Initial Study/MND

McClellan Ranch Parking Area

Prepared by

CUPERTINO

In Consultation with

DAVID J. POWERS & ASSOCIATES, INC.
ENVIRONMENTAL CONSULTANTS & PLANNERS

June 2018

PUBLIC WORKS DEPARTMENT
Timm Borden, Director

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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:	McClellan Ranch West Parking Area
Applicant:	City of Cupertino
Location:	City of Cupertino

PROJECT DESCRIPTION

The project proposes to construct a 47-space parking area, including a 27-space main parking area and an approximately 20-space overflow parking area, on an approximately 1.4-acre site that is currently used as an overflow parking area for activities at the McClellan Ranch Preserve (Preserve). The main parking area would be paved with permeable concrete and the overflow parking area would be covered with gravel. The main and overflow parking areas would be constructed on approximately 0.53 acres of the 1.4-acre project site with the remaining areas dedicated for restoration planting. The main parking area would be open daily to staff and visitors to accommodate normal public hours for the creek corridor and the Preserve. The existing driveway onto McClellan Road would provide access to the project site.

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: If present within the creek or adjacent upland habitat, California red-legged frog, western pond turtle, and/or woodrat could be impacted by construction-related activities.

MM BIO 1.1 Employee Education Program. An employee education program shall be conducted prior to the initiation of project activities. The program shall consist of a brief presentation by persons knowledgeable in federally listed and state special status species biology and legislative protection to explain concerns to contractors and their employees. The program would include the following: a description of California red-legged frog, western pond turtle, and woodrat and their habitat needs; an explanation of the status of California red-legged frog, western pond turtle, and woodrat and their protection under state and federal laws; and a list of measures being taken to reduce impacts to California red-legged frog, western pond turtle, and woodrat during project activities. Crews shall be instructed that if a California red-legged frog is found, it is to be left alone and the project foreman, City, and the USFWS must be notified immediately. Likewise, if a western pond turtle, or woodrat nest is found, it is to be left alone and the project foreman, City, and CDFW must be notified immediately.

MM BIO 1.2: ESA Fencing. Project shall include the installation of Environmentally Sensitive Area ("ESA") fencing along creek bank to assist in excluding potential California red-legged frog and western pond turtle, from the construction zone. ESA fencing shall be buried at the base to prevent animals from moving under it. ESA fencing shall be maintained in good and stable condition throughout active construction. Nominal 1.5 to 3 foot tall silt fence type material is acceptable.

MM BIO 1.3: Speed Limit. Vehicles shall not drive more than five miles per hour within the project area. If any California red-legged frog, western pond turtle, or woodrat are seen in the path of a vehicle, the vehicle shall stop until the animal is out of the path. Parked

vehicles shall be thoroughly checked underneath before they are moved to ensure that no California red-legged frog, western pond turtle, or woodrat are on the ground below the vehicle.

PUBLIC REVIEW PERIOD

The 30-day public circulation period for the Initial Study and draft MND began on June 8, 2018 and ended on July 9, 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 _____

_____

City Clerk

TABLE OF CONTENTS

TABLE OF CONTENTS

Figures

Photos

Tables

Appendices

ACRONYMS AND ABBREVIATIONS

ADA	Americans with Disabilities Act
BAAQMD	Bay Area Air Quality Management District
bgs	Below ground surface
BMPs	Best Management Practices
CAP	Bay Area 2010 Clean Air Plan
CARB	California Air Resources Board
CDFW	California Department of Fish and Wildlife
CEQA	California Environmental Quality Act
CH_4	Methane
CO_2	Carbon dioxide
CNPS	California Native Plant Society
CTC	California Transportation Commission
dB	Decibel
DPM	Diesel particulate matter
ESAs	Endangered Species Acts
FEMA	Federal Emergency Management Agency
I	Interstate
LID	Low Impact Development
LSAA	Lake and Stream Bed Alteration
MPOs	Metropolitan Planning Organizations
MND	Mitigated Negative Declaration
NISL	Newby Island Sanitary Landfill
NPDES	National Pollutant Discharge Elimination System
NO_X	Nitrous oxide
NOD	Notice of Determination
PDAs	Priority Development Areas
RHNA	Regional Housing Needs Assessment
ROG	reactive organic gas
RWQCB	Regional Water Quality Control Board
SCS	Sustainable Communities Strategy
SMART	Sunnyvale Materials Recovery Station
SR	State Route
SWPPP	Storm Water Pollution Prevention Plan
TAC	Toxic Air Contaminants
TCMs	Transportation Control Measures
USEPA	U.S. Environmental Protection Agency
USFWS	U.S. Fish and Wildlife

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 McClellan Ranch West Parking Area 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 construct a 47-space parking area. This Initial Study evaluates the environmental impacts that might reasonably be anticipated to result from implementation of the proposed project.

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:

Alex Acenas
City of Cupertino, Public Works Department
10300 Torre Avenue
Cupertino, CA 95014
(408) 777-3249
AlexA@cupertino.org

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. Filing the NOD starts a 30-day statute of limitations on court challenges to project approval under CEQA (CEQA Guidelines Section 15075(g)).

SECTION 2.0 PROJECT INFORMATION

2.1 PROJECT TITLE

McClellan Ranch West Parking Area

2.2 LEAD AGENCY CONTACT

Alex Acenas
City of Cupertino, Public Works Department
10300 Torre Avenue
Cupertino, CA 95014
(408) 777-3232
AlexA@cupertino.org

2.3 PROJECT APPLICANT

City of Cupertino

2.4 PROJECT LOCATION

The project site is located in the City of Cupertino immediately west of (and on the opposite side of Stevens Creek from) the McClellan Ranch Preserve (Preserve) at the former Simms property. The site is bounded by McClellan Road to the west and south, and Stevens Creek to the east. The Preserve is located east of the site. Regional, vicinity, and aerial maps of the project area are shown on Figures 2.0-1, 2.0-2, and 2.0-3.

2.5 ASSESSOR'S PARCEL NUMBER

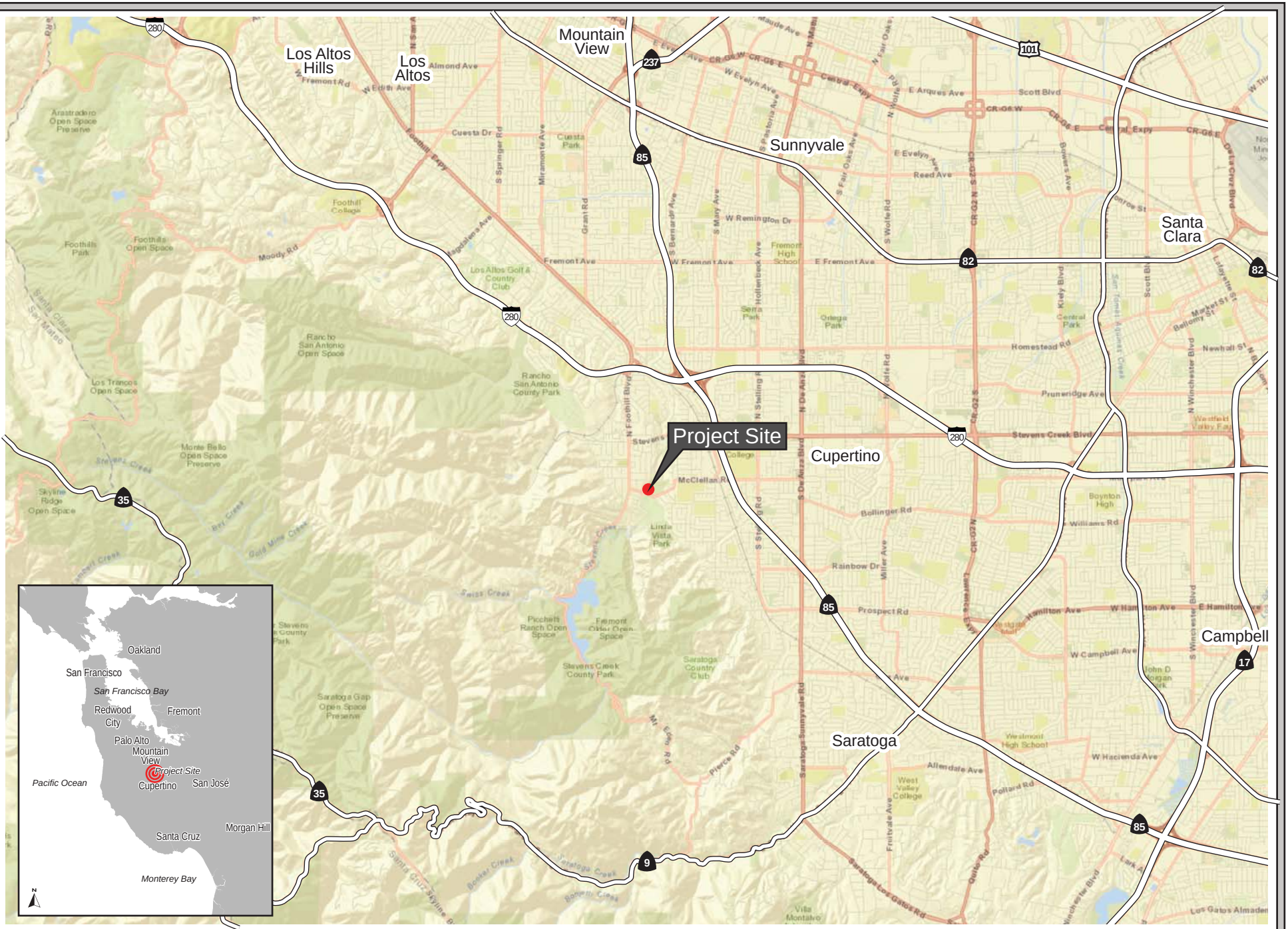
APN: 357-06-014

2.6 GENERAL PLAN DESIGNATION AND ZONING DISTRICT

General Plan: *Parks and Open Space*
Zoning District: *Parks and Recreation*

2.7 PROJECT-RELATED APPROVALS, AGREEMENTS, AND PERMITS

- Grading Permit – City of Cupertino
- Erosion Control Permit – City of Cupertino
- Tree Removal Permit – City of Cupertino
- Lake and Streambed Alteration Agreement - California Department of Fish & Wildlife
- Encroachment Permit - Santa Clara Valley Water District



REGIONAL MAP

FIGURE 1

VICINITY MAP

FIGURE 2

AERIAL PHOTOGRAPH AND SURROUNDING LAND USES FIGURE 3

SECTION 3.0 PROJECT DESCRIPTION

3.1.1 Project Background

The project site is located adjacent to the Preserve on the former Simms property at 22241 McClellan Road, Cupertino. The project site was developed with a single-family residence that was demolished in 2016. Except for the paved driveway onto McClellan Road, the site is unpaved and undeveloped. The project site is currently used as an overflow parking area for activities at the Preserve.

3.1.2 Proposed Development

The project proposes to construct a 47-space parking area on the site, including a 27-space main parking area and an approximately 20-space overflow parking area, on the approximately 1.4-acre project site. The main and overflow parking areas would be developed on approximately 0.53 acres of the 1.4-acre project site with the remaining areas dedicated for restoration planting. The conceptual site plan for the proposed project is shown on Figure 3.0-1. The Stevens Creek riparian corridor is located adjacent to the proposed parking area; no parking or grading would occur within the riparian corridor. As described in further detail below, the proposed project includes restorative planting within the riparian corridor.

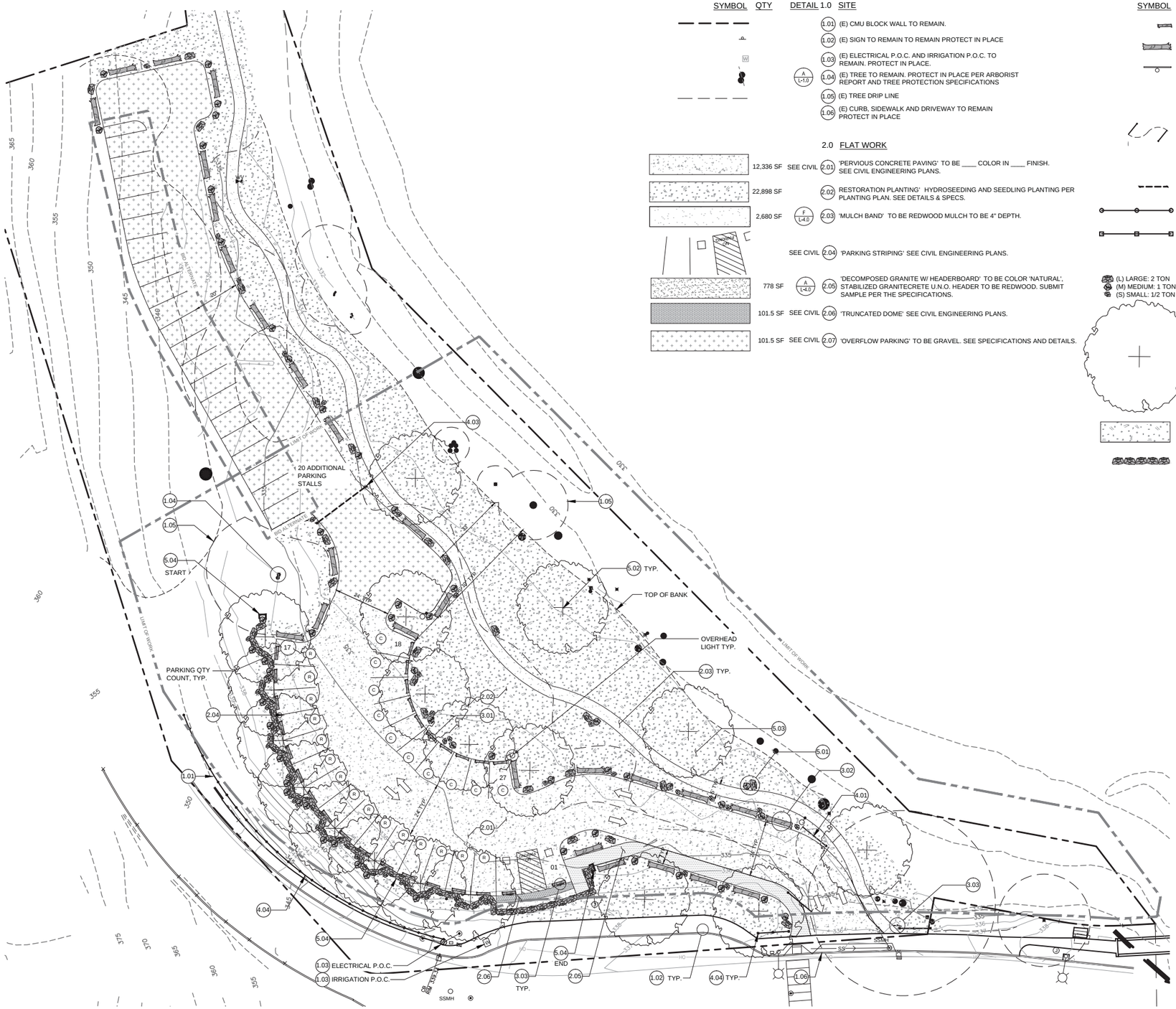
The main parking area would be paved with permeable concrete and the overflow parking area would be covered with gravel. The main parking area would be open daily to staff and visitors to accommodate normal public hours for the creek corridor and the Preserve; on typical days it is anticipated to be open from sunrise to one hour after sunset. It will be open later selectively to accommodate evening meetings or programs at the Preserve. The overflow parking area is not intended for daily use and would only be used as needed for larger events or activities at the Preserve. Access to the overflow parking area would be closed with a physical barrier to prevent vehicular access when not in use. The project would be constructed in two phases. Phase I is construction of the 27-space main parking area. Phase II is construction of the approximately 20-space overflow parking area.[1] Construction for the overflow area would include placement of bark chips and/or gravel, as needed.

The existing driveway onto McClellan Road would provide access to the project site. The project includes a new Americans with Disabilities Act (ADA) compliant pervious pathway extending from the parking area to the sidewalk on McClellan Road.

3.1.2.1 *Landscaping*

All landscaping proposed by the project, including trees, would consist of native species. As shown on the conceptual site plan (Figure 3.0-1), 18 trees would be planted within the area of the main parking. Landscaping within and around the main parking area also includes boulders along the perimeter, a wooden split rail fence along McClellan Road, restorative planting including a variety of native species, and stormwater biofiltration areas. All landscaping proposed by the project would be composed of native species. Five trees located within the area of the main parking area would be

[1] Phase II would be implemented if, after operation of Phase I, it is confirmed that there is a need for the 20-space overflow parking area.



SITE LEGEND / SCHEDULE

SYMBOL	QTY	DETAIL		1.0 SITE
			1.01	(E) CMU BLOCK WALL TO REMAIN.
			1.02	(E) SIGN TO REMAIN TO REMAIN PROTECT IN PLACE
			1.03	(E) ELECTRICAL P.O.C. AND IRRIGATION P.O.C. TO REMAIN. PROTECT IN PLACE.
		A L-1.0	1.04	(E) TREE TO REMAIN. PROTECT IN PLACE PER ARBORIST REPORT AND TREE PROTECTION SPECIFICATIONS
			1.05	(E) TREE DRIP LINE
			1.06	(E) CURB, SIDEWALK AND DRIVEWAY TO REMAIN PROTECT IN PLACE

				2.0 FLAT WORK
	12,336 SF	SEE CIVIL	2.01	'PERVIOUS CONCRETE PAVING' TO BE ____ COLOR IN ____ FINISH. SEE CIVIL ENGINEERING PLANS.
	22,898 SF		2.02	RESTORATION PLANTING' HYDROSEEDING AND SEEDLING PLANTING PER PLANTING PLAN. SEE DETAILS & SPECS.
	2,680 SF	F L-4.0	2.03	'MULCH BAND' TO BE REDWOOD MULCH TO BE 4" DEPTH.
		SEE CIVIL	2.04	'PARKING STRIPING' SEE CIVIL ENGINEERING PLANS.
	778 SF	A L-4.0	2.05	'DECOMPOSED GRANITE W/ HEADERBOARD' TO BE COLOR 'NATURAL', STABILIZED GRANITECRETE U.N.O. HEADER TO BE REDWOOD. SUBMIT SAMPLE PER THE SPECIFICATIONS.
	101.5 SF	SEE CIVIL	2.06	'TRUNCATED DOME' SEE CIVIL ENGINEERING PLANS.
	101.5 SF	SEE CIVIL	2.07	'OVERFLOW PARKING' TO BE GRAVEL. SEE SPECIFICATIONS AND DETAILS.

SYMBOL	QTY	DETAIL		3.0 SITE FURNISHINGS
	27	E L-4.0	3.01	'LOG WHEEL STOP' TO BE ____ PER DETAILS AND SPECIFICATIONS
	28		3.02	'LOGS' T.B.D. PER DETAILS AND SPECIFICATIONS.
	03	SEE CIVIL	3.03	'ADA PARKING SIGN' SEE CIVIL ENGINEERING PLANS, DETAILS & SPECS.
			3.04	NOT IN USE

				4.0 FENCING
	01	D L-4.1	4.01	'VEHICULAR ACCESS GATE' - A RANCH SHALL BE GALVANIZED (EXCEPT TUBES.) PRIMED AND FIELD PAINTED.
		A L-4.1	4.02	NOT IN USE
	01	C L-4.1	4.03	'CHAIN BARRIER ON WOOD POST' TO BE 3'-6" HIGH WOOD POSTS WITH CHAIN LINK BARRIER PER DETAILS AND SPECIFICATIONS.
	155 LF	B L-4.1	4.04	'GRAPE STAKE FENCE' POSTS TO BE ROUGH HEWN REDWOOD, SLATS TO BE GRAPE STAKE. ALL WOOD SHALL BE NATURAL AND UNTREATED.
	26 LF	E L-4.1	4.05	'SPLIT RAIL FENCE' POSTS AND SLATS TO BE ____ AND PAINTED WHITE TO MATCH SPLIT RAIL FENCE AT ADJACENT MCCLELLAN RANCH PRESERVE ENTRY.

				5.0 LANDSCAPE
	(L) LARGE: 2 TON (M) MEDIUM: 1 TON (S) SMALL: 1/2 TON	80 50 36	C L-4.0	5.01 'LANDSCAPE BOULDER' T.B.D. INSTALL PER DETAILS AND SPECIFICATIONS.
		18	B L-6.0 C L-6.0	5.02 'TREE' PER PLANTING PLAN
		SEE L-4.0		5.03 'PLANTING AREA' PER PLANTING PLAN & SPECIFICATIONS.
			D L-4.0 C L-4.0	5.04 'BOULDER RETAINING WALL' T.B.D. MAX HEIGHT 2'. SEE DETIALS FOR LAYOUT.

SITE NOTES

1. ACCESS ROUTES AND STAGING AREAS ARE TO BE STRICTLY ADHERED TO.
2. UPON COMPLETION ACCESS AND STAGING ROADS MUST BE REPAIRED TO "AS WAS" OR BETTER THAN EXISTING CONDITIONS
3. CONSTRUCTION SIGNAGE MUST BE POSTED AT EACH JOB SITE IN CLEAR VIEW. POST A "KEEP OUT - CONSTRUCTION AREA" SIGN (PROVIDED BY THE CONTRACTOR.)
4. EXISTING ASPHALT DRIVEWAY TO BE REMOVED. TYP.
5. OVERHEAD SECURITY LIGHTING WITH PHOTOCELL CONTROL T.B.D.

PARKING STALL SCHEDULE

ID	TYPE	SIZE
C	COMPACT	16' x 8'
R	REGULAR	18' x 9'
	ADA	18' x 8'

PARKING QUANTITY SUMMARY

PROPOSED PARKING:	02 ADA 10 COMPACT 15 REGULAR 20 OVER FLOW	
TOTAL PARKING:	47 SPACES	

North

0 10 20 40

Source: SSA Landscape Architects, 10/16/17.

CONCEPTUAL SITE PLAN

FIGURE 3.0-1

removed, including three pine, one Mexican fan palm, and one small (i.e., two-inch diameter) coast live oak. Construction of the overflow parking area would accommodate preservation of existing vegetation; no trees would be removed.

Riparian Restoration

In addition to landscaping the main parking area, as described above, the project would also plant 19 native trees, approximately 12,000 sf of riparian understory species, and approximately 8,500 sf of meadow/upland species, providing a considerable expansion of planted area to enhance the riparian habitat along Stevens Creek and slope on the south and west sides of the site.

3.1.2.2 *Lighting*

Security lighting, consisting of five light standards, approximately 12 feet in height, would be installed in the main parking area to be used by the City as needed. No lighting would be installed in the overflow parking area. The proposed certified wildlife-friendly, amber-colored, LED lighting system would be designed to minimize light trespass and while providing sufficient light levels for security. The proposed lighting would be fully shielded and directed down towards the ground and away from Stevens Creek. No lighting would be directed towards Stevens Creek. The lights would be turned off approximately one hour after sunset on typical days. Lighting would be operated by staff later on some evenings to accommodate programmed evening activities at the Preserve, and turned off at the conclusion of such activities.

3.1.2.3 *Stormwater Controls*

The existing pavement on the site would be removed during construction of the project. The proposed parking area would be paved with pervious surfaces. The main parking area would be paved with permeable concrete and the overflow parking area would be covered with gravel. Additionally, the proposed parking area would be graded to direct stormwater runoff to biofiltration areas. As a result of these stormwater control features, the amount of stormwater runoff generated by the project site would be incrementally reduced compared to existing conditions.

3.1.3 Construction activities

The project site is relatively flat. As a result, excavation and grading activities necessary to construct the proposed parking area would be minimal. Maximum excavation depths on the site would be up to three feet.

3.1.3.1 *Construction Schedule*

Construction of the proposed project is expected to begin in late summer/early fall 2018 and is estimated to take approximately three to four months to complete. Construction work would be limited to weekday hours, between 7:00 AM and 5:00 PM, per Cupertino's Municipal Code Chapter 10.48. Weekend or holiday construction work would only be authorized by City staff, from 9:00 AM to 5:00 PM on Saturdays, and 9:00 AM – 4:00 PM on Sundays and holidays, per City of Cupertino's Municipal Code. Construction equipment storage and staging would occur on-site.

3.1.3.2 *Preconstruction Surveys and Construction Worker Training*

Preconstruction surveys for the following sensitive wildlife species with the potential to occur on the site are included in the proposed project:

Bats

Prior to the removal of any trees or vegetation, a preconstruction bat survey shall be completed by a qualified biologist to avoid potential impacts to roosting bats or maternity colonies. The preconstruction survey shall be completed no more than five days prior to tree removal or construction activity. If no active roosts or maternity colonies are observed, then no further action shall be warranted. If a maternity colony is present, a qualified biologist shall determine the extent of a construction–free buffer zone around the active nursery located during the survey. CDFW shall be notified of any active nurseries within the survey area. No tree removal or construction activities shall occur within the construction-free buffer zone between March 1 and August 31 to avoid construction disturbance to the maternity roost, as determined by the qualified biologist. After August 31, bats shall be safely evicted by a qualified bat biologist.

Prior to any construction activities, a qualified biologist will conduct a training session for all construction personnel. At a minimum, the training will include a description of protected bat species and roosts, their natural history, their habitats, and importance of the species. The training will also identify the limits of work boundaries associated with the project and measures to be taken in the unlikely event that the species is observed on the project site during construction.

Nesting Birds

Construction-related activities shall take place during the non-breeding season (September 1-January 31). If it is not possible to schedule construction during the non-breeding season, 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 five 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.

Prior to any construction activities, a qualified biologist will conduct a training session for all construction personnel. At a minimum, the training will include a description of protected nesting birds, their natural history, their habitats, and importance of the species. The training will also identify the limits of work boundaries associated with the project and measures to be taken in the unlikely event that the species is observed on the project site during construction.

Western Pond Turtles

A preconstruction survey for western pond turtles shall be completed by a qualified biologist prior to initiation of any construction activities. The survey shall be completed no more than five days prior to the start of construction activities. The entire project area, including any burrows, rocks, and/or

wood piles, that may be impacted by construction activity shall be inspected for the presence of western pond turtle. If western pond turtles are detected or observed, then CDFW shall be consulted to determine an appropriate construction avoidance buffer or other measure to ensure the protection of the species.

Prior to any construction activities, a qualified biologist will conduct a training session for all construction personnel. At a minimum, the training will include a description of the western pond turtle their natural history, their habitats, and importance of the species. The training will also identify the limits of work boundaries associated with the project and measures to be taken in the unlikely event that the species is observed on the project site during construction.

If at any time during construction western pond turtles are observed, all work that could result in injury or death of the individual shall stop and all work in the vicinity of the individual pond turtle shall stop and the contractor shall notify the City immediately. The City shall provide a qualified biologist who, in consultation with CDFW, will provide guidance on measures to implement to ensure the species is protected.

San Francisco Dusky-footed Woodrats

A preconstruction survey for San Francisco dusky-footed woodrats shall be completed by a qualified biologist prior to initiation of any construction activities. The survey shall be completed no more than five days prior to the start of construction activities. The entire project area, including any burrows, rocks, and/or wood piles, that may be impacted by construction activity shall be inspected for the presence of woodrats. If woodrats are detected or observed, then CDFW shall be consulted to determine an appropriate construction avoidance buffer or other measure to ensure the protection of the species.

Prior to any construction activities, a qualified biologist will conduct a training session for all construction personnel. At a minimum, the training will include a description of the San Francisco dusky-footed woodrat, their natural history, their habitats, and importance of the species. The training will also identify the limits of work boundaries associated with the project and measures to be taken in the unlikely event the species is observed on the project site during construction.

If at any time during construction San Francisco dusky-footed woodrat are observed, all work that could result in injury or death of the individual shall stop and all work in the vicinity of the individual woodrat, and in the vicinity of its home if the home is observed, shall stop, and the contractor shall notify the City immediately. The City shall provide a qualified biologist who, in consultation with CDFW, will provide guidance on measures to implement to ensure the species is protected.

California Red-legged Frog

A preconstruction survey for California red-legged frog shall be completed by a qualified biologist prior to initiation of any construction activities. The survey shall be completed no more than five days prior to the start of construction activities. The entire project area, including any burrows, rocks, and/or wood piles, that may be impacted by construction activity shall be inspected for the presence of the California red-legged frog. If California red-legged frog are detected or observed,

then CDFW shall be consulted to determine an appropriate construction avoidance buffer or other measure to ensure the protection of the species.

Prior to any construction activities, a qualified biologist will conduct a training session for all construction personnel. At a minimum, the training will include a description of the California red-legged frog, their natural history, their habitats, and importance of the species. The training will also identify the limits of work boundaries associated with the project and measures to be taken in the unlikely event the species is observed on the project site during construction.

If at any time during construction California red-legged frog are observed, all work that could result in injury or death of the individual shall stop and all work in the vicinity of the individual frog shall stop, and the contractor shall notify the City immediately. The City shall provide a qualified biologist who, in consultation with CDFW, will provide guidance on measures to implement to ensure the species is protected.

Nicklin's Peninsula Snails

A preconstruction survey for Nicklin's Peninsula Snails shall be completed by a qualified biologist prior to initiation of any construction activities. The survey shall be completed no more than five days prior to the start of construction activities. The entire project area, including any burrows, rocks, and/or wood piles, that may be impacted by construction activity shall be inspected for the presence of the snails. If the snails are detected or observed, then CDFW shall be consulted to determine an appropriate construction avoidance buffer or other measure to ensure the protection of the species.

Prior to any construction activities, a qualified biologist will conduct a training session for all construction personnel. At a minimum, the training will include a description of Nicklin’s Peninsula snails, their natural history, their habitats, and importance of the species. The training will also identify the limits of work boundaries associated with the project and measures to be taken in the event that the species is observed on the project site during construction.

The removal and disturbance of duff and downed wood shall be avoided. If any downed logs or woody debris must be moved, care shall be taken to look for these snails. If at any time during construction Nicklin’s Peninsula Snails are observed, all work that could result in injury or death of the individual shall stop and all work in the vicinity of the individual snail shall stop and the contractor shall notify the City immediately. The City shall provide a qualified biologist who, in consultation with CDFW, will provide guidance on measures to implement to ensure the species is protected.

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 site 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 will discuss issues 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 *Regulatory Framework*

4.1.1.2 *Existing Conditions*

The project site is bounded by McClellan Road to the west and south, and Stevens Creek to the east. The site gently slopes to the east towards Stevens Creek. An overflow dirt and gravel parking area is located on the flat portion of the project site, between the Stevens Creek riparian corridor and McClellan Road. Except for the paved driveway onto McClellan Road, the site is unpaved and undeveloped. Mature trees and shrubs are located around the perimeter of the site.

Existing surrounding development, trees, and hilly topography limit views of the project site to the immediate area. The project site is not located along a ridgeline or on top of a hill. The project site is located at the base of hill along Stevens Creek and adjacent to the Preserve. The project site is visible from McClellan Road and from the adjacent residences across McClellan Road to the west and north, as well as the Deep Hills Golf Course across McClellan Road to the south. A single-family residence is located approximately 30 feet northwest of the project site. Views of the project site from this residence are largely obstructed by the mature trees on site. Several views of the project site are shown in Photos 1 - 4, below.

Photo 1: View of the project site from sidewalk on McClellan Road, facing northwest. The residences in the background are located on the west side of McClellan Road.

Photo 2: View of the project site from the existing driveway entrance on McClellan Road, facing north.

Photo 3: View from the western portion of project site facing the Stevens Creek riparian corridor to the east.

Photo 4: View of the project site facing south, with views of McClellan Road and Deep Cliff Golf Course in the background.

In the project area, streetlights are located along McClellan Road and Clubhouse Lane. Other light sources in the project area include security lighting at the Preserve and surrounding residential properties and headlights from vehicles travelling on McClellan Road and Clubhouse Lane.

4.1.1.3 *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 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.

4.1.1.4 *Impacts to Scenic Views or Scenic Resources*

The proposed parking area would be constructed in a flat area at the base of hill that is bordered by Stevens Creek, one single-family residence, and McClellan Road. The existing hills, trees, and surrounding development in the project area limit views of the project site to the immediate vicinity. The project site is not located within a designated scenic vista and is not visible from a designated state scenic highway. For these reasons, the proposed parking area would not have a substantial adverse effect on a scenic vista or damage scenic resources within a designated state scenic highway. **(No Impact)**

4.1.1.5 *Changes in Visual Character*

The project site is currently used as an overflow dirt and gravel parking area. The proposed project would formalize the existing use of the dirt parking area on the site with a landscaped 27-space parking area and a 20-space overflow parking area. The pervious pavement of the landscaped parking area would be light brown, similar in color to the surrounding dirt area. Landscaping in the parking area would include 18 trees, a variety of smaller plants, and other natural features such as boulders and logs. All landscape plants would be native species. When mature, the landscaping would partially obscure views of the parking area from the surrounding area, including the adjacent single family residence. The project also proposes restorative riparian planting, between the parking area and Stevens Creek. The restorative planting would include 19 native trees, approximately 12,000 sf of riparian understory species, and approximately 8,500 sf of meadow/upland species to enhance the riparian habitat between the proposed parking areas and Stevens Creek. For these reasons, the proposed project would not substantially degrade the visual character or quality of the site or surrounding area. **(Less Than Significant Impact)**

4.1.1.6 *Light and Glare Impacts*

Streetlights are located along the streets in the project area and security lighting is located at the Preserve and surrounding residential properties. Other sources of light includes headlights from vehicles travelling on the street. Security lighting, consisting of five light standards, 12 feet in height, would be installed in the main parking area. No lighting would be installed in the overflow parking area. The proposed lighting would be amber-colored and fully shielded and directed down and away from Stevens Creek, minimizing the amount of spill light onto adjacent properties. The lights would be turned off each night after activities at the Preserve have concluded, which would typically be around an hour after sunset unless an evening program is scheduled. The lighting fixture at the parking area entrance would be located on the opposite side of the driveway from the top of Stevens Creek bank, which would reduce light levels to 0.1footcandles at the top of bank. Taking into account the existing sources of lighting in the project area and the design and limited use of the proposed lighting, the proposed project would not create a new source of substantial light or glare that would adversely affect day or nighttime views in the area. **(Less Than Significant Impact)**

4.1.2 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 and Forestry Resources

The Santa Clara County Important Farmland 2014 map designates most of the City of Cupertino, including the project site, 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 California Department of Forestry and Fire Protection (Cal Fire) identifies forest land, timberland, and lands zoned for timberland production that can (or do) support forestry resources.[2]

The project site is not zoned or used for agricultural or forestry purposes, nor is it the subject of a Williamson Act contract.[3]

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?	☐	☐	☐	☒	1,4
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	☐	☐	☐	☒	1,2,6

[2] *Forest land* is land that can support 10-percent native tree cover under natural conditions and that allows for management of one or more forest resources (including timber, fish and wildlife, and biodiversity) (California Public Resources Code Section 12220(g)); *Timberland* is land (not owned by the federal government or designated by the board as experimental forest land) that is available for, and capable of, growing a crop of trees of any commercial species used to produce lumber and other forest products, including Christmas trees (California Public Resources Code Section 4526); and land zoned as *Timberland Production* is land devoted to and used for growing and harvesting timber, or for growing and harvesting timber and compatible uses (Government Code Section 51104(g)).

[3] California Department of Conservation, Division of Land Resource Protection. *Santa Clara County Williamson Act FY 2015/2016.* 2016.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
Would the project:					
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))?	☐	☐	☐	☒	1,2
d) Result in a loss of forest land or conversion of forest land to non-forest use?	☐	☐	☐	☒	1,2
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 and Forestry Resources Impact*

The project site is not zoned or used for agricultural or forestry purposes; nor is it the subject of a Williamson Act contract. Therefore, the proposed project would not convert farmland or forestland to non-agricultural or non-forest use, or otherwise result in impacts to agricultural or forestry 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

The California Supreme Court in a December 2015 opinion (*BIA v. BAAQMD*)[4] confirmed CEQA is concerned with the impacts of a project on the environment, not the effects the existing environment may have on a project; nevertheless, the City has policies that address existing conditions (e.g. air quality) affecting a proposed project, which are described in *Section 4.3.1.1,* below.

4.3.1 Environmental Setting

4.3.1.1 *Regulatory Framework*

Clean Air Plan

The City of Cupertino is under the jurisdiction of the San Francisco Bay Area Air Quality Management District (BAAQMD). BAAQMD is the agency primarily responsible for assuring that the federal and state ambient air quality standards are maintained in the San Francisco Bay Area. Air quality standards are set by the federal government (the 1970 Clean Air Act and its subsequent amendments) and the State (California Clean Air Act of 1988 and its subsequent amendments).

Regional air quality management districts, such as BAAQMD, must prepare air quality plans specifying how State standards would be met. BAAQMD approved the *Bay Area 2017 Clean Air Plan* (2017 CAP) on April 17, 2017. The 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 the BAAQMD's long-term efforts to reduce Bay Area GHG emissions 40 percent below 1990 levels by 2030 and 80 percent below 1990 levels by 2050.

4.3.1.2 *Climate and Topography*

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.

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

[4] 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.

terrain greatly influences winds in the valley, resulting in a prevailing wind that follows along the northwest-southeast axis of the valley.

4.3.1.3 *Regional and Local Criteria Pollutants*

Major criteria 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 $PM_{2.5}$).

4.3.1.4 *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.

4.3.1.5 *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 nearest sensitive receptors to the project site are the residences across McClellan Road, approximately 95 feet to the west, and the residence approximately 30 feet north of the project site.

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?	☐	☐	☒	☐	1,2,4
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
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.

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 construction of a parking area on a site currently used for overflow parking. Similar to the existing overflow parking area on the site, the proposed parking area would support existing and planned uses at the Preserve. The proposed project would not construct a new use on the site that would generate emissions exceeding the BAAQMD thresholds for air pollutant emissions. Therefore, the project would not hinder the implementation of the CAP control measures

and would not conflict with or obstruct implementation of the 2017 CAP. **(Less Than Significant Impact)**

4.3.2.3 *Short-Term Construction-Related Air Quality Impacts*

Construction activities such as earthmoving, construction vehicle traffic, and wind blowing over exposed earth can result in air quality impacts in the form of dust and diesel particulates. Construction activities can also a source of organic gas emissions. Solvents in adhesives, non-water based paints, and thinners evaporate into the atmosphere and contribute to the photochemical reaction that creates urban ozone. Due to the relatively small size and flat topography of the project site, construction of the proposed 47-space parking area would not require substantial grading or exaction activities or otherwise require the extensive use of heavy-duty diesel equipment. Nor would construction of the project require the use of substantial materials that contain solvents.

Construction dust could affect local air quality at various times during construction of the proposed parking area. The dry, windy climate of the area creates a high potential for dust generation. Construction activities, particularly during site area preparation, grading, and excavation, would temporarily generate fugitive dust in the form of PM_{10} and $PM_{2.5}$. Unless properly controlled, vehicles leaving the project area would deposit mud on local streets, which could be an additional source of airborne dust after it dries. Fugitive dust emissions would vary from day to day, depending on the nature and magnitude of construction activity and local weather and soil conditions. If not controlled, construction dust could result in a significant air quality impact.

Consistent with BAAQMD's Basic Construction Measures, the proposed project includes implementation of the following Best Management Practices by the construction contractor to reduce air pollutant emissions to avoid significant impacts to local air quality:

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

2. All haul trucks transporting soil, sand, or other loose material off-site shall be covered.

3. 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.

4. All vehicle speeds on unpaved areas shall be limited to five mph.

5. 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.

6. 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.

7. 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.

8. Post a publicly visible sign with the telephone number and person to contact at the Lead Agency 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.

Construction of the proposed project, with implementation of BAAQMD's Basic Construction Measures would not result in a significant air quality impact. **(Less Than Significant Impact)**

Construction TAC and $PM_{2.5}$ Health Risks

Construction equipment and heavy-duty truck traffic generates diesel exhaust, which is a known TAC. Diesel exhaust poses both a health and nuisance impact to nearby receptors. Given that construction of the proposed project would not require substantial demolition, grading, or excavation activities and would be completed relatively quickly (i.e., three to four months), construction TACs would not result in human health risks. **(Less Than Significant Impact)**

4.3.2.4 *Operational Air Quality Impacts*

Similar to the existing overflow parking area on the site, the proposed parking area would support existing and planned uses at the Preserve. The project would not result in new uses on the site that would generate new vehicle trips or otherwise result in substantial air pollutant emissions that could exceed BAAQMD thresholds. For these reasons, the proposed project would not violate an air quality standard or contribute substantially to an existing or projected air quality violation or result in a cumulatively considerable net increase of a criteria pollutant. **(Less Than Significant Impact)**

4.3.2.5 *Odors*

The project is the construction of a parking area on a site currently used for overflow parking. The proposed project would not introduce a new use onto the site 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

The following discussion is based, in part, on a biological assessment prepared for the project site by David J. Powers & Associates, Inc. in April 2017 and the *Stevens Creek Corridor Park and Restoration Phase II Project* (July 2011) Initial Study and Mitigated Negative Declaration. The report is attached as Appendix A of this Initial Study.

4.4.1 Environmental Setting

4.4.1.1 *Regulatory Framework*

Special Status Species

A summary of applicable special status species regulations are provided below.

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) and National Oceanic and Atmospheric Administration Fisheries, known as National Marine Fisheries Service (NMFS) 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 or authorizations may be required from the CDFW, USFWS and/or NMFS 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 *Applicable Plans, Policies and Regulations*

Santa Clara Valley Water District Policies

The following policies are in the Santa Clara Valley Water District Stream Maintenance Update 2014-2023 and are applicable to the proposed project:[5]

GEN-6 Minimize Impacts to Nesting Birds via Site. For activities occurring between January 15 and August 31, project areas will be checked by a qualified biologist or Designated Individuals (DI – for limited ground nesting species surveys) for nesting birds within 2 weeks prior to starting work. If a lapse in project-related work of 2 weeks or longer occurs, another focused survey will be conducted before project work can be reinitiated.

- If nesting birds are found, a buffer will be established around the nest and maintained until the young have fledged. Appropriate buffer widths are 0.5 mile for bald and golden eagles; 250 feet for other raptors and the least Bell's vireo, herons, and egrets; 25 feet for ground-nesting non-raptors; 700 feet for the California clapper rail; 600 feet for the California least tern and western snowy plover; and 50 feet for non-raptors nesting on trees, shrubs and structures. Mowing and weed whacking will have a 25 feet buffer. A qualified biologist may identify an alternative buffer based on a site specific-evaluation. No work within the buffer will occur without written approval from a qualified biologist, for as long as the nest is active.
- All vegetation management, sediment reuse, road grading, or other SMP activities in or immediately adjacent to suitable California clapper rail or Alameda song sparrow nesting habitat, as determined by a qualified biologist, shall not be conducted prior to September 1 (the non-nesting season).
- If a pre-activity survey in high-quality San Francisco common yellowthroat breeding habitat (as determined by a qualified biologist) identifies more singing male San Francisco common yellowthroats than active nests, then the inconspicuous nests of this species might have been missed. In that case, maintenance activities in that area shall be delayed until the San Francisco common yellowthroat non-breeding season (i.e., August 16– March 14).
- The boundary of each buffer zone will be marked with fencing, flagging, or other easily identifiable marking if work will occur immediately outside the buffer zone.
- All protective buffer zones will be maintained until the nest becomes inactive, as determined by a qualified biologist.
- If monitoring shows that disturbance to actively nesting birds is occurring, buffer widths will be increased until monitoring shows that disturbance is no longer occurring. If this is not possible, work will cease in the area until young have fledged and the nest is no longer active.

[5] Santa Clara Valley Water District. *Stream Maintenance Update 2014 – 2023.* Attachment F – Best Management Practices.

GEN-14 Protection of San Francisco Dusky-footed Woodrat.

- Prior to work within riparian, oak woodland, or coyote brush scrub habitat, or the removal of any oak trees outside these habitats, a qualified Wildlife Biologist will conduct a desk audit to determine whether woodrats could be present within suitable habitat for San Francisco dusky-footed woodrat or is known to be present in or adjacent to a maintenance activity site.
- If the biologist determines that no San Francisco dusky-footed woodrat habitat is present, or there is habitat present but it will not be affected by the maintenance activity, then no further action is required.
- If the biologist determines that suitable San Francisco dusky-footed woodrat habitat is present and may be affected by the maintenance activity, a qualified biologist shall conduct a pre-activity survey within 2 weeks prior to the start of work to determine if woodrat nests are present, or within 5 feet of, the immediate activity area. If woodrat nests are determined to be present, the following measures shall be implemented:
    - To the extent feasible, impacts to woodrat nests will be avoided by maintaining a minimum 5-ft buffer between maintenance activities and nests. Even if a 5-ft buffer cannot be maintained, the City will minimize impacts to nests by avoiding the direct destruction or modification of the nests to the extent feasible.
    - If one or more woodrat nests are determined to be present and physical disturbance or destruction of the nests cannot be avoided, then the woodrats shall be evicted from their nests and the nest material relocated outside of the disturbance area, prior to onset of activities that would disturb the nest, to avoid injury or mortality of the woodrats. First, an alternate location for the nest material shall be chosen by a qualified biologist based on the following criteria: 1) proximity to current nest location; 2) safe buffer distance from planned work; 3) availability of food resources; and 4) availability of cover. An alternate nest structure will then be built at the chosen location. The structure will be made up of small logs (e.g., available materials 2 inches in diameter or greater) stacked to provide a foundation

City of Cupertino General Plan

Policy LU-6.7: Protect and maintain the City's heritage trees in a healthy state.

Policy ES-5.3: Preserve and enhance existing natural vegetation, landscape features and open space when new development is proposed within existing natural areas. When development is proposed near natural vegetation, encourage the landscaping to be consistent with the palate of vegetation found in the natural vegetation.

Policy ES-5.1.2: Built Environment. Ensure that sustainable landscaping design is incorporated in the development of City facilities, parks and private projects with the inclusion of measures such as tree protection, stormwater treatment

and planting of native, drought tolerant landscaping that is beneficial to the environment.

Strategy ES-5.2.1: Riparian Corridor Protection. Require the protection of riparian corridors through the development approval process.

City of Cupertino Tree Ordinance

The City of Cupertino Tree Ordinance (Ordinance No. 07-2003, Chapter 14.18 of the Cupertino Municipal Code) requires a permit to remove protected trees from public or private property. Protected trees include all trees of the following species that have a minimum single-trunk diameter of 10 inches (31-inch circumference) or minimum multi-trunk diameter of 20 inches (63-inch circumference) measured at 4.5 feet from natural grade: Coast live oak, Valley oak, Black oak, Blue oak, Interior live oak, California buckeye, Big leaf maple, Deodar cedar, Blue atlas cedar, California bay, and Western sycamore.

Protected trees also include heritage trees, approved privacy protection plantings in R-1 zoning districts, and trees required to be protected as a part of a zoning, tentative map, or use permit. Application for designation as a heritage tree is referred to the Planning Commission for review and determination in accordance with Chapter 19.124 of the Cupertino Municipal Code. The Planning Commission may, by resolution, designate a tree or grove of trees as a heritage tree(s).

Development projects are subject to Chapter 14.18, Appendix A of the Cupertino Municipal Code: "Standards for the Protection of Trees during Grading and Construction". The removal of protected trees typically requires the planting of replacement trees, in accordance with the Replacement Tree Guidelines in the Cupertino Tree Ordinance.

No designated heritage trees are located on the project site.

4.4.1.3 *Existing Conditions*

Special Status Wildlife Species

Stevens Creek and the associated riparian corridor is known to provide habitat for a wide variety of fish and wildlife species, including some special status species. The entire length of Stevens Creek is designated as critical habitat for the federally-threatened California coast steelhead. The potential for the proposed project site to support special status species and their associated habitats is provided below:

<u>California Tiger Salamander</u>

The California tiger salamander *(Ambystoma californiense)* is a federally-threatened species known to inhabit valley and foothill grasslands and the understory of open woodland habitat. The species was not observed on the project site or along Stevens Creek during the March 29, 2017 survey. The biological analysis completed as part of the *Stevens Creek Corridor Park and Restoration Project Phase II IS/MND* determined that there is no potential for California tiger salamanders to occur within the study area, which included the project site.

California Red-legged Frog

The California red-legged frog *(Rana draytonii)* is a federally-threatened species known to occur in grassland, riparian woodland, oak woodland, and coniferous forest habitat but prefer quiet pools and slow moving streams with vegetated shores for breeding. The species was not observed on the project site or along Stevens Creek during the March 29, 2017 survey. According to the Lake and Streambed Alteration Agreement (February 21, 2013) issued for Phase 2 of the Stevens Creek Corridor Park and Restoration Project, the species has never occurred at the project site and is not expected to occur.

Western Pond Turtle

Western pond turtles *(Clemmys marmorata)* are the only freshwater turtles native to the San Francisco Bay Area and are considered Species of Special Concern. The species is known to occur in ponds, slow moving streams, lakes, and marshes with abundant vegetation. The species was not observed on the project site or along Stevens Creek during the March 2017 survey; however, the species is known to occur and has been documented within Stevens Creek. The potential for the species to occur at the project site is considered low because the site lacks high-quality habitat outside the riparian corridor and is currently used for overflow parking.

San Francisco Dusky-Footed Woodrat

The San Francisco dusky-footed woodrat is a Species of Special Concern, that prefers oak woodland habitat and is known to occur along the Stevens Creek riparian corridor. As of March 2018, there are observed populations at Blackberry Farm and at Stocklmeir. No dusky-footed woodrats or woodrat nests were observed on the project site during the March 29, 2017 survey; however, there have been recently documented findings of the dusky-footed woodrats throughout the creek corridor.[6] The potential for the species to occur at the project site is considered high in the riparian corridor and beneath the oaks and other vegetation growing on the slope along McClellan Road. In the past, Dusky-footed wood rat nests were observed on the site beneath the oaks in the area used for overflow parking.[7]

Central California Coast Steelhead

Stevens Creek supports a population of federally-threatened Central California coast steelhead *(Oncorhynchus mykiss)* and the entire length of the watershed is designated as critical habitat for the species.

Pallid Bat

The pallid bat (Antrozous pallidus), a state listed Species of Special Concern and other common bat species have the potential to occur in the area on a transient basis during spring and summer seasonal movements. In the project area bats may roost in tree cavities or under foliage or bark.

In addition to the pallid bat, yuma myotis have been observed in the creek corridor, and big brown bat maternity colonies are present at Blackberry Farm.

[6] Gail Seeds, City of Cupertino. Personal communication. March 28, 2018.
[7] Barbara Banfield, City of Cupertino. Personal communication. April 2018.

Nesting Birds

Trees and vegetation located on the project site and within the adjacent Stevens Creek riparian corridor provide suitable nesting opportunities for a variety of bird species. An unoccupied remnant stick nest was observed within the Stevens Creek riparian corridor, located approximately 25 feet east of the project site. The structure was used previously used by common ravens *(Corvus corax)* for nesting in prior years but has not since been reoccupied.[8] Red-shouldered Hawks and Western Screech Owls have been documented in the project area, and Western Wood-pewees have historically nested in the adjacent riparian corridor.[9] Bird species observed on the project site on March 29, 2017 include western blue bird, Anna's hummingbird, California scrub jay, dark-eyed junco, Bewicks's wren, bushtit, California towhee, and American crow.[10] Additional species known to occur in the area also include, but are not limited to: Cooper's hawk, barn owl, great-horned owl, Nutall's woodpecker, oak titmouse, Lawrence's goldfinch, white-tailed kite, yellow-warbler, great egret, snowy egret, great blue heron, golden eagle, merlin, and the American peregrine falcon.

Nicklin's Peninsula Snails

Nicklin's Peninsula Snails (Helminthoglypta nickliniana) have been observed in the project vicinity.[11] The snail is not listed by CDFW or USFWS as threatened or endangered, a candidate species for such listing, or a state species of special concern. The snail is, however, identified by CDFW as Critically Imperiled.[12]

Riparian Habitat

Riparian habitat is considered a sensitive natural community by various state and federal resource agencies and the City of Cupertino. Buffers are typically established along streams, creeks, and freshwater marshes so that these resources are not impacted by development. Mixed riparian forest is located along Stevens Creek in the project area and supports a diverse mix of native riparian trees. Stevens Creek is a perennial stream tributary to the San Francisco Bay. Water flow is regulated at the Stevens Creek Dam (upstream of the site) and varies throughout the year. The riparian understory is composed of a mix of native and invasive species such as the California blackberry and vinca hemlock, respectively.

Special Status Plant Species

Seven special status plant species have been previously documented within a five mile radius of the project site including western leatherwood *(Dirca occidentalis)*, Ben Lomond buckwheat *(Eriogonum nudum var.decurrens)*, bush mallow *(Malacothamnus arcuatus)*, Loma Prieta hoita *(Hoita strobilina)*, robust spineflower *(Chorizanthe robusta var. robusta)*, woodland wollythreads *(Monolopia gracilens)*, and Santa Clara red ribbons *(Clarkia concinna ssp. automixa)*. No rare or special status plant species were observed on the project site during the survey. The project site is highly disturbed and subject to consistent disturbance from overflow parking.

[8] Barbara Banfield, City of Cupertino. Personal communication. March 27, 2017.
[9] Barbara Banfield, City of Cupertino. Personal communication. April 2018.
[10] David J. Powers & Associates, Inc. *McClellan Ranch Parking Lot Biological Assessment*. April 13, 2017.
[11] Barbara Banfield, City of Cupertino. Email communication. February 6, 2018.
[12] California Department of Fish and Wildlife. *California Natural Diversity Database (CNDDB), Special Species List.* October 2017.

Wildlife Movement Corridors

Movement corridors or landscape linkages are usually linear habitats that connect two or more habitat patches, providing assumed benefits to the species by reducing inbreeding depression, and increasing the potential for recolonization of habitat patches. Habitat corridors are vital to terrestrial animals for connectivity between core habitat areas (i.e., larger intact habitat areas where species make their living). Movement corridors in California are typically associated with valleys, rivers and creeks supporting riparian vegetation, and ridgelines.

Healthy riparian areas (supporting structural diversity, i.e., understory species to saplings to mature riparian trees) have a high biological value as they not only support a rich and diverse wildlife community but have also been shown to facilitate regional wildlife movement. Riparian areas can vary from tributaries winding through scrubland to densely vegetated riparian forests.

Stevens Creek is an important corridor for federally threatened Central California Coast steelhead and other aquatic species. The riparian habitat also serves as a corridor for numerous birds, mammals, reptiles, and amphibians.

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)?	☐	☐	☒	☐	1,7
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?	☐	☐	☒	☐	1,7
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?	☐	☐	☐	☒	1,7

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
Would the project:					
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?	☐	☐	☐	☒	1,7
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	☐	☐	☐	☒	1,7
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?	☐	☐	☐	☒	1,7

4.4.2.1 *Biological Impacts*

The flat portion of the project site that is proposed to be developed with the parking area is a dirt and gravel area currently used for overflow parking that does not contain natural or sensitive habitat; however, the site is located adjacent to Stevens Creek. Stevens Creek and the associated riparian corridor are known to provide habitat for a wide variety of fish and wildlife species, including some special status species, as described above in Section 4.4.1.

Western Pond Turtle, California Red Legged Frog, and San Francisco Dusky-footed Woodrat

As stated previously, the western pond turtle is known to occur and has been documented within Stevens Creek. The San Francisco dusky-footed woodrat has also been known to occur along the Stevens Creek riparian corridor and beneath oaks in the area of the proposed overflow parking area. Although the biological survey did not identify any western pond turtles or San Francisco dusky-footed woodrats on-site, project construction could impact individual pond turtles that may be utilizing the upland area for refuge, basking, or movement, or may impact the remnant woodrat nests or new nests.

As stated in the project description (Section 3.1.3.2), preconstruction surveys for sensitive wildlife species with the potential to occur on the site, including the western pond turtle and San Francisco dusky-footed woodrat are included in the proposed project. Although not expected to occur on-site, preconstruction surveys for California red-legged frog are also included in the project.

Impact BIO-1: If present within the creek or adjacent upland habitat, California red-legged frog, western pond turtle, and/or woodrat could be impacted by construction-related activities.

Mitigation Measure:

In addition to the preconstruction surveys described in the Section 3.1.3.2 *Project Description*, the following mitigation measures are included in the proposed project to reduce potential impacts to California red-legged frog, western pond turtle, and/or woodrats to a less than significant level:

MM BIO 1.1 **Employee Education Program.** An employee education program shall be conducted prior to the initiation of project activities. The program shall consist of a brief presentation by persons knowledgeable in federally listed and state special status species biology and legislative protection to explain concerns to contractors and their employees. The program would include the following: a description of California red-legged frog, western pond turtle, and woodrat and their habitat needs; an explanation of the status of California red-legged frog, western pond turtle, and woodrat and their protection under state and federal laws; and a list of measures being taken to reduce impacts to California red-legged frog, western pond turtle, and woodrat during project activities. Crews shall be instructed that if a California red-legged frog is found, it is to be left alone and the project foreman, City, and the USFWS must be notified immediately. Likewise, if a western pond turtle, or woodrat nest is found, it is to be left alone and the project foreman, City, and CDFW must be notified immediately.

MM BIO 1.2: **ESA Fencing.** Project shall include the installation of Environmentally Sensitive Area ("ESA") fencing along creek bank to assist in excluding potential California red-legged frog and western pond turtle, from the construction zone. ESA fencing shall be buried at the base to prevent animals from moving under it. ESA fencing shall be maintained in good and stable condition throughout active construction. Nominal 1.5 to 3 foot tall silt fence type material is acceptable.

MM BIO 1.3: **Speed Limit.** Vehicles shall not drive more than five miles per hour within the project area. If any California red-legged frog, western pond turtle, or woodrat are seen in the path of a vehicle, the vehicle shall stop until the animal is out of the path. Parked vehicles shall be thoroughly checked underneath before they are moved to ensure that no California red-legged frog, western pond turtle, or woodrat are on the ground below the vehicle.

With implementation of pre-construction surveys and MM BIO 1.1 – 1.3, the project would have a less than significant impact to California red-legged frog, western pond turtle, or woodrats in the project area. **(Less Than Significant Impact)**

Nesting Raptors and Migratory Birds

Nesting raptors and other migratory birds are protected under the Migratory Bird Treaty Act and CDFW Code Sections 3503, 3503.5, and 2800. As stated above, raptors (such as falcons, hawks, eagles, and owls) and other migratory birds may utilize the large trees on-site or adjacent to the site for foraging or nesting. Construction disturbance near raptor nests can result in the incidental loss of fertile eggs or nestlings, or otherwise lead to nest abandonment. Construction activities may result in nesting raptors having to relocate to another site. Relocation of mature raptors or migratory birds

would not, by itself, be significant. Disturbance that causes abandonment and/or loss of reproductive effort is considered a taking by the CDFW.

As stated in the project description (Section 3.1.3.2), preconstruction surveys for nesting raptors and migratory birds are included in the proposed project. Implementation of the preconstruction surveys and subsequent actions, if necessary, would reduce potential impacts to nesting raptors and/or migratory birds from construction activity to a less than significant level. **(Less Than Significant Impact)**

Bats

Bats could roost in the trees on and adjacent to the project site. If an active bat roost or maternity colony is present on or adjacent to the site at the time of construction, there is potential for construction-related activities to impact bat species.

As stated in the project description (Section 3.1.3.2), preconstruction surveys for bats are included in the proposed project. Implementation of the preconstruction surveys and subsequent actions, if necessary, would reduce potential impacts to bats from construction activity to a less than significant level. **(Less Than Significant Impact)**

Nicklin's Peninsula Snail

Nicklin's Peninsula Snail has been observed in the project vicinity. As stated in the project description (Section 3.1.3.2), preconstruction surveys for sensitive wildlife species with the potential to occur on the site, including the Nicklin's Peninsula Snail are included in the proposed project, and removal and disturbance of duff and downed wood shall be avoided. If any downed logs or woody debris must be moved, care shall be taken to look for these snails.

Trees

The proposed project would require the removal of five trees, as listed in Table 4.4-1, below.

Table 4.4-1
Trees On-Site Trees to be removed

Scientific Name	Common Name	Size*
Pinus sp.	Pine Tree	53
Pinus sp.	Pine Tree	66
Pinus sp.	Pine Tree	47
Washingtonia robusta	Mexican Fan Palm	70
Quercus agrifolia	Coast live oak	2
*Circumference measured in inches		

The project would replace the pine trees and Mexican fan palm at a 1:1 ratio. The small coast live oak tree would be replaced at a 3:1 ratio. The project would not remove a protected tree; therefore, a tree removal permit would not be required.

The project includes grading and excavation immediately adjacent to the Stevens Creek riparian corridor. Also, as stated in the project description (Section 3.1.2.1), the proposed project includes restoration of the riparian habitat between the proposed parking areas and Stevens Creek within the riparian corridor. The trees in the riparian corridor are protected by City ordinance and are habitat for protected species. These trees could be damaged during project construction activities, if they are not properly protected. Potential impacts to trees on or adjacent to the site resulting from construction activities would be minimized by implementing the following standard measures consistent with Chapter 14.18, Appendix A of the Cupertino Municipal Code: Standards for the Protection of Trees during Grading and Construction Operations of the City of Cupertino Tree Ordinance.

Standard Measures: As a condition of approval, the proposed project includes the following standard measures. A licensed landscape architect or International Society of Arboriculture certified arborist shall be retained to certify the applicability of the standards listed below and develop additional standards as necessary to ensure the proper care, maintenance, and survival of trees designated for protection.

1. A site plan shall be prepared describing the relationship of proposed grading and utility trenching to the trees designated for preservation. Construction and grading should not significantly raise or lower the ground level beneath tree drip lines. If the ground level is proposed for modification beneath the drip line, the architect/arborist shall address and mitigate the impact to the tree(s).
2. All trees to be preserved on the property and all trees adjacent to the property shall be protected against damage during construction operations by constructing a six-foot-high fence around the drip line, and armor as needed. The extent of fencing and armoring shall be determined by the landscape architect or arborist. The tree protection shall be placed before any excavation or grading is begun and shall be maintained in repair for the duration of the construction work.
3. No construction operations shall be carried on within the drip line area of any tree designated to be saved except as is authorized by the Director of Community Development.
4. If trenching is required to penetrate the protection barrier for the tree, the section of trench in the drip line shall be hand dug so as to preclude the cutting of roots. Prior to initiating any trenching within the barrier approval by staff with consultation of an arborist shall be completed.
5. Trees which require any degree of fill around the natural grade shall be guarded by recognized standards of tree protection and design of tree wells.
6. The area under the drip line of the tree shall be kept clean. No construction materials nor chemical solvents shall be stored or dumped under a tree.
7. Fires for any reason shall not be made within fifty feet of any tree selected to remain and shall be limited in size and kept under constant surveillance.
8. The general contractor shall use a tree service licensee, as defined by California Business and Professional Code, to prune and cut off the branches that must be removed during the grading or construction. No branches or roots shall be cut unless at first reviewed by the landscape architect/arborist with approval of staff.
9. Any damage to existing tree crowns or root systems shall be repaired immediately by an approved tree surgeon.
10. No storage of construction materials or parking shall be permitted within the drip line area of any tree designated to be saved.

11. Tree protection regulations shall be posted on protective fencing around trees to be protected.

In the unlikely event that the final project design requires the removal of a protected tree, a tree removal permit would be obtained. All requirements for removal as stated in the tree removal permit, including the provision of replacement trees, would be followed. The number and type of replacement tree to be provided would be determined by the City of Cupertino, in accordance with City policy and other requirements, as applicable.

Riparian Habitat

The project would not modify Stevens Creek. The proposed parking area improvements would be located outside the Stevens Creek riparian corridor. As stated in the project description (Section 3.1.2.1), the proposed project includes restoration of the riparian habitat between the proposed parking areas and Stevens Creek within the greenbelt. The restoration includes planting 19 native trees, approximately 12,000 sf of riparian understory species, and approximately 8,500 sf of meadow/upland species, and removing an invasive tree species (i.e., Mexican fan palm). Mexican fan palm is a common landscape ornamental that has become invasive in riparian areas, orchards and landscaped areas.[13] The proposed restoration would enhance the riparian habitat and improve the overall habitat quality in the project area. **(Less Than Significant Impact)**

Proposed Parking Area Lighting

Security lighting, consisting of five light standards, 12 feet in height, would be installed in the main parking area. No lighting would be installed in the overflow parking area. The proposed lighting would be fully shielded and directed down and away from Stevens Creek. No lighting would be directed towards Stevens Creek. The lights would be turned off each night when the Preserve closes. Lighting would accommodate normal public hours for the creek corridor and the Preserve. On typical days, the lighting is anticipated to be turned off approximately one hour after sunset. The lit parking area would be operated later at times to accommodate evening meetings or programs at the Preserve; the lights would be turned off at the conclusion of such activities.

Impacts to biological resources from the proposed lighting could occur if protected species, including migratory birds, using the nearby riparian corridor were subject to increased predation, decreased habitat availability, and alteration of physiological processes due to substantially greater illuminance. As stated in the project description (Section 3.1.2.2), the proposed security lighting would be amber-colored, certified wildlife-friendly. The lighting would be designed to minimize light trespass and while providing sufficient light levels for security. Taking into account existing ambient light levels in the project area (e.g., streets lights) and because the proposed lighting would typically be turned off each night one hour after sunset, certified wildlife-friendly, and fully shielded and directed down and away from Stevens Creek, the proposed lighting would not substantially affect biological resources in the project area, including Stevens Creek. **(Less Than Significant Impact)**

[13] California Invasive Plant Council. *Washingtonia robusta*. Accessed: May 13, 2018 Available at: http://www.cal-ipc.org/plants/profile/washingtonia-robusta-profile/

4.4.3 Conclusion

The proposed project would not result in significant biological resource impacts. **(Less Than Significant Impact)**

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,[14] 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 recognized as cultural resources in the City of Cupertino General Plan (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, which are 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. The project site 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.

4.5.1.1 *Regulatory Framework*

City of Cupertino General Plan

The following policies are found in the General Plan and are related to cultural resources:

Policy 2-63: Archaeologically Sensitive Areas. Protect archaeologically sensitive areas.

4.5.1.2 *Existing Conditions*

The project site is undeveloped and is adjacent to Stevens Creek. Based on a previous cultural report prepared for development along Stevens Creek, while creek areas can be archaeologically sensitive, the project site is not in an archaeologically or paleontologically sensitive area. [15, 16]

[14] Events of the past prior to written records are considered prehistory.
[15] City of Cupertino. *Stevens Creek Corridor Park and Restoration Project Phase 2. Initial Study/Mitigated Negative Declaration*. July 2011.
[16] City of Cupertino. *General Plan Amendment, Housing Element Update, and Associated Rezoning Draft EIR.* June 18, 2014.

The site does not contain known cultural resources and is not listed on the California Register of Historical Resources or the National Register of Historic Places.[17] The vicinity of the project is identified as occurring within the historic Juan Bautista de Anza corridor.[18]

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?	☐	☐	☒	☐	1,2
c) Directly or indirectly destroy a unique paleontological resource or site, or unique geologic feature?	☐	☐	☒	☐	1,2
d) Disturb any human remains, including those interred outside of dedicated cemeteries?	☐	☐	☒	☐	1,2
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:					1,2
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

[17] City of Cupertino. *General Plan Amendment, Housing Element Update, and Associated Rezoning Draft EIR.* June 18, 2014.

[18] National Park Service. *Juan Bautista De Anza National Historic Trail.* Accessed: April 24, 2018. Available at: http://www.solideas.com/DeAnza/TrailGuide/index.html

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
Would the project:					
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

4.5.2.1 *Cultural Resources*

Construction of the proposed parking area would affect a historical resource, or site recognized in the General Plan as a Historic Site or Commemorative Site. Although unlikely, the project has the potential to impact archaeological resources.

Subsurface Historic, Prehistoric, and Paleontological Resources

While highly unlikely, buried prehistoric or historic deposits that could provide information on prehistory or the history of this site, its inhabitants, and the role it played in the development of the City could be encountered during construction activities that involve subsurface grading.

Standard Measures: As a condition of approval, the proposed project includes the following standard measures to reduce impacts to cultural resources to a less than significant level:

- Cultural resources sensitivity training shall be conducted for the construction workers involved in moving soil or working near soil disturbance. The training will be completed by persons knowledgeable of the types of archaeological resources that could be present in the project area. This training will review the types of archaeological resources that might be found, along with laws for the protection of resources.

- 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.

- 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.

- 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.

(Less Than Significant Impact)

4.5.3 Conclusion

The proposed project, with implementation of the standard measures listed above, would not result in significant cultural impacts. **(Less Than Significant Impact)**

The proposed project, which includes standard avoidance measures would not result in significant impacts to subsurface cultural or paleontological resources. **(Less Than Significant Impact)**

4.6 GEOLOGY AND SOILS

The California Supreme Court in a December 2015 opinion (*BIA v. BAAQMD*) confirmed CEQA is concerned with the impacts of a project on the environment, not the effects the existing environment may have on a project; nevertheless, the City has policies that address existing conditions (geologic hazards) affecting a proposed project, which are described in Section 4.6.1.1, below.

The following discussion is based, in part, on a geotechnical analysis prepared by *Ninyo & Moore, Geotechnical and Environmental Sciences Consultants* in June 2016. A copy of the report is attached as Appendix B of this Initial Study.

4.6.1 Environmental Setting

4.6.1.1 *Regulatory Framework*

Alquist-Priolo Earthquake Fault Zoning Act

The Alquist-Priolo Earthquake Fault Zoning Act was passed into law following the destructive 1971 San Fernando earthquake. The Act ensures public safety by prohibiting the siting of most structures for human occupancy across traces of active faults that constitute a potential hazard to structures from surface faulting or fault creep. Local agencies are responsible for regulating most development projects within designated fault zones. Alquist-Priolo maps are distributed to affected cities, counties, and state agencies for their use in planning and controlling new construction.

Seismic Hazards Mapping Act

Following the 1989 Loma Prieta earthquake, the Seismic Hazards Mapping Act (SHMA) was passed by the California legislature in 1990. The SHMA (Public Resources Code, Chapter 7.8, Section 2690-2699.6) directs the Department of Conservation, California Geological Survey to identify and map areas prone to liquefaction, earthquake-induced landslides and amplified ground shaking. It also requires that agencies only approve projects in seismic hazard zones following site-specific geotechnical investigations to determine if the identified hazard is present and the inclusion of appropriate mitigation to reduce earthquake-related hazards.

4.6.1.2 *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

Flaskan sandy loam, similar to other low-lying areas of the City. Soil on-site has a low to moderate potential for expansion.[19]

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 project site is located in a Santa Clara County-identified fault hazard zone; however, it is not identified in the Cupertino General Plan as being located in a fault hazard zone.

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.[20]

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 project site is located within a designated State of California Liquefaction Hazard Zone and a Santa Clara County Liquefaction Hazard Zone. [21]

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. The project site is located adjacent to Stevens Creek.

Landslides

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 site is located within a State of California Landslide zone.[22]

[19] Natural Resources Conservation Service. Web Soil Survey. Accessed: July 18, 2017. Available at: http://websoilsurvey.sc.egov.usda.gov/App/HomePage.htm
[20] Santa Clara County. *Geologic Hazard Zones.* October 26, 2012.
[21] *Ibid.*
[22] California Department of Conservation. *Cupertino Quadrangle.* September 23, 2002. Accessed: July 18, 2017.Available at: http://gmw.consrv.ca.gov/shmp/download/quad/CUPERTINO/maps/CUPERTINO.PDF

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:					
3. 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.)?	☐	☐	☒	☐	1,8
4. Strong seismic ground shaking?	☐	☐	☒	☐	1,8
5. Seismic-related ground failure, including liquefaction?	☐	☐	☒	☐	1,8
6. Landslides?	☐	☐	☒	☐	1,8
b) Result in substantial soil erosion or the loss of topsoil?	☐	☐	☒	☐	1
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?	☐	☐	☒	☐	1,8
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
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

The project is the construction of a 47-space parking area. The project does not propose or 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 are not discussed further.

4.6.2.1 *Soils Impacts*

The proposed project would not be exposed to substantial slope instability or erosion related hazards due to the flat topography of the site. Soils at the project site are not highly expansive. The project is located in a landslide hazard zone. The proposed project would be designed and constructed in accordance with standard engineering practice and in conformance with design recommendations of a geotechnical evaluation prepared for the project**.** The proposed project would not exacerbate the potential for landslides to occur in the project area. **(Less Than Significant Impact)**

4.6.2.2 *Seismic and Seismic-Related Impacts*

The project is located in a seismically active region and, therefore, strong ground shaking would be expected during the lifetime of the project. The proposed project, a 47-space parking area, would not expose people or structures to substantial adverse seismic or seismic-related impacts. The project site is located in a fault hazard zone and a liquefaction hazard zone; therefore, the adjacent creek bank and site could subject to lateral spreading. The proposed project would be designed and constructed in accordance with standard engineering safety techniques and in conformance with design-specific geotechnical reports prepared for the project. The proposed project would not exacerbate existing geological conditions (e.g., liquefaction, fault rupture, or lateral spreading) at the project site. For these reasons, the proposed project would not result in significant seismic and seismic-related impacts. **(Less Than Significant Impact)**

4.6.3 Conclusion

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

4.7 GREENHOUSE GAS EMISSIONS

4.7.1 Environmental Setting

4.7.1.1 *Background Information*

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 gas (GHG) emissions contributing to global warming and associated climate change are carbon dioxide (CO_2), methane (CH_4), nitrous oxide (N_2O), and fluorinated compounds. GHG 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.

4.7.1.2 *Regulatory Framework*

State of California

California Global Warming Solutions Act

Under the California Global Warming Solution Act, also known as Assembly Bill 32 (AB 32), CARB has established a statewide GHG emissions cap for 2020, adopted mandatory reporting rules for significant sources of GHG, and adopted a comprehensive plan, known as the *Climate Change Scoping Plan* (Scoping Plan), that identifies how emission reductions will be achieved from significant GHG sources via regulations, market mechanisms and other actions.

On September 8, 2016, Governor Brown signed Senate Bill (SB) 32 into law, amending the California Global Warming Solution Act. SB 32 requires the California Air Resources Board to ensure that statewide greenhouse gas emissions are reduced to 40 percent below the 1990 level by 2030. As a part of this effort, CARB is required to update the Scoping Plan to express the 2030 target in terms of million metric tons of carbon dioxide equivalent. CARB has initiated the public process to update the State's Scoping Plan. The updated Scoping Plan will provide a framework for achieving the 2030 target and is anticipated to be completed and adopted by the Air Resources Board in 2017.

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 the 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 General Plan includes an Environmental Resources/Sustainability Section, with policies that call for energy efficiency, alternative transportation planning, and green building. These policies and the City's Green Building and Green Business Programs include measures designed to reduce energy and water use and associated direct and indirect greenhouse gas emissions.

The City also has adopted a construction and debris (C&D) recycling program ordinance that requires applicants seeking building or demolition permits for projects greater than 3,000 square feet to recycle at least 60 percent of project discards. Recycling can indirectly reduce greenhouse gas emissions by reducing the need to manufacture or mine new products or materials.

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 Plan.

4.7.1.3 *Existing Conditions*

The existing project site is used as overflow parking for events held at the Preserve and minimally contributes to the 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 the Bay Area Air Quality Management District (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.[23]

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 construction of a 47-space parking area on a site that is currently used by the Preserve for overflow parking. Similar to existing conditions, the proposed parking area would be used by the Preserve for parking. Greenhouse gas emissions generated by the project would be associated with vehicle travel to and from the Preserve, which currently occurs under existing conditions. Therefore, compared to existing conditions, the proposed project would not generate new traffic and associated greenhouse gas emissions. **(Less Than Significant 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. Most of the greenhouse gas reduction measures identified in the State's Scoping Plan and City's Climate Action Plan pertain to land use planning (e.g., placing jobs near housing), building energy efficiency measures (e.g., CalGreen Building Codes), and waste management (e.g., recycling), which are not applicable to the proposed parking area. As stated in the project description and consistent with applicable water use efficiency measures, all landscaping proposed by the project, including trees, would consist of native species that are naturally adapted to local climate conditions. For these reasons, the proposed 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)**

[23] 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.

4.7.3 Conclusion

Implementation of the proposed project would not result in significant greenhouse gas emission impacts and would not conflict with adopted plans and policies related to the reduction of greenhouse gas emissions. **(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*

The storage, use, generation, transport, and disposal of hazardous materials and waste are highly regulated under federal and state laws. Key federal regulations and policies related to development include the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), commonly known as Superfund, and the Resource Conservation and Recovery Act (RCRA). In California, the US EPA has granted most enforcement authority over federal hazardous materials regulations to the California Environmental Protection Agency (CalEPA). In turn, local agencies including the Santa Clara County Department of Environmental Health (SCCDEH) have been granted responsibility for implementation and enforcement of many hazardous materials regulations under the Certified Unified Program Agency (CUPA) program.

Other regional agencies are responsible for programs regulating emissions to the air, surface water, and groundwater include the Bay Area Air Quality Management District (BAAQMD), which has oversight over air emissions, and the Regional Water Quality Control Board (RWQCB) which regulates discharges and releases to surface waters and groundwater.

Oversight over investigation and remediation of sites impacted by hazardous materials releases can be completed by state agencies, such as the Department of Toxic Substances Control [(DTSC) a division of CalEPA)], regional agencies, such as the RWQCB, or local agencies, such as SCCDEH. The SCCDEH oversees investigation and remediation Leaking Underground Storage Tank (LUST) sites in Cupertino. Other agencies that regulate hazardous materials include the California Department of Transportation and California Highway Patrol (transportation safety), and California Occupational Safety and Health Administration (Cal/OSHA).

4.8.1.2 *Existing Conditions*

The project site is an undeveloped dirt and gravel lot that is used by the Preserve for overflow parking. The project site is not located on a known hazardous materials site pursuant to Government Code Section 65962.5.[24] The project site is not located within an airport land use plan, wildfire hazard zone, or in the vicinity of a private airstrip and is not identified on an adopted emergency response plan or emergency evacuation plan.[25]

[24] State Water Resources Control Board. *Geotracker*. Accessed February 2018.
[25] City of Cupertino. *General Plan*. November 2005.

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
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
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
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
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
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
g)	Impair implementation of, or physically interfere with, an adopted emergency response plan or emergency evacuation plan?	☐	☐	☐	☒	1
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?	☐	☐	☐	☒	1,8

4.8.2.1 *Hazardous Materials Impacts*

The project site is not located on a known hazardous materials site pursuant to Government Code Section 65962.5. The proposed parking area would not transport, use, or dispose of hazardous materials or emit or handle hazardous materials near a school. The proposed parking area is not located within the boundary of an airport land use plan, in a wildfire hazard zone, or in the vicinity of a private airstrip.[26] Construction of the proposed parking area 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)**

4.8.3 Conclusion

The proposed parking area would not result in a significant hazardous materials impact. **(No Impact)**

[26] City of Cupertino. *General Plan*. November 2005.

4.9 HYDROLOGY AND WATER QUALITY

The California Supreme Court in a December 2015 opinion (*BIA v. BAAQMD*) confirmed CEQA is concerned with the impacts of a project on the environment, not the effects the existing environment may have on a project; nevertheless, the City has policies that address existing conditions (e.g. floodplains) affecting a proposed project, which are described in Section 4.9.1.2, below.

The following discussion is based, in part, on a hydrology report prepared by *Balance Hydrologics, Inc.* in April 2017. A copy of the report is attached as Appendix B of this Initial Study.

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 4.9.1.3 below, a portion of the project site is located within a floodway and/or 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.[27]

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, and that building sites are reasonably safe from flooding.

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 *Applicable Plans, Policies, and Regulations*

Santa Clara Valley Water District Policies

The following policies are found in the Santa Clara Valley Water District Stream Maintenance Manual are applicable to the proposed project:

GEN 17 Employee/Contractor Training. All appropriate District staff and contractors will receive annual training on Stream Maintenance Program BMPs. The training will also include an overview of special-status species identification and habitat requirements. District staff and contractors will receive fact sheets to assist with in-the-field identification of special-status species and their habitats.

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

GEN 18 Paperwork Required On-site.

- Copies of regulatory permits related to the Stream Maintenance Program will be kept on-site and available for review, if requested by regulatory personnel.
- Copies of the Stream Maintenance Program Manual and this BMP Manual will be kept on-site

GEN 20 Erosion and Sediment Control Measures.

- Soils exposed due to maintenance activities will be seeded and stabilized using hydroseeding, straw placement, mulching, and/or erosion control fabric. These measures will be implemented such that the site is stabilized and water quality protected prior to significant rainfall. The channel bed and areas below the Ordinary High Water Mark (OHWM) are exempt from this BMP.
- The preference for erosion control fabrics will be to consist of natural fibers; however, steeper slopes and areas that are highly erodible may require more structured erosion control methods. No non-porous fabric will be used as part of a permanent erosion control approach. Plastic sheeting may be used to temporarily protect a slope from runoff, but only if there are no indications that special-status species would be impacted by the application.
- Erosion control measures will be installed according to manufacturer's specifications.
- Appropriate measures include, but are not limited to, the following:
    - Silt Fences
    - Straw Bale Barriers
    - Brush or Rock Filters
    - Storm Drain Inlet Protection
    - Sediment Traps
    - Sediment Basins
    - Erosion Control Blankets and Mats
    - Soil Stabilization (i.e. tackified straw with seed, jute or geotextile blankets, etc.)
    - Wood chips
    - Straw mulch

GEN 21 Staging and Stockpiling of Materials.

- To protect on-site vegetation and water quality, staging areas should occur on access roads, surface streets, or other disturbed areas that are already compacted and only support ruderal vegetation. Similarly, all maintenance equipment and materials (e.g., road rock and project spoil) will be contained within the existing service roads, paved roads, or other pre-determined staging areas.
- Building materials and other maintenance-related materials, including chemicals and sediment, will not be stockpiled or stored where they could spill into water bodies or storm drains. Materials will not be stockpiled longer than seven (7) calendar days.

- No runoff from the staging areas may be allowed to enter water ways, including the creek channel or storm drains, without being subjected to adequate filtration (e.g., vegetated buffer, swale, hay wattles or bales, silt screens).
- The discharge of decant water to water ways from any on-site temporary sediment stockpile or storage areas is prohibited.
- Wet material removed from an isolated creek reach may be pulled to the side of the channel (within the channel and below top of bank) and allowed to naturally drain prior to removal from the channel. Pulled material will be removed from the channel prior to deactivation of the site or forecast of rain.
- During the wet season, no stockpiled soils will remain exposed, unless surrounded by properly installed and maintained (i.e., per manufacturer specifications) silt fencing or other means of erosion control. During the dry season; exposed, dry stockpiles will be watered, enclosed, covered, or sprayed with non-toxic soil stabilizers (GEN-24).
- All pipes, culverts, or similar structures stored at a site within sensitive species areas, for one or more overnight periods shall be securely capped prior to storage or inspected before the pipe is subsequently moved. If any potential special-status species are observed within a pipe, a District biologist shall be consulted on what steps should be taken to protect the species. If a District biologist is on-site, they may remove the special status species from the pipes and relocate to the nearest appropriate and unaffected habitat.

GEN 30 Vehicle and Equipment Maintenance.

- All vehicles and equipment will be kept clean. Excessive build-up of oil and grease will be prevented.
- All equipment used in the creek channel will be inspected for leaks each day prior to initiation of work. Maintenance, repairs, or other necessary actions will be taken to prevent or repair leaks, prior to use.
- Incoming vehicles and equipment (including delivery trucks, and employee and subcontractor vehicles) will be checked for leaking oil and fluids. Vehicles or equipment visibly leaking operational fluids will not be allowed on-site.
- No heavy equipment will operate in a live stream. This will not apply to activities for which no other option exists, such as sediment removal which cannot be conducted from top of bank, etc. In these cases, dewatering will be conducted as necessary, following the protocols in BMPs GEN-33 or GEN-34.
- No equipment servicing will be done in the creek channel or immediate floodplain, unless equipment stationed in these locations cannot be readily relocated (i.e., pumps and generators).
- If emergency repairs are required in the field, only those repairs necessary to move equipment to a more secure location, and that can be performed

without releasing any material into the floodway or water, will be conducted in the channel or floodplain.

- If necessary, all servicing of equipment done at the job site will be conducted in a designated, protected area to reduce threats to water quality from vehicle fluid spills. Designated areas will not directly connect to the ground, surface water, or the storm drain system. The service area will be clearly designated with berms, sandbags, or other barriers. Secondary containment, such as a drain pan, to catch spills or leaks will be used when removing or changing fluids. Fluids will be stored in appropriate containers with covers, and properly recycled or disposed of offsite.

4.9.1.3 *Existing Conditions*

Hydrology and Drainage

The project site is located within the Stevens Creek watershed. The watershed is located along the eastern slopes of the Santa Cruz Mountains in the western portion of Santa Clara County, and encompasses approximately 30 square miles at its outlet to the San Francisco Bay. Stevens Creek is a stream whose flows are regulated by the Santa Clara Valley Water District via operation of an upstream reservoir.

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.[28] Groundwater in the project area is typically found 25 to 30 feet bgs.[29] Fluctuations in the level of subsurface water can occur due to variations in rainfall, temperature, and other factors.

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 Stevens 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 eastern portion of the project site along Stevens Creek is mapped within Zone AE and the area nearest Stevens Creek is within the Stevens Creek floodway. Zone AE is a special flood

[28] Santa Clara Valley Water District. 2012 Groundwater Management Plan.
[29] GeoSolve, Inc. *Bioremediation Activities and Confirmation Soil Sampling Results.* October 18, 2011.

hazard area that is subject to inundation by the one percent annual chance flood. The floodway is the stream channel plus any adjacent areas that must be kept free of encroachment so that the one percent annual chance flood without substantial increases in flood heights. The remainder of the project site is mapped in Zone X, which is not a special flood hazard area.[30]

In the event the Stevens Creek Reservoir Dam fails, the project site would be inundated.[31] The project area is not subject to flooding due to seiches or tsunamis.[32]

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?	☐	☐	☒	☐	1,10
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)?	☐	☐	☐	☒	1,9,10
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?	☐	☐	☒	☐	1,10
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?	☐	☐	☒	☐	1,10
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?	☐	☐	☒	☐	1,10

[30] Federal Emergency Management Agency. *Flood Insurance Rate Map, Santa Clara County, California, Community-Panel Number 06085C0209H*. May 18, 2009.
[31] 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: February 16, 2017. Available at: http://www.cupertino.org/index.aspx?page=1210.
[32] Association of Bay Area Governments. *Interactive Flooding Map*. Accessed: February 16, 2017. Available at: http://gis.abag.ca.gov/website/Hazards/?hlyr=femaZones

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
Would the project:					
f) Otherwise substantially degrade water quality?	☐	☐	☒	☐	1,10
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?	☐	☐	☐	☒	1,9
h) Place within a 100-year flood hazard area structures which will impede or redirect flood flows?	☐	☐	☐	☒	1,11
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?	☐	☐	☐	☒	1,11
j) Inundation by seiche, tsunami, or mudflow?	☐	☐	☐	☒	1

4.9.2.1 *Hydrology and Drainage Impacts*

The project site is on the west bank of Stevens Creek. The project would not alter the course of a stream or river, and will not disturb the creek flows in the active year-round channel. Grading during project construction would not occur on the creek side of the top of bank. The existing undeveloped site has the potential for erosion and siltation and, as such, the proposed project may provide a reduction in erosion/siltation potential through the use of pervious pavement, structural soil, landscaping, and riparian planting. Runoff generated by the project would seep into the soils below the project site or flow towards planter areas or the stormwater detention area where it would be treated using low impact development (LID) stormwater controls.

Based on results of the hydrology modeling, the proposed project would not substantially alter the existing drainage pattern of the site or area nor substantially increase the rate or amount of surface runoff in a manner which would result in flooding or erosion on- or off-site. The proposed pervious parking area would improve existing conditions by facilitating stormwater infiltration and decreasing ponding of water on-site, as current conditions create. The amount of stormwater runoff generated by the project site would incrementally decrease under the proposed project. **(Less Than Significant Impact)**

4.9.2.2 *Groundwater*

Maximum excavation depths on the site during construction would be up to three feet and would not come in contact with groundwater, which is estimated at 25 to 30 feet below ground surface (bgs) in the project area. As stated above, the permeability of the project site would incrementally increase under project conditions. For these reasons, the proposed project would not deplete groundwater resources or interfere with groundwater recharge. **(No Impact)**

4.9.2.3 *Water Quality Impacts*

Construction-Related Impacts

Construction of the proposed project may result in temporary impacts to surface water quality. During construction, surface runoff from the site may contain sediments that may reach Stevens Creek. The project would disturb more than one acre of soil; therefore, the project would have to comply with the National Pollutant Discharge Elimination System (NPDES) General Permit for Construction Activities. In accordance with the City of Cupertino's Municipal Code Chapter 9.18, the project would also implement the following standard measures to avoid water quality impacts during construction:

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.

The proposed project, in compliance with the NPDES General Permit for Construction Activities and with implementation of standard measures per the City of Cupertino Municipal Code, would not result in significant construction-related water quality impacts. **(Less Than Significant Impact)**

Post-Construction Impacts

As described previously, the volume of stormwater runoff generated by the project site would incrementally decrease under the proposed project, reducing the potential for erosion/siltation downstream of the site. In conformance with the City of Cupertino's Municipal Code Chapter 9.18, the following standard measures would be implemented by the project, as applicable:

Standard Measures:

- The project shall comply with Provision C.3 of NPDES Permit Number CAS612008, which provides enhanced performance standards for the management of stormwater for new development. The project will include provision for post-construction structural controls in the project design and shall include BMPs for reducing contamination in stormwater runoff as permanent features of the project.

  The specific BMPs shall be determined based on design and site-specific considerations.

- 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.

- To maintain effectiveness, all stormwater treatment facilities shall include long-term maintenance programs.

Implementation of standard measures listed 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*

Portions of the project site are mapped within a floodway and/or 100-year flood hazard zone and the site would be inundated, if the Stevens Creek Reservoir Dam fails. The proposed project, a parking area, does not include housing or structures that would impede or redirect flood flows and would not expose people or buildings to inundation resulting from dam failure.

Flooding can occur swiftly and with no advance notice. Upstream of the project site, SCVWD operates the Stevens Creek Reservoir and Dam. SCVWD may choose to implement releases of

water from the reservoir without notice that may exacerbate high water or flood conditions in the Stevens Creek Corridor. Flooding can inundate portions of the work site within the flood plain at any time during the rainy season. Furthermore, such flood waters can bring aquatic wildlife, including federally-threatened steelhead, into the work site. Steelhead are federally protected and any harm to them or to their habitat can result in severe penalties. Because of these circumstances, the following standard measures would be required as a condition of project approval.

Standard Measures:

- Contractor must be prepared to completely clear the work site and to completely remove all equipment, tools, materials and other property from the work site if flooding conditions may occur.
- A special effort shall be made to remove first any items that could harm water quality or wildlife should they come into contact with creek waters.
- Contractor shall be prepared to implement such a clearing effort immediately, 24 hours per day, seven days per week, throughout the flood season (October 15 to April 30).
- It shall be the contractor's responsibility to keep apprised of weather and storm conditions during this time that could lead to a high water event.

The project is not located in an area subject to inundation hazards from projected sea level rise or earthquake-induced waves or mudflows. For these reasons, the proposed project with implementation of the standard measures listed above, would not result in impacts related to flooding or other inundation hazards. **(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

4.10.1.1 *Regulatory Framework*

City of Cupertino General Plan and Zoning Ordinance

The project site is designated as *Open Space/Parkland* in the General Plan. The *Open Space/Parkland* designation applies to land owned by the public and used for recreation.

The project site is zoned as *Parks and Recreation* in the City's zoning code. *Parks and Recreation* zones are intended to regulate the land uses and recreational activity permitted within publicly owned parks within the City, to ensure the safety and enjoyment of the persons utilizing the park facilities, as well as to protect the rights of adjoining property owners.

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
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

4.10.2.1 *Land Use Impacts*

The project is the construction of a 47-space parking area on a site that is currently used by the Preserve for overflow parking. Similar to existing conditions, the proposed parking area would be used by the Preserve for parking. The project would not introduce new uses to the site. Consistent with the existing *Parks and Open Space* land use designation and *Parks and Recreation* zoning on the site, the project site would continue to provide parking for an open space use.

The project site is not located within the boundaries of a habitat conservation plan or natural community conservation plan area. The proposed project would not physically divide an established community. **(No Impact)**

4.10.3 Conclusion

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 California Mining and Geology Board, under the Surface Mining and Reclamation Act of 1975, 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 site is not within an area 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
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

4.11.3 Conclusion

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

4.12 NOISE AND VIBRATION

4.12.1 Environmental Setting

4.12.1.1 *Background Information*

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.

4.12.1.2 *Regulatory Framework*

Applicable Noise Standards and Policies

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. The following policy is applicable to the proposed project:

Policy HS-8.3: Regulate construction and maintenance activities. Establish and enforce reasonable allowable periods of the day, during weekdays, weekends and holidays for construction activities. Require construction contractors to use the best available technology to minimize excessive noise and vibration from construction equipment such as pile drivers, jack hammers, and vibratory rollers.

Municipal Code

The City of Cupertino regulates noise within the community in Chapter 10.48 (Community Noise Control) of the Municipal Code. Noise from grading, construction, and demolition is limited as follows:

A. Grading, construction and demolition activities shall be allowed to exceed the noise limits of Section 10.48.040 during daytime hours (7:00 AM to 8:00 PM on weekdays, and 9:00 AM to 6:00 PM on weekends) provided, that the equipment utilized has high-quality noise muffler and

abatement devices installed and in good condition, and the activity meets one of the following two criteria:

1. No individual device produces a noise level more than 87 dBA at a distance of 25 feet (7.5 meters); or

2. The noise level on any nearby property does not exceed 80 dBA.

B. Notwithstanding Section 10.48.053A, it is a violation of this chapter to engage in any grading, street construction, demolition or underground utility work within seven hundred fifty feet of a residential area on Saturdays, Sundays and holidays, and during the nighttime period, except as provided in Section 10.48.030.

C. Construction, other than street construction, is prohibited on holidays, except as provided in Sections 10.48.029 and 10.48.030

D. Construction, other than street construction, is prohibited during nighttime periods unless it meets the nighttime standards of Section 10.48.040.

E. The use of helicopters as a part of a construction and/or demolition activity shall be restricted to between the hours of 9:00 AM and 6:30 PM. Monday through Friday only, and prohibited on the weekends and holidays. The notice shall be given at least 24 hours in advance of said usage. In cases of emergency, the 24 hour period may be waived. (Ord. 1871, (part), 2001)

4.12.1.3 *Existing Conditions*

The project site is located adjacent to McClellan Road which is dominated by vehicular noise. The project site is not located within two miles of an airport or private airstrip, or within an airport land use plan area. The primary source of noise in the project area is from vehicles travelling on McClellan Road, which is located adjacent to the project site.

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

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
Would the project result in:					
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	☐	☐	☒	☐	1
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
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

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 five dBA CNEL or greater would be considered significant.

4.12.2.1 *Construction-related Noise and Vibration Impacts*

Construction of the proposed project would generate noise and would temporarily increase noise levels in the project area. The significance of noise impacts during construction and demolition depends on the noise generated by various pieces of construction equipment, the timing and duration of noise generating activities, and the distance between construction noise sources and noise sensitive receptors.

Construction activities generate considerable amounts of noise. Typical hourly average construction noise levels are about 75 to 80 dBA measured at a distance of 100 feet from the center of the site during busy construction periods (e.g. earth moving equipment). Construction noise levels drop off at a rate of about six dBA per doubling of distance between the source and receptor.

Construction noise impacts are more significant when construction occurs during noise-sensitive times of the day (early morning, evening, or nighttime hours), when the construction occurs in areas immediately adjoining noise sensitive land uses, or when the construction lasts an extended period of time.

Construction of the proposed project would take approximately three to four months to complete. Consistent with the Cupertino Municipal Code Section 10.48.053, the following standard measures would be implemented during project construction:

Standard Measures:

- Grading, construction and demolition activities shall be allowed to exceed the noise limits of Section 10.48.040 during daytime hours (7:00 AM to 8:00 PM on weekdays, and 9:00 AM to 6:00 PM on weekends) provided, that the equipment utilized has high-quality noise muffler and abatement devices installed and in good condition, and the activity meets one of the following two criteria:
  1. No individual device produces a noise level more than 87 dBA at a distance of 25 feet (7.5 meters); or
  2. The noise level on any nearby property does not exceed 80 dBA.

Construction activities would be audible at the existing residences in the vicinity of the project site, but would not result in a significant impact because substantial noise generating activities would not continue for more than 12 months. With implementation of the standard measures described above, the project would result in a less than significant noise impact during project construction.

Construction activities would be relatively minor (e.g., no major demolition or grading) and, therefore, would not expose people to or generate excessive groundborne vibration. **(Less Than Significant Impact)**

4.12.2.2 *Operational Noise and Vibration Impacts*

The project site is currently used by the Preserve for overflow parking. The project would not introduce new uses to the site. Similar to existing conditions, operational noise associated with the proposed parking area would be relatively minor. Noise would be generated by vehicles entering, circulating, starting, and exiting the parking area and people talking in the parking area. It is expected that noise within the project area would continue to be dominated by normal vehicular traffic on McClellan Road and from park users. For these reasons, operation of the proposed parking area is not expected to substantially increase ambient noise levels in the project area. **(Less Than Significant Impact)**

4.12.2.3 *Other Noise Impacts*

The project site is not located within the boundaries of an airport land use plan, within two miles of a public use airport, or within the vicinity of a private airstrip. **(No Impact)**

4.12.3 Conclusion

The proposed project, with implementation of standard construction noise control measures, would not result in significant noise and vibration impacts. **(Less Than Significant Impact)**

4.13 POPULATION AND HOUSING

4.13.1 Environmental Setting

The project site is an undeveloped dirt and gravel lot that is used by the Preserve as an overflow parking area.

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)?	☐	☐	☐	☒	1,2
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	☐	☐	☐	☒	1,2
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	☐	☐	☐	☒	1,2

4.13.2.1 *Population and Housing Impacts*

The project is the construction of a 47-space parking area on an undeveloped dirt and gravel lot that is currently used by the Preserve for overflow parking. Similar to existing conditions, the proposed parking area would continue to be used by the Preserve for parking. The project would not introduce new uses to the site. 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 proposed project. For these reasons, the proposed project would not induce population growth or displace people or housing. **(No Impact)**

4.13.3 Conclusion

Implementation of the proposed project would not induce population growth or displace people or housing. **(No Impact)**

4.14 PUBLIC SERVICES

4.14.1 Environmental Setting

The project site is an undeveloped dirt and gravel lot that is used by the Preserve as an overflow parking area. Fire service to the project site is provided by the Santa Clara County Fire Department. The nearest fire station to the project site is located at 20215 Stevens Creek Boulevard, located approximately three miles east of the project site. Police services are provided by Santa Clara County's Sherriff's Office. The nearest Santa Clara County's Sherriff's Office is located at 1601 South De Anza Boulevard, approximately 2.8 miles south of the project site.

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 Public Services*

The project is the construction of a 47-space parking area on an undeveloped dirt and gravel lot that is currently used by the Preserve for overflow parking. Similar to existing conditions, the proposed parking area would continue to be used by the Preserve for parking. The project would not introduce new uses to the site. For these reasons, the proposed project would not substantially increase demand for public services to the extent that would require new or physically altered facilities. **(No Impact)**

4.14.3 Conclusion

The proposed project would not substantially increase demand for public services to the extent that would require new or physically altered facilities. **(No Impact)**

4.15 RECREATION

4.15.1 Environmental Setting

The City of Cupertino is served by approximately 214 acres of parkland per the current General Plan, including neighborhood parks, community parks, and school playing fields. Leisure services and indoor recreation facilities within the City include the Quinlan Community Center, Cupertino Sports Center, Monta Vista Recreation Center, Cupertino Senior Center, Blackberry Farm and other facilities.

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

4.15.2.1 *Impacts to Recreational Facilities*

The project is the construction of a 47-space parking area on an undeveloped dirt and gravel lot that is currently used by the Preserve for overflow parking. Similar to existing conditions, the proposed parking area would continue to be used by the Preserve for parking. The project does not include recreational facilities. The project would not introduce new uses to the site, such as housing, that would increase park use or require the construction of new parks. For these reasons, the proposed project would not result in a significant impact to parks and recreational facilities. **(No Impact)**

4.15.3 Conclusion

The proposed project would not result in significant impacts to existing recreational facilities or require the construction of new recreational facilities. **(No Impact)**

4.16 TRANSPORTATION/TRAFFIC

The following discussion is based, in part, on a Sight Distance Analysis prepared by *Hexagon Transportation Consultants, Inc.* in 2016. A copy of the report is attached as Appendix C.

4.16.1 Environmental Setting

4.16.1.1 *Regulatory Framework*

City of Cupertino General Plan

The following policy found in the General Plan is applicable to the proposed project:

Policy M-6.2: Off-Street Parking. Ensure new off-street parking is properly designed and efficiently used.

4.16.1.2 *Existing Conditions*

The project site is an undeveloped dirt and gravel lot that is currently used by the Preserve for overflow parking. A driveway onto McClellan Road currently provides access to the existing parking area on the site. Regional access to the site is provided by Interstate-280 and State Route-85.

Transit Service

Transit service in the project area includes local bus service provided by the Santa Clara Valley Transportation Authority (VTA). Local bus routes 53 and 55 provide service to the project site. The VTA bus stop is located on McClellan Road, adjacent to the project site.

Existing Pedestrian and Bicycle Facilities

Pedestrian facilities comprise sidewalks, crosswalks, and pedestrian signals. Sidewalks are located along one or both sides of the streets in the project area, including the north side of McClellan Road along the project site. A pedestrian bridge over Stevens Creek is located on the north side of McClellan Road between the project site and the Preserve. An unsignalized crosswalk across McClellan Road is located near the driveway to the project site.

Bicycle facilities comprise paths (Class I), lanes (Class II), and routes (Class III). Bicycle paths are paved trails that are separate from roadways. Bicycle lanes are on both sides of McClellan Road in the project area. Stevens Creek Trail connects to McClellan Road adjacent to the driveway entry to the Preserve.

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
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible land uses (e.g., farm equipment)?	☐	☐	☐	☒	1,2,11
e) Result in inadequate emergency access?	☐	☐	☐	☒	1,2,11
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

4.16.2.1 *Transportation Impacts*

The project is the construction of a 47-space parking area on an undeveloped dirt and gravel lot that is currently used by the Preserve for overflow. Similar to existing conditions, the proposed parking area would continue to be used by the Preserve for parking. The project would not introduce new uses to the site, such as residences, that would generate traffic. There are no congestion management agency facilities in the project area. For these reasons, the proposed parking area would not conflict with an applicable congestion management program or standard. **(No Impact)**

Site Access

The existing site driveway onto McClellan Road would provide access to the proposed parking area. The existing driveway provides adequate sight distance in both directions on McClellan Road .

Therefore, the proposed project would not increase roadway hazards or result in inadequate emergency access. **(No Impact)**

Pedestrian and Transit Facilities

Existing pedestrian facilities in the project area, including sidewalks and a pedestrian bridge across Stevens Creek, provide safe pedestrian access from the parking area to the Preserve. The project would not modify the existing transit stop at the project site. The proposed project would avoid the need for Preserve visitors to park along the streets in the project area, reducing conflicts with existing bicycle facilities along McClellan Road. For these reasons, the project is consistent with adopted plans, policies and programs regarding public transit, bicycle, and pedestrian facilities, and would not decrease the performance or safety of such facilities. **(No Impact)**

Other Transportation Issues

The proposed project would not affect air traffic patterns. **(No Impact)**

4.16.3 Conclusion

The proposed project would not result in significant transportation impacts. **(No Impact)**

4.17 UTILITIES AND SERVICE SYSTEMS

4.17.1 Environmental Setting

4.17.1.1 *Existing Conditions*

Water

Water service to the project site is supplied primarily by the San José Water Company (SJWC) and the California Water Service Company, which also maintains the water system.

The project site does not currently generate a demand for water services.

Storm Drainage

The project site is currently devoid of any structures or buildings. Stormwater runoff from the site either percolates into the ground or sheet flows towards Stevens Creek.

Wastewater/Sanitary Sewer System

The Cupertino Sanitary District (District) provides sanitary sewer service to the project area. The Cupertino Sanitary 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.[33] Approximately five million gallons of wastewater a day is generated within the Cupertino Sanitary District and conveyed to the RWF.[34]

The project site does not currently generate wastewater.

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 (NISL).

The project site does not currently generate solid waste.

[33] City of Milpitas. "Agreement for Treatment Plant Capacity Transfer". Accessed: May 30, 2017. 2009. Available at: http://www.ci.milpitas.ca.gov/_pdfs/council/2009/010609/item_17.pdf
[34] 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 proposed parking area does not include features that would require water or water services over the long term. The proposed landscaping would be native species that are adapted to the local climate and would require a minimal amount of irrigation water until becoming established. The project 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 Water Quality*, the project would be constructed with pervious concrete and would install bioswales to treat stormwater runoff. The proposed project would incrementally decrease the volume of stormwater runoff generated by the site. The construction of bioswales would not cause significant environmental effects. **(Less Than Significant Impact)**

4.17.2.3 *Wastewater and Solid Waste*

The proposed parking area does not include features or uses that would generate solid waste or wastewater. **(No Impact)**

4.17.3 Conclusion

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?	☐	☐	☒	☐	1-11
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)?	☐	☐	☒	☐	1-11
c)	Does the project have the potential to achieve short-term environmental goals to the disadvantage of long-term environmental goals?	☐	☐	☐	☒	1-11
d)	Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	☐	☐	☐	☒	1-11

4.18.1 Project Impacts

The project is the construction of a 47-space parking area on a site that is currently used by the Preserve for overflow parking. Similar to existing conditions, the proposed parking area would be used by the Preserve for parking. The project would not introduce new uses to the site. The project, therefore, would have similar impacts to the environment as the existing use.

As described in Section 4.0 of this Initial Study, incorporation of preconstruction surveys and other measures would reduce potential impacts to a less than significant level. As described in Section 4.4 *Biological Resources*, potential project impacts to biological resources would be avoided through implementation of preconstruction surveys, training sessions for construction personnel, and temporary project construction cessation or other appropriate measures if protected wildlife species are found. Impacts related to tree removal would be reduced to a less than significant level through tree replacement and nesting bird surveys.

As discussed in Section 4.4 *Cultural Resources,* project construction may uncover buried prehistoric or historic deposits on the project site; however, implementation of standard measures including training sessions for construction personnel and stopping work if a deposit is discovered would reduce potential impacts to cultural resources to a less than significant level.

As discussed in Section 4.9 *Hydrology and Water Quality,* the project would incrementally decrease the amount of stormwater runoff generated by the project site compared to existing conditions. Runoff generated by the project would seep into the soils below the project site or flow towards the stormwater detention area where it would be treated using LID stormwater controls. The project, therefore, would have a less than significant impact to hydrology and water quality.

As discussed in Section 4.12 *Noise and Vibration*¸ the project would implement standard measures including use of best available construction technology to reduce noise and vibration impacts from project construction to a less than significant level.

The project would result in less than significant impacts to air quality, geology and soils, greenhouse gas emissions, hazards and hazardous materials, land use, mineral resources, population and housing, public services, recreation, transportation, and utilities and service systems.

4.18.2 Cumulative Impacts

Cumulative impacts refer to two or more individual effects that, 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.

There are no planned or proposed developments in the project area that could contribute to cumulative aesthetic, air quality (including construction-related impacts), hazards and hazardous materials, hydrology and water quality, land use, noise, population and housing, public services, recreation, transportation, or utilities and service system impacts. The project's archaeological resources and geology and soils impacts are specific to the project site and would not contribute to cumulative impacts elsewhere.

As discussed above, the project's impacts to biological resources would be avoided or reduced to a less than significant level through implementation of measures included in the project. These same measures would prevent the project from resulting in a cumulatively considerable impact to biological resources in the project area.

The project's cumulative impacts to greenhouse gas emissions, as discussed in Section 4.7 *Greenhouse Gas Emissions,* determined 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. *Community Vision 2015-2040*. October 2016.

3. City of Cupertino. *Municipal Code*. January 16, 2018.

4. Bay Area Air Quality Management District. *Bay Area 2017 Clean Air Plan.* April 19, 2017.

5. Bay Area Air Quality Management District. *California Environmental Quality Act Air Quality Guidelines.* May 2011.
   --. 2012. *California Environmental Quality Act Air Quality Guidelines.* Updated May 2012.

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

7. David J. Powers & Associates, Inc. *Biological Assessment for the McClellan Ranch West Parking Improvement Project at McClellan Ranch Preserve, Cupertino California*. April 13, 2017.

8. County of Santa Clara. Geologic Hazards Zones Map 18. Accessed April 13, 2016. Available at: https://www.sccgov.org/sites/dpd/PlansOrdinances/GeoHazards/Pages/GeoMaps.aspx

9. Ninyo & Moore. *Limited Geotechnical Evaluation, West Parking Lot, McClellan Ranch, Cupertino California*. June 6, 2016.

10. Balance Hydrologics. *Hydrologic Aspects of the CEQA Environmental Checklist for the Simms Property at McClellan Preserve Ranch, City of Cupertino, California.* April 20, 2017.

11. Hexagon Transportation Consultants. *Sight Distance Analysis for 22241 McClellan Road in Cupertino, California*. June 20, 2016.

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SECTION 6.0 LEAD AGENCY AND CONSULTANTS

6.1 LEAD AGENCY

City of Cupertino

Alex Acenas, Public Works Project Manager

6.2 CONSULTANTS

David J. Powers & Associates, Inc.

Environmental Consultants and Planners

Jodi Starbird, Principal Project Manager
Demetri Loukas, Principal Project Manager
Caroline Weston, Assistant Project Manager
Jared Bond, Biologist
Zach Dill, Graphic Artist

Balance Hydrologics, Inc.

Hydrologic professional

Anna Nazarov, P.E., CFM

Appendix A:

Biological Assessment

April 13, 2017

Alex Acenas
Public Works Project Manager
City of Cupertino
10300 Torre Ave.
Cupertino, CA 95014

RE: Results of the Biological Assessment for the McClellan Ranch West Parking Improvement Project at McClellan Ranch Preserve, Cupertino California

Introduction

David J. Powers & Associates (DJP&A) conducted a biological resources assessment of the existing undeveloped McClellan Ranch Park overflow parking lot located at 22241 McClellan Road in the City of Cupertino. The purpose of the survey was to document the existing biological conditions and evaluate the potential for the site to support sensitive species or habitats. The results of the biological assessment are described below.

Project Description

The McClellan Ranch overflow parking lot (APN: 357-06-014) is an approximately 0.75-acre undeveloped dirt lot located, approximately 250-feet west of the McClellan Ranch Preserve (Figure 1). The lot is located directly adjacent to Stevens Creek and currently provides temporary overflow parking accommodations for special events and activities at McClellan Ranch Preserve on the east side of the creek. The lot is currently utilized for overflow parking approximately five or more times per year.

The City of Cupertino proposes to improve the dirt lot by constructing 49-parking spaces, including 14 compact spaces, 33 regular spaces, and two Americans with Disabilities Act (ADA)-compliant spaces, that will be used by visitors as formal overflow parking to McClellan Ranch Park. The improvement project includes the removal of the existing asphalt access driveway and re-grading of the site to install approximately 11,696 square feet of pervious concrete and 8,551 square feet of structural soil. The project includes installation of approximately 2,929 square feet of pervious aggregate for a stormwater detention basin that will be installed below the pervious concrete parking lot. The project will also install new native landscaping as part of the improvements.

The project includes a new pervious ADA compliant pathway extending from the parking lot to the sidewalk on McClellan Road and the installation of five mounted lighting fixtures throughout the parking lot. The project would also remove a total of four trees located within the site. Figure 2 includes photos of the project site and surrounding area.

Background

In 2006, the City of Cupertino developed the Stevens Creek Corridor Park Master Plan and Restoration Plan that identified a series of improvement projects for the 60-acre Stevens Creek Corridor Park, including constructing the environmental education center at McClellan Ranch Preserve. The approximately 0.75-acre undeveloped parking lot was included within the study area of the Stevens Creek Corridor Master Plan. The technical environmental analysis completed for the Master Plan included the biological evaluation of the undeveloped parking lot; however, at that time no improvements were proposed to the parking lot as part of the Steven Creek Corridor Master Plan improvement project.

The undeveloped lot has been used as informal overflow parking for McClellan Ranch Preserve for over 10 years. Over time as educational programs have grown and the number of people driving to McClellan Ranch Park has increased, use of the overflow parking has increased both in number of days per year and number of cars parked. In the past, the City of Cupertino Public Works Department would frequently mow the lot for parking purposes; however, a majority of the site is now devoid of vegetation due to frequency of use.

In February 2016, the lot was used as a staging area for the demolition and removal of a house located on the Simms property, directly north of the overflow parking lot. This house was removed as part of the Master Plan improvement project.

Methods

On March 29, 2017, DJP&A biologist Jared Bond, and researcher, Caroline Weston, completed a biological resources evaluation of the proposed project site. The entire project site, including street trees and surrounding landscape, was traversed on foot and visually inspected to document the existing biological conditions and determine if existing conditions provide suitable habitat for any special status plant or wildlife species. Special status species includes those plants and wildlife species that have been formally listed, are proposed as endangered or threatened, or are candidates for such listing under the federal Endangered Species Act (ESA) or California Endangered Species Act (CESA). The project site was also examined for the presence of sensitive biological communities or habitats that fulfill special functions or have special value, such as wetlands, streams, and riparian habitat.

Results

The proposed project site is a highly disturbed undeveloped lot primarily devoid of vegetation that is currently used for overflow parking. The project site is almost exclusively bare ground with some

low growing nonnative ruderal vegetation and a few scattered trees. Species observed on the project site include sour grass *(Oxalis pes-caprae)*, horehound *(Marrubium vulgare)*, dandelion (*Taraxacum officinale)*, ripgut brome *(Bromus diandrus)*, cheeseweed (*Malva parviflora)*, and coyote bush *(Baccharis pilularis)*. Trees located on the project site include pine tree *(Pinus sp.)*, coast live oak (*Quercus agrifolia*), and Mexican fan palm (Washingtonia robusta). Stevens Creek and its associated riparian corridor is located immediately east of the project site.

No special status species were observed on site during the site visit. Wildlife species observed during the survey include, western blue bird *(Sialia Mexicana)*, Anna's hummingbird (*Calypte anna*), California scrub jay *(Aphelocoma californica)*, dark-eyed junco *(Junco hyemalis)*, Bewicks's wren *(Thryomanes bewickii)*, bushtit *(Psaltriparus minimus)*, California towhee *(Melozone crissalis)*, and American crow *(Corvus brachyrhynchos)*.

An unoccupied remnant stick nest was observed within the Stevens Creek riparian corridor, located approximately 25 feet east of the project site. No birds were observed occupying or visiting the remnant structure during the site visit.

Special Status Wildlife Species

Stevens Creek and the associated riparian corridor is known to provide habitat for a wide variety of fish and wildlife species, including some special status species. The entire length of Stevens Creek is designated as critical habitat for the federally-threatened California coast steelhead. The potential for the proposed project site to support special status species and their associated habitats is provided below:

<u>California Tiger Salamander</u>
The California tiger salamander *(Ambystoma californiense)* is a federally-threatened species known to inhabit valley and foothill grasslands and the understory of open woodland habitat. The species was not observed on the project site or along Stevens Creek during the March 29, 2017 survey. The biological analysis completed as part of the Stevens Creek Master Plan determined that California tiger salamanders are not considered to have any potential to occur within the Master Plan study area, which included the proposed project site. The project site has been subjected to consistent disturbance since adoption of the Master Plan and tiger salamanders are not considered to have any potential to occur on the project site.

<u>California red-legged frog</u>
The California red-legged frog *(Rana draytonii)* is a federally-threatened species known to occur in grassland, riparian woodland, oak woodland, and coniferous forest habitat but prefer quiet pools and slow moving streams with vegetated shores for breeding. The species was not observed on the project site or along Stevens Creek during the March 29, 2017 survey. According to the Lake and Streambed Alteration Agreement (February 21, 2013) issued for Phase 2 of the Stevens Creek Corridor Park and Restoration project, the species has never occurred at the project site and is not expected to occur. The project site is highly disturbed and does not provide suitable habitat for the species and California red-legged frogs are not considered to have any potential to occur on the project site.

Western Pond Turtle

Western pond turtles *(Clemmys marmorata)* are the only freshwater turtles native to the San Francisco Bay Area and are considered Species of Special Concern. The species is known to occur in ponds, slow moving streams, lakes, and marshes with abundant vegetation. The species was not observed on the project site or along Stevens Creek during the March 29, 2017 survey. The highly disturbed project site does not provide suitable habitat for western pond turtles; however, the species is known to occur and has been documented within Stevens Creek. The potential for the species to occur at the project site is considered extremely low because the site lacks suitable habitat and is currently used for overflow parking. Grading and construction necessary to complete the project could impact individual pond turtles, if present, that may be utilizing the upland area for refuge, basking, or movement.

San Francisco dusky-footed woodrat

The San Francisco dusky-footed woodrat is a Species of Special Concern that prefers oak woodland habitat and is known to occur along the Stevens Creek riparian corridor. No dusky-footed woodrats or woodrat nests were observed on the proposed project site during the March 29, 2017 survey. The project site does not provide suitable habitat for the species since it is currently used for overflow parking; however, habitat directly adjacent to the project site could provide nesting opportunities for the species. A remnant San Francisco dusky-footed woodrat nest is located approximately 25 feet northwest of the proposed project site. The nest structure was examined and appeared to be abandoned and no longer occupied. Fresh woodrat scat and stoop latrines were not observed during the survey; however, the nest could become reoccupied in the future or new nests could be constructed in upland habitat located directly adjacent to the project site.

Central California coast steelhead

Stevens Creek supports a population of federally-threatened Central California coast steelhead *(Oncorhynchus mykiss)* and the entire length of the watershed is designated as critical habitat for the species. The project does not include any impacts or modifications to the Stevens Creek channel and the proposed project does not have the potential to directly impact the species. The project would be constructed using pervious concrete and would not increase the amount of impervious surface at the project site. The project also includes a stormwater detention basin that would be installed below the parking lot. New riparian landscaping between the parking lot and Stevens Creek would be installed to capture post-construction stormwater and allow for treatment and infiltration prior to discharging stormwater flows to Stevens Creek.

Pallid Bat

The pallid bat (Antrozous pallidus), a state listed Species of Special Concern and other common bat species have the potential to occur in the area on a transient basis during spring and summer seasonal movements. Bats may roost in tree cavities, under foliage or bark, and in structures, such as bridges and buildings. Since bats may roost in the trees within and adjacent to the proposed project site, there is potential for construction-related activities to impact bat species, if active bat roost or maternity colonies are present in trees during construction.

Special Status Plant Species

Seven special status plant species have been previously documented within a five mile radius of the project site including western leather wood *(Dirca occidentalis)*, Ben Lomond buckwheat *(Eriogonum nudum var.decurrens)*, bush mallow *(Malacothamnus arcuatus)*, Loma Prieta hoita *(Hoita strobilina)*, robust spineflower *(Chorizanthe robusta var. robusta)*, woodland wollythreads *(Monolopia gracilens)*, and Santa Clara red ribbons *(Clarkia concinna ssp. automixa)*. No rare or special status plant species were observed on the project site during the survey. The project site is highly disturbed and subject to consistent disturbance from overflow parking. These species are considered to have no potential to occur on the project site due to a lack of suitable habitat.

Nesting Birds

Trees and vegetation located on the project site and within the adjacent riparian corridor provide suitable nesting opportunities for a variety of bird species. An unoccupied remnant stick nest was observed within the Stevens Creek riparian corridor, located approximately 25 east of the project site. Based on discussions with City of Cupertino staff, the structure was used previously used by common ravens *(Corvus corax)* for nesting in prior years but has not since been reoccupied. In 2016, red-shouldered hawks *(Buteo lineatus)* were observed inspecting the structure but never utilized it for nesting purposes. In addition, western bluebird boxes have been placed along the riparian corridor to attract and promote western blue bird nesting. During the survey, a pair of western blue birds were seen inspecting a blue bird nesting box located approximately 10 feet east of the project site.

Most avian species in the United States, including non-special status species, are protected by the Migratory Bird Treaty Act (MBTA). Disturbing or destroying active nests, eggs, and young is prohibited under this act. Since birds may nest in trees and vegetation within and adjacent to the proposed project site, there is potential for construction-related activities to impact nesting birds if active nests are removed or otherwise disturbed during the avian breeding season (February 1 through August 31).

Lighting

The proposed project includes the installation of five new lighting fixtures throughout the parking lot for public safety purposes. The fixtures would be approximately 12 feet above ground and incorporate dome housing that directs the lighting toward the ground. No lighting fixtures would be directed at or towards the Stevens Creek riparian corridor. It is anticipated that the parking lot lighting would be infrequent and used only during events and activities that require the need for use of the overflow parking lot, which are primarily day time events at McClellan Ranch.

Impacts to biological resources from the proposed lighting could occur if protected species, including migratory birds, using the nearby riparian corridor were subject to increased predation, decreased habitat availability, and alteration of physiological processes due to substantially greater illuminance. The photometric plan prepared for the project indicates that spill light from most of the new fixtures

would be reduced to 0.1 footcandles[1] by the time it reaches the top of bank of Stevens Creek. This is consistent with ambient light levels in residential and urban areas. The fixture to be located in the southeast portion of the project site closest to the entrance drive, would result in spill light at the top of bank in a range from 0.2 to 1.6 footcandles which would be above ambient levels.

Trees and Landscaping

The proposed project would require the removal of the flowing trees:

Scientific Name	Common Name	Size*
Pinus sp.	Pine Tree	53
Ailanthus altissima	Pine Tree	66
Ailanthus altissima	Pine Tree	47
Washingtonia robusta	Mexican Fan Palm	70
Quercus agrifolia	Coast live oak	2
*Circumference measured in inches		

The project would replace the removed trees based on a 1:1 ratio in accordance with the City of Cupertino Tree Ordinance. The California Department of Fish and Wildlife (CDFW) recommends that certain tree species be replaced at a set ratio. The small sapling coast live oak tree to be removed from the project should be replaced at a 3:1 ratio. These ratios have been established to compensate for possible mortality in replacement trees.

The project includes a robust landscaping plan that includes the planting of 19 trees, approximately 12,000 square feet of riparian understory species, and approximately 8,500 square feet of meadow/upland species planting. The Stevens Creek Master Plan and Restoration Plan identified plant species to be used for revegetation and habitat enhancement purposes based on existing native plants found in and along the creek, historical plant records, and species observed in similar watersheds. The landscaping plan prepared for the proposed project consists of the native species identified in the Master Plan and is anticipated to ultimately enhance the riparian corridor and improve the function and values of the overall habitat in the area over.

Conclusions/Recommendations

The following mitigation measures and recommendations are intended to reduce potential biological impacts that could occur from the proposed project to below the level of significance in accordance with the California Environmental Quality Act (CEQA).

[1] A footcandle is a measurement of light intensity and is defined as the illuminance on a one-square foot surface from a uniform source of light.

Western Pond Turtle and San Francisco dusky-footed Woodrat

The proposed project site is a highly disturbed undeveloped lot primarily devoid of vegetation that is currently used for overflow parking. The project site is almost exclusively bare ground with some low growing nonnative ruderal vegetation and a few scattered trees. No special status plant or wildlife species were observed during the field survey and the site does not support sensitive habitats due to heavy disturbance. Western pond turtles are known to occur within Stevens Creek; however, due to a lack of suitable habitat, there is an extremely low potential for the species to occur on the project site. The project site does not provide suitable habitat for the San Francisco dusky-footed woodrat; however, upland habitat directly adjacent to the project site provides nesting opportunities for the species. In the unlikely event that individual western pond turtles and/or dusky-footed woodrats are present on the site during construction, grading and ground disturbing activities have the potential to directly impact these species.

Implementation of the following mitigation measures would reduce potential impacts to western pond turtle and San Francisco dusky-footed woodrats from construction activity to a less than significant level.

Mitigation Measure-1a: A preconstruction survey for western pond turtles and San Francisco dusky-footed woodrats shall be completed by a qualified biologist prior to initiation of any construction activities. The survey shall be completed no more than 14 days prior to the start of construction activities. The entire project area, including any burrows, rocks, woodpiles, that may be impacted by construction activity shall be inspected for the presence of western pond turtle and woodrats. If western pond turtles or dusky-footed woodrats are detected or observed, then CDFW shall be consulted to determine an appropriate construction avoidance buffer or other measure to ensure the protection of the species.

Mitigation Measure-1b: Prior to any construction activities, a qualified biologist will conduct a training session for all construction personnel. At a minimum, the training will include a description of the western pond turtle and San Francisco dusky-footed woodrat, their natural history, their habitats, and importance of the species. The training will also identify the limits of work boundaries associated with the project and measures to be taken in the unlikely event that the species are observed on the project site during construction.

Mitigation Measure-1c: If at any time during construction western pond turtles or San Francisco dusky-footed woodrats are observed, all work that could result in injury or death of the individual shall stop and the contractor shall notify the City immediately. The City shall provide a qualified biologist who in consultation with CDFW, will provide guidance on measures to implement to ensure the species is protected.

Nesting Birds

Trees and vegetation located on the project site and within the Steven Creek riparian corridor provide suitable nesting opportunities for a variety of bird species, including raptors. There is a potential for

construction-related activities to impact nesting birds if active nests are removed or otherwise disturbed during the breeding season.

Implementation of the following mitigation measure would reduce potential impacts to nesting birds from construction activity to a less than significant level.

Mitigation Meaure-2a: Construction related activities shall take place during the non-breeding season (September 1-January 31) to the greatest extent feasible.

Mitigation Measure -2b: 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 14 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.

Bats

Since bats may roost in the trees within and adjacent to the proposed project site, there is potential for construction-related activities to impact bat species, if active bat roost or maternity colonies are present in trees during construction.

Implementation of the following mitigation measure would reduce potential impacts bats from construction activity to a less than significant level.

Mitigation Meaure-3a: Prior to the removal of any trees or vegetation, a preconstruction bat survey shall be completed by a qualified biologist to avoid potential impacts to roosting bats or maternity colonies. The preconstruction survey shall be completed no more than 14 days prior to tree removal or construction activity. If no active roosts or maternity colonies are observed, then no further action shall be warranted. If a maternity colony is present, a qualified biologist shall determine the extent of a construction–free buffer zone around the active nursery located during the survey. CDFW shall be notified of any active nurseries with the within the survey area. No tree removal or construction activities shall occur within the construction-free buffer zone between March 1 and August 31 to avoid construction disturbance to the maternity roost, as determined by the qualified biologist. After August 31, bats shall be safely evicted by a qualified bat biologist.

Trees and Sensitive Natural Communities

The proposed project would require the removal of five trees, including three pine trees, one Mexican fan palm, and one coast live oak. The project would replace the removed pine trees and Mexican fan palm at a 1:1 ratio in accordance with the City of Cupertino Tree Ordinance. The CDFW recommends that certain tree species be replaced at a set ratio. The small sapling coast live oak tree to be removed from the project will be replaced at a 3:1 ratio, which is consistent with the

replacement ratios for coast live oak trees identified in the Stevens Creek Corridor Park Master Plan and Restoration Plan.

The project does not include any direct modifications to Stevens Creek but does include a robust landscaping plan that includes the planting of 19 native tree species, approximately 12,000 square feet of riparian understory species, and approximately 8,500 square feet of meadow/upland species planting that is anticipated to enhance the riparian habitat and improve the overall habitat in the area. The plantings required to replace the loss of the sapling coast live oak will be included in the landscaped area.

The Mexican fan palm is not considered a riparian tree species but is located above the top of bank of Stevens Creek. Fish and Game Code Section 1602 requires a project to notify CDFW prior to commencing project activities if the project may substantially change or use any material from the bed, channel or bank of any river, stream, or lake. CDFW jurisdiction typically extends to the top of bank of the river or stream or to the outside edge of the associated riparian habitat, whichever is greater. Although the project does not include any impacts below the top of bank, the Mexican fan palm is likely considered part of the riparian corridor and would require CDFW notification via the Lake and Stream Bed Alteration (LSAA) program prior to removal.

Implementation of the project would have a less than significant impact on the surrounding riparian habitat and natural communities.

Central California coast steelhead

Stevens Creek is designated as critical habitat for the Central California coast steelhead. The project does not include any impacts or modification to Stevens Creek and the proposed project does not have the potential to directly impact the species. Grading and earthwork activities necessary to construct the project could temporarily disturb soils that could result in increased sedimentation. Implementation of Best Management Practices (BMPs) consistent with the C.3 requirements of the San Francisco Regional Water Quality Control Board National Pollution Discharge Elimination System Permit during all phases of construction would reduce the potential for sedimentation and water quality impacts during construction. With implementation of construction BMPs, the project would have a less than significant impact on Central California coast steelhead.

Proposed Parking Lot Lighting

The proposed project includes the installation of five new lighting fixtures throughout the parking lot for public safety purposes. The photometric plan prepared for the project indicates that spill light from the most of the new fixtures would be reduced to 0.1 footcandles by the time it reaches the top of bank of Stevens Creek, which is consistent with ambient light levels in residential and urban areas. One fixture to be located in the southeast portion of the project site closest to the entrance drive would result in spill light at the top of bank between 0.2 to 1.6 footcandles and has the potential to adversely affect riparian species during illumination.

To reduce potential impacts to the riparian corridor, additional hooding or shielding of the fixture nearest the corridor shall be incorporated into the project to reduce spill lighting such that light levels at the top of bank would be reduced to 0.1 or less footcandles at all locations along the creek. Alternatively, the project could consider alternative forms of lighting, such as smaller lower mounted pathway lighting that could still facilitate public safety lighting needs but also reduce the need for pole mounted lighting adjacent to the creek.

Reducing spill light to 0.1 or less at the top of bank at all locations would reduce potential impacts to the riparian corridor to a less than significant level.

If you have any questions, please contact me directly at (408) 454-3407 or via email at jbond@davidjpowers.com

Sincerely,

Jared Bond
Project Manager/ Biologist
David J. Powers & Associates

References

California Department of Fish and Wildlife. *Final Lake and Streambed Alteration Agreement No. 1600-2012-0356-R3*. February 21, 2013.

City of Cupertino. *Stevens Creek Corridor Park and Restoration Project Phase 2 Initial Study/Mitigated Negative Declaration*. July 2011

City of Cupertino. Stevens Creek Corridor Park Master Plan and Restoration Plan Initial Study/Mitigated Negative Declaration. April 2006

Hatch, Charles R., *Trees of the California Landscape*. 2007

National Geographic Society. *Field Guide to the Birds of North America*. 1999. Third Edition.

Thomas Reid Associates. *Biotic Reports for the Stevens Creek Corridor Master Plan*. January 2006.

Personal Communications

Barbra Bansfield, City of Cupertino. Telephone call. March 27, 2019

AERIAL PHOTOGRAPH AND SURROUNDING LAND USES FIGURE 1

Photo 1: Looking south across project site showing existing overflow parking area.

Photo 2: Existing access drive to overflow parking area.

Photo 3: Looking east acrossing existing overflow parking area with the Stevens Creek riparian corridor in the background.

Photo 4: Looking west along McClellan Road.

Photo 5: Showing the tree pine trees and one small coast live oak to be removed by project.

Photo 6: Looking north across the existing overflow parking area.

Appendix B:

Hydrology Report

Balance Hydrologics, Inc.®

800 Bancroft Way • Suite 101 • Berkeley, CA 94710 • (510) 704-1000
224 Walnut Avenue • Suite E • Santa Cruz, CA 95060 • (831) 457-9900
PO Box 1077 • Truckee, CA 96160 • (530) 550-9776
www.balancehydro.com • email: office@balancehydro.com

April 20, 2017

Ms. Caroline Weston
David J. Powers & Associates, Inc.
1871 The Alameda, Suite 200
San Jose, California 95126

RE: Hydrologic Aspects of the CEQA Environmental Checklist for the Simms Property at McLellan Preserve Ranch, City of Cupertino, California

Dear Ms. Weston:

Thank you for extending our firm the opportunity to assist David J. Powers and Associates (DJP&A) with addressing the hydrologic aspects of the CEQA Environmental Checklist as they pertain to the proposed parking improvements on the Simms Property at the McLellan Ranch Preserve in the City of Cupertino, California.

We understand that DJP&A is preparing an Initial Study for a pervious pavement parking lot at the above property and is seeking assistance specifically with questions c, d, and g from Section VIII. Hydrology and Water Quality of the CEQA Checklist.

The purpose of this report is to evaluate the existing and proposed hydrologic conditions at the site and assess potential impacts related to drainage patterns, erosion/siltation potential, runoff volumes, and the 100-year flood hazard. As such, we have reviewed the provided Demolition and Site Plans created by SSA Landscape Architects, dated February 8, 2017. Additionally, we have reviewed the Hydromodification Management (HM) Applicability Map for the City of Cupertino and the Flood Insurance Rate Map (FIRM) for the project area. We have included all four documents as attachments for reference.

We offer the following assessment with regards to the three CEQA Checklist questions:

Would the project substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which will result in substantial erosion or siltation on- or off-site?

The proposed project does not alter the course of a stream or river. While it is located on the west bank of Stevens Creek, it is offset from the creek itself. No grading is proposed on the creek side of the top of bank. The existing bare-earth site has the potential for erosion and siltation and, as such, the proposed project is an improvement that will likely provide a reduction in erosion/siltation potential through the use

of pervious pavement, structural soil, landscaping, and planting. The attached Site Plan (Sheet L-2.0) shows the layout of the project.

Would the project substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which will result in flooding on- or off-site?

The proposed project does not substantially alter the existing drainage pattern of the site or area or substantially increase the rate or amount of surface runoff in a manner which will result in flooding on- or off-site. The following calculations show that, between existing and post-project conditions, the project will result in a modest decrease in peak runoff for the 10- and 100-year events.

Although the site plans were only available in PDF file format, an image of the landscape plan was digitized using AutoCAD in order to assess the drainage at the site. The total project area was taken as the area within the limits of proposed clearing and grubbing, an area of approximately 0.7 acres.

Of the total project area, approximately 0.27 acres will include an access road, sidewalk, and parking stalls, all constructed using pervious pavement. Pervious pavement functions like a stormwater infiltration basin, allowing storm water to infiltrate the soil over a large area. Another 0.19 acres is designated for the remainder of the parking stalls, noted on the landscape plan as constructed on “meadow planting with CU soil.” CU soil is a type of structural soil that can be compacted to pavement installation design standards while permitting root growth. The remaining portion of the project area, 0.24 acres, will remain as landscaped open space, portions of which will be used to establish a riparian planting palate.

The Natural Resources Conservation Service Web Soil Survey indicates that the project site is underlain by Hydrologic Soil Group C soil along the western portion of the project and Hydrologic Soil Group A for the remaining portions of the project site. In the figure below, soil indicated as 171 is Elder fine sandy loam (Soil Group A), while soil 142 is Flaskan sandy loam (Soil Group C). It appears that most, if not all, of the pervious pavement is proposed to be constructed on the Elder fine sandy loam, a soil that lends itself very well to infiltration.

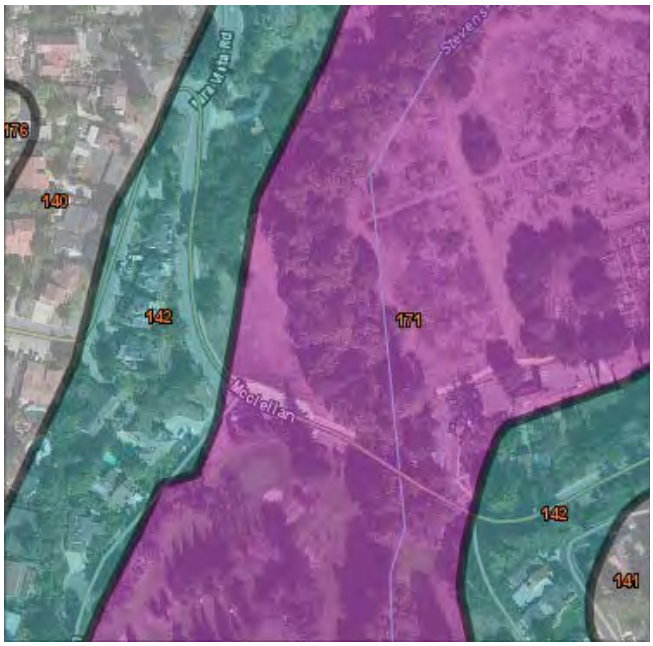


Figure 1. Hydrologic Soil Group A (171) and Soil Group C (142) are present at the project site.

To estimate a peak runoff changes between the existing and post-project conditions, the Santa Clara County Drainage Manual permits using a simple Rational Method formula for small watersheds (less than 200 acres in size). Assessing the larger storm events (particularly the 10- and 100-year storms) because it is assumed the smaller, more frequent storms will infiltrate, the following equations directly from the manual have been used to calculate the rainfall intensity:

$$x_{T,D} = A_{T,D} + \left(B_{T,D} MAP\right) \quad (3\text{-}3)$$

Where: $x_{T,D}$ = precipitation depth for a specific return period and storm duration (inches)

T = return period (years)

D = storm duration (hours)

$A_{T,D}$, $B_{T,D}$ = coefficients from Tables B-1 and -2 (dimensionless)

MAP = Mean Annual Precipitation (inches)

The precipitation intensity, $i_{T,D}$ is given by:

$$i_{T,D} = \frac{x_{T,D}}{D} \quad (3\text{-}4)$$

Per Figure A-2 of the drainage manual, the Mean Annual Precipitation (MAP) at the project site is approximately 20 inches. As such, using a 10-min time of concentration, the rainfall intensity results are as follows:

Return Period (yrs)	10-min Coefficients from Table B-1 and B-2		10-min Precipitation Depth (in)	Intensity (in/hr)
	A t,d	B t,d		
10	0.258682	0.003569	0.3	1.98
100	0.315263	0.007312	0.5	2.77

The drainage manual does not detail a runoff coefficient (also known as a C value) for unimproved land, the most fitting description for the existing conditions at the project site. The American Society of Civil Engineers' (ASCE) Design and Construction of Urban Stormwater Management Systems indicates that unimproved land should use a runoff coefficient (also known as a C value) of 0.3 for larger design storms. This is a more conservative value than the listed "urban open space," which has a runoff coefficient of 0.35 for Soil Group C. As such, the more conservative runoff coefficient of 0.3 was used to describe the existing conditions.

Post-project conditions require the development of a composite runoff coefficient to adequately describe the runoff potential. Low impact development toolkits available from across the country (such as the one from Massachusetts Metropolitan Area Planning Council) indicate that an acceptable runoff coefficient for pervious pavement is 0.3. Again, using the ASCE guidance above, it was assumed that the structural soil would be compacted such that it would have a similar runoff coefficient to the "playgrounds, railroad yards" value of 0.35. The well-maintained landscaping would likely have a runoff coefficient smaller than the available "parks" value, since it is assumed that parks include some amount of impervious area. A runoff coefficient of 0.2 was used. These values yield a post-project composite C value of 0.28.

Surface	Area (acres)	C value	Composite C Value
pervious pavement	0.27	0.30	0.28
structural soil	0.19	0.35	
landscaping	0.24	0.20	

Using the simple Rational formula, peak runoff was then calculated for existing the post-project conditions.

Return Period (yrs)	Existing Peak Runoff (cfs)	Post Project Peak Runoff (cfs)
10	0.42	0.39
100	0.58	0.54

Results indicate that the project will reduce peak runoff rates during the range of storms assessed. As such, this project does not 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.

It should be noted that the project will be subject to hydromodification management, per the attached HMP Applicability Map for the City of Cupertino. The final design should include the appropriate analysis to show that hydromodification regulations have been met.

Would the project place within a 100-year flood hazard area structures which will impede or redirect flood flows?

The project is located on the west bank of Stevens Creek. This reach of creek has been mapped with detailed methods by the Federal Emergency Management Agency (FEMA) and is shown on the attached FIRM (map number 06085C0204H for Santa Clara County, California and Incorporated Areas, effective date May 18, 2009). While a floodway has been mapped, the project is located outside of its limits. A portion of the project lies within a FEMA Zone AE and the remainder is within a Zone X. The project does not propose to construct any insurable structures within the mapped floodplain and the proposed parking improvements would not significantly impact the direction of flow or the extents of the existing flood hazard.

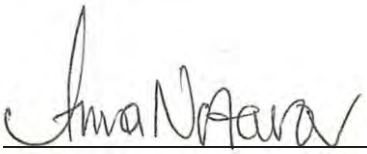
Therefore, the project does not place within a 100-year flood hazard area structures which will impede or redirect flood flows.

Closing

Thank you again for requesting this memorandum. Please do not hesitate to contact Balance if you have any questions or comments.

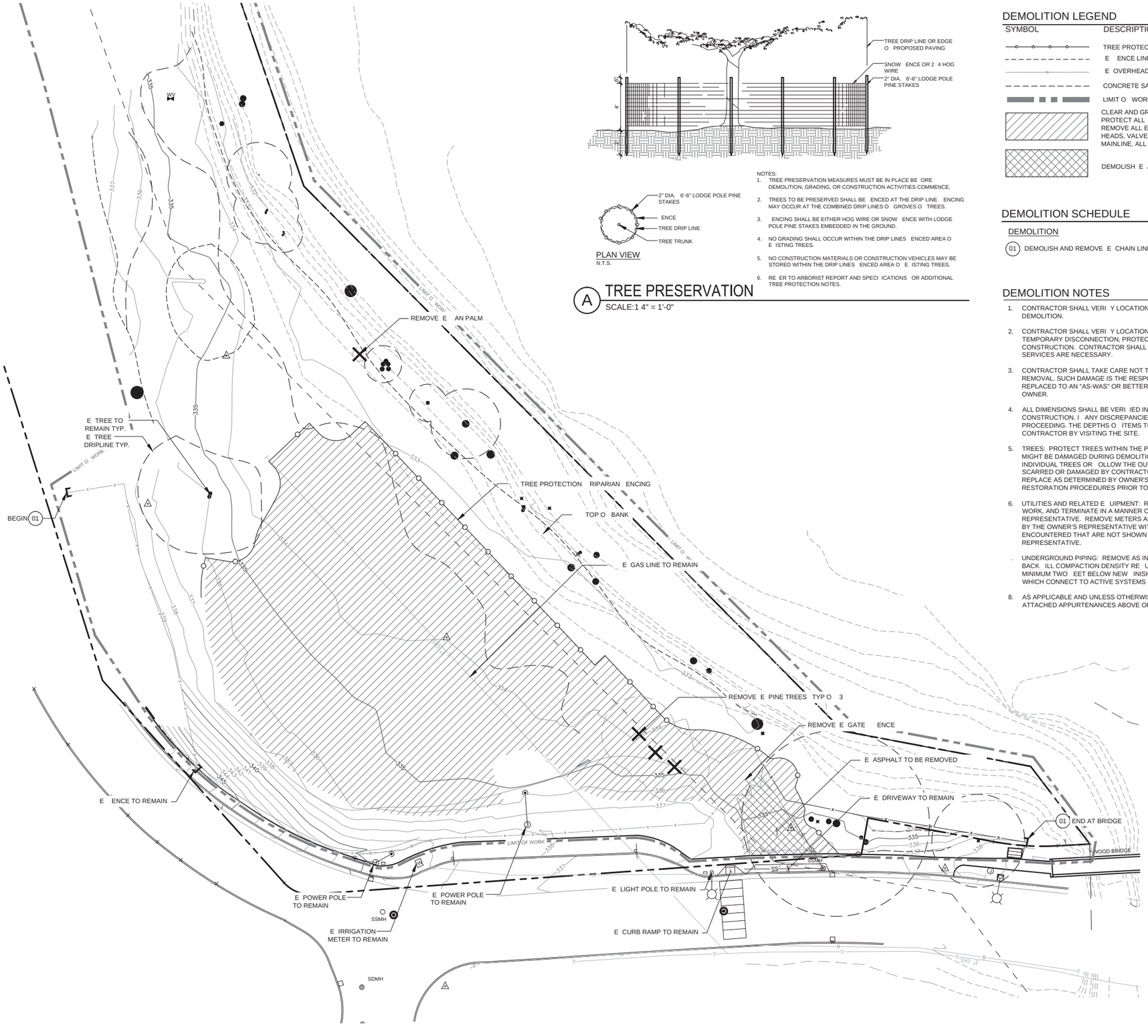
Sincerely,

BALANCE HYDROLOGICS, Inc.



Anna Nazarov, P.E., CFM
Civil Engineer/Hydrologist

Enclosures: Sheet L-1.0 Demolition Plan
Sheet L-2.0 Site Plan
HMP Applicability Map City of Cupertino
FIRMette for Project Area



PLAN VIEW
N.T.S.

NOTES:
1. TREE PRESERVATION MEASURES MUST BE IN PLACE BE ORE DEMOLITION, GRADING, OR CONSTRUCTION ACTIVITIES COMMENCE.
2. TREES TO BE PRESERVED SHALL BE ENCED AT THE DRIP LINE. ENCING MAY OCCUR AT THE COMBINED DRIP LINES O GROVES O TREES.
3. ENCING SHALL BE EITHER HOG WIRE OR SNOW ENCE WITH LODGE POLE PINE STAKES EMBEDDED IN THE GROUND.
4. NO GRADING SHALL OCCUR WITHIN THE DRIP LINES ENCED AREA O E ISTING TREES.
5. NO CONSTRUCTION MATERIALS OR CONSTRUCTION VEHICLES MAY BE STORED WITHIN THE DRIP LINES ENCED AREA O E ISTING TREES.
6. RE ER TO ARBORIST REPORT AND SPECI ICATIONS OR ADDITIONAL TREE PROTECTION NOTES.

A TREE PRESERVATION
SCALE:1 4" = 1'-0"

DEMOLITION LEGEND

SYMBOL	DESCRIPTION
	TREE PROTECTION ENCE
	E ENCE LINE
	E OVERHEAD LINE
	CONCRETE SAW CUT
	LIMIT O WORK
	CLEAR AND GRUB E LANDSCAPE AREA. PRESERVE AND PROTECT ALL E TREES AND ROOTS U.O.N. DEMOLISH AND REMOVE ALL E ISTING IRRIGATION E UIPMENT, INCLUDING HEADS, VALVES, LATERAL LINES. PRESERVE AND PROTECT MAINLINE, ALL OTHER UTILITIES, AND HOSE BIBS.
	DEMOLISH E ASPHALT.
	DEMOLITION TAG
	TREE OR REMOVAL
	BEGINNING OR END O SITE ELEMENT
	E LIGHT I TURE
	E POWER POLE
W	E WATER METER

DEMOLITION SCHEDULE

DEMOLITION

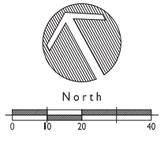
01 DEMOLISH AND REMOVE E CHAIN LINK ENCE - 415L

DEMOLITION NOTES

1. CONTRACTOR SHALL VERI Y LOCATION AND DEPTH O ALL E ISTING UTILITIES PRIOR TO ANY E CAVATION OR DEMOLITION.
2. CONTRACTOR SHALL VERI Y LOCATION O ALL E ISTING ABOVE-GROUND UTILITIES AND PROVIDE OR THEIR TEMPORARY DISCONNECTION, PROTECTION, REMOVAL AND OR STORAGE AS MAY BE RE UIRED DURING CONSTRUCTION. CONTRACTOR SHALL COORDINATE WITH THE OWNER TO DETERMINE WHETHER TEMPORARY SERVICES ARE NECESSARY.
3. CONTRACTOR SHALL TAKE CARE NOT TO DAMAGE IN ANY WAY, ANY E ISTING ELEMENTS NOT DESIGNATED OR REMOVAL. SUCH DAMAGE IS THE RESPONSIBILITY O THE CONTRACTOR, AND SHALL BE REPAIRED OR REPLACED TO AN "AS-WAS" OR BETTER CONDITION BY THE CONTRACTOR AT NO ADDITIONAL COST TO THE OWNER.
4. ALL DIMENSIONS SHALL BE VERI IED IN THE IELD AND CHALKED. LAGGED OR STRING-LINED PRIOR TO ANY CONSTRUCTION. I ANY DISCREPANCIES OCCUR, NOTI Y OWNERS REPRESENTATIVE IMMEDIATELY BE ORE PROCEEDING. THE DEPTHS O ITEMS TO BE REMOVED, UNLESS NOTED, SHALL BE DETERMINED BY THE CONTRACTOR BY VISITING THE SITE.
5. TREES: PROTECT TREES WITHIN THE PROJECT SITE WHICH ARE INDICATED TO BE LE T IN PLACE AND WHICH MIGHT BE DAMAGED DURING DEMOLITION. ERECT ENCES AT THE OUTER PERIMETER O BRANCHES O INDIVIDUAL TREES OR OLLOW THE OUTER PERIMETER O BRANCHES O CLUMPS O TREES. RESTORE TREES SCARRED OR DAMAGED BY CONTRACTOR E UIPMENT OR OPERATIONS TO THEIR ORIGINAL CONDITION OR REPLACE AS DETERMINED BY OWNER'S REPRESENTATIVE. OWNER'S REPRESENTATIVE WILL APPROVE RESTORATION PROCEDURES PRIOR TO INITIATION.
6. UTILITIES AND RELATED E UIPMENT: REMOVE ALL E ISTING UTILITIES AS INDICATED AND AS UNCOVERED BY WORK, AND TERMINATE IN A MANNER CON ORMING TO CODE, AND AT A TIME SATIS ACTORY TO THE OWNER'S REPRESENTATIVE. REMOVE METERS AND RELATED E UIPMENT AND DELIVER TO A LOCATION AS INSTRUCTED BY THE OWNER'S REPRESENTATIVE WITHOUT ADDITIONAL COST TO THE OWNER. DISPOSE O UTILITY LINES ENCOUNTERED THAT ARE NOT SHOWN ON THE DRAWINGS IN ACCORDANCE WITH INSTRUCTIONS O OWNER'S REPRESENTATIVE.
7. UNDERGROUND PIPING: REMOVE AS INDICATED AND BACK ILL. CONTACT OWNER'S REPRESENTATIVE OR BACK ILL COMPACTION DENSITY RE UIREMENTS. DEMOLISHED STUB-UPS SHALL BE TERMINATED AT A MINIMUM TWO EET BELOW NEW INISHED GRADE UNLESS DESIGNATED OTHERWISE ON DRAWINGS. LINES WHICH CONNECT TO ACTIVE SYSTEMS SHALL BE CAPPED, PLUGGED OR BLIND LANGED AS APPROPRIATE.
8. AS APPLICABLE AND UNLESS OTHERWISE NOTED, "DEMOLISH REMOVE" SHALL INCLUDE ALL OOTINGS AND ATTACHED APPURTENANCES ABOVE OR BELOW GROUND.

TREE REMOVAL MITIGATION SUMMARY

NO.	SPECIES	TRUNK SI E IN	CONDITION	MITIGATION RATIO RE 'D
01.	PINE	T.B.D.	T.B.D.	1 : 1
02.	PINE	T.B.D.	T.B.D.	1 : 1
03.	PINE	T.B.D.	T.B.D.	1 : 1
04.	AN PALM	T.B.D.	T.B.D.	1 : 1
TOTAL REMOVED: 04				
TOTAL REPLACED: SEE LANDSCAPE PLAN				



SSA
LANDSCAPE ARCHITECTS
303 potrero street, suite 40-c
santa cruz, ca 95060
p: 831.459.0455
f: 831-459-0484
www.ssala.com
crla no. 2805

LICENSED LANDSCAPE ARCHITECT
STEVEN ROBERT SUTHERLAND
No. 2805
Exp. 1-31-18
STATE OF CALIFORNIA

DEMOLITION PLAN

McCLELLAN RANCH WEST PARKING IMPROVEMENTS
CITY OF CUPERTINO
22221 McCLELLAN ROAD CUPERTINO, CA

AGENCY APPROVAL

REVISIONS
NO. DATE PURPOSE

DRAWN BY • RM
CHECKED • RSR
SCALE • 1" = 20' - 0"
DATE • 02. 08. 17
JOB • I60021.00

DEMOLITION PLAN

SHEET
L-1.0

SITE LEGEND

NO.	DESCRIPTION	UANTITY
1.01	REMOVE CHAIN LINK ENCE	415 L
1.02	MEADOW PLANTING WITH CU SOIL	SEE LANDSCAPE PLAN
1.03	RIPARIAN PLANTING AREA	SEE LANDSCAPE PLAN
1.04	PERVIOUS CONCRETE	11,696 S
1.05	TRUNCATED DOME	51 S
1.06	CHAIN BARRIER	61 L
1.0	BOULDERS	
	L LARGE: 2 TON	32
	M MEDIUM 1 TON	21
	S SMALL: 1 2 TON	16
1.08	NATURAL LOGS	
	LONG: 8' 3'	1
	SHORT: 5' 2'	49
1.09	RIPARIAN TREE WITH IRRIGATION AND CU STRUCTURAL SOIL BID ALTERNATE	SEE LANDSCAPE PLAN

SITE NOTES

1. ACCESS ROUTES AND STAGING AREAS ARE TO BE STRICTLY ADHERED TO.
2. UPON COMPLETION ACCESS AND STAGING ROADS MUST BE REPAIRED TO "AS WAS" OR BETTER THAN E ISTING CONDITIONS
3. CONSTRUCTION SIGNAGE MUST BE POSTED AT EACH JOB SITE IN CLEAR VIEW. POST A "KEEP OUT - CONSTRUCTION AREA" SIGN PROVIDED BY THE CONTRACTOR.
4. E ISTING ASPHALT DRIVEWAY TO BE REMOVED. TYP.
5. OVERHEAD SECURITY LIGHTING WITH PHOTOCELL CONTROL T.B.D.

PARKING STALL SCHEDULE

ID	TYPE	SI E
C	COMPACT	16' x 8'
R	REGULAR	18' x 9'
	ADA	18' x 9' + 8'

PARKING UANTITY SUMMARY

PROPOSED PARKING:	02 ADA 14 COMPACT 33 REGULAR
TOTAL PARKING:	49 SPACES

North

0 10 20 40

SSA
LANDSCAPE ARCHITECTS
303 potrero street, suite 40-c
santa cruz, ca 95060
p: 831.459.0455
f: 831-459-0484
www.ssala.com
crla no. 2805

LICENSED LANDSCAPE ARCHITECT
STEVEN ROBERT SUTHERLAND
No. 2805
Exp. 1–31–18
STATE OF CALIFORNIA

SITE PLAN

McCLELLAN RANCH WEST PARKING IMPROVEMENTS
CITY OF CUPERTINO
22221 McCLELLAN ROAD CUPERTINO, CA

AGENCY APPROVAL

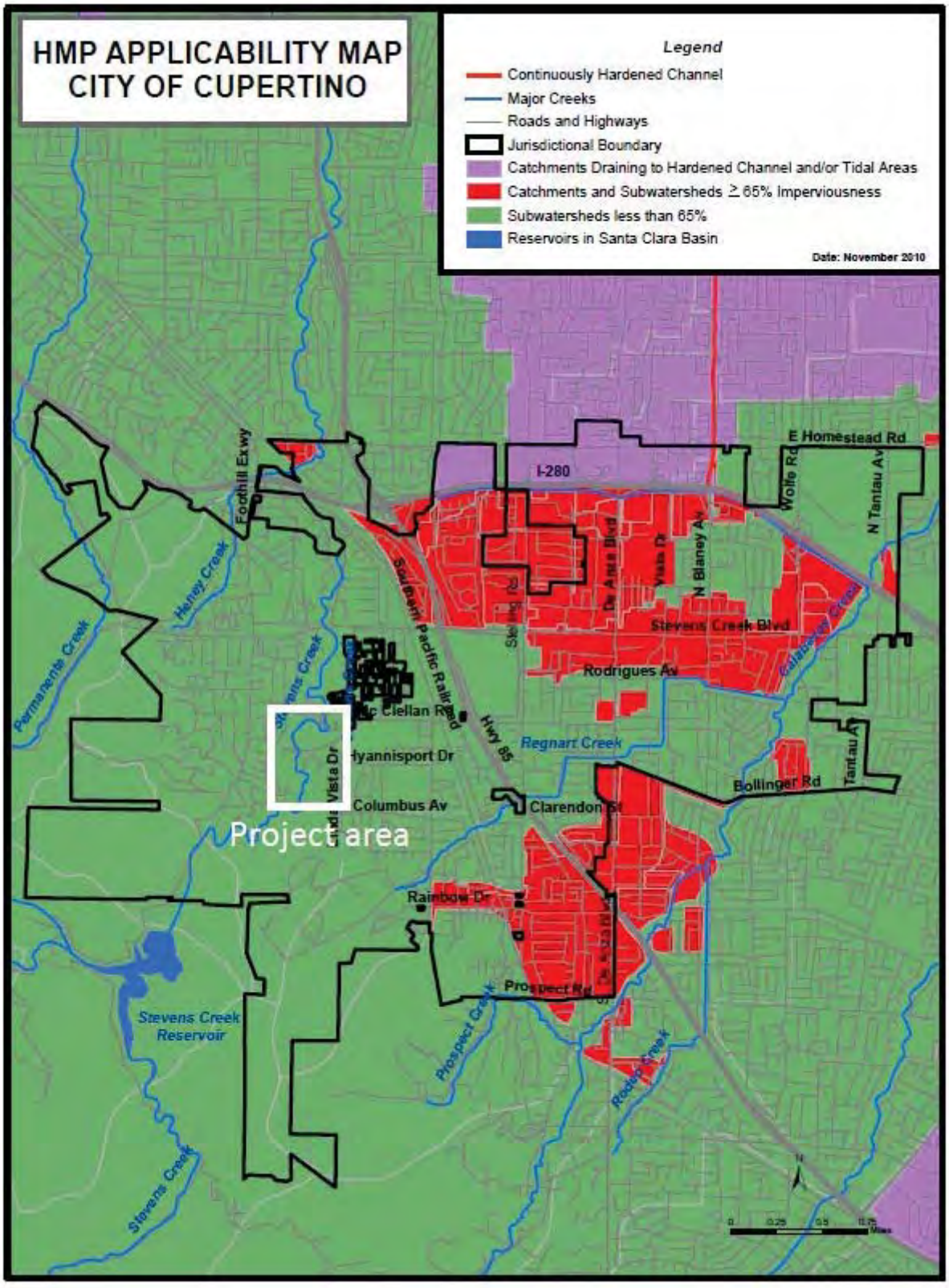
REVISIONS
NO. DATE PURPOSE

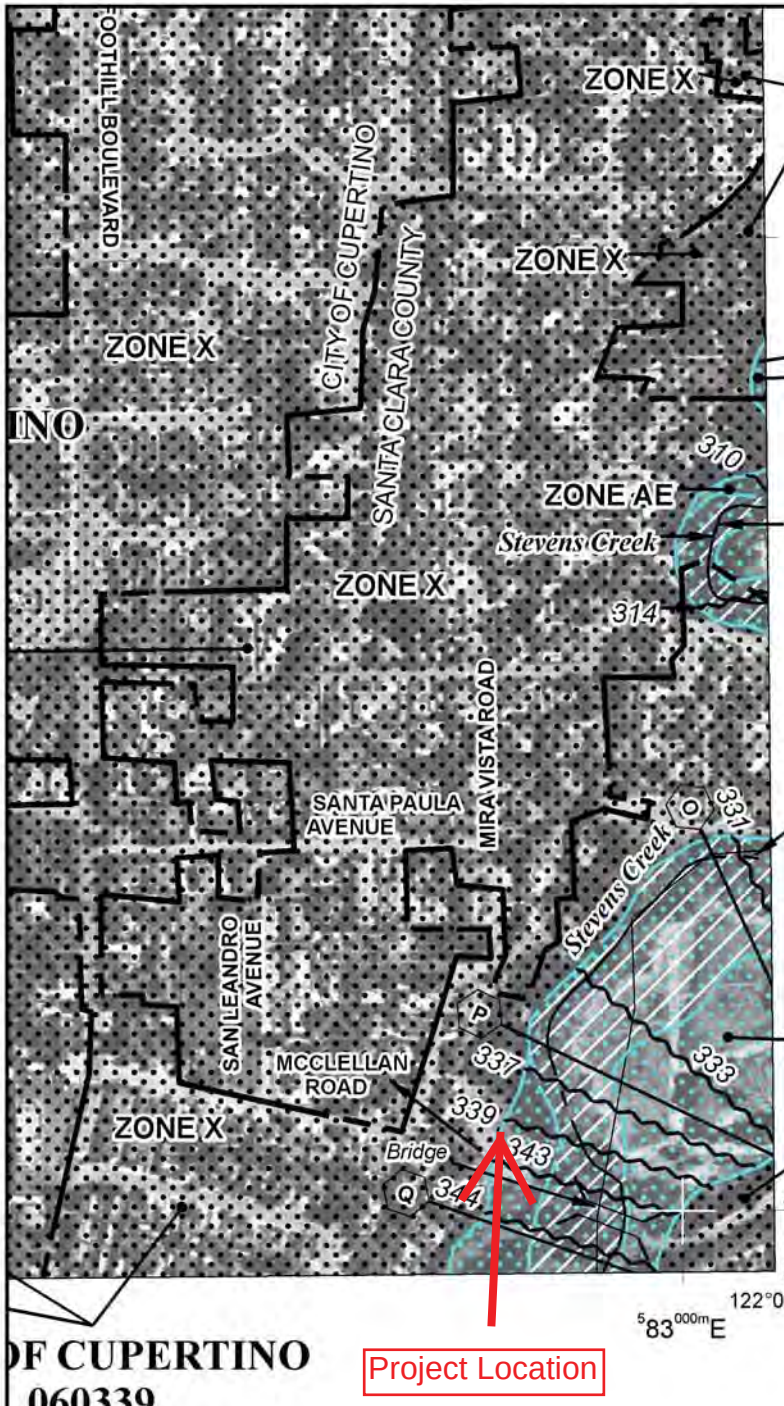
DRAWN BY	•	RM
CHECKED	•	RSR
SCALE	•	1" = 20' - 0"
DATE	•	02. 08. 17
JOB	•	160021.00

SITE PLAN

SHEET

L-2.0


HMP APPLICABILITY MAP
CITY OF CUPERTINO
Legend
Continuously Hardened Channel
Major Creeks
Roads and Highways
Jurisdictional Boundary
Catchments Draining to Hardened Channel and/or Tidal Areas
Catchments and Subwatersheds ≥ 65% Imperviousness
Subwatersheds less than 65%
Reservoirs in Santa Clara Basin
Date: November 2010
Project area
I-280
E Homestead Rd
Foothill Exwy
Wolfe Rd
N Tantau Ave
Stevens Creek Blvd
Rodrigues Av
Southern Pacific Railroad
McClellan Rd
Hwy 85
Regnart Creek
Hyannisport Dr
Vista Dr
Columbus Av
Clarendon Ct
Bollinger Rd
Tantau Ave
Rainbow Dr
Prospect Rd
Stevens Creek Reservoir
Permanente Creek
Heney Creek
Prospect Creek
Stevens Creek



MAP SCALE 1" = 500'

250 0 500 1000

FEET

METER

NFIP

NATIONAL FLOOD INSURANCE PROGRAM

PANEL 0204H

FIRM

FLOOD INSURANCE RATE MAP

SANTA CLARA COUNTY, CALIFORNIA
AND INCORPORATED AREAS

PANEL 204 OF 830

(SEE MAP INDEX FOR FIRM PANEL LAYOUT)

CONTAINS:

COMMUNITY	NUMBER	PANEL	SUFFIX
CUPERTINO, CITY OF	060339	0204	H
LOS ALTOS, CITY OF	060341	0204	H
SANTA CLARA COUNTY	060337	0204	H
SUNNYVALE, CITY OF	060352	0204	H

Notice to User: The **Map Number** shown below should be used when placing map orders; the **Community Number** shown above should be used on insurance applications for the subject community.

MAP NUMBER
06085C0204H

EFFECTIVE DATE
MAY 18, 2009

Federal Emergency Management Agency

Appendix C:

Sight Distance Analysis

HEXAGON TRANSPORTATION CONSULTANTS, INC.

Memorandum

Date: June 20, 2016

To: Ms. Jodi Starbird, David J. Powers & Associates, Inc.

From: Gary Black
Lance Knox

Subject: Sight Distance Analysis for 22241 McClellan Road in Cupertino, California

The City of Cupertino is seeking to relocate the driveway serving a city park at 22241 McClellan Road. Hexagon Transportation Consultants, Inc. has completed this sight distance analysis for the proposed driveway relocation. The site is located to the west of the McClellan Ranch Preserve, across from the McClellan Road/Club House Lane intersection (See Figure 1). The site is currently vacant and is used as additional parking for the McClellan Ranch Preserve. The City would like the driveway to be located as close to Club House Lane as possible. Hexagon checked sight distance all along the site frontage.

Existing Traffic and Speed

Hexagon conducted traffic volume and speed counts on McClellan Road for a typical 24-hour period in June 2016. The average weekday traffic was found to be approximately 2,500 vehicles per day westbound and 2,600 vehicles per day eastbound. The total average daily traffic (ADT) of 5,100 vehicles along McClellan Road can be compared to the typical capacity of a two-lane road of 15,000 ADT. Thus, the road is operating substantially below the capacity.

Speed data also were included in the traffic counts. Traffic engineers typically evaluate the 85th percentile speed. Only 15% of vehicles are going faster than the 85th percentile speed, and 85% of vehicles are traveling at or below the 85th percentile speed. The 85th percentile speed is typically considered the maximum safe speed that a prudent driver will adhere to. Westbound traffic recorded an 85th percentile speed of 34 mph, while eastbound traffic recorded an 85th percentile speed of 29 mph. The posted speed limit in the area is 25 mph.

There is a speed limit sign less than 500 feet to the east of the project site. The closest speed limit sign to the west is about ¼ mile away, slightly west of Tressler Court. Sometimes speed limits are marked on the pavement in addition to the signage. Both nearby speed limit signs have pavement markings.

Sight Distance at the Driveway

Hexagon examined sight distance in both directions at the existing site driveway, at a point opposite Club House Lane, and at all locations in between. With an 85th percentile speed of 29 mph for eastbound traffic, in accordance with Caltrans' *2010 Highway Design Manual (HDM)*, the recommended minimum stopping sight distance is 200 feet. The measured sight distance is about 218 feet, confirming eastbound sight distance is acceptable by Caltrans standards. The westbound traffic along McClellan Road recorded an 85th percentile speed of 34 mph. The Caltrans recommended minimum stopping sight distance for this speed is 250 feet. The measured sight distance is about 254 feet. Thus, the sight distance is adequate in both directions at a location opposite Club House Lane. The surveyed speed and sight distance compared to Caltrans standards is shown in Table 1. It should be noted that the project frontage should be posted for no parking because parked cars would compromise the sight distance. Hexagon observed a chain link fence on the park property west of Club House Lane that somewhat restricts sight distance. It would be desirable to remove this fence, if possible. There is also a hill on which tall grasses could grow (the hill was mown when field observations were conducted). It will be important to keep the vegetation on the hill cut low at all times. Figure 2 shows the

eastbound and westbound sight distance from the existing driveway, as well as the eastbound and westbound sight distance from the location of the proposed driveway.

Table 1
Driveway Sight Distance

Direction	Posted Speed Limit	Hexagon Survey [1] Speed	Hexagon Survey [1] Sight Distance	Caltrans Standards [2] Design Speed	Caltrans Standards [2] Sight Distance	Adequate Sight Distance
Existing Driveway						
Looking Right	25 mph	29 mph	378 feet	30 mph	200 feet	**YES**
Looking Left	25 mph	34 mph	254 feet	35 mph	250 feet	**YES**
Driveway Opposite Club House Lane						
Looking Right	25 mph	29 mph	218 feet	30 mph	200 feet	**YES**
Looking Left	25 mph	34 mph	419 feet	35 mph	250 feet	**YES**

[1] Based on Hexagon field observations conducted in June 2016.
[2] Source: Caltrans, 2014 Highway Design Manual (California, 2014) Table 201.1.