code

The City of Cupertino regulates noise within the community in Chapter 10.48 (Community Noise Control) of the Municipal Code.

4.12.1.2 *Existing Conditions*

The majority of the planned pedestrian network is on existing streets and boulevards that are dominated by vehicular noise on these roadways.

The project area is not located within two miles of an airport or private airstrip, or within an airport land use plan area.

4.12.2 Checklist and Discussion of Impacts

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
Would the project result in:					
a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	☐	☐	☒	☐	1-3
b) Exposure of persons to, or generation of, excessive groundborne vibration or groundborne noise levels?	☐	☐	☐	☒	1-3
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	☐	☐	☐	☒	1,2
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	☐	☐	☒	☐	1,2
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, will the project expose people residing or working in the project area to excessive noise levels?	☐	☐	☐	☒	1,2
f) For a project within the vicinity of a private airstrip, will the project expose people residing or working in the project area to excessive noise levels?	☐	☐	☐	☒	1,2

CEQA does not define what noise level increase would be considered substantial. Typically, project-generated noise level increases of three dBA CNEL or greater would be considered significant where exterior noise levels would exceed the normally acceptable noise level standard. Where noise levels would remain at or below the normally acceptable noise level standard with the project, noise level increases of three dBA CNEL or greater would be considered significant.

4.12.2.1 *Noise and Vibration Impacts from the Project*

Future project noise would result from pedestrian facility users. It is expected that noise within the project area, however, would be primarily from normal vehicular traffic on streets and boulevards which would dominate most, if not all, noise generated from pedestrians using the network. City parks, open space, and creek areas have lower noise levels; however, these areas are urban in nature and the introduction of trail users would result in a nominal increase in noise levels to sensitive receptors and wildlife. Noise from project operation would not substantially increase ambient noise levels in the project area. Implementation of the proposed project is not anticipated to result in a significant noise impact. **(Less Than Significant Impact)**

Noise impacts to pedestrian users along City streets and boulevards and over state highway facilities would be similar to those currently experienced by bicyclists and pedestrians traveling in the City. The construction of pedestrian facilities could serve to move pedestrians away from roadway traffic, thus potentially reducing noise levels. **(Less Than Significant Impact)**

Construction activities can generate high noise levels, especially during the construction of project infrastructure when heavy equipment is used. Since the majority of the proposed pedestrian network spot improvements involve sidewalk extensions and crosswalks, the use of heavy equipment would not be expected for future project construction. For the larger, more extensive projects included in the proposed project (e.g. UPRR, I-280 canal, Regnart Creek, pedestrian/bicycle bridges, and undercrossings), further environmental review may be required to determine the extent of noise impacts, however, the use of construction equipment would be subject to the City's noise ordinance which would reduce impacts to a less than significant level. **(Less Than Significant Impact)**

As stated in *Section 4.10 Land Use,* the project area is not located within an airport land use plan or within the vicinity of a private airstrip. The project would, therefore, not expose people in such areas to excessive noise levels. **(No Impact)**

4.12.3 Conclusion

The project would result in less than significant operational and construction noise, vibration, and air traffic impacts. **(Less Than Significant Impact)**

4.13 POPULATION AND HOUSING

4.13.1 Environmental Setting

The proposed project is the expansion and improvement of the existing pedestrian network within Cupertino. The project does not propose the construction of housing.

4.13.2 Checklist and Discussion of Impacts

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
Would the project:					
a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	☐	☐	☐	☒	1
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	☐	☐	☐	☒	1
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	☐	☐	☐	☒	1

4.13.2.1 *Growth Inducement Impacts*

The project area is located within the City of Cupertino. The project does not propose the construction of new homes or businesses, and would not construct utilities or infrastructure beyond what is required to serve the project. The project is intended to better serve and accommodate the existing Cupertino residents and visitors, and would not induce unplanned growth in the City. **(No Impact)**

4.13.2.2 *Housing Displacement Impacts*

Pedestrian facilities would be constructed on existing right-of-ways and would not result in the removal of existing housing or structures. The project would not, therefore, displace people or housing. **(No Impact)**

4.13.3 Conclusion

Implementation of the proposed project would not result in growth inducement or impacts to the existing housing supply. **(No Impact)**

4.14 PUBLIC SERVICES

4.14.1 Environmental Setting

The project is located throughout the City of Cupertino. Fire, police and emergency services are provided by the City. The pedestrian network would be expanded within existing developed areas, which includes parks and schools.

4.14.2 Checklist and Discussion of Impacts

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
Would the project					
a) Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, 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:					
- Fire Protection?	☐	☐	☒	☐	1,2
- Police Protection?	☐	☐	☒	☐	1,2
- Schools?	☐	☐	☐	☒	1,2
- Parks?	☐	☐	☐	☒	1,2
- Other Public Facilities?	☐	☐	☐	☒	1,2

4.14.2.1 *Impacts to Fire and Police Protection Services*

The project area is located within an urbanized area of Cupertino that is currently served by the Santa Clara County Fire Department and Santa Clara County's Sheriff's Office. The introduction of more individuals along the proposed pedestrian network may result in increase for service within the area, however, the reported incidents would be similar to those already occurring on existing roadways and at neighborhood parks in the City. Increased pedestrian presence on pedestrian facilities throughout the City may result in an increase in need for police protection services, however, the increase would not be to a point where new police and fire facilities would be need to be constructed. **(Less Than Significant Impact)**

4.14.2.2 *Impacts to Schools, Parks, and Other Public Facilities*

Project implementation may increase use of community parks and amenities due to improved access to such facilities. It is not anticipated that the increase in use would exceed the capacity of existing facilities such that new facilities would need to be constructed; therefore, the project would not result in a significant impact to schools, parks, or other public facilities. **(Less Than Significant Impact)**

4.14.3 Conclusion

The project could result in a slight increase in demand for emergency services within the project area, however, the increase would not exceed the capacity for the City of Cupertino to provide services to its residents and visitors. The project would provide additional recreational opportunities by improving access to parks, schools, and community amenities. The project, therefore, would not result in significant impacts to public services. **(Less Than Significant Impact)**

4.15 RECREATION

4.15.1 Environmental Setting

The Department of Recreation and Community Services is responsible for park planning and development, and a comprehensive leisure program for the City. The City of Cupertino is served by approximately 214 acres of parkland, including neighborhood parks, community parks, and school playing fields. Leisure services facilities within the City include the Quinlan Community Center, Cupertino Sports Center, Monta Vista Recreation Center, Cupertino Senior Center, and Blackberry Farm.

4.15.2 Checklist and Discussion of Impacts

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
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 will occur or be accelerated?	☐	☐	☒	☐	1,2
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?	☐	☐	☒	☐	1,2

The project would improve and expand pedestrian facilities throughout the City to facilitate pedestrian movement, which may result in an increase in the use of parks and recreational facilities. The incremental increase in use of these parks and recreational facilities would not result in substantial or accelerated physical deterioration of these facilities. The project would not result in significant impacts to parks and recreational facilities. **(Less Than Significant Impact)**

4.15.3 Conclusion

Implementation of the proposed project would not result in an adverse impact to recreational resources in the City. **(Less Than Significant Impact)**

4.16 TRANSPORTATION/TRAFFIC

The list of planned project improvements to the pedestrian network are listed in Table 3.0-1 and 3.0-2 in *Section 3.0 Project Description* of this Initial Study.

4.16.1 Environmental Setting

4.16.1.1 *Regulatory Framework*

The following policies found in the Cupertino General Plan are applicable to the proposed project:

Policy M-2.1: **Street Design.** Adopt and maintain street design standards to optimize mobility for all transportation modes including automobiles, walking, bicycling and transit.

Policy M-2.2: **Adjacent Land Use.** Design roadway alignments, lane widths, medians, parking and bicycle lanes, crosswalks and sidewalks to complement adjacent land uses in keeping with the vision of the Planning Area.

Policy M-2.3: **Connectivity.** Promote pedestrian and bicycle improvements that improve connectivity between planning areas, neighborhoods and services, and foster a sense of community.

Policy M-2.6: **Traffic Calming.** Consider the implementation of best practices on streets to reduce speeds and make them user-friendly for alternative modes of transportation, including pedestrians and bicyclists.

Policy M-3.1: **Bicycle and Pedestrian Transportation Plan.** Adopt and maintain a Bicycle and Pedestrian Transportation Plan, which outlines policies and improvements to streets, extension of trails, and pathways to create a safe way for people of all ages to bike and walk on a daily basis.

Policy M-3.3: **Pedestrian and Bicycle Crossings.** Enhance pedestrian and bicycle crossings and pathways at key locations across physical barriers such as creeks, highways and road barriers.

4.16.1.2 *Existing Conditions*

Existing Transportation Network

Roadway Network

The existing roadway network in Cupertino is made up of major streets, boulevards, and neighborhood streets throughout the City. The main east/west streets include Stevens Creek Boulevard and McClellan Road. North/south streets include Tantau Avenue, Wolfe Road/Miller Avenue, Blaney Avenue, De Anza Boulevard, Stelling Road, Bubb Road, and Stevens Canyon Road/Foothill Boulevard. Interstate 280 generally forms the northern boundary of the City while SR-85 bisects it in a northwest to southeast direction.

Pedestrian and Bicycle Facilities

Pedestrian facilities are primarily comprised of sidewalks and pedestrian signals at intersections along most major streets throughout Cupertino.

The existing pedestrian facilities (i.e. sidewalks) are primarily along major streets and boulevards, and residential neighborhoods.

Transit Services

The Santa Clara Valley Transportation Authority bus routes circulate throughout Cupertino. Bus stops are located on major streets including Stevens Creek Boulevard, De Anza Boulevard, Stelling Road, Bollinger Road, Homestead Road, Wolfe Road, and Tantau Avenue.

4.16.1.3 *Existing Conditions*

The existing pedestrian network is primarily along major streets and boulevards, and residential neighborhoods throughout Cupertino. The network is largely disjointed and does not provide adequate connectivity among existing pedestrian facilities in the City.

4.16.2 Checklist and Discussion of Impacts

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
Would the project:					
a) Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?	☐	☐	☐	☒	1,2
b) Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?	☐	☐	☐	☒	1,2
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?	☐	☐	☐	☒	1,2

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
Would the project:					
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible land uses (e.g., farm equipment)?	☐	☐	☒	☐	1,2
e) Result in inadequate emergency access?	☐	☐	☐	☒	1,2
f) Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?	☐	☐	☐	☒	1,2

Impacts to Pedestrian, Bicycle, and Transit Facilities

The project is the implementation of the PTP that would improve and expand upon the existing pedestrian network throughout the City. The project would not result in an increase in vehicle trips since the intent of the project is for residents within the City to utilize the network for transportation.

Implementation of the planned improvements would not conflict with any policies of the City of Cupertino or other agencies (e.g. the Valley Transportation Authority) regarding pedestrian, bicycle, and transit facilities, nor would it interfere with any existing or planned facilities. The project is intended to improve the pedestrian network in the City and would, therefore, be considered a beneficial impact to pedestrian, bicycle, and transit facilities in the project area. **(No Impact)**

Air Traffic Patterns

The project area is not located within an airport land use plan or in the vicinity of a private airstrip. Project implementation would not impact local air traffic patterns. **(No Impact)**

Site Access and Hazards

The project would improve access on streets and boulevards within parks, near schools, and other community amenities throughout the City. It is not expected that the project would increase hazards to pedestrians because of improved sidewalks and signalization as part of the pedestrian network. Nonetheless, an improved pedestrian network would likely increase use of bikeways and thus inadvertently expose bikeway users to hazards from vehicular traffic. The increase in hazards to pedestrians would be reduced via implementation of improved markings and signalization at intersections. **(Less Than Significant Impact)**

4.16.3 Conclusion

Implementation of the proposed project would not result in significant transportation impacts. **(Less Than Significant Impact)**

4.17 UTILITIES AND SERVICE SYSTEMS

4.17.1 Environmental Setting

4.17.1.1 *Existing Conditions*

Water

Water service to the project area is supplied primarily by the San José Water Company (SJWC) and the California Water Service Company, which also maintains the water system. SJWC serves approximately 139 square miles of the Santa Clara Valley, including most of San José, most of Cupertino, the entire cities of Campbell, Monte Sereno, Saratoga, the Town of Los Gatos, and parts of unincorporated Santa Clara County. SJWC relies on groundwater, imported treated water, and local surface water for its potable water supply. In 2010, SJWC received approximately 39 percent of its water supply from groundwater, 50 percent from imported treated water, and 11 percent from local surface water.[17] In 2010, SJWC delivered 133,066 acre-feet of water per year (AFY) which is expected to increase to 159,479 AFY by 2035.

Storm Drainage

As discussed in *Section 4.9 Hydrology and Water Quality*, existing right-of-ways in the City drain into existing storm drains. Runoff from the project would depend on the specific location of the pedestrian facility and/or segment within the larger pedestrian network.

Wastewater/Sanitary Sewer System

The Cupertino Sanitary District (District) provides sanitary sewer service to the project area. The District collects and transports wastewater to the San José/Santa Clara Regional Wastewater Facility (RWF) located in north San José. The District purchases 7.85 million gallons per day of water treatment capacity from the RWF.[18] Approximately five million gallons of wastewater a day is generated within the District and conveyed to the RWF.[19]

Solid Waste

Garbage and recycling collection services in the City of Cupertino are provided by Recology. Solid waste collected from the City is delivered to Newby Island Sanitary Landfill.

[17] San José Water Company. *2010 Urban Water Management Plan.* April 2011.
[18] City of Milpitas. "Agreement for Treatment Plant Capacity Transfer". 2009. Accessed July 17, 2017. Available at: <http://www.ci.milpitas.ca.gov/_pdfs/council/2009/010609/item_17.pdf>
[19] Cupertino Sanitary District. 2015 Annual Report. 2015.

4.17.2 Checklist and Discussion of Impacts

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
Would the project:					
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	☐	☐	☐	☒	1
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	☐	☐	☐	☒	1
c) Require or result in the construction of new stormwater drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	☐	☐	☒	☐	1
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	☐	☐	☒	☐	1
e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	☐	☐	☐	☒	1
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	☐	☐	☐	☒	1

4.17.2.1 *Water Service and Supply*

The project would include minimal landscaping that would require water for maintenance, however, would otherwise not construct features that would require water or water services. The project, therefore, would not substantially increase water demand to the extent that new entitlements and sources of water would be required. **(Less Than Significant Impact)**

4.17.2.2 *Storm Drainage*

As discussed in *Section 4.9 Hydrology and Quality*, the project would be constructed to direct runoff towards existing storm drains or bioswales to treat stormwater runoff. The construction of bioswales for stormwater treatment would not result in adverse impacts to the existing storm drainage system. **(Less Than Significant Impact)**

4.17.2.3 *Wastewater/Sanitary Sewer System*

The project does not propose the construction of features that would require connection to the City's wastewater/sanitary sewer system and therefore, would not exceed wastewater requirements. **(No Impact)**

4.17.2.4 *Solid Waste*

The project does not propose the construction of features that would need to be served by solid waste facilities. **(No Impact)**

4.17.3 Conclusion

Implementation of the proposed project would not result in a significant impact to utilities and service systems. **(Less Than Significant Impact)**

4.18 MANDATORY FINDINGS OF SIGNIFICANCE

		Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
a)	Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	☐	☒	☐	☐	1-9
b)	Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?	☐	☐	☒	☐	1-9
c)	Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	☐	☐	☐	☒	1-9

4.18.1 Project Impacts

The proposed project, with implementation of the mitigation measures described in *Section 4.0* of this Initial Study, would not significantly degrade or impact the quality of the environment. As discussed in *Section 4.5 Cultural Resources*, the project would not have a significant impact on cultural resources with the incorporation of the described mitigation measures. **(Less Than Significant Impact with Mitigation Incorporated)**

4.18.2 Cumulative Impacts

Cumulative impacts refer to two or more individual effects which, when considered together are considerable or which compound or increase other environmental impacts. The project would not result in impacts to agricultural and forest resources or mineral resources and, therefore, would not contribute to the cumulative impacts of those resources. For project components that would require construction of pedestrian/bicycle bridge improvements, construction of undercrossings, improvements on the UPRR tracks, along creeks, or the I-280 canal, additional environmental review may be required to determine potential environmental impacts.

The project would lead to an increase in the number of pedestrians using the network which would increase the number of people on the streets at any given time. Project implementation would result

in an improved and safer pedestrian network, which would reduce the risks associated with traditional pedestrian use on urban and residential streets.

There are no planned or proposed developments in the project area that could contribute to cumulative aesthetic, air quality (including construction-related impacts), hydrology and water quality, noise, population and housing, recreation, or utilities and service system impacts. The project's archaeological resources and geology and soils impacts would be specific to the location of the proposed project component and would not contribute to cumulative impacts elsewhere.

The project's cumulative impacts to greenhouse gas emissions is discussed in *Section 4.7 Greenhouse Gas Emissions*, and it was concluded that the project would have a less than significant (cumulative) impact on greenhouse gas emissions.

Based on the discussion above, the project would not have cumulatively considerable impacts. **(Less Than Significant Impact)**

4.18.3 Direct or Indirect Adverse Effects on Human Beings

Based on the analysis completed in *Section 4.0* of this Initial Study, the project would not result in direct or indirect adverse effects on human beings. **(Less Than Significant Impact)**

Checklist Sources

1. Professional judgment and expertise of the environmental specialist preparing this assessment, based upon a review of the site and surrounding conditions, as well as a review of the project plans.

2. City of Cupertino. *General Plan*. November 2005.

3. City of Cupertino. *Municipal Code*. February 19, 2013.

4. California Department of Conservation. *Santa Clara County Important Farmland 2012.* Map.

5. County of Santa Clara. Geologic Hazards Zones Map 18. Accessed July 21, 2017. Available at: https://www.sccgov.org/sites/dpd/PlansOrdinances/GeoHazards/Pages/GeoMaps.aspx

6. California Air Resources Board. *First Update to AB 32 Scoping Plan*. May 27, 2014. Accessed July 21, 2017. Available at: http://www.arb.ca.gov/cc/scopingplan/document/updatedscopingplan2013.htm

7. County of Santa Clara, Planning Office. "Airport Land-Use Commission". Accessed July 21, 2017. Available at: http://www.sccgov.org/sites/planning/PlansPrograms/ALUC/Pages/ALUC.aspx.

8. CalFire. "Santa Clara County FHSZ Maps" Accessed July 21, 2017. Available at: http://www.fire.ca.gov/fire_prevention/fhsz_maps_santaclara.php.

9. Federal Emergency Management Agency, *Flood Insurance Rate Map, Santa Clara County, California*. Community-Panel Number 06085C0209H, May 18, 2009.

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Natural Resources Conservation Service. Web Soil Survey. Accessed July 13, 2017. Available at: http://websoilsurvey.sc.egov.usda.gov/App/HomePage.htm

San José Water Company. *2010 Urban Water Management Plan.* April 2011.

Santa Clara County. *Geologic Hazard Zones.* October 26, 2012.

Santa Clara Valley Urban Runoff Pollution Prevention Program. *Hydromodification Management (HM) Applicability Map City of Cupertino.* November 2010. Accessed July 14, 2017. Available at: http://www.scvurppp-w2k.com/HMP_app_maps/Cupertino_HMP_Map.pdf

Santa Clara Valley Water District. 2012 Groundwater Management Plan.

Santa Clara Valley Water District. "West Valley Watershed." Accessed July 14, 2017. Available at: http://www.valleywater.org/uploadedImages/Services/HealthyCreeksEcoSystems/WatershedInformation/WestValley/WestValley2005Mapxl.jpg?n=1070 aspx.

SECTION 6.0 LEAD AGENCY AND CONSULTANTS

6.1 LEAD AGENCY

City of Cupertino, Department of Public Works
Julie Chiu, Associate Civil Engineer

6.2 CONSULTANTS

David J. Powers & Associates, Inc.
Environmental Consultants and Planners
Jodi Starbird, Principal Project Manager
Caroline Weston, Assistant Project Manager
Zach Dill, Graphic Artist