1655 South De Anza Boulevard Mixed-Use Project Initial Study

City of Cupertino

Prepared for:

City of Cupertino
Contact: Gian Martire, Senior Planner
City of Cupertino | Planning Division
10300 Torre Avenue | Cupertino, CA 95014
(408) 777-3205
GianM@cupertino.org

Prepared by:

PlaceWorks
Contact: Terri McCracken, Associate Principal
2040 Bancroft, Suite 400
Berkeley, California 94704
(510) 848-3815
info@placeworks.com
www.placeworks.com

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SOURCES

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

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1. Introduction

This document is an Initial Study for the 1655 South De Anza Boulevard Mixed Use Project (proposed project) prepared by the City of Cupertino (City) to determine if the proposed project may have a significant effect on the environment. This Initial Study was prepared pursuant to the California Environmental Quality Act (CEQA) (Public Resources Code Sections 21000 *et seq.*) and CEQA Guidelines (California Code of Regulations Sections 15000 *et seq.*). Pursuant to CEQA Guidelines Section 15051, the City of Cupertino is the lead agency for the proposed project.

The proposed project is located on a 1.68-acre site that is proposed for redevelopment by Prospect Venture LLC (the project applicant). The project site is located at 1655 South De Anza Broadway near the intersection of South De Anza Boulevard and Prospect Road. The project site is bounded by commercial land uses to the north, South De Anza Boulevard to the east, commercial land uses and Prospect Road to the south, and residential uses to the west. The project site is currently developed with a commercial building and associated access road, parking, and landscaping. The proposed project would involve demolishing the existing building and redeveloping the site with a mixed-use commercial and residential development consisting of 11 three-story townhouses and one three-story multi-family residential building with 23 units, a ground floor parking garage, and ground floor commercial space, with associated amenities, infrastructure, and landscaping.

The project site is assigned Assessor's Parcel Number (APN) 366-10-061. The General Plan land use designation for the project site is Commercial/Office/Residential. The Zoning District is Planned Development with General Commercial (P(CG, RES 5-15). The project site is located in the South De Anza Special Area. A detailed description of the proposed project is provided in Chapter 3, *Project Description*, of this Initial Study.

1.1 INITIAL STUDY

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

1.2 TIERING PROCESS

The CEQA concept of "tiering" refers to the evaluation of general environmental matters in a broad program-level EIR, with subsequent focused or project-level environmental documents for individual projects that implement the program. Pursuant to CEQA Guidelines Section 15152 this Initial Study is tiered from the City's *General Plan Amendment, Housing Element Update, and associated Rezoning Project Environmental Impact Report* (EIR) that was certified by the Cupertino City Council in December 2014, and the subsequent addenda to the EIR that were approved by the City Council in October 2015, August 2019, December 2019, and October 2021, together hereinafter "General Plan EIR."[1]

Pursuant to CEQA Guidelines Section 15150 this Initial Study incorporates by reference the discussions in the General Plan EIR.[2] As previously stated, copies of documents referenced herein are available for review at the City of Cupertino Community Development Department at 10300 Torre Avenue, Cupertino, California 95014.

The analysis in this Initial Study concentrates on the project-specific issues pertaining to the proposed project. CEQA and the CEQA Guidelines encourage the use of tiered environmental documents to reduce delays and excessive paperwork in the environmental review process. This is accomplished in tiered documents by eliminating repetitive analyses of issues that were adequately addressed in the program EIRs and by incorporating those analyses by reference.

In order to determine whether the proposed project was part of the development that was examined in the General Plan EIR, the following questions must be answered:

- Is the proposed project included in the scope of the development projected and analyzed in the General Plan EIR?
- Is the project site in an area designated for residential and mixed-use land uses in the General Plan and Zoning District?
- Are the changes to population and employment associated with the proposed project included within the scope of the projections accounted for in the General Plan EIR?
- Is the proposed project within the scope of the cumulative analysis in the General Plan EIR?

The General Plan EIR included an evaluation of development within the South De Anza Special Area. The evaluation in the General Plan EIR assumed 125,000 square feet of commercial space and 275 residential units and a maximum height of 30 feet within the South De Anza Special Area. The project is consistent with the General Plan land use designation and would not require an amendment to the Zoning Map.

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

[2] Discussions are in Chapter 3, Project Description, and Chapter 4, *Environmental Analysis*, of this Initial Study.

The cumulative impacts of past, present, and probable future development, in conjunction with overall General Plan buildout, including redevelopment of the project site, were evaluated in the General Plan EIR. Accordingly, this Initial Study tiers from the General Plan EIR pursuant to CEQA Guidelines Section 15152 (Public Resources Code [CEQA] Section 21094).

1.3 REPORT ORGANIZATION

This Initial Study is organized into the following chapters:

Chapter 1: Introduction. This chapter provides an introduction and overview of the Initial Study document.

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

Chapter 3: Project Description. This chapter describes the location and setting of the proposed project, along with its principal components, as well as a description of the policy setting and implementation process for the proposed project.

Chapter 4: Environmental Analysis. Making use of the CEQA Guidelines Appendix G, *Environmental Checklist*, this chapter identifies and discusses anticipated impacts from the proposed project, providing substantiation of the findings made.

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

Chapter 6: Organizations and Persons Consulted. This chapter presents a list of City, other agencies, and consultant team members that contributed to the preparation of the Initial Study.

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2. Executive Summary

2.1 INITIAL STUDY CHECKLIST

1.	Project Title:	1655 South De Anza Boulevard Mixed-Use Project
2.	Lead Agency Name and Address:	City of Cupertino Community Development Department 10300 Torre Avenue Cupertino, CA 95014
3.	Contact Person and Phone Number:	Gian Martire Senior Planner 408-777-3319
4.	Project Location:	1655 South De Anza Boulevard Cupertino, CA 95014
5.	Project Applicant's Name and Address:	Carlson Yin Chan Prospect Venture LLC 14440 Big Basin Way, Suite 12 Saratoga, CA 95070
6.	General Plan Land Use Designation:	Commercial/Office/Residential
7.	Zoning:	Planned Development with General Commercial (P(CG, RES 5-15)
8.	Description of Project:	See Project Description in Chapter 3
9.	Surrounding Land Uses and Setting:	See page 3-1 of Chapter 3, Project Description
10.	Other Public Agency Required Approval:	See page 3-24 of Chapter 3, Project Description

11. Have California Native American tribes traditionally and culturally affiliated with the project area requested consultation pursuant to Public Resources Code Section 21080.3.1? If so, is there a plan for consultation that includes, for example, the determination of significance of impacts to tribal cultural resources, procedures regarding confidentiality, etc.? The City received a request to be notified about projects in the city of Cupertino from the Tamien Nation on May 28, 2021 as the city is within the geographic area with which they are traditionally and culturally affiliated. The City has initiated the consultation process by mailing notices to the Tamien Nation, and emailing representatives of the Tamien Nation on May 12, 2022 as requested on their letter dated May 28, 2021. As of the publication of this Initial Study, no response has been received from the Tamien Nation.

2.2 ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED

The environmental factors checked below would be potentially affected by the proposed project, involving at least one impact that is a potentially significant impact, as shown in Chapter 4, *Environmental Analysis*, of this Initial Study.

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

2.3 DETERMINATION

On the basis of this initial evaluation:

☐ I find that the proposed project COULD NOT have a significant effect on the environment and a NEGATIVE DECLARATION will be prepared.

☒ I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.

☐ I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.

☐ I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.

☐ I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

Approved by: _____ _____

Gian Martire
Senior Planner

Date

2.4 SUMMARY OF IMPACTS AND MITIGATION MEASURES

Due to the location of the project site, the proposed project would have no impact on Agriculture, Forestry, Mineral Resources, or Wildfire; thus, these topics were not discussed in detail in the Initial Study. The following lists the significant impacts by topic that could occur from construction and operation of the proposed project and identifies the mitigation measures recommended to reduce the impact to a less-than-significant level. All other topic areas were identified to have less-than-significant impacts. A detailed discussion of the project's impacts is provided in Chapter 4, *Environmental Analysis*, of this Initial Study.

2.4.1 ENVIRONMENTAL TOPIC

Noise

Impact NOISE-1a: The proposed project could result in the generation of a substantial temporary increase in ambient noise levels at the residences to the west of the project site where the project shares a property line during the construction phase that would be in excess of standards established in the City of Cupertino Municipal Code.

> Mitigation Measure NOISE-1a: The project applicant shall identify in the Construction Noise Control Plan required pursuant to Cupertino Municipal Code Section 17.04.050(G)(2), *Manage Noise During Construction,* that a temporary sound barrier between the construction zone on the project site and the adjacent residences along the entirety of the project site boundary to the west with a minimum height of 12 feet and free of gaps and holes made of either a (a) 0.75-inch-thick plywood wall or (b) hanging blanket/curtain with a surface density or at least 2 pounds per square foot, would be installed to reduce construction noise levels to meet the 80 dBA limit in CMC Section 10.48.053.

Impact NOISE-1b: The proposed project could result in the generation of a substantial permanent increase in ambient noise levels in the vicinity of the project during the operation phase that could be in excess of standards established in the City of Cupertino Municipal Code.

> Mitigation Measure NOISE-1b: Prior to issuance of building permits, the mechanical equipment and heating, ventilation, and air conditioning (HVAC) equipment shall be selected and designed to reduce impacts on surrounding uses to meet the Cupertino Municipal Code noise limits of 60 dBA and 50 dBA at residential uses during daytime and nighttime, respectively, and 65 dBA and 55 dBA at non-residential sensitive uses during daytime and nighttime, respectively. A qualified acoustical consultant shall be retained by the project applicant to review mechanical noise as these systems are selected to determine specific noise reduction measures necessary to reduce noise to comply with the City's noise level requirements. Mechanical equipment shall be selected and designed to reduce impacts on surrounding uses to meet the City's noise level requirements. Noise reduction measures could include, but are not limited to:
>
> - Selection of equipment that emits low noise levels;

- Installation of noise dampening techniques, such as enclosures and parapet walls, to block the line-of-sight between the noise source and the nearest receptors; or
- Locating equipment in less noise-sensitive areas, where feasible.

Impact NOISE-2: The proposed project could result in the generation of excessive groundborne vibration in the vicinity of the project during the construction phase that would be in excess of established thresholds.

Mitigation Measure NOISE-2: If paving activity during construction is required within 25 feet of nearby structures, the use of a static roller in lieu of a vibratory roller shall be employed. This mitigation measure shall be identified on the permit application drawing set and as part of the construction drawing set, and shall be implemented by the on-site Construction Manager.

Transportation

Impact TRANS-1: The proposed project would exceed the residential vehicle-miles traveled threshold of 11.50 VMT per capita.

Mitigation Measure TRANS-1: The project applicant shall implement the following measures to reduce vehicle miles traveled (VMT) to meet the residential vehicle-miles traveled threshold of 11.50 VMT per capita.

- *Project Fair Share Contribution.* Prior to issuance of building permits, the project applicant shall pay a fair share contribution of $10,000 toward the bicycle improvements along Prospect Road that are planned in the City of Cupertino 2016 *Bicycle Transportation Plan*. The improvements include the addition of Class II buffered bike lanes along Prospect Road between De Anza Boulevard and Stelling Road, which would narrow the travel lanes on Prospect Road east of Galway Drive thereby reducing vehicle speeds to create a safer environment and promote walking and biking as alternatives to driving and reduce VMT.
- *School Pool Program.* Prior to issuance of certificate of occupancy, the project applicant shall prepare a School Pool Program to the satisfaction of the City of Cupertino to reduce VMT by matching parents of the proposed residential development who transport students to and from schools without a bussing program, including private schools, charter schools, and neighborhood schools where students cannot walk or bike, or where parents would rather their children not walk or bike. The School Pool Program shall be:
  - Included in resident welcome packets and clearly stated that the program is open to all residents. The building management would be responsible for preparing the welcome packet materials and distributing to all new residents; and,
  - Provided via an online kiosk/webpage with current school pool program information available at all times. The online kiosk/webpage would provide resident and school information for residents interested in participating in the school carpool program. Those residents that register for the program online could connect with other residents participating in the program to schedule carpools. The building management would be responsible for creating

the online kiosk/webpage so that it is up and running as soon as the residential development is ready for leasing. The building management (and/or website designer) would be responsible for adding new information to the website so that the online kiosk remains current and informative.

- *Bicycle Program.* Prior to issuance of certificate of occupancy, the project applicant shall demonstrate to the satisfaction of the City of Cupertino that an adequate number of electric bicycles have been purchased and are available to be distributed to each resident so that each resident will receive one properly-sized electric bicycle upon move in. Electric bicycles serve as a low barrier to entry-level bicycling for residents who may not otherwise consider bicycling as a viable mode of transportation and the electric assist allows users of all fitness levels to participate in biking and help users to reach farther away destinations that they may have previously considered too far to bike to. This strategy would promote bicycling as an alternative to driving, thereby reducing VMT. All residents would be eligible to receive an electric bicycle.
- *Car Share Program.* Prior to issuance of certificate of occupancy, the project applicant shall demonstrate to the satisfaction of the City of Cupertino that the project would provide subsidized memberships to a car sharing program (e.g., Zipcar and GetAround) for residents with a valid driver's license upon request. The Car Share Program shall include a dedicated car share vehicle parking on-site or at a convenient location within 0.25 miles of the project site. Because the car sharing services are a low-cost alternative to car ownership and provide flexibility to those who use other transportation modes for their daily commute but may need to access a car for mid-day errands, car sharing helps support the use of walking, biking, carpooling, and transit by providing another means for business/day vehicle trips or a guaranteed ride home option, allowing for overall reductions in automobile use which results in reduced VMT.
- *Behavioral Intervention Program.* Prior to certificate of occupancy, the project applicant shall prepare a Behavior Intervention Program that will provide individualized transportation information for each resident to the satisfaction of the City of Cupertino that will reduce VMT by encouraging residents to use travel modes other than single-occupant vehicles as part of the new resident move-in process. To implement this program, the project applicant shall establish a "transportation coordinator" that will work with residents to prepare the individualized transportation information for each resident. The transportation coordinator shall review the most current Santa Clara Valley Transportation Authority (VTA) bicycle and transit maps and work with each resident to identify key destinations for that resident which may include locations such as work, school, shopping and/or recreational destinations. The resident and coordinator would then map out feasible bicycle routes including the bicycle facility class types and transit routes to each destination including travel times, necessary bus transfers, and fare pricing. Bicycle and transit routes to common amenities such as grocery stores, drug stores, banks, and post offices would also be mapped out. Implementing this program would encourage the use of transit, shared ride modes, bicycling, and walking, thereby reducing drive-alone vehicle trips and VMT. Additional encouragement could be provided in the form of subsidies if participation in the program is lower than expected.

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3. *Project Description*

The project applicant, Prospect Venture LLC, is proposing the 1655 South De Anza Boulevard Mixed-Use Project (proposed project) that would involve the construction of multi-family apartments and townhome residential units with commercial space on a site that is currently developed with commercial uses. This chapter provides a detailed description of the proposed project, including the location, setting, and characteristics of the project site, the principal project features, construction phasing and schedule, as well as a list of the required permits and approvals.

3.1 PROJECT LOCATION AND SITE CHARACTERISTICS

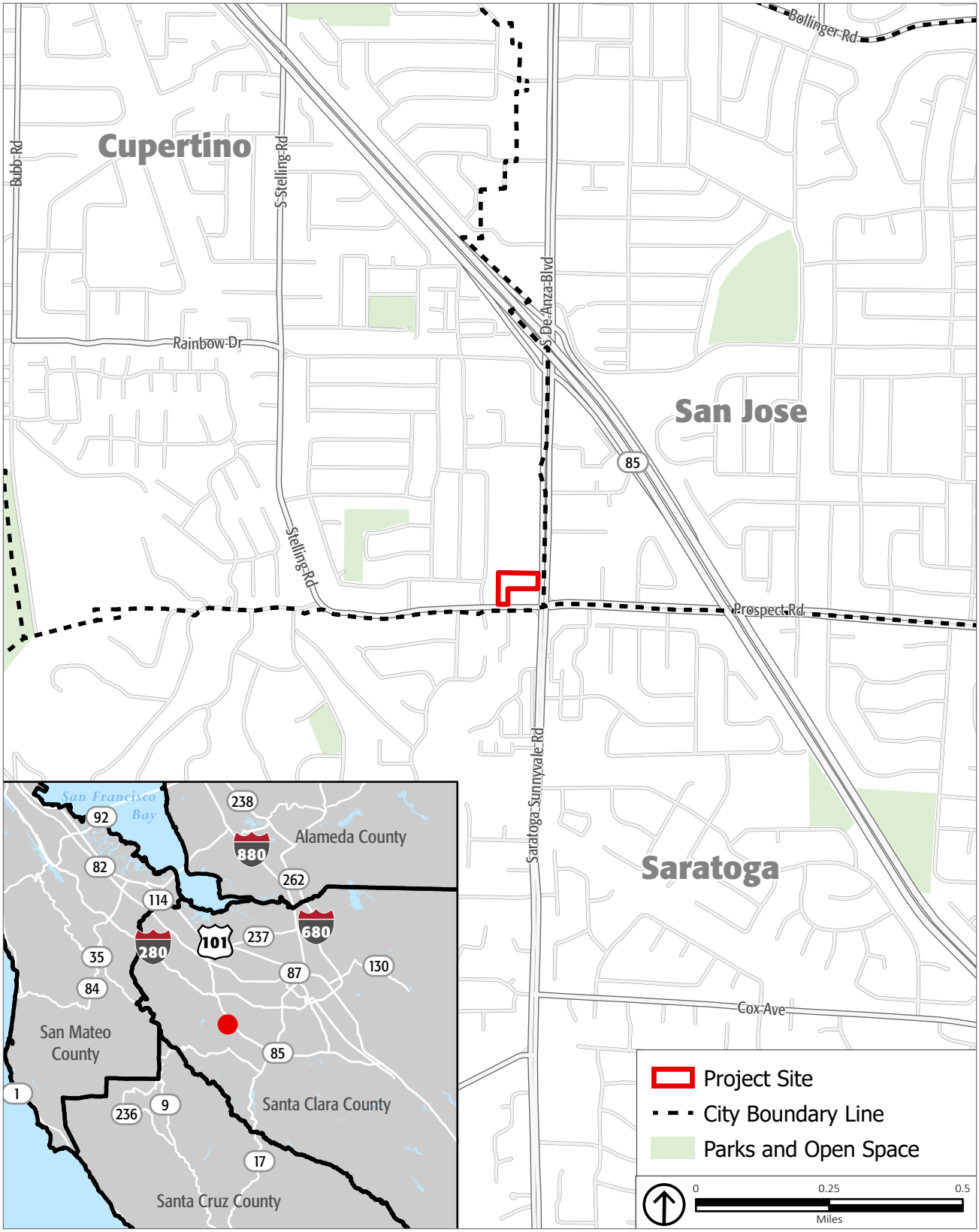
3.1.1 REGIONAL LOCATION

As shown on Figure 3-1, *Regional and Vicinity Map*, the project site is in the city of Cupertino which is located in the northwestern portion of Santa Clara County. Cupertino is roughly 45 miles south of San Francisco and 13 miles west of downtown San José. State Route 85 (SR-85) provides regional access to the project site.

3.1.2 LOCAL SETTING

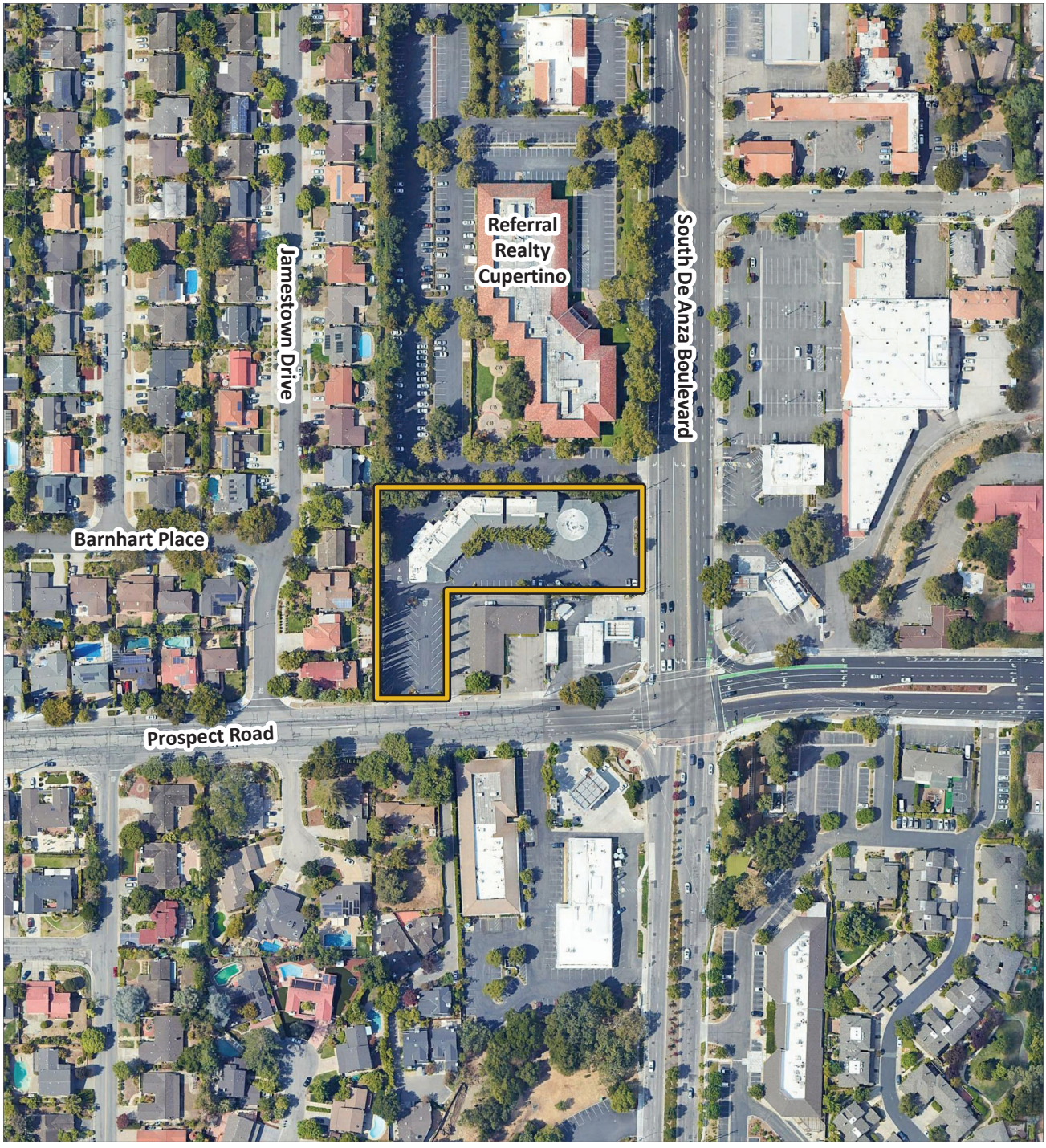
The project site is located at 1655 South De Anza Boulevard[3] in the southern region of the city near the intersection of South De Anza Boulevard and Prospect Road. As shown on Figure 3-2, *Aerial View of the Project Site,* the L-shaped project site is bounded by commercial land uses to the north, South De Anza Boulevard to the east, commercial land uses and Prospect Road to the south, and residential uses to the west. Surrounding land uses in project vicinity include commercial and residential uses to the north and south, commercial uses to the east, and residential land uses to the west.

[3] There are two addresses assigned to the project site (1655 South De Anza Boulevard and 7357 Prospect Road), but for the purposes of this document, a single address (1655 South De Anza Boulevard) is used to represent the entire project site.



Source: Esri, 2020. PlaceWorks, 2021.

Figure 3-1
Regional and Vicinity Map



Source: © Google, 2021, Google Earth Professional, imagery date 8/15/2020.

Project Site Boundary

0 400
Scale (Feet)

Figure 3-2
Aerial View of Project Site and Surroundings

Sensitive receptors include places with people that have an increased sensitivity to air pollution, noise, or environmental contaminants. These sites can include schools, parks and playgrounds, day care centers, hotels, senior housing, nursing homes, hospitals, and residential dwelling units. Sensitive receptors within 0.25 miles (1,320 feet)[4] of the project site include:

- Single-family residences that share a property line with the project site to the west.
- Single-family residences approximately 0.02 miles (100 feet) to the south across Prospect Road.
- Hoover Park roughly 0.2 miles (1,056 feet) to the west and Three Oaks Park roughly 0.5 miles (2,640 feet) to the northwest; and
- Growing Tree Learning Center approximately 0.05 miles (270 feet) to the southeast, Christian Righteousness Education Center approximately 0.09 miles (450 feet) to the southeast, De Anza Boulevard KinderCare preschool roughly 0.1 miles (500 feet) to the north, and Bright Horizons at Silicon Valley daycare roughly 0.2 miles (1,000 feet) to the northeast.

3.1.3 EXISTING SITE SETTING

SITE CHARACTER

The project site is currently developed with one 11,648-square foot, one-story (15 feet) commercial building occupying the northern portion of the site that is surrounding by an internal access road to the north, and surface parking to the east, south, and west. Landscaping on the project site is around the interior perimeter of the property and exterior of the building. The commercial building is occupied by a mix of retail and service uses including a pharmacy, restaurant, nail salon, hair salon, and liquor store.

The earliest recorded development of the project site shows the site was occupied by an orchard until 1939. A single residence was added in 1948 and remained in place until between 1968 and 1974 when it was demolished and replaced with the surface parking lot on the southern portion of the site. The current commercial retail structure was developed in 1962, and tenants have included various commercial uses.[5] According to the Department of Toxic Substance Control, when orchards were removed or became inactive prior to 1950 organic pesticides are not an issue warranting further testing.[6] Due to the age of the existing buildings, they may contain asbestos-containing materials or lead-based paint, which were not regulated in construction until the early 1970's.

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

[5] Partner Engineering and Science, Inc., 2020. *Phase I Environmental Site Assessment Report, 1655 South De Anza Boulevard and 7357 Prospect Road, Cupertino, California 95014*, pages 6 and 7. April 13.

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

Because the building on the project site was developed in 1962, it has the potential to be considered a historic building; however, it is not currently listed on the National Register of Historic Places or the list of California Historical resources. Nor is the existing building associated with significant cultural events, persons in California's past, and does not have any distinctive historical characteristics, and as such does not have any qualifying historical value.

VEGETATION AND LANDCOVER

According to the Vegetation Map shown in the Environmental Resources and Sustainability Element of the General Plan, the project site is within the urban forest (i.e., trees in the city).[7] The City recognizes that every tree on both public and private property is an important part of Cupertino's urban forest and contributes significant economic, environmental, and aesthetic benefits of the community.[8]
According to the Arborist Reports prepared for the project site,[9] there are 51 trees on the project site and eight trees that are on private property that is directly adjacent to the project site with the potential for removal and or to incur root damage from construction. Landscaping on-site is made up of mostly trees, mainly along the property lines, consisting of Italian cypresses, Hollywood junipers, loquat, Coast Redwoods, and London Planetree. These are all restricted to small landscape areas or parking lot cut outs. Additionally, off-site hackberries, redwoods, oaks, and eucalyptuses overhang the property line. The offsite, but directly adjacent trees include Coast Live Oaks, Coast Redwoods, Silver Dollar Gum, and London Planetree.

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

The site is generally flat with an elevation of around 305 feet above mean sea level.[10] The surficial geology consists of Pleistocene-age alluvial fan deposits,[11] which is described as dense, gravely and clayey sand or clayey gravel, and sandy clay.[12] No paleontological resources have been identified on the project site; however, the presence of Pleistocene deposits that are known to contain fossils indicates that the overall

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

[8] City of Cupertino, Tree Protection and Tree Removal link on the City's website, Accessed July 24, 2021 at https://www.cupertino.org/our-city/departments/community-development/planning/residential-development/tree-protection-tree-removal.

[9] Tso, Jennifer. 2020, September. *Arborist Report for 1655 De Anza Blvd, Cupertino.* Traverso Tree Service. Prepared for Ryan Lin, Ronsdale Management LLC; West Coast Arborist. 2022. March. *Arborist Peer Review 1655 S. De Anza: City of Cupertino*, Prepared for City of Cupertino.

[10] Partner Engineering and Science, Inc., 2020, *Phase I Environmental Site Assessment Report*, 1655 South De Anza Boulevard and 7357 Prospect Road, Cupertino, California 95014, page 5.

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

[12] United States Geological Survey, 2000. Geologic map and map database of the Oakland metropolitan area, Alameda, Contra Costa, and San Francisco Counties, California. Page 8.

city, including the project site, could contain paleontological resources.[13] Unique geological features are not common in Cupertino. The geologic processes are generally the same as those in other parts of the state, country, and even the world. The geology and soils on the project site are common throughout the city and region and are not considered to be unique.

The existing impervious surface totals 70,025 square feet and the existing pervious surface totals 2,473 square feet.[14] Stormwater from the site discharges to curb-thru drains and sheet flows to a network of City-maintained storm drains in South De Anza Boulevard that collect runoff from city streets and carry it to the creeks that run through Cupertino to the San Francisco Bay.

3.1.4 LAND USE AND ZONING DESIGNATIONS

GENERAL PLAN

The site is located in the South De Anza Special Area.[15] The site has a General Plan land use designation of Commercial/Office/Residential.[16] A description of these designations is provided below.

South De Anza Special Area

The City has designated Special Areas along one of the four major mixed-use corridors in the city, which represent key areas within Cupertino where future development and reinvestment is generally focused. The South De Anza Special Area is intended to remain a predominantly general commercial area with supporting mixed residential uses. The General Plan policies that guide development in this area are intended to encourage lot consolidation, promote active retail and service uses, and improve bike and pedestrian connectivity to adjacent neighborhoods.[17]

Commercial/Office/Residential Land Use Designation

The Commercial/Office/Residential land use designation allows primarily commercial and office uses and secondarily residential uses or a compatible combination of the two uses.[18] Allowed commercial uses include retail sales, businesses, limited professional offices, and service establishments with direct contact

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

[14] *City of Cupertino Permit Provision C.3 Impervious Surface Data Form,* prepared by Sandis Civil Engineers dated March 5, 2021.

[15] City of Cupertino General Plan (Community Vision 2015-2040), Chapter 2, Planning Areas, page PA-4.

[16] City of Cupertino Land Use Map adopted December 4, 2014 and amended August 20, 2019.

[17] City of Cupertino General Plan (Community Vision 2015-2040), Chapter 2, Planning Areas, South De Anza Special Area, page PA-11.

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

with customers. Retail stores that would be a nuisance for adjoining neighborhoods or harmful to the community identity would be regulated by CMC Chapter 19.60, *General Commercial Zones*, and the associated commercial zoning ordinance use permit procedures. The maximum residential density on the project site is 15 dwelling units per acre.[19] For the 1.68-acre site, this would allow for 25 dwelling units total.[20]

ZONING DISTRICT

The project site is within the Planned Development with General Commercial with Residential (P(CG, RES 5-15) zoning district. As described in CMC Section 19.80.010, *Purpose*, the Planned Development zoning district is intended to provide a means of guiding land development or redevelopment of the city that is uniquely suited for planned coordination of land uses. Development in this zoning district provides for a greater flexibility of land use intensity and design because of accessibility, ownership patterns, topographical considerations, and community design objectives.[21] CMC Chapter 19.80, *Planned Development*, also allows a project proponent to propose development standards for their specific project.

All Planned Development districts are identified on the zoning map with the letter coding "P" followed by a specific reference to the general type of use allowed in the particular planning development zoning district. The type of use allowed on the project site is General Commercial with Residential uses (CG, Res), which is consistent with the General Plan land use designation for the site, and is a district in which uses are intended to be a mix of general commercial and residential.[22] General Commercial allows uses such as retail food, drug, apparel, or hardware stores, full-service restaurants, professional and commercial office services, laundry facilities, non-auto related repair services, and personal services, along with several other specialty uses.[23]

3.1.5 CUPERTINO MUNICIPAL CODE REQUIREMENTS

DENSITY BONUS STANDARDS

Title 19, *Zoning*, Chapter 19.56, *Density Bonus*, is intended to comply with the State Density Bonus Law, Government Code Section 65915,[24] which provides that a local agency shall adopt an ordinance specifying

[19] City of Cupertino General Plan, Community Vision 2040, Chapter 3, *Land Use*, Figure LU-2, Community Form Diagram, pages LU-16 and LU-17.

[20] 15 dwelling units/acre x 1.68 acres = 25.2 dwelling units.

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

[22] City of Cupertino Municipal Code, Title 19, *Zoning*, Chapter 19.80, *Planned Development,* Section 19.80.030, *Establishment of Districts- Permitted and Conditional Uses*.

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

[24] Government Code, Title 7, *Planning and Land Use*, Division 1, *Planning and Zoning Sections*, Chapter 4.3, *Density Bonuses and Other Incentives Section 65915*.

how the agency will comply with that section. CMC Section 19.56.020, *Eligibility for Density Bonus,* states that housing developments resulting in a net increase of at least five units (excluding density bonus units) are eligible for a density bonus when the applicant proposes at least one of the listed requirements and the requirements of CMC Section 19.56.020(C), if applicable. One of the criteria for eligibility for a density bonus is construction of affordable housing (CMC Section 19.56.020(A)(1)(a) and (b)). Section 19.56.040, *Incentives or Concessions, Waivers and Reduction of Parking Standards*, states that changes to development standards or zoning code requirements may be allowed under certain conditions.[25] The granting of a density bonus, incentive or concession, in and of itself, shall not require a general plan amendment, zone change, or other discretionary approval and shall be reviewed concurrently with the review of the housing development.[26]

SETBACK AND BUILDING HEIGHT STANDARDS

The proposed project is a mixed-use development on a small lot (1.68 acres). Pursuant to CMC Chapter 19.80, *Planned Development,* the Planned Development Zoning District allows a project proponent to propose zoning setbacks different from those required in the underlying Zoning District to allow flexibility in the project, as long as these are approved by the City Council. In any case, the setbacks in the Zoning District or the setbacks proposed by the project, the project site must adhere to the General Plan requirement of maintaining sufficient space for adequate light, requirement for air and visibility at intersections, and the requirement for general conformity to yard requirements of adjacent or nearby zones, lot or parcels.

LANDSCAPING

CMC Chapter 14.15, *Landscape Ordinance*, implements the California Water Conservation in Landscaping Act of 2006 by establishing new water-efficient landscaping and irrigation requirements. Any building or landscape project that involves more than 2,500 square feet of landscape area is required to submit a Landscape Project Submittal to the Director of Community Development for approval. Existing and established landscaped areas greater than 1 acre in size are required to submit water budget calculations and audits of established landscapes.[27]

TREE REQUIREMENTS

CMC Chapter 14.12, *Trees*, establishes regulations for the planting, care, and maintenance of public trees, and provides for the continuous maintenance of the public trees, with the goal of encouraging preservation of trees. The City funds the planting and maintenance of public trees through payment of reimbursement costs as a conditions of building permit issuance.[28]

[25] City of Cupertino Municipal Code, Title 19, *Zoning*, Chapter 19.56 *Density Bonus*, Sections 19.56.030, *Density Bonus*, and 19.56.040, *Incentives or Concessions, Waivers and Reduction of Parking Standards*.

[26] City of Cupertino Municipal Code, Title 19, *Zoning*, Chapter 19.56 *Density Bonus*, Section 19.56.020, *Eligibility for Density Bonus*.

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

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

CMC Chapter 14.18, *Protected Tree Ordinance*, provides regulations for the protection, preservation, and maintenance of trees of certain species and sizes.[29] Removal of a protected tree requires a permit from the City. "Protected" trees include trees of a certain species and size on private property in all zoning districts; heritage trees whether on private or public property in all zoning districts; any tree required to be planted or retained as part of an approved development application, building permit, tree removal permit, or code enforcement action in all zoning districts; and approved privacy protection planting in single-family residential zoning districts. Since the existing development is on property that requires a development application, all existing trees on the site are considered protected.[30]

BIRD SAFE DESIGN ORDINANCE

The City of Cupertino Bird Safe Design Ordinance in CMC Chapter 19.102, *Glass and Lighting Standards*, contains specific building and site design measures to reduce bird mortality from windows or other specific glass features known to increase the risk of bird collisions and to reduce light pollution known to contribute to bird mortality and reduced visibility of the night sky, and cause adverse impacts to human health. These requirements include:[31]

- Glass requirements for new or replacement windows of twelve square feet or more and facades requiring no more than 10 percent of the surface area of the façade be untreated glass between the ground and 60 feet above ground. Treatments can include opaque glass, window muntins, exterior insect screens, exterior netting, or special glass treatments such as fritting to provide visual cues and reduce the likelihood of bird collisions.
- Indoor lighting requirements to program automatic sensors and timer to turn off at 11:00 p.m., within two hours after business closes, or the addition of filtering with the use of interior or exterior blinds.
- Design requirements to avoid funneling of flight paths along buildings or trees to building facades; avoid use of highly reflective glass or highly transparent glass; and avoid glass skyways or walkways, freestanding glass walls, transparent building corners, or other design elements where trees, landscaping, water features, or the sky is visible form the exterior.

OUTDOOR LIGHTING REQUIREMENTS

CMC Section 19.102.040, *Outdoor Lighting Requirements*, includes requirements to reduce light pollution throughout the city. These requirements prohibit outdoor lighting that blinks, flashes, or rotates; outdoor lighting that projects above the horizontal plan; lighting that unnecessarily illuminates other lots or interferes with the enjoyment of that lot; high-intensity discharge lighting for recreation courts or private property; and spotlights. Outdoor lighting that is not prohibited, must abide by the following:[32]

- All outdoor light much be fully shielded fixtures directed downward to meet the particular need and away from adjacent properties.

[29] City of Cupertino Municipal Code, Title 14, *Streets, Sidewalks and Landscaping*, Chapter 14.18, *Protected Trees*.
[30] City of Cupertino Municipal Code, Title 14, *Streets, Sidewalks and Landscaping*, Chapter 14.18, *Protected Trees*.
[31] City of Cupertino Municipal Code, Title 19, *Zoning*, Chapter 19.102, *Glass and Lighting Standards.*
[32] City of Cupertino Municipal Code, Title 19, *Zoning*, Chapter 19.102, *Glass and Lighting Standards.*

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

STANDARD ENVIRONMENTAL PROTECTION REQUIREMENTS

CMC Chapter 17.04, *Standard Environmental Protection Requirements*, identifies environmental protection standards that all construction projects must meet, including but not limited to environmental mitigation measures identified in any environmental documents required as part of a General Plan update. These requirements apply to every project within the city and are demonstrated through the submittal of construction management or permit plans prior to issuance of permits. Development projects must submit technical reports for air quality, hazardous materials, vehicle miles traveled, and construction vibrations. This section also includes nine distinct permit submittal requirements for each topic area, including the following:

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

UTILITIES AND ENERGY

Energy Conservation

The California Green Building Standards Code (Part 11, Title 24, known as "CALGreen") was adopted as part of the California Building Standards Code (Title 24, California Code of Regulations) to apply to the planning, design, operation, construction, use, and occupancy of every newly constructed building or structure, unless otherwise indicated in the California Building Standards Code, throughout the State of California.[33] CALGreen established planning and design standards for sustainable site development, energy efficiency (in excess of the California Energy Code requirements), water conservation requiring new buildings to reduce water consumption by 20 percent, material conservation, and internal air contaminants. The local building permit process enforces the building efficiency standards. CMC Chapter

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

16.58, *Green Building Standards Code*, adopts the CALGreen requirements and makes it part of the CMC along with local amendments for projects in the city. The City's Green Building Ordinance contains mandatory, minimum required green building techniques, including measures affecting water use efficiency and water conservation.

CMC Sections 16.58.100 through 16.58.220 sets forth the standards for green building requirements by type of building. As shown on Table 101.10 in CMC Section 16.58.220, mixed-use projects with residential and non-residential components shall comply by either: (1) meeting the applicable requirements for each use; or (2) meeting the applicable requirements for the use that comprises the majority of the project's square footage where uses are attached and/or combined in a building. For the residential component, new construction greater than nine homes is required to be Green Points Rated certified at minimum 50 points, Silver in Leadership in Energy & Environmental Design (LEED) (City's preferred method), or Alternate Reference Standard per Section 101.10.2.[34] For the non-residential component, development less than 25,000 square-feet is required to comply with the CALGreen Building Code pursuant to Chapter 5 of the California Green Building Standards Code. CMC Section 16.58.230 permits applicants to apply an alternate green building standard for a project in lieu of the minimum standards outlined in CMC Section 16.58.220 that meet the same intent of conserving resources and reducing solid waste.

The California Energy Code (Part 6, Title 24) was adopted as part of the California Building Standards Code (Title 24) to reduce wasteful and unnecessary energy consumption in newly constructed and existing buildings. The City of Cupertino has adopted the California Energy Code, with local amendments into, as CMC Chapter 16.54, *Energy Code*. CMC Section 16.54.100(2), *Scope for Newly Construction Building*, requires all newly constructed buildings to be All-Electric Buildings. All-Electric Buildings are defined as a building that has no natural gas or propane plumbing installed within the building, and that uses electricity as the sole source of energy for its space and water heating.[35] The City approved reach codes in February 2020,[36] which go above California Energy Code requirements to reduce energy, water, and associated greenhouse gas (GHG) emissions.

Solid Waste Reduction

Consistent with CALGreen, CMC Chapter 16.72, *Recycling and Division of Construction and Demolition Waste*, requires that a minimum of 65 percent of all non-hazardous construction and demolition debris must be recycled or salvaged and that all applicants have a waste management plan for on-site sorting of

[34] Leadership in Energy & Environmental Design (LEED) is a green building certification program that recognizes best-in-class building strategies and practices that reduce consumption energy, and water, and reduce solid waste directly diverted to landfills. LEED certified buildings are ranked in order of efficiency from Certified, Silver, Gold and Platinum being the highest ranking with the greatest efficiency standard. LEED Silver certified buildings typically reduce is the third highest ranking out of the four, with just being certified being the lowest and Gold and Platinum being the second highest.

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

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

construction debris. Additionally, in December 2017, the City adopted a Zero Waste Policy.[37] According to the Zero Waste Policy, the City will require, through the City's waste hauling franchise agreement, steadfast and ongoing efforts by the City's franchisee to maintain a minimum residential and commercial waste diversion rate of 75 percent with a goal of reaching and maintaining 80 percent by 2025.

Water Quality

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

3.2 PROJECT COMPONENTS

The project applicant proposes to redevelop the project site with a mixed-use commercial and residential development consisting of townhouses, a multi-family residential building with a ground floor parking garage, and ground floor commercial space, and associated amenities, infrastructure, and landscaping. Combined the project would have 34 residential units and 7,500 square feet of neighborhood-serving commercial space. Table 3-1, *Proposed Project Details*, shows the net new total residential units and commercial square footage.

TABLE 3-1 PROPOSED PROJECT DETAILS

	Residential (Units)	Commercial (Square Feet)
Proposed Project		
Townhomes	11	--
Multi-family	23	--
Commercial space	--	7,500
Total	**34**	**7,500**
Existing Development	--	11,648
Net New	***+34***	***-4,148***

Source: Project Applicant, Site Plans, August 26, 2022.

[37] City of Cupertino. 2017. Zero Waste Policy. https://www.cupertino.org/home/showpublisheddocument/19101/636505857999300000. Accessed July 26, 2021.

The conceptual site plan for the proposed project is shown on Figure 3-3. The following provides a detailed description of the key project components. A complete set of preliminary site plans are available on the City's website at https://cupertino.org/1655SDeAnza and at the City of Cupertino Community Development Department at 10300 Torre Avenue, Cupertino, California 95014.

3.2.1 PROPOSED BUILDINGS

MIXED-USE BUILDING

The mixed-use building would be located on the northern portion of the property, most closely accessible by South De Anza Boulevard. The mixed-use building would total approximately 64,000 square feet including approximately 7,500 square feet of neighborhood-serving commercial space and approximately 11,000 square feet of covered parking on the ground floor, 23 apartment units on the second and third floors, and approximately 3,500 square feet of rooftop terrace. Apartments would be comprised of 16 two-bedroom units ranging between 1,200 square feet and 1,600 square feet, and seven three-bedroom units ranging between 1,500 square feet and 1,900 square feet. Of the total 23 units four units would be below-market-rate units (see "Density Bonus Element" discussion). A trash and recycling enclosure would be located on the ground floor on the southern side of the building and would be accessed by the waste management company on trash day from the internal roadway network.

The proposed project would provide 37 covered parking spaces for residents in the parking garage on the ground floor. Nine additional surface parking spaces for residents, and 31 surface parking spaces for guests of the commercial uses, would be provided along the southern perimeter of the project site and at the front of the building. Vehicular parking would meet the standards of the Americans with Disabilities Act (ADA).

The proposed project would provide 12 Class 1 and four Class 2 bicycle parking spaces for the multi-family units and six Class 2 bicycle parking spaces for the commercial uses.[38] Class 1 bicycle storage would be located in the parking garage for residents, and Class 2 bicycle racks would be located along the southern and eastern sides of the commercial building.

The proposed mixed-use building would be 37 feet and 11 inches tall (three stories) at the roof line, with the top of the elevator tower reaching 52 feet and 5.5 inches tall. The mechanical equipment and heating, ventilation, and air conditioning (HVAC) unit would be located on the roof, as well as the roof terrace. The roof terrace would include planters, a counter/bar, and seating areas with shading and electric heaters for use by apartment residents and their guests. The proposed floor plans and building elevations for the mixed-use building are provided on Figure 3-4 through Figure 3-6.

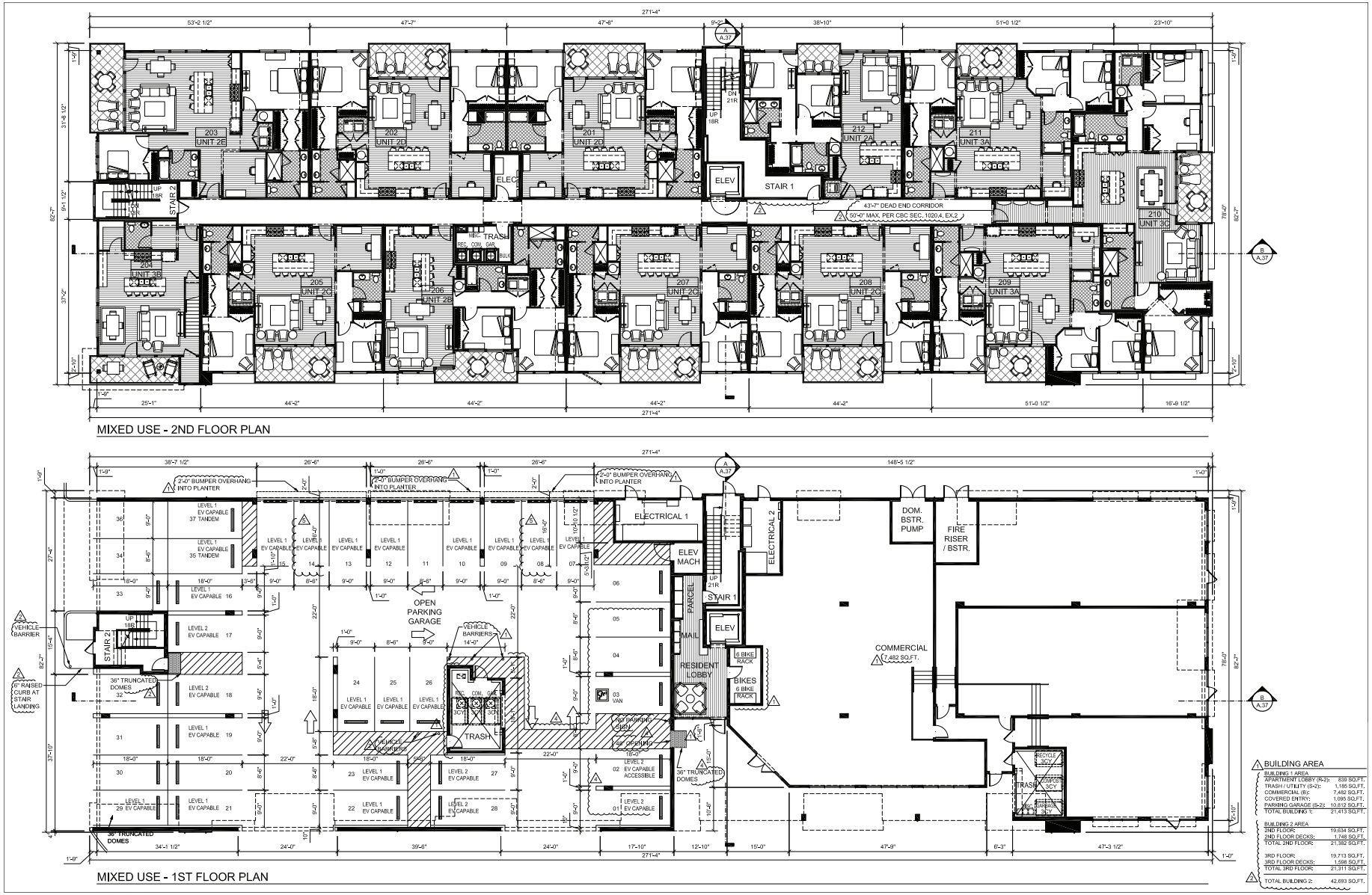
[38] Class 1 facilities protect the entire bicycle from theft, vandalism, and inclement weather and are appropriate for long-term storage. Class 2 facilities include bicycle racks to which the frame and at least one wheel can be secured with a user-provided lock.

Source: Dahlin, 2022. PlaceWorks, 2022.

0 64
Scale (Feet)

Figure 3-3
Conceptual Site Plan (First Level)

PROJECT DESCRIPTION

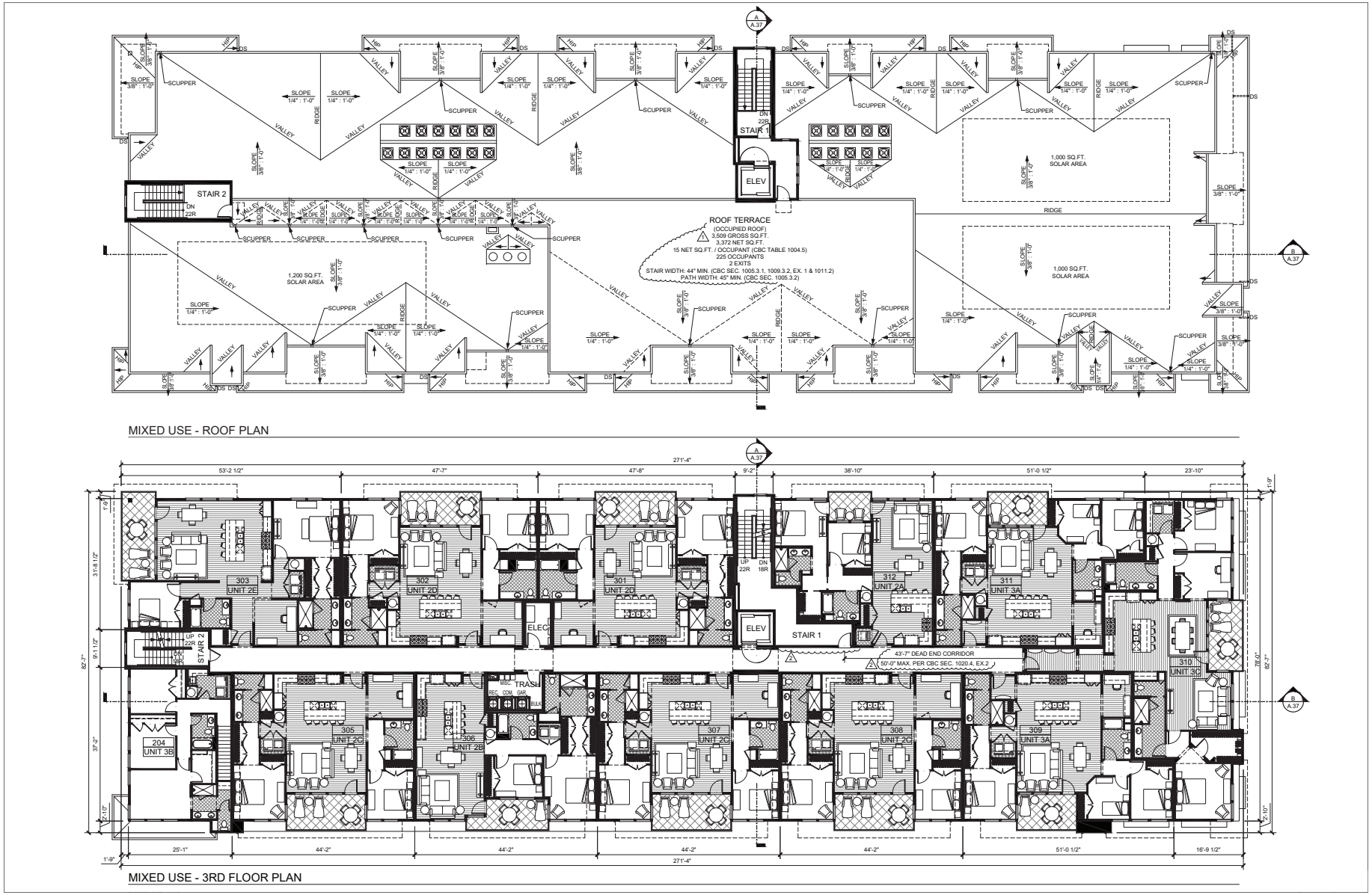


Source: Dahlin, 2022. PlaceWorks, 2022.

0 48
Scale (Feet)

Figure 3-4
Mixed-Use Building First and Second Floor Plans

PROJECT DESCRIPTION



Source: Dahlin, 2022. PlaceWorks, 2022.

0 48
Scale (Feet)

Figure 3-5
Mixed-Use Building Third Floor and Roof Plan

PROJECT DESCRIPTION

Source: Dahlin, 2022. PlaceWorks, 2022.

0 48

Scale (Feet)

Figure 3-6

Mixed-Use Building Elevations

TOWNHOMES

The proposed project would include 11 three-story townhomes, comprising one seven-plex and one four-plex building, located on the western side of the property. One of the townhomes would be a moderate-income townhome. (see "Density Bonus Element" discussion) Each dwelling unit would have a two-car garage that would front the internal roadway network. Each townhome would have three bedrooms, and would have one of two designs, identified as "Townhome A" or Townhome B" on Figure 3-3. Seven of the townhomes would have the Townhome A design, which would be approximately 1,500 square feet each, and four townhomes would have the Townhome B design, which would be approximately 1,700 square feet each. The proposed townhomes would be a maximum of approximately 29 feet tall (three stories). Figures 3-7 through 3-12 illustrate the floor plans and building elevations.

Each townhome would have its own private open space at the back of each unit. Each townhome would also have a terrace on the second story, which would be 256 square feet for the Townhome A designs and 356 square feet for the Townhome B Designs. There would be a 1,673-square foot common open space between the seven-plex and four-plex buildings. The common open space would include landscaping and areas for gathering (i.e., chairs, etc.).

DENSITY BONUS ELEMENTS

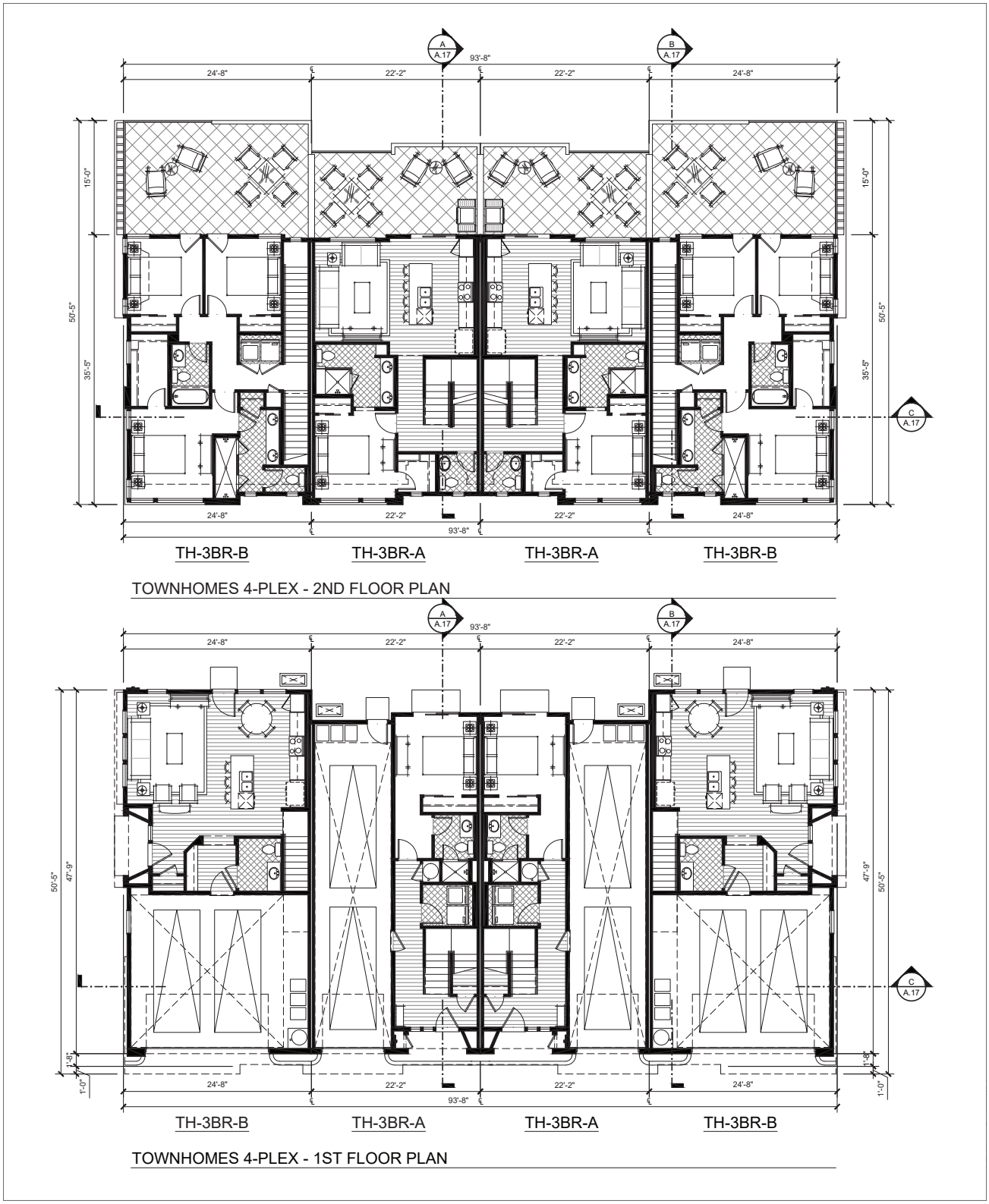
In accordance with CMC Section 19.56.040, *Incentives or Concessions, Waivers and Reduction of Parking Standards*, the proposed project would include a 35 percent density bonus with 12 percent very low income apartment units, which equals three very low income apartment units. The proposed project would also include one low income apartment and one moderate income townhome for a total of five below-market-rate units. As previously described, the maximum residential density on the project site is 15 dwelling units per acre and up to 25 residential units could be accommodated on the 1.68-acre site.[39] Pursuant to the applied density bonus, the residential density on the site would be 25 dwelling units per acre, which totals 34 allowed dwelling units on the project site.[40]

In addition to the increased residential density on the site, the proposed project would also apply a density bonus waiver to reduce the setbacks required for the proposed buildings, and to allow for a greater building height. The townhomes with rear yard setbacks, 22-foot drive aisle, parking garage, resident lobby, and 7,500 square feet of commercial space will only fit if a 35-foot setback is used, as opposed to the 50-foot set back typically required. In addition, the allowed height limit on the project site is a maximum of 30 feet. The density bonus would allow the proposed project to extend the height on the mixed-use building beyond 30 feet, as described under the subheading "Mixed-Use Building" presented previously in this section.

[39] City of Cupertino General Plan, Community Vision 2040, Chapter 3, *Land Use*, Figure LU-2, Community Form Diagram, pages LU-16 and LU-17. (15 dwelling units/acre x 1.68 acres = 25.2 dwelling units.)

[40] 25 dwelling units x 0.12 = 3 dwelling units very low income. 25 dwelling units x 1.35 = 33.75.

PROJECT DESCRIPTION



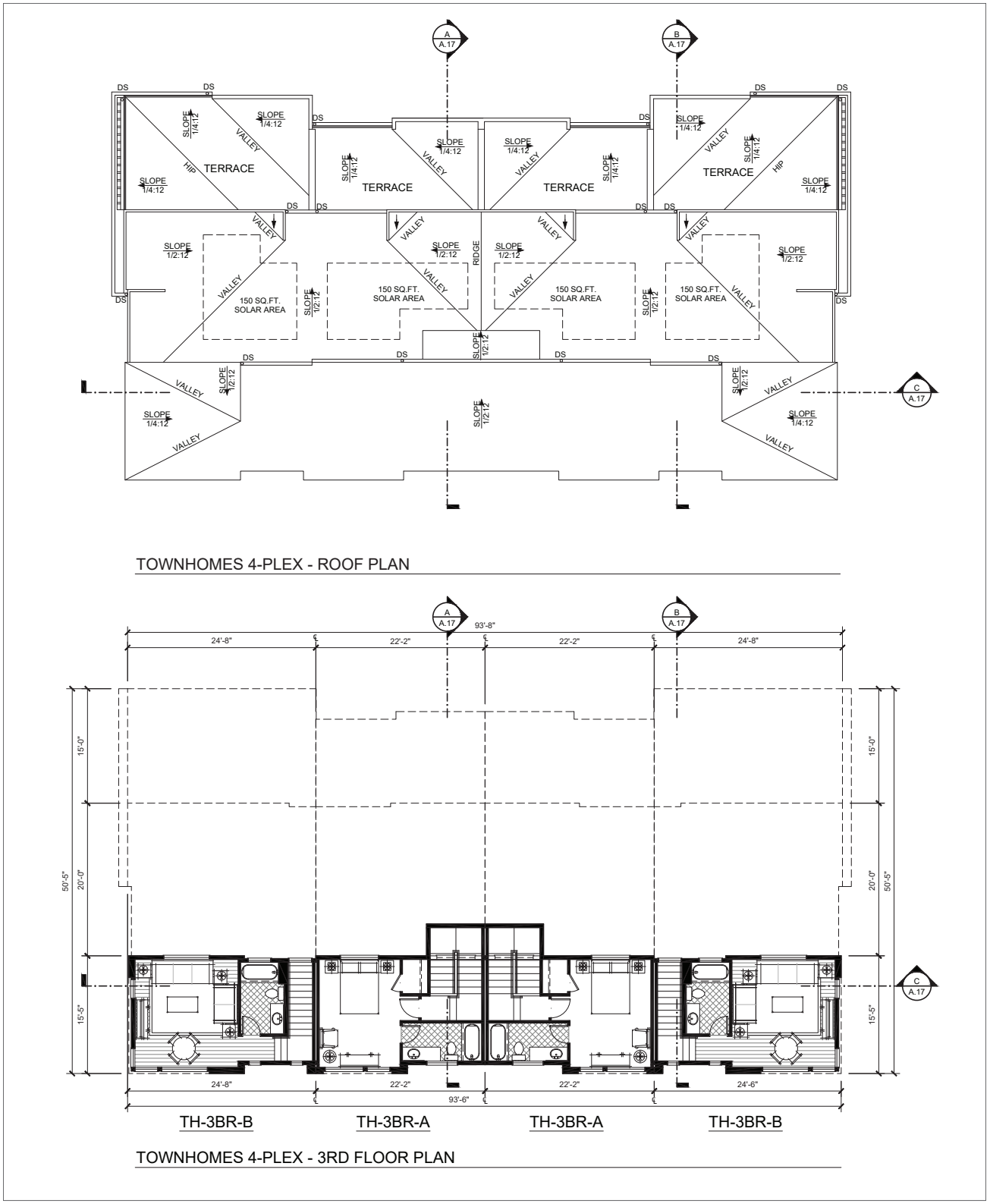
Source: Dahlin, 2021. PlaceWorks, 2021.

TOWNHOME 4-PLEX BUILDING AREA	
LIVING 1ST:	2,222 SQ.FT.
PORCHES 1ST:	136 SQ.FT.
GARAGE 1ST:	1,934 SQ.FT.
TOTAL 1ST:	4,292 SQ.FT.
LIVING 2ND:	3,132 SQ.FT.
LIVING 3RD:	1,214 SQ.FT.
TOTAL:	8,638 SQ.FT.

0 32
Scale (Feet)

Figure 3-7
Townhomes 4-Plex First and Second Floor Plan

PROJECT DESCRIPTION



Source: Dahlin, 2022. PlaceWorks, 2022.

0 32
Scale (Feet)

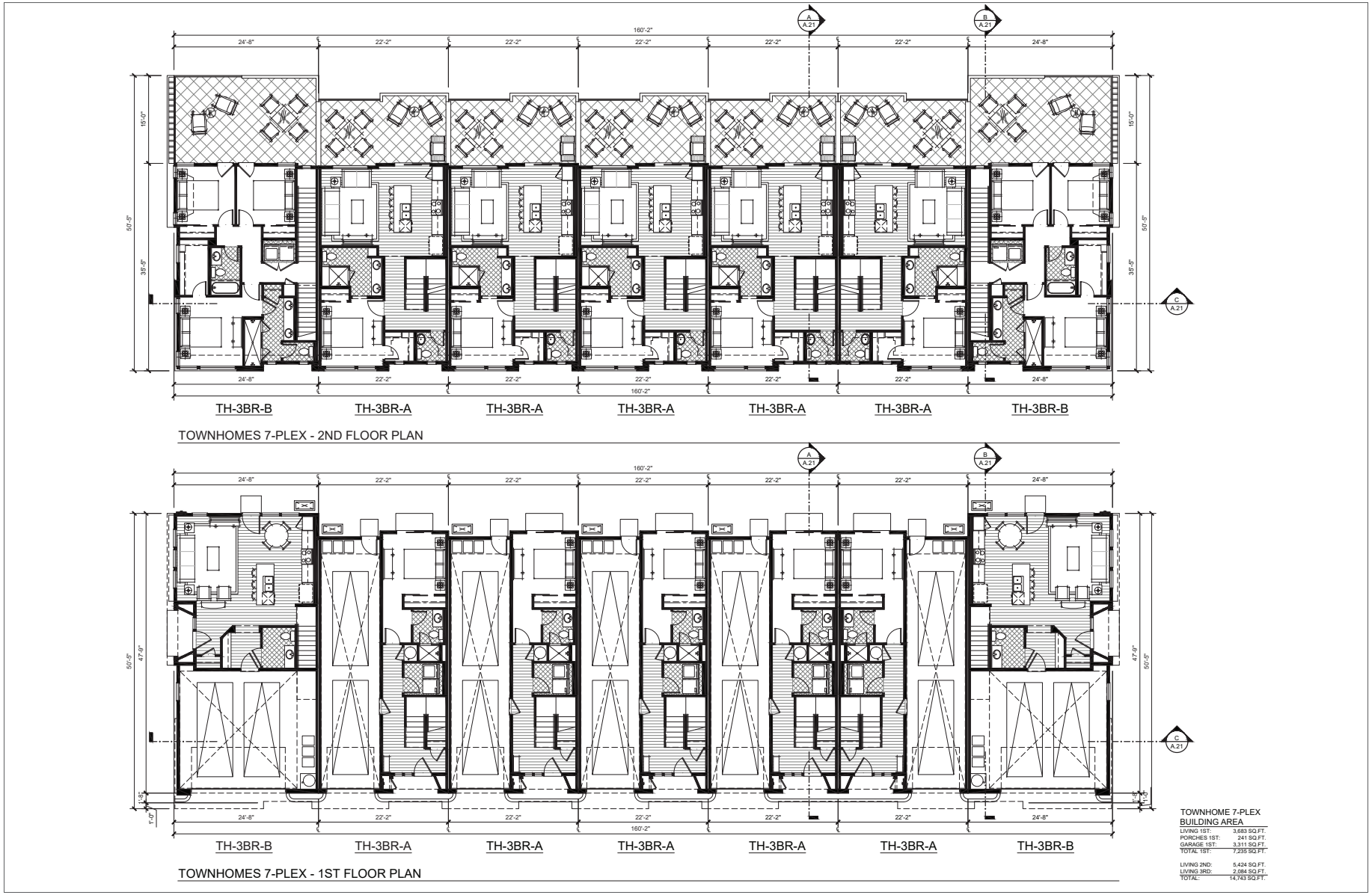
Figure 3-8
Townhomes 4-Plex Third Floor and Roof Plans

Source: Dahlin, 2022. PlaceWorks, 2022.

0 48
Scale (Feet)

Figure 3-9
Townhomes 4-Plex Building Elevations

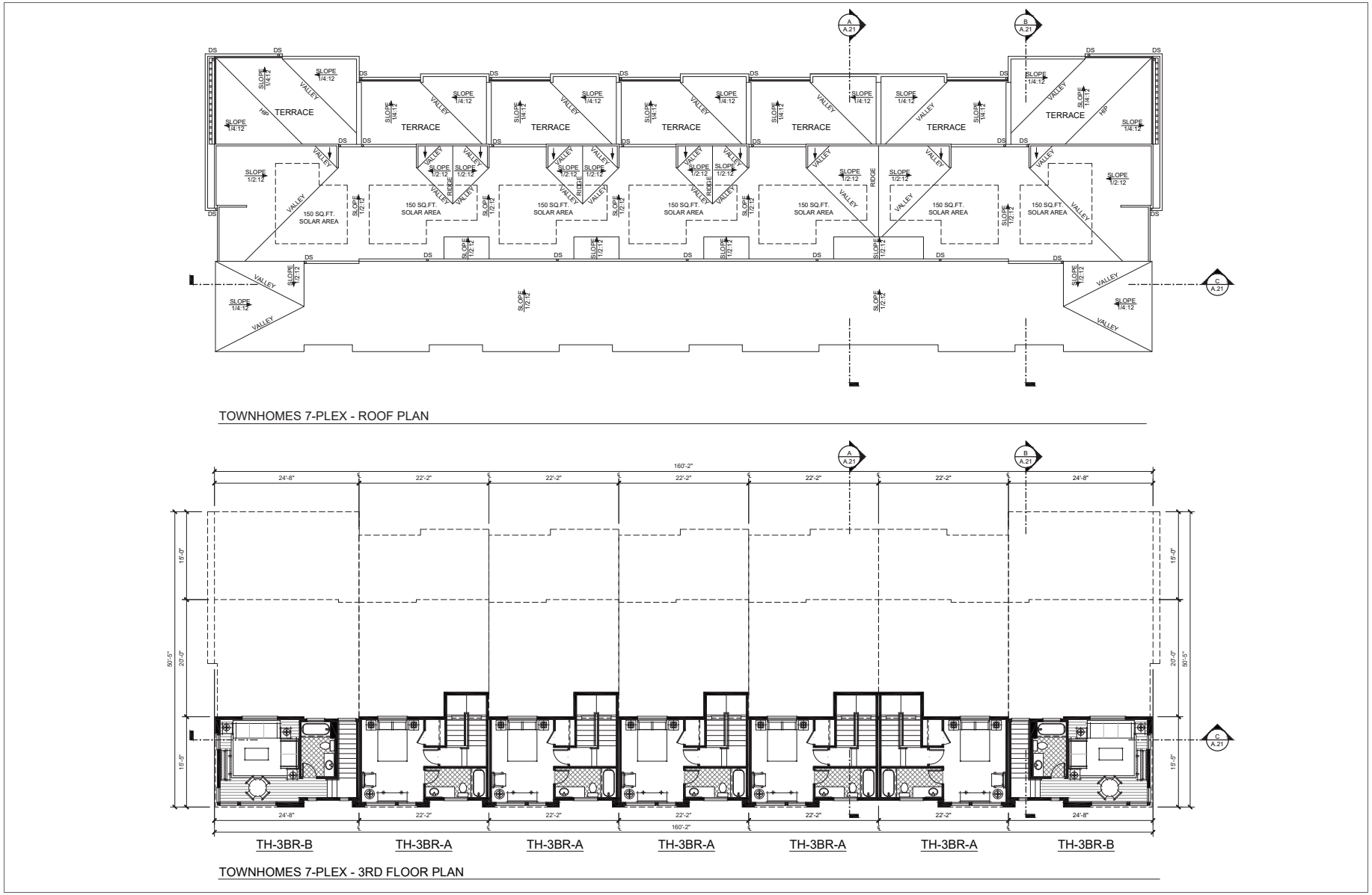
PROJECT DESCRIPTION



Source: Dahlin, 2022. PlaceWorks, 2022.

0 32
Scale (Feet)

Figure 3-10
Townhomes 7-Plex First and Second Floor Plans



Source: Dahlin, 2022. PlaceWorks, 2022.

0 32
Scale (Feet)

Figure 3-11
Townhomes 7-Plex Third Floor and Roof Plans

Source: Dahlin, 2022. PlaceWorks, 2022.

0 32

Scale (Feet)

Figure 3-12

Townhomes 7-Plex Building Elevations

3.2.2 POPULATION AND EMPLOYEE ESTIMATES

Based on an average household size of 2.87 persons,[41] the proposed project would generate 98 residents.[42] Applying the generation rate of one job for every 450 square feet of commercial uses, the proposed project would generate 17 employees.[43] Applying the same generation rates as the proposed project to the 11,648-square foot commercial building currently on the project site, the current uses at full occupancy could generate about 26 employees. Therefore, the net new occupants of the site would be 98 residents and 9 fewer employees when compared to existing conditions. It is anticipated that future residents and employees would be drawn largely from Cupertino and other communities in the San Francisco Bay Area.

3.2.3 CIRCULATION AND ACCESS

VEHICULAR ACCESS

As shown on Figure 3-4, *Mixed-Use Building First and Second Floor Plans,* the project would have a two-lane entrance/exit circulation pattern with access points at South De Anza Boulevard and Prospect Road. The proposed emergency access route would be the same as the proposed vehicle access routes. Waste management vehicles would follow the same vehicle route as well.

PEDESTRIAN AND BICYCLE ACCESS

Class II bike lanes currently exist on both sides of South De Anza Boulevard and Prospect Road along the length of the project site.[44] Bicyclists would access the project site from the existing bike lanes via the internal roadway network. Pedestrian access to the site would be via the sidewalks along South De Anza Boulevard and Prospect Road, which would connect with the internal sidewalks on the project site. This includes a pedestrian sidewalk along the north edge of the project site, accessible from South De Anza Boulevard. There would also be access to the backyard areas of the townhomes via gate access between each yard between the north boundary sidewalk and Prospect Road.

3.2.4 LANDSCAPING

Figure 3-13, *Proposed Landscape Plan*, illustrates the proposed landscaping plan. The proposed project includes the removal of trees conflicting with design plans. The proposed project would include 11,409

[41] This analysis is based on the Association of Bay Area Governments (ABAG) projections of the average household size of 2.87 persons for Cupertino in 2025. This is the standard approach for population and housing analysis in Cupertino.

[42] 34 new units multiplied by 2.87 persons per unit equals 97.58 new residents.

[43] 7,500 square feet of commercial land use/450 square feet per employee = 16.67 employees.

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

square feet of landscaping throughout the project site's interior and the surrounding perimeter. Broadleaf evergreen screening trees and shrubs would be planted near the access points along South De Anza Boulevard and Prospect Road where the adjacent land use is residential. Trees and other landscaping would be planted along the western edge of the property in the private townhome yards, along the southern edge of the property between the project site and the adjacent property, in front of the commercial building, and in the townhome common open space and public rooftop terrace. As stated above in Section 3.1.5, *Cupertino Municipal Code Requirements,* because the project includes over 2,500 feet of landscaped area, the project is required to submit a Landscape Project Submittal for approval by the City.

Roughly 90 percent of the landscaped area would use low-water use plants, 9 percent would use medium-water use plants, and 1 percent would use high-water use plants. Types of trees, according to the preliminary proposed tree palette, would include southern magnolia, strawberry tree, Chinese pistache, Victorian boxy, glossy privet, western redbud, maidenhair tree, little gem magnolia, in addition to a variety of shrubs, vines, and other groundcover. While the final selection of trees and plants would occur during the project approval process, the estimated total water use for landscaping would be 63,757 gallons per year, compared to a maximum applied water allowance of 132,206 gallons per year.[45]

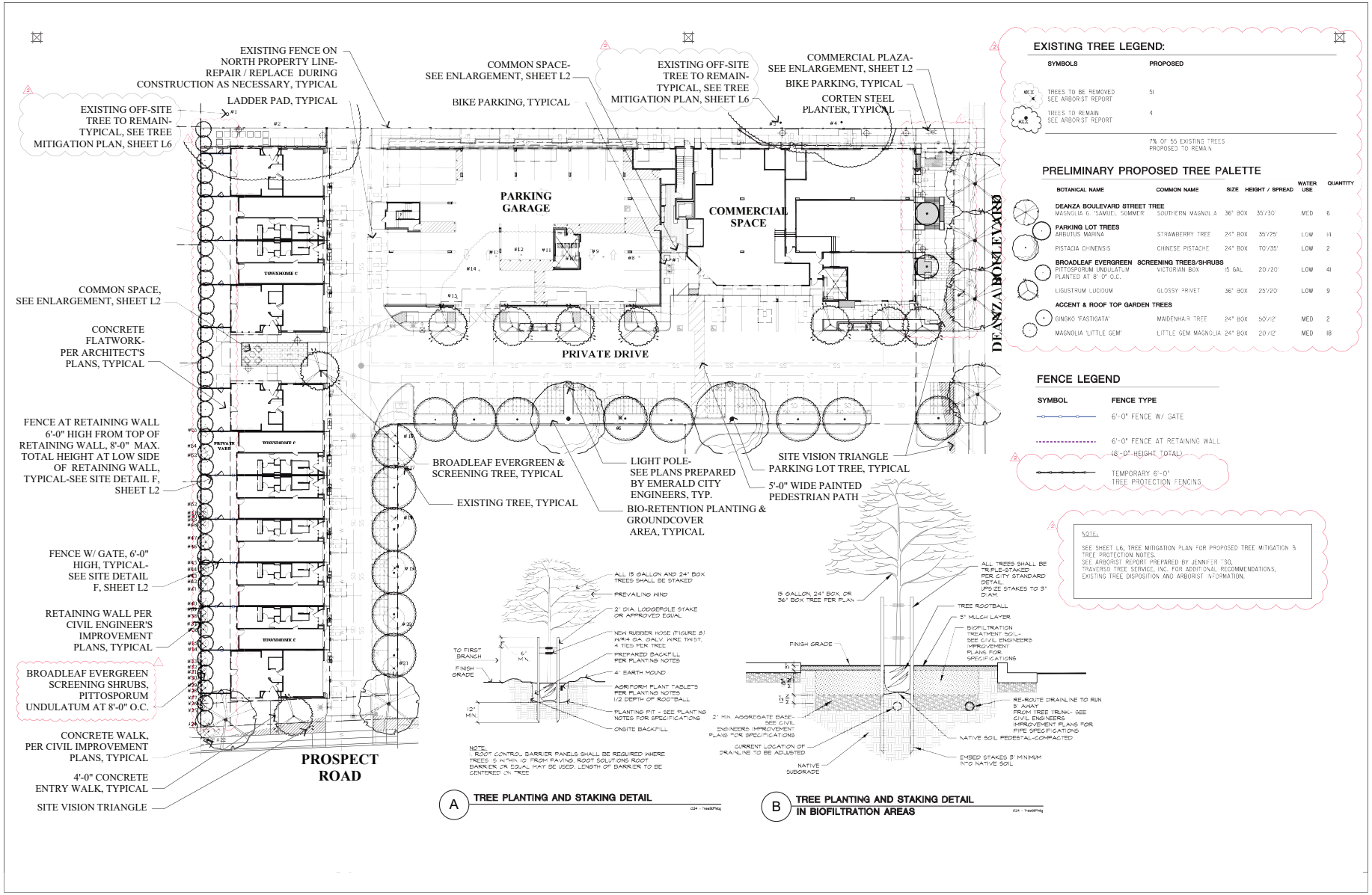
3.2.5 LIGHT, GLARE, AND MECHANICAL EQUIPMENT

As shown on Figure 3-14, *Proposed Lighting Plan,* the source, intensity, and type of exterior lighting for the project site would generally be provided for the purpose of orienting site users and for safety needs. In accordance with CMC Section 19.102, *Glass and Lighting Standards*, all permanent on-site lighting would be low-level illumination, downward directed, and shielded to reduce light spill or glare into surrounding residential homes. There would be no up-lighting on the mixed-use building exterior. Except where used for safety, all outside lighting would be turned off by 11:00 p.m. All exterior surface and above-ground mounted fixtures would be complementary to the architectural theme and to the surrounding residential units. High efficiency lighting would be located throughout the buildings in accordance with Title 24. The proposed project would not include reflective glass. Where glass features such as windows and doors are proposed, glazing treatments would vary; however, the exterior glass would be designed to reduce reflection and glare in accordance with CMC Section 19.102 as described above in Section 3.1.5, *Cupertino Municipal Code Requirements*.

The HVAC system would be located on the ground next to each townhome and on the rooftop for the mixed-use building. The rooftop HVAC system would be shielded from view by a mechanical screening facing all sides of the building, which would also serve as a noise attenuation feature.

[45] The maximum applied water allowance is the upper limit of annual applied water for the established landscaped area that is allowed by the City, and is calculated using the formula specified in Section 14.15.090 of the Cupertino Municipal Code.

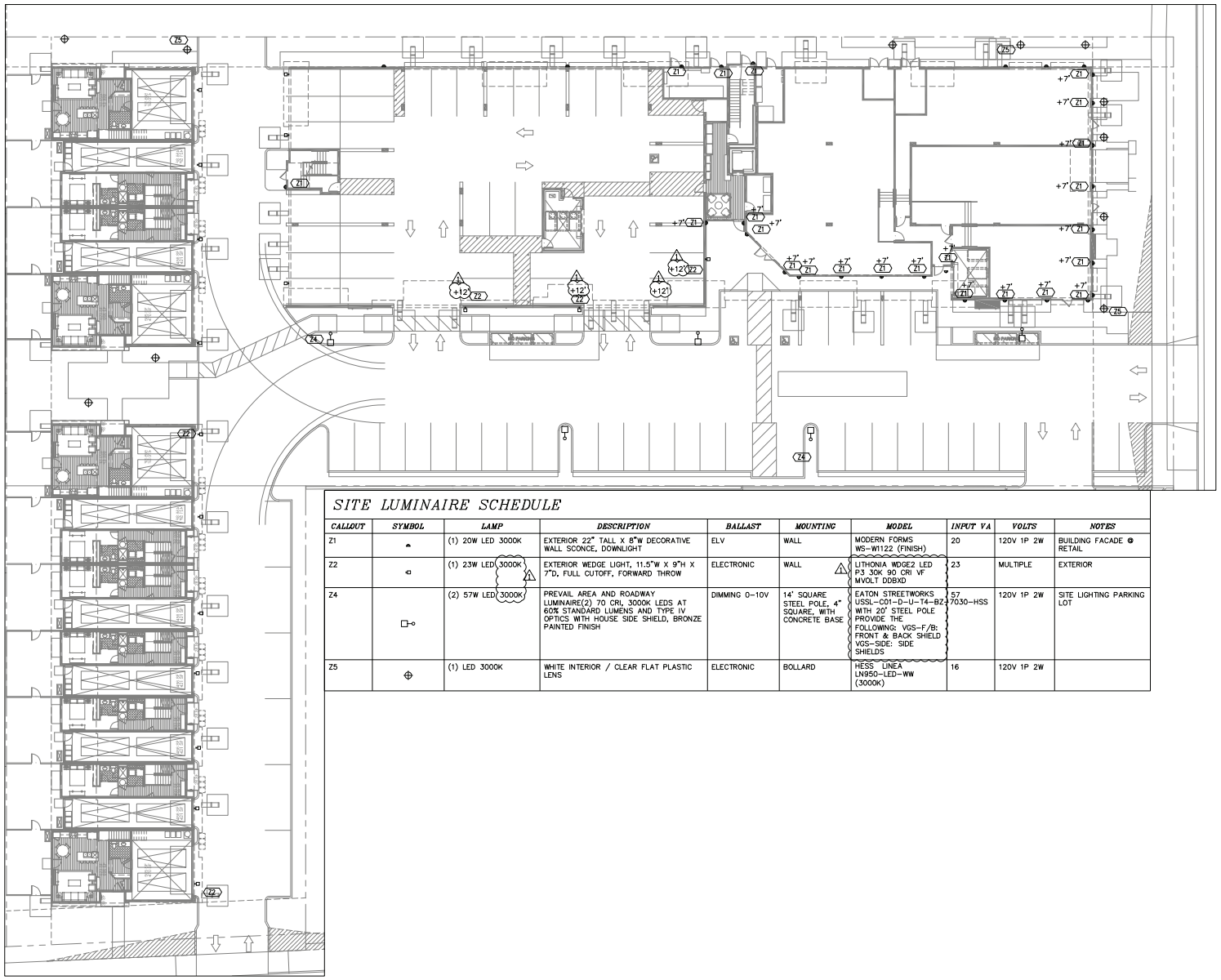
PROJECT DESCRIPTION



Source: Ripley Design, 2022. PlaceWorks, 2022.

0 60
Scale (Feet)

Figure 3-13
Landscape Plan



SITE LUMINAIRE SCHEDULE

CALLOUT	SYMBOL	LAMP	DESCRIPTION	BALLAST	MOUNTING	MODEL	INPUT VA	VOLTS	NOTES
Z1		(1) 20W LED 3000K	EXTERIOR 22" TALL X 8"W DECORATIVE WALL SCONCE, DOWNLIGHT	ELV	WALL	MODERN FORMS WS-W1122 (FINISH)	20	120V 1P 2W	BUILDING FACADE @ RETAIL
Z2		(1) 23W LED 3000K ⚠1	EXTERIOR WEDGE LIGHT, 11.5"W X 9"H X 7"D, FULL CUTOFF, FORWARD THROW	ELECTRONIC	WALL ⚠1	LITHONIA WDGE2 LED P3 30K 90 CRI VF MVOLT DDBXD	23	MULTIPLE	EXTERIOR
Z4		(2) 57W LED 3000K	PREVAIL AREA AND ROADWAY LUMINAIRE(2) 70 CRI, 3000K LEDS AT 60% STANDARD LUMENS AND TYPE IV OPTICS WITH HOUSE SIDE SHIELD, BRONZE PAINTED FINISH	DIMMING 0-10V	14' SQUARE STEEL POLE, 4" SQUARE, WITH CONCRETE BASE	EATON STREETWORKS USSL-C01-D-U-T4-BZ-7030-HSS WITH 20' STEEL POLE PROVIDE THE FOLLOWING: VGS-F/B: FRONT & BACK SHIELD VGS-SIDE: SIDE SHIELDS	57	120V 1P 2W	SITE LIGHTING PARKING LOT
Z5		(1) LED 3000K	WHITE INTERIOR / CLEAR FLAT PLASTIC LENS	ELECTRONIC	BOLLARD	HESS LINEA LN950-LED-WW (3000K)	16	120V 1P 2W	

Source: Emerald City Engineers, INC, 2022. PlaceWorks, 2022.

0 60
Scale (Feet)

Figure 3-14
Lighting Plan

3.2.6 UTILITIES AND ENERGY

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

WATER SUPPLY AND IRRIGATION

As shown in Figure 3-15, *Utility Plan*, a 8-inch water line would connect to the existing water line in Prospect Road and a 4-inch water line would connect to the existing water line in South De Anza Boulevard. All landscape zones would be irrigated as required by the Cupertino Landscape Ordinance, and water uses would be tailored to meet CALGreen Building Standards, which as described above in Section 3.1.5, *Cupertino Municipal Code Requirements*, requires water conservation and requires new buildings to reduce water consumption by 20 percent. Water would be provided by San José Water Company. Any new connections or replaced water lines would not encroach on undisturbed areas.

SANITARY SEWER SERVICE

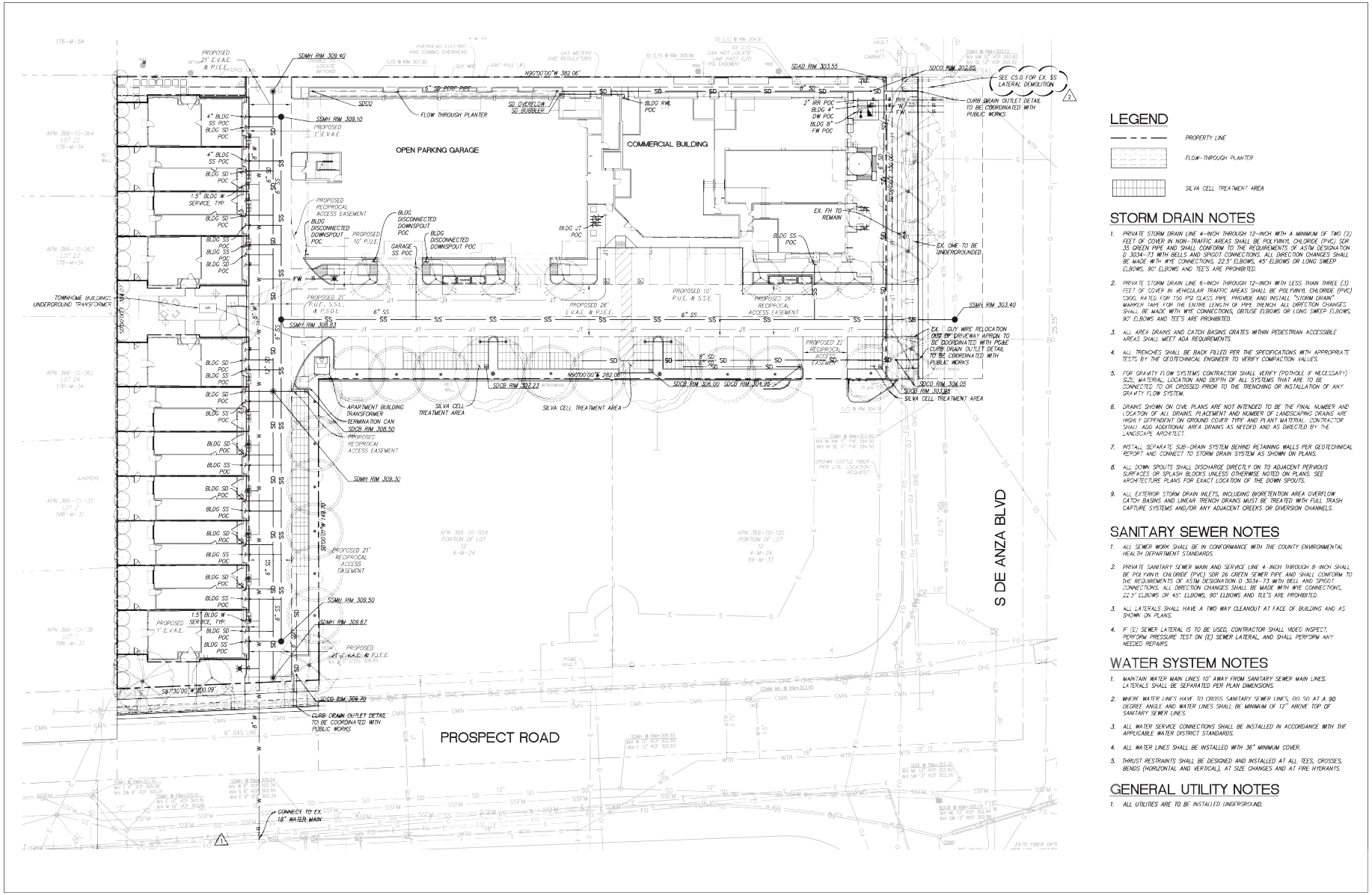
As shown on Figure 3-15, a 6-inch sanitary sewer line would connect to the existing sanitary sewer system in South De Anza Boulevard. Sanitary sewer service would be provided by Cupertino Sanitary District.

STORMWATER MANAGEMENT

The proposed project would result in 56,092 square feet of impervious surfaces coverage and 16,406 square feet of pervious surfaces coverage. The proposed project would replace more than 50 percent of the existing imperious area and therefore is required to provide stormwater treatment for the entire site. The proposed project would be divided into five drainage areas and would provide stormwater treatment through a Silva cell or flow-through planter. The project would also provide self-treating pervious pavement to further reduce impervious surfaces on the project site. A total of 2,519 square feet of stormwater treatment area would be provided. The stormwater management plan is provided in Figure 3-16, *Stormwater Management Plan*.

The proposed project is required to comply with the Santa Clara Valley Urban Runoff Pollution Prevention Program C.3 requirements, which include minimization of impervious surfaces, measures to detain or infiltrate runoff from peak flows to match pre-development conditions, and agreements to ensure that the stormwater treatment and flow control facilities are maintained in perpetuity. The project also must comply with CMC Chapter 9.18, *Stormwater Pollution Prevention and Watershed Protection*, described in Section 3.1.5, *Cupertino Municipal Code Requirements,* which is intended to provide regulations and give legal effect to certain requirements of the NPDES permit issued to the City.

PROJECT DESCRIPTION



Source: SANDIS, 2022. PlaceWorks, 2022.

0 60
Scale (Feet)

Figure 3-15
Utility Plan

PROJECT DESCRIPTION

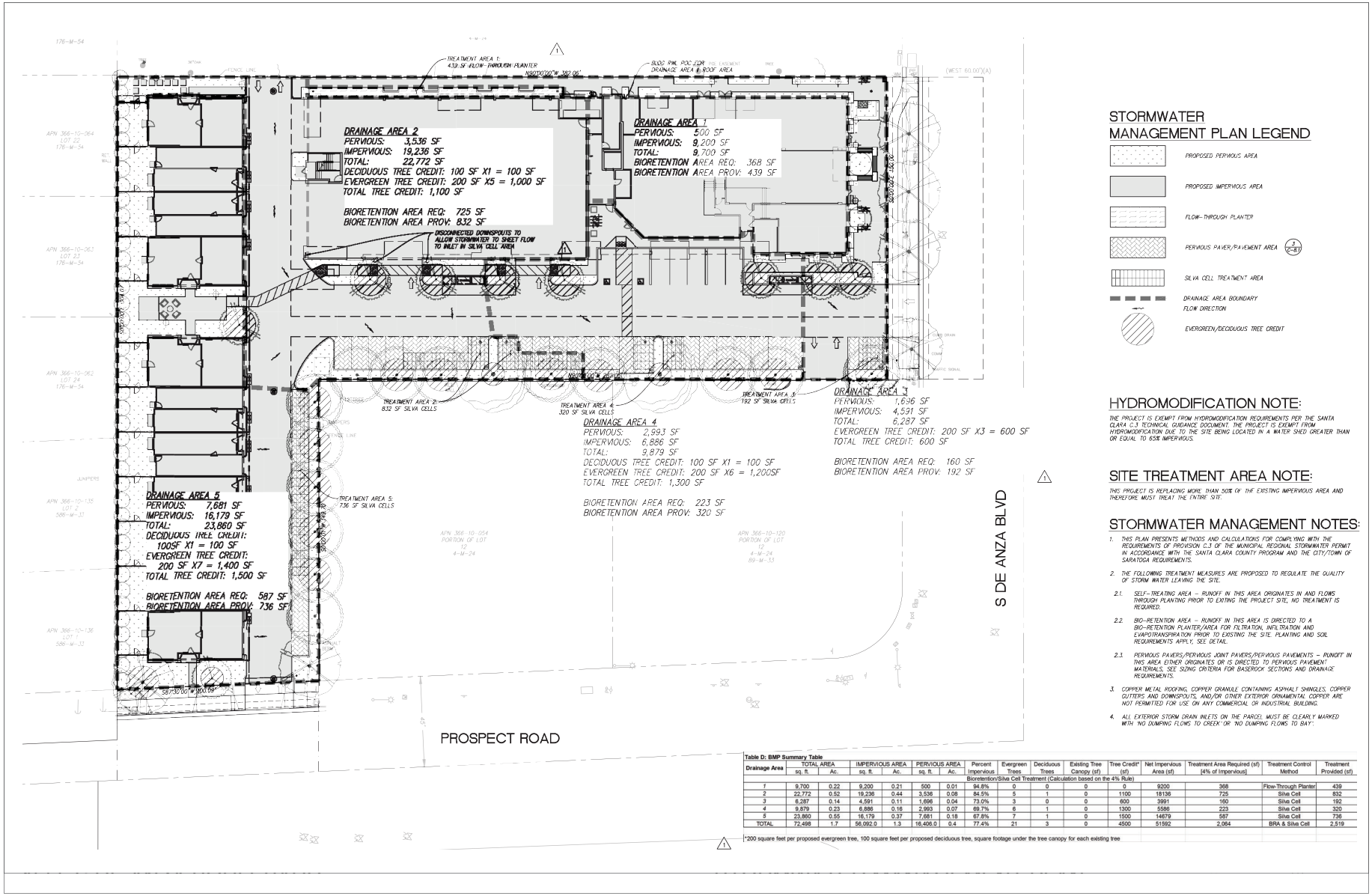


Table D: BMP Summary Table

Drainage Area	TOTAL AREA sq. ft.	TOTAL AREA Ac.	IMPERVIOUS AREA sq. ft.	IMPERVIOUS AREA Ac.	PERVIOUS AREA sq. ft.	PERVIOUS AREA Ac.	Percent Impervious	Evergreen Trees	Deciduous Trees	Existing Tree Canopy (sf)	Tree Credit* (sf)	Net Impervious Area (sf)	Treatment Area Required (sf) [4% of Impervious]	Treatment Control Method	Treatment Provided (sf)
Bioretention/Silva Cell Treatment (Calculation based on the 4% Rule)															
1	9,700	0.22	9,200	0.21	500	0.01	94.8%	0	0	0	0	9200	368	Flow-Through Planter	439
2	22,772	0.52	19,236	0.44	3,536	0.08	84.5%	5	1	0	1100	18136	725	Silva Cell	832
3	6,287	0.14	4,591	0.11	1,696	0.04	73.0%	3	0	0	600	3991	160	Silva Cell	192
4	9,879	0.23	6,886	0.16	2,993	0.07	69.7%	6	1	0	1300	5586	223	Silva Cell	320
5	23,860	0.55	16,179	0.37	7,681	0.18	67.8%	7	1	0	1500	14679	587	Silva Cell	736
TOTAL	72,498	1.7	56,092.0	1.3	16,406.0	0.4	77.4%	21	3	0	4500	51592	2,064	BRA & Silva Cell	2,519

*200 square feet per proposed evergreen tree, 100 square feet per proposed deciduous tree, square footage under the tree canopy for each existing tree

Source: SANDIS, 2022. PlaceWorks, 2022.

0 60
Scale (Feet)

Figure 3-16
Stormwater Management Plan

SOLID WASTE SERVICES

Recology South Bay (Recology) would provide curbside recycling, garbage, and compost and landscaping waste service to the project.[46] All non-hazardous solid waste collected under the Recology franchise agreement is taken to Newby Island Sanitary Landfill for processing. Under the agreement between the City and Recology, Recology also handles recyclable materials. Under the agreement between the City and Recology, Recology also handles recyclable materials (at no cost to customers). The proposed waste management for the proposed project would focus on waste, recycling, and composting.

OTHER UTILITIES

Pacific Gas & Electric (PG&E) would supply electricity infrastructure to the project site.[47] The source of electricity would be provided through a partnership of Silicon Valley Clean Energy (SVCE), which provides a standard electricity offering from a 50 percent renewable portfolio,[48] and PG&E. SVCE also offers a 100 percent renewable option that electricity customers can opt into. The proposed project would not use natural gas.

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

3.2.7 SUSTAINABILITY FEATURES

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

- Photovoltaic Solar. The rooftops of the townhomes and mixed-used buildings of proposed project would include a photovoltaic solar arrays.
- Landscaping and Tree Cover. The proposed project would increase landscaping on-site and increase the number of trees. This would increase tree canopy cover on-site and provide shade cover for both buildings and hardscaped areas, reducing energy needed to cool the buildings.
- Landscaping Water Use. All landscape zones would be irrigated with sub-surface drip irrigation and tree bubblers to maximize irrigation efficiency and comply with the Cupertino Landscape Ordinance, and water uses would be tailored to meet CALGreen Building Standards, which as described above, requires water conservation and new buildings to reduce water consumption by 20 percent. Irrigation controls would use smart weather sensing technology to minimize irrigation water use.

[46] City of Cupertino, Garbage and Recycling, https://www.cupertino.org/our-city/departments/environment-sustainability/garbage-recycling/garbage-and-recycling-new-agreement. Accessed July 25, 2021.

[47] City of Cupertino. 2019. Other Service Providers. https://www.cupertino.org/our-city/departments/other-service-providers. Accessed July 25, 2021.

[48] Silicon Valley Clean Energy. 2021. It's all about choices. https://www.svcleanenergy.org/choices/. Accessed July 25, 2021.

- **Green Building.** The proposed residential development would achieve at a minimum GreenPoint Rated or LEED Silver green building designation, and the proposed commercial development would achieve at a minimum CALGreen Building Code, consistent with the City's requirements.[49, 50]
- **Clean Air, Van/Pool Parking Spaces.** Clean Air vehicles meet California's super ultra-low emission vehicle standards for exhaust emissions. The proposed project would include 3 parking spaces for Clean Air vehicle or Van/Pool vehicles.
- **Bicycle Parking.** The proposed project would include both Class 1 lockers and Class 2 bike parking facilities. The parking garage would include 12 Class 1 bike lockers and four Class 2 bike parking spaces.
- **Electric Vehicle or EV Charging Stations.** The proposed project would include the installation of EV charging stations. The proposed project would meet the number of EV charging stations required under the CMC Chapter 16.58, *Green Building Standards Code*, requirements as shown in Table 3-2, *Electric Vehicle Parking*.

TABLE 3-2 ELECTRIC VEHICLE PARKING SPACES

	Required Pursuant to Cupertino Municipal Code Standards [a]		Total Provided
Townhomes [b]			
EV Ready Circuit Level 1	11		11
EV Ready Circuit Level 2	11		11
		Total	*22*
Multi-family [b]			
EV Ready Circuit Level 1	19		19
EV Ready Circuit Level 2	6		6
		Total	*25*
Commercial space			
EV Ready Circuit Level 1	2		2
EVCS Level 2	2		2
		Total	*4*
	Grand Total of EV Parking Spaces		**51**

Notes: EV = electric vehicle; EVCS = electric vehicle charging station
a. Cupertino Municipal Code Chapter 16.58. *Green Building Standards Code.*
b. Include parking standards for market-rate and below-market-rate housing.
Source: City of Cupertino, PlaceWorks, 2022.

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

[50] City of Cupertino. 2020. Staff Report, June 25, 2020. https://www.cupertino.org/home/showpublisheddocument/27933/637286788947170000. Accessed July 25, 2021.

3.2.8 DEMOLITION, SITE PREPARATION, AND CONSTRUCTION

Demolition and construction would take place over a 2-year period, which is anticipated to begin in September 2023 and end in September 2025, subject to regulatory approval.[51] The project applicant proposes to demolish the existing buildings and remove most of the existing on-site vegetation, except for select trees that would remain.

Demolition would take place over a period of approximately 4 weeks, while grading and site preparation would be completed over 3 months. Demolition and construction work would be conducted between 7:00 a.m. to 8:00 p.m. on weekdays, as provided for in CMC Section 10.48.053, *Grading, Construction and Demolition*. Demolition and construction is not permitted on weekends or holidays for sites within 750 feet of other residential properties.[52] Demolition debris, including soil, would be off-hauled for disposal in accordance with the City of Cupertino's Recycling and Diversion of Construction and Demolition Waste Ordinance.[53] Debris to be hauled would include shrubs and trees that were planted as part of the existing urbanized landscape, 14,302 square feet of building demolition debris, 73,755 tons of asphalt/concrete material, 16 cubic yards of grading and soil export, and 16 cubic yards of soil import. Typical equipment to be used for demolition and site preparation would likely include excavators, graders, rubber-tired dozers, tractors/loaders/backhoes, and concrete/industrial saws.

The project construction would consist of approximately 22,128 square feet of building space, 11,409 square feet of landscaped areas, and 6,063 square feet of hardscape (e.g., curb, gutters, planters, retaining walls, etc.). No pile driving, rock blasting, or crushing would occur during the construction phase. Typical equipment to be used during construction of the project would include a backhoe, a crane, aerial lifts, a generator, a diesel pump, dumpers, rollers, and a paver.

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

[51] New buildings would be constructed to the California 2019 Building Energy Efficiency Standards (effective January 1, 2020).

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

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

3.3 REQUIRED PERMITS AND APPROVALS

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

- Development Permit
- Tree Removal Permit
- Use Permit
- Architectural and Site Approval Permit
- Tentative Subdivision Map

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

As part of the Development Permit, the proposed project is requesting a Density Bonus of 9 units pursuant to State Law as incorporated into the City's Housing Element[54] and CMC.[55] Pursuant to Density Bonus law, the applicant is also requesting waivers of development standards for height and slope setbacks, that the developer states would have the effect of physically precluding the development of the proposed project at the density proposed. In addition, permits for demolition, grading and building, and the certificate of occupancy would be required from the City.

[54] City of Cupertino Housing Element Strategy HE-2.3.7 (Density Bonus Ordinance), page H-29.

[55] City of Cupertino Municipal Code, Title 19, Zoning, Chapter 19.56 Density Bonus, Sections 19.56.030, Density Bonus, and 19.56.040, Incentives or Concessions, Waivers and Reduction of Parking Standards.

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4. Environmental Analysis

4.1 ENVIRONMENTAL TOPICS WITH NO IMPACT

CEQA Guidelines Section 15128, *Effects Not Found to Be Significant*, allows environmental issues to be "scoped out" if there is no likelihood of a significant impact, and those issues do not need to be analyzed further in the environmental analysis. This section explains the reasoning for the determination that the proposed project would have no effect to agriculture, forestry, and mineral resources, or wildfire and wildfire hazards and are therefore, not evaluated in Section 4.2, *Environmental Topics Evaluated for Potential Impacts*.

4.1.1 AGRICULTURAL AND FORESTRY RESOURCES

Due to the project's location in a primarily urbanized setting, the project would not have a significant effect on agriculture and forestry resources. The project site is currently developed with urban uses. Maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency categorize the project site as Urban and Built-Up Land; the project site does not contain farmland or grazing land.[56] The project site also does not contain forestland or timberland. Neither the project site nor the immediately surrounding properties are subject to Williamson Act contracts.[57] Consequently, there would be *no impact* regarding agriculture and forestry resources and this issue will not be discussed further.

4.1.2 MINERAL RESOURCES

The California Department of Conservation Geological Survey (CGS) classifies lands into Aggregate and Mineral Resource Zones (MRZs) based on guidelines adopted by the California State Mining and Geology Board, as mandated by the Surface Mining and Reclamation Act of 1974. These MRZs identify whether known or inferred significant mineral resources are present in areas. The project site is already developed

[56] California Department of Conservation, 2016, California Important Farmland Finder, https://maps.conservation.ca.gov/DLRP/CIFF/, accessed December 20, 2021.

[57] Santa Clara County, interactive map of Williamson Act Properties, https://sccplanning.maps.arcgis.com/apps/webappviewer/index.html?id=1f39e32b4c0644b0915354c3e59778ce, accessed December 20, 2021.

with urban uses and is not located in an MRZ.[58] Therefore, there would be *no impact* with regard to the loss of a valuable mineral resource and this issue will not be discussed further.

4.1.3 WILDFIRE AND WILDFIRE HAZARDS

The project site is located in an urbanized area and California Department of Forestry and Fire Projection (CAL FIRE) has designated the project site within a Local Responsibility Area and outside of a very high fire hazard severity zone. The project site is approximately 1.2 miles northeast from the nearest very high fire hazard severity zone or land designated by CAL FIRE as a State Responsibility Area.[59] The project site is not located within the Cupertino or CAL FIRE designated wildland-urban interface (WUI), which is an area of transition between wildland (unoccupied land) and land with human development (occupied land). The project site is located roughly 0.5 miles east of the nearest WUI.[60] Land between the edge of the very high fire hazard severity zone and the project site is dense urban development. Additionally, the project site is not located in an area designated as a California Public Utilities Commission fire threat.[61] Therefore, there would be *no impact* with regard wildfire hazards would occur and this issue will not be discussed further.

4.2 ENVIRONMENTAL TOPICS EVALUATED FOR POTENTIAL IMPACT

I. AESTHETICS

Except as provided in Public Resources Code Section 21099 (transit priority area/major transit stop), would the proposed project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant	No Impact
a) Have a substantial adverse effect on a scenic vista?	❒	❒	■	❒
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a State scenic highway?	❒	❒	■	❒

[58] City of Cupertino, Cupertino General Plan Community Vision 2015-2040, Chapter 6, *Environmental Resources Element*, Figure ES-2, *Mineral Resources*, page ES-10, https://www.cupertino.org/home/showpublisheddocument/12734/636317560685030000, accessed December 20, 2021.

[59] California Department of Forestry and Fire Protection, 2021. "FHSZ Viewer". https://egis.fire.ca.gov/FHSZ/ accessed December 20, 2021.

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

[61] California Public Utilities Commission, CPUC High Fire Threat District. https://capuc.maps.arcgis.com/apps/webappviewer/index.html?id=5bdb921d747a46929d9f00dbdb6d0fa2https://ia.cpuc.ca.gov/firemap/, accessed December 20, 2021.

Except as provided in Public Resources Code Section 21099 (transit priority area/major transit stop), would the proposed project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant	No Impact
c) In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage point). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?	❒	❒	■	❒
d) Create a new source of substantial light or glare that would adversely affect day or nighttime views in the area?	❒	❒	■	❒

GENERAL PLAN EIR

Chapter 4.1, *Aesthetics*, of the General Plan EIR, addressed the impacts to visual resources associated with buildout of the General Plan, including 125,000 square feet of commercial space and 275 residential units with a maximum height of 30 feet in the South De Anza Special Area at a program level. The impacts were found to be less than significant, and no mitigation measures were required.

EXISTING CONDITIONS

The project site contains one 11,648-square foot, one-story (15 feet) commercial building occupying the northern portion of the site that is surrounding by an internal access road to the north, and surface parking to the east, south, and west. Landscaping on the project site is around the interior perimeter of the property and exterior of the building. On-site and off-site, but directly adjacent, trees range from approximately 10 to 50 feet in height. The commercial building is occupied by a mix of retail and service uses including a pharmacy, restaurant, nail salon, hair salon, and liquor store. Surrounding uses include commercial uses and single-family residences.

DISCUSSION

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

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

Public views of scenic corridors are views seen along a linear transportation route and public views of scenic vistas are views of specific scenic features. Scenic vistas are generally interpreted as long-range views, while scenic corridors are comprised of short-, middle-, and long-range views. The General Plan does not have designated scenic corridors or vistas. However, for the purposes of this analysis, the westward views of the foothills and ridgelines of the Santa Cruz Mountains are considered scenic vistas,

and the segment of I-280 from Santa Clara County line on the west to I-880 on the east also is considered a scenic corridor.

The analysis in the General Plan EIR found that building heights remaining at 30 feet would result in a less-than-significant impact to the long-range views of the Santa Cruz Mountain Range and foothills because the maximum heights of the existing on-site and surrounding buildings and mature trees currently limit the opportunity for views of scenic vistas from street-level public viewing.

As described in Chapter 3, *Project Description*, of this Initial Study, the existing one-story building would be removed and replaced by the proposed three-story mixed-use development with surface parking. The proposed mixed-use building would have heights up to 37 feet and 11 inches tall at the roof line, with the top of the elevator tower reaching 52 feet and 5.5 inches tall. The mechanical equipment and heating, ventilation, and air conditioning (HVAC) unit would be located on the roof, as well as a roof terrace. The roof terrace would include planters, a counter/bar, and seating areas with shading and electric heaters for use by apartment residents and their guests. The proposed townhomes would be approximately 29 feet tall.

The proposed project would apply a density bonus waiver to reduce the setbacks required for the proposed buildings, and to allow for a greater building height. The allowed maximum height limit on the project site is 30 feet, but the density bonus would allow the proposed project to extend the height on the mixed-use building beyond 30 feet. Pursuant to density bonus law, as described in Section 3.1.5, *Cupertino Municipal Code Requirements,* under subheading "Density Bonus Standards" the reduced setbacks and additional height are not "discretionary" approvals and are therefore not subject to CEQA review. Accordingly, for the purposes of this analysis, it is assumed the project is consistent with the required setbacks and height limits of the Municipal Code and General Plan, and the height limit evaluated in the General Plan EIR (30 feet maximum).

The topography of the project site is essentially flat and the views from street-level public viewing to the far-field views of the Santa Cruz Mountain Range and foothills from various vantage points throughout the city are currently inhibited by existing conditions such as buildings, structures, and mature trees/vegetation. The project location is not considered a destination public viewing point nor is it visible from these scenic vistas. Furthermore, the proposed project would be subject to the Architectural and Site Review process, in accordance with Chapter 19.168, *Architectural and Site Review*, of the Zoning Ordinance, and would be required to comply with Design Standards. Accordingly, impacts would remain consistent with the conclusions in the General Plan EIR and would be *less than significant*. No mitigation measures are required.

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

As discussed in Chapter 4.1, *Aesthetics*, of the General Plan EIR, the segment of I-280 in Cupertino is not an officially designated State Scenic Highway but is considered eligible for listing as a designated State Scenic Highway. The project site is approximately 0.5 miles to the south of the I-280/De Anza Boulevard

interchange, which is the arterial that connects the project site to I-280. The project site is not visible from I-280. Therefore, there would be no changes to the I-280 viewshed.

Impacts to views of scenic resources from the I-280 view corridor were determined to be less than significant in the General Plan EIR. The proposed project would be subject to the Architectural and Site Review process, in accordance with CMC Chapter 19.168, and would be required to comply with Design Standards. In addition, because existing conditions currently limit views of scenic resources, including those from the I-280 viewshed, project impacts would remain consistent with the conclusions in the General Plan EIR and would be *less than significant*. No mitigation measures are required.

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

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

The proposed project would result in a change from the existing one-story commercial building to a three-story mixed-use building and townhomes. The proposed project is consistent with the Commercial/Office/Residential General Plan land use designation and the Planned Development with General Commercial with Residential (P(CG, RES 5-15) zoning district. As described in Section 3.1.4, *Land Use and Zoning Designations*, the land use designation and the zoning district are intended to support residential uses and a mix of general commercial uses. While the project would apply density bonus waivers for increased density and height, as described in criterion (a), these changes are not subject to CEQA. Accordingly, the project is considered to be consistent with the General Plan land use designation and Zoning District for the project site.

The project is subject to the City's discretionary review processes, including the Development Permit and Architectural and Site Approval Review in accordance with CMC Chapter 19.168, which would ensure the proposed project would harmonize with adjacent development and not degrade the existing visual quality of the site and surrounding land uses. Accordingly, consistent with the conclusions of the General Plan EIR, the proposed project would not conflict with applicable zoning and other regulations governing scenic quality and it would not substantially degrade the existing visual character of the site and its surroundings, and impacts would remain consistent with the conclusions in the General Plan EIR and would be *less than significant*. No mitigation measures are required.

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

Nighttime illumination and glare impacts are the effect on adjoining uses and areas of a project's exterior lighting. Light and glare impacts are determined through a comparison of the existing light sources with the proposed lighting plan or policies. As discussed in Chapter 4.1, *Aesthetics*, of the General Plan EIR, the

project site and surrounding areas contain existing sources of nighttime illumination. These include street and parking area lights, and exterior lighting on existing commercial buildings. Additional on-site light and glare is caused by surrounding land uses and traffic on surrounding roadways. As described in Chapter 3, *Project Description*, of this Initial Study, the source, intensity, and type of exterior lighting for the project site would be typical for orienting site users and for safety needs (i.e., lighting on signs, pathways, and parking). All permanent on-site lighting would be low-level illumination, downward directed, and shielded to reduce light spill or glare into surrounding residential homes as shown on Figure 3-14, *Proposed Lighting Plan*. There would be no up-lighting on the mixed-use building or townhomes. Except where used for safety, all outside lighting would be turned off by 11:00 p.m. All exterior surface and above-ground mounted fixtures would be complementary to the architectural theme and to the surrounding residential units. High efficiency lighting would be located throughout the buildings in accordance with Title 24. The proposed project would not include reflective glass. Where glass features are considered, glazing treatments would vary; however, the exterior glass would be designed to reduce reflection and glare in accordance with CMC Section 19.102 *Glass and Lighting Standards*. The existing roadway and proposed landscaping surrounding the project would act as a buffer to prevent light spilling on to adjacent land uses. For these reasons, impacts would remain consistent with the conclusions in the General Plan EIR and would be *less than significant*. No mitigation measures are required.

II. AIR QUALITY

Would the proposed project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant	No Impact
a) Conflict with or obstruct implementation of the applicable air quality plan?	❒	❒	■	❒
b) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is in non-attainment under applicable federal or State ambient air quality standard?	❒	❒	■	❒
c) Expose sensitive receptors to substantial pollutant concentrations?	❒	❒	■	❒
d) Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?	❒	❒	■	❒

GENERAL PLAN EIR

Chapter 4.2, *Air Quality*, of the General Plan EIR, addressed the air quality impacts associated with buildout of the General Plan, including 125,000 square feet of commercial space and 275 residential units with a maximum height of 30 feet in the South De Anza Special Area at a program level. Air quality impacts were found to be significant and unavoidable in the General Plan EIR because project-specific details of future development were not available. The City adopted and incorporated mitigation measures into the General Plan to reduce air quality impacts.

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

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

- Control Fugitive Dust During Construction. Projects shall implement the Bay Area Air Quality Management District Basic Control Measures included in the latest version of BAAQMD's CEQA Air Quality Guidelines, as subsequently revised, supplemented, or replaced, to control fugitive dust (i.e., particulate matter PM2.5 and PM10) during demolition, ground disturbing activities and/or construction. The project applicant shall include these measures in the applicable construction documents, prior to issuance of the first permit.
- Control Construction Exhaust. Projects that disturb more than one-acre and are more than two months in duration, shall implement the following measures and the project applicant shall include them in the applicable construction document, prior to issuance of the first permit:

    a. Utilize off-road diesel-powered construction equipment that is rated by the U.S. Environmental Protection Agency (EPA) as Tier 4 or higher for equipment more than 25 horsepower. Any emissions control device used by the contractor shall achieve emissions reductions that are no less than what could be achieved by a Tier 4 interim emissions standard for a similarly sized engine, as defined by the California Air Resources Board's (CARB) regulations. Applicable construction documents shall clearly show the selected emission reduction strategy for construction equipment over 25 horsepower.

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

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

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

EXISTING CONDITIONS

The project site is currently developed with one commercial building, which is estimated to generate approximately 526 average daily vehicle trips on a weekday.[62] Commercial uses like the existing commercial building generate criteria air pollutants from transportation sources, energy (natural gas and purchased energy), and area sources such as architectural coatings.

DISCUSSION

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

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

Furthermore, BAAQMD has identified thresholds of significance for criteria pollutant emissions and criteria air pollutant precursors, including ROG, NO_x, PM_{10}, and $PM_{2.5}$. Development projects below the regional significance thresholds are not expected to generate sufficient criteria pollutant emissions to violate any air quality standard, contribute substantially to an existing or projected air quality violation, or substantially contribute to health impacts. Where available, the significance criteria established by BAAQMD may be relied upon to make the following determinations.

[62] Hexagon Transportation Consultants, City of Cupertino. 2021. Institute of Transportation Engineers (ITE) *Trip Generation Manual 11th Edition (2021).*

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

BAAQMD is directly responsible for reducing emissions from area, stationary, and mobile sources in the SFBAAB to achieve National and California AAQS. In April 2017, BAAQMD adopted its 2017 Clean Air Plan, which is a regional and multiagency effort to reduce air pollution in the SFBAAB. Regional growth projections are used by BAAQMD to forecast future emission levels in the SFBAAB. For the Bay Area, these regional growth projections are provided by the Association of Bay Area Governments (ABAG) and transportation projections are provided by the Metropolitan Transportation Commission (MTC) and are partially based on land use designations in city/county general plans. Typically, only large, regionally significant projects have the potential to affect the regional growth projections. Because the proposed project is not more than 500 dwelling unit or encompassing more than 500,000 square feet of commercial floor space, the proposed project is not considered a regionally significant project under CEQA Guidelines Section 15206, *Projects of Statewide, Regional, or Areawide Significance,* that would warrant intergovernmental review by ABAG and MTC.

As discussed in Section XII, *Population and Housing,* the proposed project would not exceed the level of population or housing projected in City or regional planning efforts (*Plan Bay Area*) through 2040, and it would not have the potential to substantially affect housing, employment, and population projections within the region, which is the basis of the 2017 Clean Air Plan projections. Furthermore, the proposed project would not exceed the BAAQMD's emissions thresholds (see criterion (b) below). The BAAQMD emissions thresholds were established to identify projects that have the potential to generate a substantial amount of criteria air pollutants. Because the proposed project would not exceed these thresholds, the proposed project would not be considered by the BAAQMD to be a substantial emitter of criteria air pollutants. Therefore, the proposed project would not conflict with or obstruct implementation of the 2017 Clean Air Plan and impacts would be considered *less than significant*.

b) Would the proposed project result in a cumulatively considerable net increase of any criteria pollutant for which the project region is in non-attainment under applicable federal or State ambient air quality standard?

Regional Short-Term Construction Impacts

Construction activities produce combustion emissions from various sources, such as on-site heavy-duty construction vehicles, vehicles hauling materials to and from the site, and motor vehicles transporting the construction crew. Site preparation activities produce fugitive dust emissions (PM_{10} and $PM_{2.5}$) from demolition and soil-disturbing activities, such as grading and excavation. Air pollutant emissions from construction activities on site would vary daily as construction activity levels change. Construction activities associated with the project would result in emissions of ROG, NOx, CO, PM_{10}, and fine $PM_{2.5}$.

Construction Fugitive Dust

Ground disturbing activities during construction would generate fugitive dust (PM_{10} and $PM_{2.5}$). The amount of dust generated during construction would be highly variable and is dependent on the amount of material being disturbed, the type of material, moisture content, and meteorological conditions. If

uncontrolled, PM_{10} and $PM_{2.5}$ levels downwind of actively disturbed areas could possibly exceed State standards. The proposed project must control fugitive dust during construction in accordance with CMC Section 17.04.050(A)(1), *Control Fugitive Dust During Construction*. As a result, the proposed project is required to implement the BAAQMD's best management practices. BAAQMD considers all impacts related to fugitive dust emissions from construction to be *less than significant* with implementation of BAAQMD's best management practices, which are required by the City in accordance with CMC Section 17.04.050(A)(1).

Construction Exhaust Emissions

Analysis of construction emissions is based on the preliminary construction duration and normalized CalEEMod default schedule developed for the proposed project. The proposed project would result in demolition, demolition debris hauling, site preparation, grading and grading soil haul, building construction, paving, architectural coating, and finishing/landscaping that would occur near existing sensitive land uses. Potential construction-related air quality impacts are determined by comparing the average daily criteria air pollutants emissions generated by the proposed project-related construction activities to the BAAQMD significance thresholds in Table 4-1, *Construction-Related Criteria Air Pollutant Emissions Estimates.* Average daily emissions are based on the annual construction emissions divided by the total number of active construction days.

TABLE 4-1 CONSTRUCTION-RELATED CRITERIA AIR POLLUTANT EMISSIONS ESTIMATES

	Criteria Air Pollutants (tons/year) [a]					
Year	ROG	NO_x	Fugitive PM_{10} [b]	Exhaust PM_{10} [b]	Fugitive $PM_{2.5}$ [b]	Exhaust $PM_{2.5}$ [b]
2022	0.02	0.40	0.09	0.00	0.04	0.00
2023	0.07	1.40	0.07	0.02	0.02	0.02
2024	0.55	0.31	0.01	0.00	0.00	0.00
	Criteria Air Pollutants (average lbs/day) [a]					
Average Daily Emissions [c]	3	11	0.89	0.15	0.34	0.14
BAAQMD Average Daily Project-Level Threshold	54	54	BMPs	82	BMPs	54
Exceeds Average Daily Threshold	**No**	**No**	**NA**	**No**	**NA**	**No**

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

a. Construction phasing and equipment mix are based on the preliminary information provided by the project applicant. Where specific information regarding project-related construction activities was not available, construction assumptions were based on CalEEMod defaults, which are based on construction surveys conducted by South Coast Air Quality Management District of construction equipment and phasing for comparable projects. Modeling assumes mandatory compliance with Tier 4 interim engines for all construction equipment with more than 25 horsepower as required by CMC Section 17.04.050(A)(2). The lower g/L VOC paint required by CMC Section 17.04.050(A)(3) was not modeled as the construction-related criteria air pollutant emissions were already below the BAAQMD average daily project-level thresholds. As such, implementation of this standard would further reduce the construction emissions.

b. Includes implementation of best management practices for fugitive dust control required by BAAQMD n, including watering disturbed areas a minimum of two times per day, reducing speed limit to 15 miles per hour on unpaved surfaces, and street sweeping (see CMC Section 17.04.050(A)(2)).

c. Average daily emissions are based on the total construction emissions divided by the total number of active construction days. The total number of construction days is estimated to be about 375.

Source: California Emissions Estimator Model (CalEEMod), Version 2020.4.0

Construction emissions were quantified using the CalEEMod Version 2020.4.0 based on information provided by the project applicant, which was reviewed and approved by PlaceWorks and the City. In accordance with CMC Section 17.04.050(A)(2), *Control Construction Exhaust*, the construction contractor is required to utilize Tier 4 Interim engines for all equipment with more than 25 horsepower and CMC Section 17.04.050(A)(3), *Control Volatile Organic Compound Emissions from Paint*, use of low-VOC (i.e., 50 g/L) paint for all interior and exterior walls for the proposed project. As shown in Table 4-1, with implementation of CMC Section 17.04.050(A)(2) and Section 17.04.050(A)(3), criteria air pollutant emissions from construction equipment exhaust would not exceed the BAAQMD average daily thresholds and impacts from project-related construction activities to the regional air quality would be *less than significant.*

Operational Impacts

Typical long-term air pollutant emissions are generated by area sources (e.g., landscape fuel use, aerosols, architectural coatings, and asphalt pavement) and mobile sources (i.e., on-road vehicles). The proposed project would redevelop the commercial site with new mixed-use building. As described in Section XV, *Transportation*, the proposed project would generate a total of 475 average daily weekday vehicle trips, which would be an estimated reduction of 51 average daily weekday vehicle trips from the existing land uses at the site.[63]

BAAQMD has developed screening level sizes for projects that would generate emissions less than the BAAQMD regional significance thresholds.[64] Based on the operational criteria air pollutant screening size for townhomes and low-rise apartments (451 units), the proposed project (34 units) would fall substantial under the number of units that would trigger a substantial increase in criteria air pollutant emissions. In addition, the new buildings would be more energy efficient than the existing structures and would be built to achieve the latest Title 24 Building and Energy Efficiency Standards. Therefore, the proposed project would not exceed the BAAQMD daily pounds per day or annual tons per year project level threshold and would not create a cumulatively considerable contribution to the nonattainment designations of the SFBAAB. Project-related operation activities to the regional air quality would be *less than significant*. Note, the reduction in daily vehicle trips is a net benefit to the environment.

Summary

As described, the proposed project would not have a significant long-term operational phase impact. Additionally, implementation of mandatory CMC Chapter 17.04, *Standard Environmental Protection Requirements*, would ensure that required fugitive dust control measures are implemented to control project-related fugitive dust generated during construction activities and would minimize construction

[63] Hexagon Transportation Consultants, City of Cupertino. 2021. Institute of Transportation Engineers (ITE) *Trip Generation Manual 11th Edition (2021).*

[64] BAAQMD. 2017, May. California Environmental Quality Act Air Quality Guidelines. https://www.baaqmd.gov/~/media/files/planning-and-research/ceqa/ceqa_guidelines_may2017-pdf.pdf?la=en

exhaust and VOC emissions. Therefore, the proposed project's contribution to cumulative air quality impacts would be *less than significant*.

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

Construction Off-Site Community Risk and Hazards

The latest version of the BAAQMD CEQA Air Quality Guidelines requires projects to evaluate the impacts of construction activities on sensitive receptors. The nearest sensitive receptors to the project site include the single-family residences that share a property line with the project site to the west and those approximately 0.02 miles (100 feet) across Prospect Road to the south. Additional sensitive receptors within 1,000 feet of the site are children at Growing Tree Learning Center, approximately 270 feet to the southeast, Christian Righteousness Education Center approximately 450 feet to the southeast, De Anza Boulevard KinderCare approximately 500 feet to the north, and Bright Horizon at Silicon Valley approximately 1,000 feet to the northeast. Consequently, a site-specific construction health risk assessment (HRA) of toxic air contaminants (TACs) and $PM_{2.5}$ was prepared (see Appendix B, *Construction Health Risk Assessment*, of this Initial Study).

A quantified analysis of the proposed project construction emissions was conducted using the CalEEMod, Version 2020.4.0. Construction emissions were based on the total approximately 16-month construction duration. The United States Environmental Protection Agency (USEPA) AERMOD, Version 10.2, air dispersion modeling program was used to estimate diesel particulate matter (DPM) and the $PM_{2.5}$ maximum annual concentrations at the nearest sensitive receptors. Cancer risks were determining using guidance from the Office of Environmental Health Hazard Assessment. The results of the analysis are shown in Table 4-2, *Construction Risk Summary.*

TABLE 4-2 CONSTRUCTION RISK SUMMARY

Receptor	Cancer Risk (per million)	Chronic Hazards	$PM_{2.5}$ ($\mu g/m^3$)
Maximum Exposed Individual Receptor (MEIR)	6.3	0.019	0.04
Growing Tree Learning Center	1.1	0.009	0.02
Christian Righteousness Education Center	0.3	0.006	0.01
De Anza Boulevard KinderCare	0.3	0.001	0.002
Bright Horizons at Silicon Valley	0.3	0.001	0.002
BAAQMD Threshold	10	1.0	0.30
Exceeds Threshold?	**No**	**No**	**No**

Note: micrograms per cubic meter = $\mu g/m^3$; $PM_{2.5}$ – fine particulate matter
Modeling includes CMC Section 17.04.050(2)(a) for the use of Tier 4 Interim equipment for diesel-fueled engines 25 horsepower and higher.
Source: Lakes AERMOD View, 9.9.5 (2017).

The results of the HRA are based on the maximum receptor concentration over an approximate 16-month construction exposure duration for off-site receptors. Risk is based on the 2015 OEHHA Guidance Manual:[65]

- The excess cancer risk for the maximum exposed individual resident (MEIR) from construction activities related to the proposed project were calculated to be 6.3 in a million and is below the 10 in a million significance threshold. Utilizing the latest 2015 OEHHA Guidance Manual, the calculated total cancer risk conservatively assumes that the risk for the MEIR consists of a pregnant woman in the third trimester that subsequently gives birth to an infant during the approximately 16-month construction period; therefore, all calculated risk values were multiplied by a factor of 10. In addition, it was conservatively assumed that the residents were outdoors 8 hours a day, 260 construction days per year, and were exposed to all of the daily construction emissions.
- The excess cancer risk for the maximum exposed childcare receptor (Growing Tree Learning Center) would not exceed the 10 in a million significance threshold.
- The excess cancer risk for the other childcare facilities would not exceed the 10 in a million significance threshold.
- For non-carcinogenic effects, the chronic hazard index identified for each toxicological endpoint totaled less than one for all the off-site sensitive receptors. Therefore, chronic non-carcinogenic hazards are less than significant.
- The maximum annual $PM_{2.5}$ concentrations for the MEIR and off-site childcare facilities does not exceed the threshold of 0.3 µg/m^3. Therefore, $PM_{2.5}$ emissions are less than significant.

As identified in Table 4-2, the HRA modeling includes CMC Section 17.04.050(A)(2), *Control Construction Exhaust*, regarding the use of Tier 4 Interim equipment for diesel-fueled engines 25 horsepower and higher to determine the health risks. As shown in Table 4-2, the results indicate that in accordance with CMC Section 17.04.050(A)(2) requirements, excess cancer risk would be less than the BAAQMD's significance thresholds for the MEIR and maximum exposed preschool receptor or additional childcare receptors.

Additional existing sources of TACs in the surrounding area include three gas stations (Valero, Shell and Diamond), one emergency generator, and vehicle emissions from De Anza Boulevard and Prospect Road. BAAQMD provides screening tools to assess cancer risks (70-year residential exposure) and $PM_{2.5}$ concentrations within the air basin.[66] The cumulative health risks values were determined by adding the health risk values from the construction HRA to the screening-level health risk values for additional emission sources (see Appendix B, *Construction Health Risk Assessment*). The cumulative health risk values are less than the BAAQMD threshold of 100 in a million for a lifetime cancer risk and less than the non-carcinogenic chronic or acute hazard index of 10.0. Additionally, the $PM_{2.5}$ concentrations for all emission sources are below the cumulative BAAQMD significance threshold of 0.8 µg/m^3.

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

[66] Bay Area Air Quality Management District, 2022. BAAQMD Screening tools and methodologies, access on April 22, 2022 at https://www.baaqmd.gov/plans-and-climate/california-environmental-quality-act-ceqa/ceqa-tools.

The proposed project would not expose off-site sensitive receptors to substantial concentrations of air pollutant emissions during construction and project and cumulative impacts would be *less than significant*.

Operation Phase Community Risk and Hazards

Types of land uses that typically generate substantial quantities of criteria air pollutants and TACs include industrial (stationary sources), manufacturing, and warehousing (truck idling) land uses. These types of major air pollutant emissions sources are not included as part of the proposed residential project. The proposed project would not include stationary sources that emit TACs and would not generate a significant amount of heavy-duty truck trips (a source of DPM). Therefore, the proposed project would not expose sensitive receptors to substantial concentrations of air pollutant emissions during operation, and impacts would be *less than significant*.

Carbon Monoxide (CO) Hotspot Analysis

Areas of vehicle congestion have the potential to create pockets of carbon monoxide (CO) called hotspots. These pockets have the potential to exceed the State 1-hour standard of 20 ppm or the 8-hour standard of 9 ppm. The proposed project would not conflict with the Santa Clara Valley Transportation Authority (VTA) Congestion Management Program (CMP) because it would not hinder the capital improvements outlined in the CMP or alter regional travel patterns. VTA's CMP must be consistent with MTC's/ABAG's *Plan Bay Area 2050*. An overarching goal of the regional *Plan Bay Area* is to concentrate development in areas where there are existing services and infrastructure rather than locate new growth in outlying areas where substantial transportation investments would be necessary to achieve the per capita passenger vehicle, VMT, and associated GHG emissions reductions. The proposed project is an infill residential development that is in close proximity to existing employment centers, roadways, transit, and bicycle and pedestrian routes, and for these reasons would be consistent with the overall goals of *Plan Bay Area*.

Furthermore, under existing and future vehicle emission rates, a project would have to increase traffic volumes at a single intersection by more than 44,000 vehicles per hour—or 24,000 vehicles per hour where vertical and/or horizontal mixing is substantially limited—in order to generate a significant CO impact. Implementation of the proposed project would not increase traffic volumes at affected intersections by more than 44,000 vehicles per hour or 24,000 vehicles per hour where vertical and/or horizontal mixing is substantially limited (see Section XV, *Transportation*, below).[67] Project implementation would generate 51 fewer average daily weekday vehicle trips, 1 net new AM (morning) peak hour vehicle trips and 6 fewer PM (evening) peak hour vehicle trips when compared to existing conditions.[68] As a result, the project would not have the potential to substantially increase CO hotspots at intersections in the project vicinity and impacts would be *less than significant*.

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

[68] Hexagon Transportation Consultants, City of Cupertino. 2021. Institute of Transportation Engineers (ITE) Trip Generation Manual 11th Edition (2021).

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

Construction and operation of the mixed-use development would not generate odors that would affect a substantial number of people. The type of facilities that are considered to have objectionable odors include wastewater treatments plants, compost facilities, landfills, solid waste transfer stations, fiberglass manufacturing facilities, paint/coating operations (e.g., auto body shops), dairy farms, petroleum refineries, asphalt batch plants, chemical manufacturing, and food manufacturing facilities. While, mixed-use developments are not associated with foul odors that constitute a public nuisance, While, office uses are not associated with foul odors that constitute a public nuisance, the proposed commercial space on could include a food service such as a coffee shop or a bakery that could generate odors to nearby off-site residents. For these types of uses, the City may require charcoal activated filters to be installed depending on what tenants lease the space over the life of the building operation. However, these are not the types of uses that lead to odors that affect a substantial number of people.

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

Odors are also regulated under BAAQMD Regulation 1, Rule 1-301, Public Nuisance, which states that "no person shall discharge from any source whatsoever such quantities of air contaminants or other material which cause injury, detriment, nuisance or annoyance to any considerable number of persons or the public; or which endangers the comfort, repose, health or safety of any such persons or the public, or which causes, or has a natural tendency to cause, injury or damage to business or property."

As discussed further in Section VIII, *Hazards and Hazardous Conditions*, the Phase I ESA did not find documentation or physical evidence of soil, groundwater, or soil gas impairments associated with the current use or past use of the project site. Furthermore, there was no evidence of hazardous substances and petroleum products used or stored at the site, nor strong pungent or noxious odors that were observed on the subject property during the site reconnaissance.[69]

In summary, because construction-related odor emissions would be temporary and intermittent, mixed-use developments are not considered the type of use that would generate odors that would affect a substantial number of people and the proposed project is required to comply with BAAQMD Regulation 7, odor-related impacts to off-site land uses would be *less than significant.*

[69] Partner Engineering and Science, Inc., 2020. *Phase I Environmental Site Assessment Report*, 1655 South De Anza Boulevard and 7357 Prospect Road, Cupertino, California 95014, April 13.

III. BIOLOGICAL RESOURCES

Would the proposed project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant	No Impact
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plan, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?	❒	❒	■	❒
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?	❒	❒	❒	■
c) Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	❒	❒	■	❒
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	❒	❒	■	❒
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	❒	❒	■	❒
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?	❒	❒	❒	■

GENERAL PLAN EIR

Chapter 4.3, *Biological Resources*, of the General Plan EIR, addressed the impacts to biological resources associated with buildout of the General Plan, including 125,000 square feet of commercial space and 275 residential units with a maximum height of 30 feet in the South De Anza Special Area at a program level. Impacts to biological resources were found to be less than significant with implementation of mitigation measures to reduce potential impacts to birds protected under the Migratory Bird Treaty Act (MBTA). Future projects in Cupertino are required to comply with General Plan EIR Mitigation Measure BIO-1, previously adopted and incorporated into the General Plan, to ensure the protection of nesting raptors and other birds when in active use, as required by the federal MBTA and the California Fish and Game Code (CFG Code) if applicable.

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

EXISTING CONDITIONS

The project site and surrounding area has been urbanized and now supports roadways, structures, other impervious surfaces, areas of turf, and ornamental landscaping. Remnant native trees are scattered throughout the urbanized area, together with non-native trees, shrubs, and groundcovers. The site includes a commercial building with associated surface parking and ornamental landscaping. The project site is bound by roadways on the east and south, commercial building on the north, and residential buildings on the west. Property adjacent to the project site are commercial and residential uses to the north and south, commercial uses to the east, and residential land uses to the west.

As previously described in Section 3.1.3, *Existing Site Setting*, the CALVEG habitat mapping program classifies the site as an "urban area" that tends to have low to poor wildlife habitat value due to replacement of natural communities, fragmentation of remaining open space areas and parks, and intensive human disturbance. The diversity of urban wildlife depends on the extent and type of landscaping and remaining open space, as well as the proximity to natural habitat. Trees and shrubs used for landscaping provide nest sites and cover for wildlife adapted to developed areas. Typical native bird species include the mourning dove, scrub jay, northern mockingbird, American robin, brown towhee, American crow, and Anna's hummingbird, among others. Introduced species include the rock dove, European starling, house finch, and house sparrow. Urban areas can also provide habitat for several species of native mammals such as the California ground squirrel and striped skunk, as well as the introduced eastern fox squirrel and eastern red fox. Introduced pest species such as the Norway rat, house mouse, and opossum are also abundant in developed areas.[70]

Wetlands and jurisdictional waters within the city boundary include creek corridors and associated riparian scrub and woodland, and areas of freshwater marsh around ponds, seeps, springs, and other waterbodies. Some remnant stands of riparian scrub and woodland occur along segments of the numerous creeks through the urbanized valley floor.[71] The site does not encompass these creek corridors or contain other regulated waters.

There is no existing wildlife movement corridor designation on the site by any agency, including the United States Fish and Wildlife or the California Department of Fish and Wildlife.

The CNDDB has no record of special-status plant or animal species on the project site or urbanized areas surrounding the project site. There are no natural lands within a 1-mile area of the project site. There is a possibility that birds could nest in trees and other landscaping on the project site. The nests of most bird species are protected under the MBTA when in active use and there is a remote possibility that one or more raptor species protected under the MBTA and CFG Code could nest on the project site. These include both the Cooper's hawk (*Accipiter cooperi*) and white-tailed kite (*Elanus leuocurus*), which have

[70] PlaceWorks, 2014. *General Plan Amendment, Housing Element Update, and Associated Rezoning Draft EIR for the City of Cupertino*, Chapter 4.3, Biological Resources, page 4.3-6.

[71] PlaceWorks, 2014. *General Plan Amendment, Housing Element Update, and Associated Rezoning Draft EIR for the City of Cupertino*, Chapter 4.3, Biological Resources, page 4.3-6.

reported CNDDB occurrences within the city boundary, together with more common raptors such as red-tailed hawk, great horned owl, and American kestrel, all of which are protected by the MBTA and CFG Code when their nests are in active use.[72] However, no essential habitat for these or other special-status species is present on the site due to its developed condition.

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

According to the Vegetation Map shown in the *Environmental Resources and Sustainability Element* of the General Plan most of the City, including the project site, is within the urban forest.[73] The City recognizes that every tree on both public and private property is an important part of Cupertino's urban forest and contributes significant economic, environmental and aesthetic benefits of the community.[74] The arborist reports prepared for the project identified a moderate number of existing trees, mainly along the property lines. According to the Arborist Reports prepared for the project site (see Appendix C, *Arborists Reports*, of this Initial Study),[75] there are 51 trees on the project site and eight trees that are on private property that is directly adjacent to the project site with the potential for removal and or to incur root damage from construction. Since the existing development is on property that requires a development application, all existing trees on the site are considered protected.[76]

DISCUSSION

a) Would the proposed project have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or

[72] PlaceWorks, 2014. *General Plan Amendment, Housing Element Update, and Associated Rezoning Draft EIR for the City of Cupertino*, Chapter 4.3, Biological Resources, page 4.3-7.

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

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

[75] Tso, Jennifer. 2020, September. *Arborist Report for 1655 De Anza Blvd, Cupertino.* Traverso Tree Service. Prepared for Ryan Lin, Ronsdale Management LLC; West Coast Arborist. 2022. March. *Arborist Peer Review 1655 S. De Anza: City of Cupertino*, Prepared for City of Cupertino.

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

regional plan, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?

Nesting Birds

As stated above in the existing conditions discussion, there are no known occurrences of special-status plant or animal species and no suitable habitat for such species on the project site, but there is a possibility that birds protected by the MBTA and CFG Code could nest in trees and other landscaping on the project site. The analysis in the General Plan EIR found that impacts to special-status species, including nesting birds, would be reduced to less than significant with mitigation. Since the certification of the General Plan EIR, the City adopted CMC Chapter 17.04, *Standard Environmental Protection Requirements,* which lists biological resources permit requirements in CMC Section 17.04.050(D), *Biological Resources Permit Requirements*, that are necessary to avoid inadvertent take of bird nests protected under the MBTA and CFG Code, which is equivalent to the General Plan EIR mitigation measure. The proposed project would be required to avoid nesting season to the extent feasible. If not feasible, the proposed project must conduct preconstruction surveys pursuant to CMC Section 17.04.050(D)(1)(b) to ensure nesting birds would be protected. Therefore, the impacts under this criterion would be *less than significant*.

Bird Collision

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

The proposed mixed-use building would alter the physical characteristics of the site; however, this change is not expected to contribute to a substantial increase in the risk of collisions to local and migratory birds. This is due to several reasons, including the fact that the surrounding area is already intensively developed with structures and trees of a similar height to the proposed new mixed-use building and townhomes, and the proposed project would not include reflective glass and proposed lighting is low-level illumination with no up-lighting on the building exterior. Because the site vicinity is already intensively developed with urban use and the site is currently developed with occupied structures, most birds, as under existing conditions, would likely acclimate to the presence of the new building once completed. The proposed project would also be required to comply with CMC Section 19.102.030, *Bird-safe Development Requirements*, which includes glass, indoor lighting, and design standards to reduce bird collisions. Pursuant to CMC Section 19.102.040, *Outdoor Lighting Requirements*, the proposed project would also be required to reduce light pollution through shielding lighting fixtures, having illumination levels not

exceeding one foot-candle onto adjacent properties, maintaining lighting temperatures controls, turning off lighting when areas are not in use, installing automated control systems, and designing lighting to complement the proposed building and landscaping. With mandatory compliance with the City's bird-safe and lighting standards, the potential risk of bird collision with the new building would be extremely low and a *less-than-significant* impact.

Roosting Bats

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

In summary, based on the above, impacts under this criterion would be consistent with the conclusions in the General Plan EIR and would be *less than significant*. No mitigation measures are required.

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

As discussed in the existing conditions above and determined in the General Plan EIR, development of the proposed project would occur in urbanized areas where sensitive natural communities are absent. The project site does not include any wetlands or jurisdictional waters including creek corridors and associated riparian areas.[77] Therefore, *no impact* would occur.

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

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

As discussed in the existing conditions above, there are no wetlands, jurisdictional waters or other regulated waters on the project site; therefore, *no impact* would occur directly.

Indirect impacts to wetlands and jurisdictional other waters include: 1) an increase in the potential for sedimentation due to construction grading and ground disturbance, 2) an increase in the potential for erosion due to increased runoff volumes generated by impervious surfaces, and 3) an increase in the potential for water quality degradation due to increased levels in non-point pollutants. However, indirect impacts would be largely avoided through effective implementation of best management practices during construction and compliance with water quality controls.

As discussed below in Section IX, *Hydrology and Water Quality*, of this Initial Study, water quality in stormwater runoff is regulated locally by the Santa Clara Valley Urban Runoff Pollution Prevention Program (SCVURPPP), which implements Provision C.3 of the Municipal Regional Storm Water National Pollutant Discharge Elimination System (NPDES) Permit (MRP) adopted by the San Francisco Bay Regional Water Quality Control Board (RWQCB). Adherence to these permit conditions requires the project to incorporate treatment measures, an agreement to maintain them, and other appropriate source control and site design features that reduce pollutants in runoff to the maximum extent practicable. Many of the requirements involve low impact development practices such as the use of onsite infiltration that reduce pollutant loading. Incorporation of these measures can even improve on existing conditions.

In addition, future development would be required to comply with the Municipal Regional NPDES Permit (CMC Chapter 9.18, *Storm Water Pollution Prevention and Watershed Protection*) and implement a construction Storm Water Pollution Prevention Plan (SWPPP) that requires the incorporation of best management practices to control sedimentation, erosion, and hazardous materials contamination of runoff during construction. The indirect water quality-related issues are discussed further in Section IX, *Hydrology and Water Quality*, of this Initial Study, and concludes water quality impacts would be less than significant. Accordingly, indirect impacts to wetlands and jurisdictional waters would be *less than significant*.

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

The project site is located in an urbanized area, bordered by existing roadways and other urban uses which preclude the presence of any important wildlife movement corridors across the site. The site contains no creeks or aquatic habitat that would support fish and proposed development would not interfere substantially with the movement of any native resident or migratory fish or wildlife species, or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nurseries. Wildlife species common to urban and suburban habitat could be displaced where existing structures are demolished and landscaping is removed as part of future development, but these species

are relatively abundant, and adapted to human disturbance. The proposed project would remove some of the existing vegetation and would retain some existing trees. The proposed project would also include landscaping with additional trees that would provide replacement habitat for wildlife species that may have adapted to the project site. Therefore, project impacts on the movement of fish and wildlife, wildlife corridors, or wildlife nursery sites would be considered *less than significant*.

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

As discussed in criteria (a) through (d), above, development of the project site would occur in an urbanized area where sensitive biological and wetland resources are absent, and no major conflicts with the relevant policies or ordinances related to biological resources in the General Plan and/or CMC would occur. As discussed in Section 3.2.4, *Landscaping,* the proposed project includes the removal of trees conflicting with design plans. A tree inventory and assessment was conducted by the applicant's arborist and peer reviewed by the City's consulting arborist.[78] Additionally, the arborists provided tree protection guidelines based on on-site conditions to eliminate undesirable consequences that may result from uninformed or careless acts and preserve trees. Because the existing development is on property that requires a development application, all existing trees on the site are considered protected.[79] Therefore, compliance with the City's Tree Ordinances (CMC Chapter 14.12, *Trees,* and Chapter 14.18, *Protected Trees*), which require replacement trees, would ensure impacts related to the removal of trees would remain consistent with the conclusions in the General Plan EIR. Impacts under this criterion would be *less than significant*.

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

The project site not located within any area designated for an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved conservation plan. Therefore, *no impact* would occur under this criterion.

IV. CULTURAL RESOURCES

Would the proposed project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant	No Impact
a) Cause a substantial adverse change in the significance of a historical resource pursuant to Section 15064.5?	❒	❒	■	❒

[78] Tso, Jennifer. 2020, September. *Arborist Report for 1655 De Anza Blvd, Cupertino.* Traverso Tree Service. Prepared for Ryan Lin, Ronsdale Management LLC; West Coast Arborist. 2022. March. *Arborist Peer Review 1655 S. De Anza: City of Cupertino*, Prepared for City of Cupertino.

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

Would the proposed project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant	No Impact
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5?	❒	❒	■	❒
c) Disturb any human remains, including those interred outside of dedicated cemeteries?	❒	❒	■	❒

GENERAL PLAN EIR

Chapter 4.4, *Cultural Resources*, of the General Plan EIR, addressed the impacts to Cultural and Tribal Cultural Resources (TCRs) associated with buildout of the General Plan, including 125,000 square feet of commercial space and 275 residential units with a maximum height of 30 feet in the South De Anza Special Area at a program level. The impacts were found to be less than significant, and no mitigation measures were required. The following is a summary of General Plan EIR Section, 4.4.1.2, *Existing Conditions*, which is based on the cultural resource analysis conducted by Tom Origer & Associates on July 24, 2013, included as Appendix D, *Cultural Resources Data*, of the General Plan EIR. The cultural resources study consists of archival research at the Northwest Information Center at Sonoma State University, examination of the library and files, field inspection, and contact with the Native American community. As shown in Table 4.4-2, *Cultural Resources in the Project Study Area and Vicinity*, and on Figure 4.4-1, *Cultural Resources*, of the General Plan EIR, there are no identified cultural resources on the project site.

EXISTING CONDITIONS

As shown in Table 4.4-2, *Cultural Resources in the Project Study Area and Vicinity*, and Figure 4.4-1, *Cultural Resources*, of the General Plan EIR, there are no identified cultural resources on the project site. However, development at the project site was completed by 1962,[80] which is within the 45-year age limit established by the State Office of Historic Preservation (OHP) for buildings that may be of historical value.[81] However, the existing building is not associated with significant cultural events or persons in California's past and does not have any distinctive historical characteristics, and as such does not have any qualifying historical value.

There are no known cultural resources within 1 mile of the project site. The closest known cultural resources are located 1.5 miles west of the project site and include the Woodhills Estate and Fremont and Cora Ranch at 2280 West Prospect Road and Seven Springs Ranch at 11801 Dorothy Anne Way. At this distance, construction and operation of the project would have no effect on this cultural resources site.

DISCUSSION

[80] Partner Engineering and Science, Inc., 2020. *Phase I Environmental Site Assessment Report, 1655 South De Anza Boulevard and 7357 Prospect Road, Cupertino, California 95014*.

[81] Public Resources Code Section 5024.1

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

Under CEQA, both prehistoric and historic-period archaeological sites may qualify as historical resources.[82] Archaeological resources are addressed in criterion (b), and human remains are addressed below in criterion (c), below.

There are no local, State, or federally recognized historic properties on the project site or in the immediate vicinity. The project site currently has a commercial building developed in 1962. As described in the existing conditions above, the existing building does not meet the criteria for listing in the California Register of Historical Resources. Additionally, the General Plan EIR does not identify the project site or existing building as a historic resource and it is not listed as a historic building.[83,84] Therefore, demolition of the existing building on the project site would not affect any historic resources, and impacts would be *less than significant* under this criterion.

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

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

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

CMC Chapter 17.04, *Standard Environmental Protection Requirements*, contains cultural resources permit requirements that are necessary to protect archaeological resources and tribal cultural resources in Section 17.04.050(E), *Cultural Resources Permit Requirements*. Such requirements include providing written verification to the City that contractors and construction crews have been notified of basic archeological site indicators, the potential the potential for discovery of archaeological resources, laws pertaining to these resources, and procedures for protecting cultural and tribal cultural resources. The

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

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

[84] Office of Historic Preservation, Listed California Historical Resources, http://ohp.parks.ca.gov/ListedResources/?view=county&criteria=43, accessed December 20, 2021.

project applicant would be required to comply with the protocols to ensure impacts to archeological resources would be reduced. With mandatory compliance with CMC Section 14.04.050(E), impacts under this criterion would be consistent with the conclusions in the General Plan EIR and would remain *less than significant*.

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

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

V. ENERGY

Would the proposed project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant	No Impact
a) Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?	❒	❒	■	❒
b) Conflict with or obstruct a State or local plan for renewable energy or energy efficiency?	❒	❒	■	❒

GENERAL PLAN EIR

While these standards regarding energy impacts were adopted by the California Natural Resource Agency in December 2018 after the certification of the General Plan EIR, Chapter 4.14, *Utilities and Services Systems*, of the General Plan EIR addressed energy impacts associated with buildout of the General Plan, including 125,000 square feet of commercial space and 275 residential units with a maximum height of 30 feet in the South De Anza Special Area at a program level. Energy impacts were found to be less than significant, and no mitigation measures were required.

EXISTING CONDITIONS

PG&E supplies electricity and natural gas to much of northern and central California – from Humboldt and Shasta counties in the north to Kern and Santa Barbara counties in the south – including the infrastructure for the City of Cupertino. Total electricity consumption in PG&E's service area is forecast to increase from 104,868 gigawatt-hours (GWh) in 2015 to 119,633 GWh in 2027.[85] The nearest PG&E substation to the project site is the Serra Substation on Stevens Creek Boulevard approximately 0.6 miles northeast of the project site. The nearest electricity transmission lines to the project site are located along Lawrence Expressway and Saratoga Creek, near the Serra Substation.[86]

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

Current energy demands are derived from the operation of an 11,648 square-foot, one-story (15 feet) commercial building that was constructed in 1962.[87] Current energy demand also includes energy demand from vehicle trips. When applying the trip generation rate for the commercial building, the existing uses on the site generate 526 average daily vehicle trips.[88]

DISCUSSION

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

Construction activities use energy from various sources, such as on-site heavy-duty construction vehicles, vehicles hauling materials to and from the site, and motor vehicles transporting the construction crew and vendors. The operation of the proposed mixed-use building and townhomes would use energy for cooling, heating, lighting, and landscape equipment, and for vehicle trips to and from the residential and commercial uses. According to the existing trip estimates described in Section XV, *Transportation*, the proposed project would generate 51 fewer average daily weekday vehicle trips, which is less energy use when compared to existing conditions.[89]

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

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

[87] Partner Engineering and Science, Inc., 2020. *Phase I Environmental Site Assessment Report, 1655 South De Anza Boulevard and 7357 Prospect Road, Cupertino, California 95014*, pages 6 and 7. April 13.

[88] Hexagon Transportation Consultants, City of Cupertino. 2021. Institute of Transportation Engineers (ITE) *Trip Generation Manual 11th Edition (2021).*

[89] Hexagon Transportation Consultants, City of Cupertino. 2021. Institute of Transportation Engineers (ITE) *Trip Generation Manual 11th Edition (2021).*

The proposed project would demolish the existing commercial building and construct a new mixed-use building and townhomes. The proposed utility infrastructure would connect to the existing water, sewer, storm drain system, and electricity network in the area, and would be served by an existing solid waste landfill. The proposed development would achieve LEED Silver (City's preferred method), or equivalent Alternative Reference Standard, consistent with the City's requirement (CMC Section 101.10.2 and Section 16.58.230). Therefore, the construction or installation of new infrastructure and capacity enhancing alterations would not be a wasteful, inefficient, or unnecessary use of energy.

The proposed project would improve connectivity for pedestrians and bicyclists as it would keep the existing sidewalks and bike facilities on South De Anza Boulevard and Prospect Road along the length of the project site. There will also be sidewalks and pedestrian entrances to the proposed mixed-use building and townhomes along South De Anza Boulevard and Prospect Road, which would connect with the internal sidewalks on the project site. In addition, the proposed project would provide 12 Class 1 and four Class 2 bicycle parking spaces for the multi-family units and six Class 2 bicycle parking spaces for the commercial uses.[90] As described in Section IX, *Land Use and Planning*, below, the proposed project is consistent with the General Plan land use designation and would not result in new growth potential from what was considered in the General Plan EIR.

The proposed mixed-use building and townhomes would meet the 2022 Building and Energy Efficiency Standards of the California Public Resources Code, Title 24, Part 6, which applies to any project whose permit applications are applied for on or after January 1, 2023. The 2022 Building Energy Efficiency Standards improve upon the 2019 Standards. The 2022 Standards require more energy efficiency for residential and non-residential buildings.[91]

As described above in Section 3.1.5, *Cupertino Municipal Code Requirements*, under the subheading "Utilities and Energy," the City enforces the CALGreen Building Standards, which establish planning and design standards for sustainable site development, energy efficiency (in excess of the California Energy Code requirements), in CMC Chapter 16.58, *Green Building Standards Code Adopted*. CMC Section 16.54.100(2), *Scope for Newly Construction Building,* requires all newly constructed buildings to be All-Electric Buildings. All-Electric Buildings are defined as a building that has no natural gas or propane plumbing installed within the building, and that uses electricity as the sole source of energy for its space heating, water heating.[92] The City approved reach codes in February 2020,[93] which go above California Energy Code requirements to reduce energy, water, and associated greenhouse gas emissions. Energy

[90] Class 1 facilities protect the entire bicycle from theft, vandalism, and inclement weather and are appropriate for long-term storage. Class 2 facilities include bicycle racks to which the frame and at least one wheel can be secured with a user-provided lock.

[91] California Energy Commission, December 2021.. 2022 Building Energy Efficiency Standards, https://www.energy.ca.gov/publications/2022/2022-building-energy-efficiency-standards-residential-and-nonresidential, accessed January 24, 2022.

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

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

conserving features of the proposed project would include new landscaping that is native and/or adaptive, and drought resistant plants to conserve water and subsequently save energy.

The City's Green Building Ordinance contains mandatory, minimum required green building techniques, including measures affecting water use efficiency and water conservation. Thus, new buildings constructed in accordance with the General Plan land use designation and to the standards identified above would not result in wasteful, inefficient, or unnecessary consumption of energy resources. Accordingly, impacts would be consistent with the conclusions in the General Plan EIR and would remain *less than significant*.

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

As discussed below in criterion (b) of Section VI, *Greenhouse Gas Emissions*, the proposed project would not conflict with the current CARB 2017 *Climate Change Scoping Plan, Plan Bay Area*, or the newly adopted *Cupertino Climate Action Plan 2.0*, all which involve planning for use of renewable energy planning and energy efficiency standards. Additionally, as previously discussed, the proposed project would be built to the current 2022 Building and Energy Efficiency Standards of the California Public Resources Code, Title 24, Part 6. Therefore, the impacts under this criterion would be consistent with the conclusions in the General Plan EIR and would remain *less than significant*.

VI. GEOLOGY AND SOILS

Would the proposed project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant	No Impact
a) Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury or death involving:				
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault?	❒	❒	■	❒
ii) Strong seismic ground shaking?	❒	❒	■	❒
iii) Seismic-related ground failure, including liquefaction?	❒	❒	■	❒
iv) Landslides, mudslides, or other similar hazards?	❒	❒	■	❒
b) Result in substantial soil erosion or the loss of topsoil?	❒	❒	■	❒
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse?	❒	❒	■	❒
d) Be located on expansive soil, as defined by Table 18-1-B of the Uniform Building Code (1994),creating substantial direct or indirect risks to life or property?	❒	❒	■	❒
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?	❒	❒	❒	■

Would the proposed project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant	No Impact
f) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	❒	❒	■	❒

GENERAL PLAN EIR

Chapter 4.5, *Geology, Soils, and Seismicity*, of the General Plan EIR, addressed geological and seismic-related impacts associated with buildout of the General Plan, including 125,000 square feet of commercial space and 275 residential units with a maximum height of 30 feet in the South De Anza Special Area at a program level. Impacts were found to be less than significant, and no mitigation measures were required. The following discussion is based on project site information available in Section 4.5.1.2, *Existing Conditions*, of Chapter 4.5.

EXISTING CONDITIONS

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

- Geology. The City of Cupertino lies in the west-central part of the Santa Clara Valley, a broad, mostly flat alluvial plain that extends southward from San Francisco Bay. The site is generally flat with an average elevation of 305 feet above mean sea level and the depth of groundwater is estimated to be 38 to 61 feet below ground surface.[94] The soil is Urban Land Stevenscreek Complex and Urban Land Flaskan Complex. The Stevenscreek Complex is comprised of well-drained sand loam, silt loam, silty clay loam, clay loam, and sandy clay loam. The Flaskan Complex is a well-drained sandy loam, sandy clay loam, gravelly sandy clay loam and very gravelly sandy clay loam soil.[95] Surficial geology is alluvial fan and fluvial deposits, which is described as Pleistocene-age and consisting of brown, dense, gravely and clayey sand or clayey gravel that fines upward to sandy clay.[96]

  Unique geologic features are those that are unique to the field of geology. Each rock unit tells a story of the natural processes operating at the time it was formed. The rocks and geologic formations exposed at the earth's surface or revealed by drilling and excavation are our only record of that geologic history. What makes a geologic unit or feature unique can vary considerably. For example, a geologic feature may be considered unique if it is the best example of its kind and has distinctive characteristics of a geologic principle that is exclusive locally or regionally, is a key piece of geologic

[94] Partner Engineering and Science, Inc., 2020. *Phase I Environmental Site Assessment Report, 1655 South De Anza Boulevard and 7357 Prospect Road, Cupertino, California 95014.* April 13.

[95] United States Department of Agriculture, Natural Resources Conservation Service, 2019. Web Soil Survey, https://websoilsurvey.sc.egov.usda.gov/App/WebSoilSurvey.aspx, accessed December 22, 2021.

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

information important to geologic history, contains a mineral that is not known to occur elsewhere in the County, or is used as a teaching tool.

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

- Soils. Web-accessible soil mapping data compiled by the USDA's Web Soil Survey was used to identify the major soil types on the project site. The predominant soil types for the project site are soils of the Urban Land-Flaskan and Urban Land-Stevenscreek complexes generally formed on slopes of 0 to 2 percent. In almost all instances, these soils are reportedly deep and well drained, and are typified by low runoff.[97]
- Fault Rupture. The San Francisco Bay Area is one of the most seismically active regions in the United States. The significant earthquakes that occur in the Bay Area are generally associated with crustal movement along well-defined active fault zones such as the San Andreas Fault system. Many of these zones exhibit a regional trend to the northwest. The site is not located within a State-designated Alquist-Priolo Earthquake Fault Zone (known formerly as a Special Studies Zone), but it is in an area designated as a Fault Rupture Hazard Zone by Santa Clara County.[98, 99] No active fault traces are known to cross the site; however, the San Andreas Fault passes a few miles west of the city of Cupertino.
- Liquefaction. The site is not located within a seismically inducted liquefaction hazard zone, as mapped by the State of California and Santa Clara County.[100, 101] During cyclic ground shaking, such as seismic shaking during an earthquake, cyclically-induced stresses may cause increased pore water pressures within the soil matrix, resulting in liquefaction. Liquefied soil may lose shear strength that may lead to large shear deformations and/or flow failure. Liquefied soil can also settle as pore pressures dissipate following an earthquake.

  Soils most susceptible to liquefaction are loose to moderately dense, saturated, non-cohesive soils with poor drainage, such as sands and silts with interbedded or capping layers of relatively low permeability soil.
- Lateral Spreading. Lateral spreading typically occurs as a form of horizontal displacement of relatively flat-lying alluvial material toward an open or "free" face such as an open body of water, channel, or excavation. In soils, this movement is generally due to failure along a weak plane and may often be associated with liquefaction. As cracks develop within the weakened material, blocks of soil are displaced laterally toward the open face. Cracking and lateral movement may gradually propagate

[97] United States Department of Agriculture, Natural Resources Conservation Service, 2019. Web Soil Survey, https://websoilsurvey.sc.egov.usda.gov/App/WebSoilSurvey.aspx, accessed December 22, 2021.

[98] California Department of Conservation. Earthquake Zones of Required Investigation, https://maps.conservation.ca.gov/cgs/EQZApp/app/, accessed December 22, 2021.

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

[100] California Department of Conservation. Earthquake Zones of Required Investigation, https://maps.conservation.ca.gov/cgs/EQZApp/app/, accessed December 22, 2021.

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

away from the face as blocks continue to break free. Because of the low potential for liquefaction, the risk of lateral spreading at the site is also considered low.

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

DISCUSSION

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

Fault Rupture

As discussed in the General Plan EIR, only one Alquist-Priolo Earthquake Fault Zone has been mapped within the City of Cupertino, namely, the zone that flanks the San Andreas Fault in the southwestern most part of the city. Although the site is in a Santa Clara County-designated Fault Rupture Hazard Zone, it is not located within a State-designated Alquist-Priolo Earthquake Fault Zone. No active faults are known to traverse the site, so the risk of surface fault rupture is considered low. Additionally, the proposed project is on a flat, already developed site, and would conform to building and safety standards, such as those within the California Building Code (CBC). As such, the proposed project would not exacerbate the effects of fault rupture and the impacts from project development as they relate to surface fault rupture are considered *less than significant*.

Strong Seismic Ground Shaking

The hazards posed by strong seismic ground shaking during a major earthquake, while variable, are nearly omnipresent in the San Francisco Bay Area. As discussed in the General Plan EIR, in the event of a large, magnitude 6.7 or greater seismic event, much of the city is projected to experience "strong" ground shaking, with the most intense shaking forecast for the northeast part of the city where the project is located. Adherence to applicable building code, including conformance to the CBC and the City's building permit requirements would ensure that the impacts associated with strong seismic ground shaking are minimized to the maximum extent practicable. The impacts of project development as they relate to strong seismic ground shaking would be *less than significant*.

Liquefaction

The project site is not located within an area mapped by the City of Cupertino, the State of California, or Santa Clara County as having a high potential for seismically induced liquefaction. As discussed in the General Plan EIR, the potential for seismically induced liquefaction in the vicinity appears low and is

limited to a very narrow strip of alluvial deposits that flank Calabazas Creek approximately 0.08 miles east of the project site. Accordingly, impacts associated with project development as they may relate to seismically induced liquefaction would be *less than significant*.

Landslides

The site is generally flat with an elevation of 305 feet above mean sea level.[102] The project site is not located within an area mapped by the State of California or Santa Clara County as having a high potential for seismically induced landslides. Therefore, impacts associated with project development as they may relate to seismically induced landslides would be *less than significant*.

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

Substantial soil erosion or loss of topsoil during construction could, in theory, undermine structures and minor slopes during development of the project site. However, compliance with existing regulatory requirements, such as the implementation of grading erosion control measures specified in the CBC and the CMC, would reduce impacts from erosion and the loss of topsoil. Examples of these control measures are best management practices such as hydroseeding or short-term biodegradable erosion control blankets; vegetated swales, silt fences, or other forms of protection at storm drain inlets; post-construction inspection of drainage structures for accumulated sediment; and post-construction clearing of debris and sediment from these structures.

CMC Section 16.08.110, *Interim Erosion and Sediment Control Plan*, requires the preparation and submittal of Interim Erosion and Sediment Control Plans for all projects subject to City-issued grading permits, which would minimize the removal of topsoil, avoid overly steep cut and/or fill slopes, and protect existing vegetation during grading operations. These requirements are broadly applicable to development projects. Adherence to these regulations would help reduce the impacts of project development as they relate to substantial soil erosion or loss of topsoil. Therefore, the impacts would be *less than significant*.

c) Would the proposed project be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse?

As discussed in criterion (a), the project site is not located within a seismically induced liquefaction hazard zone. Because of the low potential for liquefaction, the risk of lateral spreading at the site would also be low. The site is generally flat with an elevation of 305 feet above mean sea level.[103] The properties surrounding the project site are also typified by low topographic relief. Therefore, the impacts of project

[102] Partner Engineering and Science, Inc., 2020. *Phase I Environmental Site Assessment Report, 1655 South De Anza Boulevard and 7357 Prospect Road, Cupertino, California 95014.* April 13.

[103] Partner Engineering and Science, Inc., 2020. *Phase I Environmental Site Assessment Report, 1655 South De Anza Boulevard and 7357 Prospect Road, Cupertino, California 95014.* April 13.

development as they relate to liquefaction, lateral spreading, and landslides would be *less than significant*.

d) Would the proposed project be located on expansive soil, as defined by Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property?

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

The proposed project would be subject to the CBC regulations and provisions, as adopted in CMC Title 16, *Buildings and Construction*, and enforced by the City during plan review prior to building permit issuance. The CBC contains specific requirements for seismic safety, excavation, foundations, retaining walls, and site demolition, and also regulates grading activities, including drainage and erosion control. Thus, compliance with existing regulations and policies would ensure that the potential future development impacts permitted under the proposed project would be reduced. Therefore, the impacts of project development as they relate to expansive soils would be *less than significant*.

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

The proposed project would not include the use of septic tanks or alternative wastewater disposal systems. Accordingly, *no impact* would occur regarding soil capability to adequately support the use of septic tanks or alternative wastewater disposal systems.

f) Would the proposed project directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?

As discussed above in existing conditions, no paleontological resources have been identified within the project location. While the proposed project requires some excavation, it would not be at significant depths below the ground surface where no such excavation has previously occurred. As such, while there could be fossils of potential scientific significance and other unique geologic features that have not been recorded, such a find as a result of the project construction is highly unlikely. Nonetheless, ground-disturbing construction associated with development under the proposed project could cause damage to, or destruction of, paleontological resources or unique geologic features. CMC Section 17.04.050(H), *Paleontological Resources Permit Requirements,* provides protocols to protect paleontological resources during construction that the project applicant must adhere to in the event that there is a find. These requirements include temporarily halting or redirecting construction activities to allow a qualified paleontologist to assess the significance of the find, monitoring the project site if the find is found to be significant, and preparing a mitigation plan to ensure the preservation of the resources. Therefore, the

impacts under this criterion would be consistent with the conclusions in the General Plan EIR and remain *less than significant*.

VII. GREENHOUSE GAS EMISSIONS

Would the proposed project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant	No Impact
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	❒	❒	■	❒
b) Conflict with an applicable plan, policy, or regulation of an agency adopted for the purpose of reducing the emissions of greenhouse gases?	❒	❒	■	❒

GENERAL PLAN EIR

Chapter 4.7, *Greenhouse Gas Emissions*, of the General Plan EIR, addressed the impacts from GHG emissions associated with buildout of the General Plan, including 125,000 square feet of commercial space and 275 residential units with a maximum height of 30 feet in the South De Anza Special Area at a program level. GHG emissions impacts under the General Plan EIR were found to be less than significant, and no mitigation measures were required. This section analyzes the types and quantities of GHG emissions from the construction and operation of the proposed project. An update to the background discussion of the GHG regulatory setting and air quality modeling in the General Plan EIR is in Appendix A, *Air Quality and Greenhouse Gas Emissions*, of this Initial Study.

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

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

The following discussion describes the analysis of the types and quantities of GHG emissions from the construction and operation of the proposed project. An update to the background discussion of the GHG regulatory setting and air quality modeling in the General Plan EIR is in Appendix A, *Air Quality and Greenhouse Gas Emissions*, of this Initial Study.

EXISTING CONDITIONS

The existing commercial uses generate GHG emissions from transportation sources, energy (natural gas and purchased energy), and area sources such as landscaping equipment. The existing land uses generate approximately 526 average daily weekday vehicle trips.[104]

DISCUSSION

Scientists have concluded that human activities are contributing to global climate change by adding large amounts of heat-trapping gases, known as greenhouse gases (GHGs), into the atmosphere. The primary source of these GHG is fossil fuel use. The Intergovernmental Panel on Climate Change (IPCC) has identified four major GHGs—water vapor, carbon dioxide (CO_2), methane (CH_4), and ozone (O_3)—that are the likely cause of an increase in global average temperatures observed within the 20th and 21st centuries. Other GHG identified by the IPCC that contribute to global warming to a lesser extent include nitrous oxide (N_2O), sulfur hexafluoride (SF_6), hydrofluorocarbons, perfluorocarbons, and chlorofluorocarbons.[105]

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

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

A project does not generate enough GHG emissions on its own to influence global climate change; therefore, this section measures the proposed project's contribution to the cumulative environmental impact associated with GHG emissions. For projects where there is no applicable GHG reduction plan, cumulative GHG emissions impacts are based on the state's GHG reduction goals for development projects identified by BAAQMD adopted in April 2022 *Justification Report: CEQA Thresholds for Evaluating the Significance of Climate Impacts From Land Use Projects and Plans* (Justification Report).[106]

Development of the proposed project would contribute to climate change through direct and indirect emissions of GHG from the construction activities needed to implement the project, which would

[104] Hexagon Transportation Consultants, City of Cupertino. 2021. Institute of Transportation Engineers (ITE) Trip Generation Manual 11th Edition (2021).

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

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

generate a short-term increase in GHG emissions, as well as a long-term increase in GHG emissions from on-road mobile sources, energy use, area sources, water use/wastewater generation, and solid waste disposal. As identified in the GHG Justification Report, short-term construction activities are one-time emissions that would not substantially contribute to GHG emissions impacts. For operational phase impacts, BAAQMD identified in their Justification Report that projects consistent with a local GHG reduction strategy that meets the criteria under State CEQA Guidelines Section 15183.5(b), would contribute their fair share of what will be required to achieve the state's long-term climate goals. The *City of Cupertino Climate Action Plan 2.0* (CAP 2.0) was adopted by City Council in August 2022 as a qualified GHG reduction strategy. Pursuant to the CAP 2.0, projects are considered consistent with the CAP 2.0 if they are consistent with the demographic forecasts, land use assumptions, and do not conflict with the required GHG reduction measures contained in the CAP 2.0. As discussed in Section X, *Land Use and Planning,* and Section XII, *Population and Housing*, the proposed project is consistent with the demographic forecasts and land use assumptions in the CAP 2.0, which are the same as the Cupertino General Plan. As shown in Table 4-3, *Cupertino Climate Action Plan 2.0 Consistency Matrix,* the proposed project is consistent with the CAP 2.0 GHG reduction strategies and impacts would therefore be *less than significant*.

TABLE 4-3 CUPERTINO CLIMATE ACTION PLAN 2.0 CONSISTENCY MATRIX

Applicable Proposed Measure	Consistency
Measure BE-1 Reduce non-SVCE usage rate to 2 percent for residential and 10 percent for commercial by 2030 and maintain through 2040.	**Consistent.** The proposed project would comply with the current California Building and Energy Efficiency Standards to reduce energy consumptions.
Measure BE-4 Require new residential and commercial development to be all-electric at time of construction.	**Consistent.** The City of Cupertino has adopted the California Energy Code (CMC Chapter 16.54) that requires all newly constructed buildings to be All-Electric Buildings. The project applicant has not requested any exceptions to the CMC Chapter 16.54 pursuant to CMC Section 16.54.100(2)(A) that would permit using natural gas under limited conditions approved by the City. Therefore, the proposed project would comply with this measure.
Measure TR-1 Develop and implement an Active Transportation Plan to achieve 15 percent of active transportation mode share by 2030 and 23 percent by 2040.	**Consistent.** The City is the responsible party for this measure. As stated in Chapter 3, *Project Description*, the proposed project would not remove existing Class II bicycle lanes on Prospect Road and South De Anza Boulevard, nor would it conflict with the City's 2016 *Bicycle Transportation Plan*. Pedestrians would also have access to the site via the existing sidewalks that will connect to the pedestrian network on the project site. The proposed project would include both Class 1 lockers and Class 2 bike parking facilities. Therefore, the proposed project would promote these alternative modes of transportation. Furthermore, Mitigation Measure TRANS-1 requires the project applicant to pay a fair shar contribution to bicycle improvements on Prospect Road, provide electric bicycles to new tenants, and establish a behavioral intervention program to encourage alternate travel modes.
Measure TR-2 Implement public and shared transit programs to achieve 29 percent of public transit mode share by 2030 and maintain through 2040.	**Consistent.** The City is the responsible party for this measure. The proposed project is a redevelopment project near transit stations served by VTA bus route 51 and a transit stops on South De Anza Boulevard. The proposed project would not conflict with implementation of this measure. Furthermore, Mitigation Measure TRANS-1 requires the

TABLE 4-3 CUPERTINO CLIMATE ACTION PLAN 2.0 CONSISTENCY MATRIX

Applicable Proposed Measure	Consistency
	project applicant to establish a school pool program and a car share program.
Measure TR-3 Increase zero-emission vehicle (ZEV) adoption to 35 percent for passenger vehicles and 20 percent for commercial vehicles by 2030 and 100 percent for all vehicles by 2040.	**Consistent.** The proposed project would result in an increase in land use intensity in a portion of the City that has access to existing transportation infrastructure and services, including the VTA bus route 51 and a transit stops on South De Anza Boulevard. To encourage transition to EVs, the proposed project includes installation of EV charging stations that comply with CMC Chapter 16.58 (see Table 3-2, *Electric Vehicle Parking Spaces*, in Section 3.2.7, *Sustainability Features*, of this Initial Study.
Measure W-1 Implement SB 1383 requirements and reduce communitywide landfilled organics 75 percent by 2025 and inorganic waste 35 percent by 2030 and reduce all waste 90 percent by 2040.	**Consistent.** The City is the responsible party for implementing this measure. The proposed project would include compost and green waste disposal services through the City's contracts with Recology South Bay. The materials would be collected by the City garbage waste hauler (Recology). The proposed project would not conflict with implementation of this measure.
Measure W-2 Reduce overall waste disposed to garbage, recycling, and compost per capita by 15 percent by 2035.	**Consistent.** The City is the responsible party for implementing this measure. The proposed project would include compost and green waste disposal services through the City's contracts with Recology South Bay. The materials would be collected by the City garbage waste hauler. The proposed project would not conflict with implementation of this measure.
Measure W-3 Meet or exceed the SB 1383 recycled organics products procurement requirements and sequester or avoid at least 0.018 MT CO_2e per person by through 2045.	**Consistent.** The City is the responsible party for implementing this measure. The proposed project would include compost and green waste disposal services through the City's contracts with Recology South Bay. The materials would be collected by the City garbage waste hauler. The proposed project would not conflict with implementation of this measure.
Measure WW-1 Reduce per capita water consumption 15 percent compared to 2019 levels by 2030 and maintain through 2040	**Consistent.** The proposed project would comply with SB X7-7, which requires California to achieve a 20 percent reduction in urban per capita water use by 2020 and would implement best management practices for water conservation to achieve the City's water conservation goals. As described in Chapter 3, *Project Description*, the project incorporates at least 90 percent of low-water use plants and drought resistant plant materials of similar water use grouped by hydrozones. All landscape zones would be irrigated as required by the Cupertino Landscape Ordinance, and water uses would be tailored to meet CALGreen Building Standards, which requires water conservation and requires new buildings to reduce water consumption by 20 percent. The proposed project would not conflict with implementation of this measure.
Measure CS-1 Increase carbon sequestration through tree planting by developing and implementing an Urban Forest Management Plan.	**Consistent.** The City is the responsible party for this measure. As described in Chapter 3, *Project Description*, of this Initial Study, the proposed project would increase landscaping on-site and increase in number of trees. This would increase tree canopy over the buildings and hardscaped areas, reducing energy needed to cool the buildings. The proposed project would include on-site bioretention facilities that would hold and treat stormwater before dispersal to the City's off-site storm drain infrastructure. Furthermore, the project will comply with the Santa

TABLE 4-3 CUPERTINO CLIMATE ACTION PLAN 2.0 CONSISTENCY MATRIX

Applicable Proposed Measure	Consistency
	Clara Valley Urban Runoff Pollution Prevention Program C.3 and CMC Chapter 9.18, *Stormwater Pollution Prevention and Watershed Protection*, to ensure ongoing compliance with the City's municipal storm water and urban runoff requirements. The proposed project would not conflict with implementation of this measure.

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

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

Applicable plans adopted for the purpose of reducing GHG emissions include the CARB Scoping Plan, *Plan Bay Area* 2050, and Cupertino's CAP 2.0. A consistency analysis with these plans is presented below.

CARB's Scoping Plan

CARB's *Climate Change Scoping Plan* (Scoping Plan) outlines the State's strategies to reduce GHG emissions in accordance with the targets established under Assembly Bill (AB) 32, Senate Bill (SB) 32, and Executive Order (EO) B-55-18. The Scoping Plan is applicable to State agencies and is not directly applicable to cities/counties and individual projects. Nonetheless, the Scoping Plan has been the primary tool that is used to develop performance-based and efficiency-based CEQA criteria and GHG reduction targets for climate action planning efforts. CARB recently released the 2022 Scoping Plan to address measures to achieve the State's carbon neutrality goals under EO B-55-18.

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

Statewide strategies to reduce GHG emissions include the low carbon fuel standards, California Appliance Energy Efficiency regulations, California Renewable Energy Portfolio standard, changes in the CAFE standards, and other early action measures as necessary to ensure the State is on target to achieve the GHG emissions reduction goals of AB 32, SB 32, and EO B-55-18. In addition, new buildings are required to comply with the current Building Energy Efficiency Standards and CALGreen. The proposed project would

comply with these GHG emissions reduction measures since they are statewide strategies. The project's GHG emissions would be reduced from compliance with statewide measures that have been adopted since AB 32, SB 32, and EO B-55-18 were adopted. Therefore, impacts would be *less than significant*.

Plan Bay Area

Plan Bay Area 2050, the Bay Area's Regional Transportation Plan (RTP)/Sustainable Community Strategy (SCS) that identifies the sustainable vision for the Bay Area. To achieve MTC's/ABAG's sustainable vision for the Bay Area, the *Plan Bay Area 2050* land use concept plan for the region concentrates the majority of new population and employment growth in the region in Priority Development Areas (PDAs). PDAs are transit-oriented, infill development opportunity areas within existing communities. An overarching goal of the regional plan is to concentrate development in areas where there are existing services and infrastructure rather than allocate new growth to outlying areas where substantial transportation investments would be necessary to achieve the per capita passenger vehicle, vehicle miles traveled, and associated GHG emissions reductions. While the project site is not located in a PDA, growth associated with the proposed project is consistent with ABAG projections and would not exceed regional population and employment projections. The proposed project is an infill development project that would result in an increase in land use intensity in a portion of the city that has access to existing infrastructure and services, including transit service. Therefore, the proposed project would not conflict with the land use concept plan for the City of Cupertino identified in the *Plan Bay Area* 2050 and the impact would be *less than significant*.

Cupertino Climate Action Plan 2.0

The Cupertino CAP 2.0 is a strategic planning document that identifies sources of GHG emissions within the City's boundaries, presents current and future emissions estimates, identifies a GHG reduction target for future years, and presents strategic goals, measures, and actions to reduce emissions from the energy, transportation and land use, water, solid waste, and green infrastructure sectors.[107] As described in criterion (a), the City Council adopted the CAP 2.0 in August 2022 and projects are considered consistent with the CAP 2.0 if they are consistent with the demographic forecasts, land use assumptions, and do not conflict with the required GHG reduction measures contained in the CAP 2.0.[108]

In compliance with CMC Section 17.04.050(C), *Greenhouse Gas Emissions and Energy Permit Requirements*, the project applicant must complete a consistency checklist with the City's CAP 2.0 for review and approval by the Cupertino Environment and Sustainability Department prior to issuance of the first permit. Project consistency with the adopted CAP 2.0 GHG reduction measures is shown in Table 4-3

[107] City of Cupertino, Climate Action Plan. 2015, January. https://www.cupertino.org/home/showpublisheddocument/9605/636280426123030000.

[108] Cupertino, City of. 2022, August. City of Cupertino, Climate Action Plan 2.0. https://ehq-production-us-california.s3.us-west-1.amazonaws.com/cdadb3883f5a1654849726840e2126f50853528f/original/1650496812/f48f9199c43776265542197d528e5cf7_CAP_2.0_Draft_April_2022.pdf?X-Amz-Algorithm=AWS4-HMAC-SHA256&X-Amz-Credential=AKIAIBJCUKKD4ZO4WUUA%2F20220616%2Fus-west-

presented in criteria (a). As shown in Table 4-3, the proposed project is consistent with the CAP 2.0 GHG reduction strategies and impacts would therefore be *less than significant*.

Development in Cupertino, including the proposed project, is required to adhere to City-adopted policy provisions, including those contained in the adopted CAP 2.0. The CMC Chapter 17.04, *Standard Environmental Protection Requirements,* ensures that the provisions of the Cupertino CAP 2.0 are incorporated into projects and permits as part of development review and through conditions of approval. There will also be a decrease in daily vehicle trips (51 fewer daily vehicle trips) from existing conditions that will reduce transportation related GHG emissions from the project. In addition, the proposed mixed-use building and townhomes would replace the older structures with more energy efficient structures that achieve the most current Building and Energy Efficiency Standards in order to decrease GHG emissions. The impacts under this criterion would be consistent with the conclusions in the General Plan EIR and remain *less than significant*. Note, the reduction in daily vehicle trips is a net benefit to the environment.

VIII. HAZARDS AND HAZARDOUS MATERIALS

Would the proposed project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant	No Impact
a) Create a significant hazard to the public or the environment through the routine transport, use or disposal of hazardous materials?	❒	❒	■	❒
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	❒	❒	■	❒
c) Emit hazardous emissions or handle hazardous materials, substances or waste within 0.25 miles of an existing or proposed school?	❒	❒	❒	■
d) Be located on a site which is included on a list of hazardous material sites compiled pursuant to Government Code Section 65962.5 and, as a result, create a significant hazard to the public or the environment?	❒	❒	❒	■
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, result in a safety hazard or excessive noise for people residing or working in the project area?	❒	❒	❒	■
f) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	❒	❒	■	❒
g) Expose people or structures, either directly or indirectly, to a significant risk of loss, injury, or death involving wildland fires?	❒	❒	❒	■

GENERAL PLAN EIR

Chapter 4.7, *Hazards and Hazardous Materials*, of the General Plan EIR, addressed the hazards- and hazardous materials-related impacts associated with buildout of the General Plan, including 125,000 square feet of commercial space and 275 residential units with a maximum height of 30 feet in the South De Anza Special Area at a program level. Impacts were found to be less than significant and less than significant with mitigation measures to ensure that development on sites with known hazardous contamination would be less than significant. General Plan EIR Mitigation Measures HAZ-4a and HAZ-4b are required to be implemented for sites with known contamination and potential residual contamination. As discussed in Chapter 4.7, the project site is not listed as a site with known contamination or potential residual contamination; therefore, the identified mitigation measures in the General Plan EIR do not apply to the proposed project. The following is a summary of Section, 4.7.1.2, *Existing Conditions*, of Chapter 4.7.

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

EXISTING CONDITIONS

The project site is within the Planned Development with General Commercial (P(CG, RES 5-15) zoning district, and is currently developed with one commercial building, as well as associated surface parking.

The term "hazardous material," as used in this Initial Study, includes all materials defined in the California Health and Safety Code Section 25501 definition of a hazardous material: "A material that, because of its quantity, concentration, or physical or chemical characteristics, poses a significant present or potential hazard to human health and safety or to the environment if released into the workplace or the environment."

Hazardous Materials

A Phase I Environmental Site Assessment (ESA), dated April 13, 2020, was prepared for the project site by Partner Engineering and Science, Inc,[109] which is included as Appendix D, *Phase I Environmental Site Assessment*, of this Initial Study. The Phase I ESA found that the earliest recorded development of the project site shows the site was occupied by an orchard until 1939. A single residence was added in 1948 and remained in place until between 1968 and 1974 when it was demolished and replaced with the

[109] Partner Engineering and Science, Inc., 2020. *Phase I Environmental Site Assessment Report, 1655 South De Anza Boulevard and 7357 Prospect Road, Cupertino, California 95014.* April 13.

surface parking lot on the southern portion of the site. The current commercial retail structure was developed in 1962, and tenants have included various commercial uses.[110]

Due to the orchard uses, agricultural chemicals (e.g., pesticides) and farm equipment may have been used or stored onsite. The subject property is either paved over or covered by structures that minimize direct contact to any remaining concentrations in the soil. Additionally, during previous site development activities, near surface soils were likely mixed with fill material or disturbed during grading, further reducing the potential for exposure to residual agricultural chemicals, if any.

A limited, visual evaluation of accessible areas for the presence of suspect asbestos-containing materials (ACMs) at the property was conducted. Suspect ACMs were identified to be in drywall systems, floor tiles, floor tile mastic, and spray-applied acoustical material throughout the building interior, and stucco throughout the building exterior. The Phase I ESA recommends a comprehensive asbestos survey to be completed to determine the presence, conditions, friability, and likely future condition of suspect or confirmed ACM. Based on the age of the subject property building, there is a potential that lead-based paint (LBP) is present. As described in the Phase I ESA, while the interior and exterior painted surfaces were observed in good condition and therefore not expected to represent a hazard, the condition of the paint should be monitored and maintained.

No evidence of hazardous substances and petroleum products used or stored at the site, aboveground and underground hazardous substance of petroleum product storage tanks (ASTs/USTs), releases, polychlorinated biphenyls (PCBs), strong pungent or noxious odors, pools of liquid, drains, sumps, and clarifiers, pits, ponds, and lagoons, stressed vegetation, nor additional potential environmental hazards were observed on the subject property during the site reconnaissance. The Phase I ESA did not identify any recognized environmental conditions (RECs), controlled recognized environmental conditions (CRECs), historical recognized environmental conditions (HRECs) or environmental uses during the course of the assessment. The following impact discussion are based in part on the information in this report.

Hazardous Materials Site

As shown in the General Plan EIR (see Table 4.7-2, *Hazardous Materials and LUST* [leaking underground storage tanks] and Figure 4.7-1, *Hazardous Material Sites*) the project site is not included on a list of hazardous materials sites complied pursuant to Government Code Section 65962.5. Furthermore, the project-specific Phase I ESA did not find documentation or physical evidence of soil, groundwater, or soil gas impairments associated with the use or past use of the project site.[111] In addition, a recent search of the Department of Toxic Substances Control EnviroStor Database, which is the data management system for tracking our cleanup, permitting, enforcement and investigation efforts at hazardous waste facilities

[110] Partner Engineering and Science, Inc., 2020. *Phase I Environmental Site Assessment Report, 1655 South De Anza Boulevard and 7357 Prospect Road, Cupertino, California 95014*, pages 6 and 7. April 13.

[111] Partner Engineering and Science, Inc., 2020. *Phase I Environmental Site Assessment Report, 1655 South De Anza Boulevard and 7357 Prospect Road, Cupertino, California 95014.* April 13.

and sites with known contamination or sites where there may be reasons to investigate further, did not include any hazardous materials sites on the project site.[112]

Sensitive Receptors

Under CEQA all schools (existing and future planned) within 0.25 miles (1,320 feet) of a hazardous materials have an increased sensitivity to environmental contaminants. Schools within approximately 0.25 miles (1,320 feet) of the project site include Growing Tree Learning Center approximately 0.05 miles (270 feet) to the southeast, Christian Righteousness Education Center approximately 0.09 miles (450 feet) to the southeast, De Anza Boulevard KinderCare preschool roughly 0.1 miles (500 feet) to the north, and Bright Horizons at Silicon Valley daycare roughly 0.2 miles (1,000 feet) to the northeast. There are no known proposed schools within 0.25 miles of the project site.

Airports

The nearest airports are San José International Airport roughly 7 miles to the northeast, and Palo Alto Airport, roughly 11 miles to the northwest. The nearest heliports are Santa Clara Towers Heliport, approximately 7 miles to the northeast, and Santa Clara Valley Medical Center Heliport, 5.5 miles to the east. The nearest private (military/corporate) airport is Moffett Federal Airfield, roughly 8 miles to the north.

DISCUSSION

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

Construction Impacts

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

Based on the analytical results from the Phase I ESA, none of the soils at the project site that are proposed to be excavated for off-site disposal contains elevated concentrations exceeding State of California or Federal hazardous waste levels. Therefore, soils removed from the site during excavation activities will

[112] California Department of Toxic Substances Control EnviroStor Database, https://www.envirostor.dtsc.ca.gov/public/map/?myaddress=1655+South+De+Anza+Boulevard, accessed December 21, 2021;

most likely be disposed of as unrestricted waste and no soil management plan or a health and safety plan excavated soils would be required at this time. Therefore, the impacts under this criterion would be *less than significant*.

Operational Impacts

The proposed project, a mixed-use development, is not a type of project that would involve the routine transport or disposing of hazardous materials. Project operation would involve the use of small amounts of hazardous materials for cleaning and maintenance purposes, such as cleansers, degreasers, pesticides, and fertilizers. These potentially hazardous materials would not be of a type or be present in sufficient quantities to pose a significant hazard to public health and safety or the environment. Furthermore, such substances would be used, transported, stored, and disposed of in accordance with applicable federal, State, and local laws, policies, and regulations. Any businesses that transport, generate, use, and/or dispose of hazardous materials in Cupertino are subject to existing hazardous materials regulations, such as those implemented by Santa Clara County Department of Environmental Health Hazardous Materials Compliance Division (HMCD), and hazardous materials permits from the Santa Clara Fire Department (SCCFD). The SCCFD also conducts inspections for fire safety and hazardous materials management of businesses and multi-family dwellings, in accordance with the City of Cupertino Hazardous Materials Storage Ordinance (CMC Chapter 9.12, *Hazardous Materials Storage*). Thus, associated impacts from the operational phase of the project would be *less than significant*.

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

As described under criterion (a) above, operation and construction of the proposed project would involve the storage and use of common cleaning substances, building maintenance products, paints, and solvents, as well as petroleum-based fuels for maintenance and construction equipment, and coatings used in construction. The existing building on the project site was developed in 1962; thus, the building may contain ACM and LBP because these materials were not regulated until the 1970s.

Construction Impacts

The Phase I ESA completed on April 13, 2020 recommends a comprehensive asbestos survey and the monitoring and maintenance of interior and exterior painted surfaces for LBP. An impact could occur if construction and operation of the proposed project creates conditions where hazardous materials could easily contaminate surrounding soil, water, or air. The most likely scenarios would be from the demolition of buildings containing ACM or from rainwater runoff spreading contaminated waste. Stormwater runoff is discussed in Section IX, *Hydrology and Water Quality*, of this Initial Study, and impacts were found to be less than significant. The removal of these types of hazardous materials would be conducted by contractors licensed to remove and handle these materials and in accordance with existing federal, State, and local regulations, including United States Environmental Protection Agency's National Emission Standards for Hazardous Air Pollutants (Code of Federal Regulation Part 61), Bay Area Air Quality

Management District's Regulation 11, Title 8 of the California Codes of Regulations, the Unified Program, and the City's General Plan Health and Safety Element Policy HS-6.1, and would ensure that risks associated with demolition and the transport, storage, use, and disposal of such materials would be reduced to the maximum extent practical. All spills or leakage of petroleum products during construction activities are required to be immediately contained, the hazardous material identified, and the material remediated in compliance with applicable State and local regulations. All contaminated waste would be required to be collected and disposed of at an appropriately licensed disposal or treatment facility. Furthermore, strict adherence to all emergency response plan requirements set forth by the Santa Clara County HMCD would be required through the duration of the construction of each individual development project. Consequently, associated impacts from the construction and demolition phases of the project would be *less than significant*.

Operation Impacts

The proposed project, a mixed-use development, is not considered the type of project that would create a hazardous materials threat to the users of the site or the surrounding land uses. The Santa Clara County HMCD is the Certified Unified Program Agency (CUPA) for Santa Clara County including the City of Cupertino and is responsible for enforcing Chapter 6.95 of the California Health and Safety Code. As the CUPA, Santa Clara County HMCD is required to regulate hazardous materials business plans (HMBP) and chemical inventories, hazardous waste and tiered permitting, underground storage tanks, and risk-management plans. The HMBP is required to contain basic information on the location, type, quantity, and health risks of hazardous materials stored, used, or disposed of on development sites. The HMBP also contains an emergency-response plan, which describes the procedures to mitigate hazardous release, procedures, and equipment to minimize potential damage of a hazardous materials release, and provisions for immediate notification of the Governor's Office of Emergency Services (Cal OES) and other emergency-response personnel, such as the SCCFD. Implementation of the emergency response plan facilitates rapid response in the event of an accidental spill or release to reduce potential adverse impacts. Furthermore, Santa Clara County HMCD is required to conduct ongoing routine inspections to ensure compliance with existing laws and regulations; to identify safety hazards that could cause or contribute to an accidental spill or release; and to suggest preventive measures to minimize the risk of a spill or release of hazardous substances. Compliance with these regulations would ensure that the risk of accidents and spills is minimized to the maximum extent practicable during the operation of the proposed project. Consequently, operational impacts would be *less than significant* under this criterion.

All spills or leakage of petroleum products during construction activities are required to be immediately contained, the hazardous material identified, and the material remediated in compliance with applicable State and local regulations. All contaminated waste would be required to be collected and disposed of at an appropriately licensed disposal or treatment facility. Furthermore, strict adherence to all emergency response plan requirements set forth by the Santa Clara County HMCD would be required through the duration of the construction of each individual development project. The Phase I ESA revealed visible evidence of ACM, and LBP may still be present on the project site due to the age of the project site properties and existing buildings. Removal of these types of hazardous materials would be conducted by contractors licensed to remove and handle these materials and in accordance with existing federal, State,

and local regulations, including United States Environmental Protection Agency's National Emission Standards for Hazardous Air Pollutants (Code of Federal Regulation Part 61), Bay Area Air Quality Management District's Regulation 11, Title 8 of the California Codes of Regulations, the Unified Program, and the City's General Plan Health and Safety Element Policy HS-6.1, and would ensure that risks associated with demolition and the transport, storage, use, and disposal of such materials would be reduced to the maximum extent practical. Consequently, associated impacts from demolition phase of the project would be *less than significant* under this criterion.

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

As describe in the Existing Conditions above, there are schools within approximately 0.25 miles (1,320 feet) of the project site. There are no known plans of a proposed school in this range. As discussed in criterion (a) and (b), the proposed project would not involve the storage, handling, or disposal of hazardous materials in sufficient quantities to pose a significant risk to the public. Thus, impacts related to hazardous emissions or hazardous material handling to schools or other sensitive receptors that are within 0.25 miles of the project site would be consistent with the conclusions in the General Plan EIR and remain *less than significant*.

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

d) *Would the proposed project be located on a site which is included on a list of hazardous material sites compiled pursuant to Government Code Section 65962.5 and, as a result, create a significant hazard to the public or the environment?*

As described in the Existing Conditions section above, the project site is not included on a list of hazardous materials sites complied pursuant to Government Code Section 65962.5. Therefore, *no impact* would occur under this criterion.

e) *For a project within an airport land use plan or, where such a plan has not been adopted, within 2 miles of a public airport or public use airport, would the proposed project result in a safety hazard or excessive noise for people living or working in the project area?*

As described in the Existing Conditions section above, the project site is not located within the boundaries of any airport land use plan or within 2 miles of a public airport or public-use airport. Therefore, *no impacts* would occur under this criterion.

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

The City of Cupertino Office of Emergency Services is responsible for coordinating agency response to disasters or other large-scale emergencies in the City of Cupertino with assistance from the Santa Clara County Office of Emergency Services and the SCCFD. The Cupertino Emergency Operations Plan (EOP)[113] establishes policy direction for emergency planning, mitigation, response, and recovery activities within the city. The Cupertino EOP addresses interagency coordination, procedures to maintain communications with County and State emergency response teams, and methods to assess the extent of damage and management of volunteers.

The proposed project would not block roads and would not impede emergency access to surrounding properties or neighborhoods. As described in the project description section above, emergency vehicle access would be provided via the two-lane entrance/exit circulation pattern with access points at South De Anza Boulevard and Prospect Road.

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

The proposed project would not interfere with an adopted emergency response plan, or emergency evacuation plan; therefore, impacts would be *less than significant* under this criterion.

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

The project site is fully developed and is surrounded by built-out urban uses. As described in Section 4.1.3, *Wildfire and Wildfire Hazards*, the project site is not in or near a very high fire hazard severity zone or WUI area. Because the project is located outside of a designated fire hazard area or WUI, the proposed project would not subject people or structures to wildfire hazards and impacts would be *less than significant*.

[113] City of Cupertino, Office of Emergency Services, adopted June 18, 2019. *Emergency Operations Plan, Base Plan.*

IX. HYDROLOGY AND WATER QUALITY

Would the proposed project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant	No Impact
a) Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?	❒	❒	■	❒
b) Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?	❒	❒	■	❒
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would: i) Result in substantial erosion or siltation on- or off-site; ii) Substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site; iii) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or iv) Impede or redirect flood flows?	❒	❒	■	❒
d) In a flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?	❒	❒	❒	■
e) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?	❒	❒	■	❒

GENERAL PLAN EIR

Chapter 4.8, *Hydrology and Water Quality*, of the General Plan EIR, addressed the hydrology- and water quality-related impacts associated with buildout of the General Plan, including 125,000 square feet of commercial space and 275 residential units with a maximum height of 30 feet in the South De Anza Special Area at a program level. Impacts were found to be less than significant, and no mitigation measures were required. The following is a summary of Section, 4.8.1.2, *Existing Conditions*, of Chapter 4.8.

EXISTING CONDITIONS

The project site lies within the Calabazas Creek watershed. No creeks are present on the project site. In addition to the natural drainage system, a network of storm drains collects runoff from City streets and carries it to the creeks and San Francisco Bay.

The City of Cupertino Department of Public Works is responsible for the design, construction, and maintenance of City-owned facilities including public streets, sidewalks, curb, gutter, storm drains. The capacity of the storm drain facilities within the City of Cupertino were evaluated and documented in the

2018 Storm Drain Master Plan, which identifies the areas within the system that do not have the capacity to handle runoff during the 10-year storm event, which is the City's design standard. The project site is located in an area where the storm drains are potentially deficient (De Anza South) in conveying a 10-year storm. The storm drains beneath South De Anza Boulevard, near the intersection of Duckett Way, are currently under capacity and designated as low priority for replacement.[114]

The project site lies within the Santa Clara Subbasin of the Santa Clara Valley Groundwater Basin, as does the entire city. In 2019, approximately 37 percent of the water used in Santa Clara County was pumped from groundwater.[115] The rest of the water used in the county is purchased from the Santa Clara Valley Water District (SCVWD), which receives surface water from the State Water Project and the Central Valley Project. Additional details on water usage and local water purveyors are provided in Section XVII, *Utilities and Service Systems,* of this Initial Study.

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

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

The project site is not located in a FEMA-designated 100-year floodplain or Special Flood Hazard Area. The project site is not within a dam inundation zone. The city of Cupertino is more than 8 miles south of San Francisco Bay and is more than 100 feet above mean sea level, which places the city at a distance that is considered too far to be affected by a tsunami.[118] There are no large bodies of water within the city of Cupertino or near the project site.

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

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

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

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

[118] Association of Bay Area Governments, March 2020. Hazard Viewer, https://abag.ca.gov/our-work/resilience/data-research/hazard-viewer, accessed December 21, 2021.

DISCUSSION

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

Because the project would disturb one or more acres during construction, the project applicant would be required to comply with the NPDES Permit and submit Permit Registration Documents to the California State Water Resources Control Board prior to the start of construction. The Permit Registration Documents include a Notice of Intent (NOI) and a site-specific construction SWPPP. The SWPPP describes the incorporation of BMPs to control sedimentation, erosion, and hazardous materials contamination of runoff during construction. New requirements by the State Water Resources Control Board would also require the project applicant to prepare a construction SWPPP that includes post-construction treatment measures aimed at minimizing stormwater runoff. With implementation of these measures, water quality impacts during construction would be *less than significant*.

In addition, all new development or redevelopment projects that create and/or replace 10,000 square feet or more of impervious surfaces would be required to incorporate source control, site design, and stormwater treatment measures into the project, pursuant to the Santa Clara Valley Urban Runoff Pollution Prevention Program (SCVURPPP) C.3 requirements. The requirements include minimization of impervious surfaces, measures to detain or infiltrate runoff from peak flows to match pre-development conditions, and agreements to ensure that the stormwater treatment and flow control facilities are maintained in perpetuity. The proposed project would provide Silva cells and flow-through planters to address stormwater treatment throughout the project site. The proposed project would also provide self-treating pervious pavements to further reduce impervious surfaces on the project site. Implementation of these measures and compliance with the C.3 requirements of the MRP would ensure that post-development impacts to water quality would be *less than significant.*

Adherence to applicable water quality regulations, preparation of a SWPPP, implementation of best management practices during construction, and compliance with the CMC would ensure that water quality standards are not violated during construction. Implementation of stormwater site design, source control, and stormwater treatment measures and compliance with C.3 provisions of the MRP and the City of Cupertino's stormwater requirements would result in less-than-significant impacts during operation of the project. Consequently, potential impacts associated with water quality during construction and operation would be *less than significant*.

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

The project would be connected to municipal water supplies and does not propose any groundwater wells on the property. The project site is supplied water by the San José Water Company, which obtains its water from groundwater production (40 percent), purchases of surface water from the SCVWD (50

percent), and local mountain surface water (10 percent).[119] The 2020 *Urban Water Management Plan* for the SCVWD, which includes the area for the project site, states that there is sufficient water for SCVWD customers for normal, single-dry, and multiple-dry years until 2045. The SCVWD identifies actions within the water shortage contingency plan that would ensure water demand is met through 2045.[120] Therefore, the project would not result in a depletion of groundwater supplies or result in a lowering of groundwater levels. Water supply is discussed in Section XVII, *Utilities and Service Systems*, below. Furthermore, due to the project's location, the development of the proposed project would not interfere with groundwater recharge that takes place in the McClellan Ponds recharge facility located within the City of Cupertino or the creeks and streams that run through the city. Therefore, the project would have a *less-than-significant* impact with respect to groundwater recharge.

The proposed project would be located on a site that is already developed and currently has a high percentage of impervious surfaces. The project would install pervious pavements and Silva cells,, which would contribute to groundwater recharge by infiltration. The use of site design features required by provision C.3 of the Municipal Regional Permit (MRP) and compliance with the City of Cupertino General Plan policies would reduce the impact of increased impervious surfaces on groundwater recharge. Therefore, the proposed project would have a *less-than-significant* impact on groundwater supplies and groundwater recharge, and no mitigation measures are needed.

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

The project site is currently developed with a commercial building. Stormwater from the site discharges to curb-thru drains and sheet flows to the City's storm drain system in South De Anza Boulevard. The proposed project would not involve the alteration of any natural drainage channels or any watercourse.

As described in the 2018 Storm Drain Master Plan, the project site is located in an area where the storm drains are potentially deficient in conveying the water from a 10-year storm. The lines on South De Anza Boulevard, near the intersection of Duckett Way are currently under capacity and designated as low priority for replacement.[121] However, the proposed project would not exacerbate this existing condition. The proposed project would provide on-site stormwater treatment facilities that would hold and treat stormwater before it is released by curb-thru drains and sheet flows into the City's off-site storm drain infrastructure.

[119] San José Water Company, For Your Information, Education and Safety, Water Supply, https://www.sjwater.com/for_your_information/education_safety/water_supply, accessed December 21, 2021.

[120] Santa Clara Valley Water District, June 2021. *2020 Urban Water Management Plan.*

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

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

During construction, project applicants are subject to the NPDES construction permit requirements, including preparation of a SWPPP. The SWPPP includes erosion and sediment control measures to stabilize the site, protect slopes and channels, control the perimeter of the site, minimize the area and duration of exposed soils, and protect receiving waters adjacent to the site. Once constructed, the requirements for new development or redevelopment projects include source control measures and site design measures that address stormwater runoff and would reduce the potential for erosion or siltation. In addition, Provision C.3 of the MRP would require the project to implement stormwater treatment measures to contain site runoff, using specific numeric sizing criteria based on volume and flow rate.

With implementation of these erosion and sediment control measures and regulatory provisions to limit runoff for new development sites, the proposed project would not result in significant increases in erosion and sedimentation or contribute to flooding on-site or off-site. Therefore, the impacts would be *less than significant*.

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

As discussed above, the project site is not located in close proximity to San Francisco Bay of the Pacific Ocean, and is not within a mapped tsunami inundation zone. There are no large bodies of water in the vicinity of the project site, therefore there would be no potential for seiches to impact the project site. The project site is also outside of the Stevens Creek Reservoir dam inundation zone.[122] In addition, the site is in a relatively flat area of the city and is outside of the ABAG mapped zones for earthquake-induced landslides or debris flow source areas.[123] Therefore, *no impact* would occur under this criterion.

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

The project site is not within the purview of a sustainable groundwater management plan. The San Francisco Bay RWQCB monitors surface water quality through implementation of the Water Quality Control Plan for the San Francisco Bay Basin, also referred to as the "Basin Plan" and designates beneficial uses for surface water bodies and groundwater within the Santa Clara Valley. The Basin Plan also contains water quality criteria for groundwater.

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

[123] Association of Bay Area Governments, March 2020. Hazard Viewer, https://abag.ca.gov/our-work/resilience/data-research/hazard-viewer, accessed December 21, 2021.

As required by stormwater management guidelines discussed under criterion (a), BMPs and low impact development measures would be implemented across the project site during both construction and operation of the proposed project. These measures would control and prevent the release of sediment, debris, and other pollutants into the storm drain system. Implementation of best management practices during construction would be in accordance with the provisions of the SWPPP, which would minimize the release of sediment, soil, and other pollutants. Operational best management practices would be required to meet the C.3 provisions of the MRP. These best management practices include the incorporation of site design, source control, and treatment control measures to treat and control runoff before it enters the storm drain system. The proposed treatment measures would include the use of Silva cells and flow-through planters to treat and detain runoff prior to discharge to the City's storm drain system. In addition, as discussed in criterion (b), the project would be connected to municipal water supplies and does not propose any groundwater wells on the property. The depth of groundwater is estimated to be 38 to 61 feet below ground surface and the proposed project would not disturb groundwater during construction.[124] With implementation of these best management practices and low impact development measures in accordance with City and MRP requirements, the potential impact on water quality would be *less than significant*. Accordingly, the proposed project would not conflict with or obstruct the implementation of the Basin Plan.

X. LAND USE AND PLANNING

Would the proposed project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant	No Impact
a) Physically divide an established community?	❒	❒	❒	■
b) Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?	❒	❒	■	❒

GENERAL PLAN EIR

Chapter 4.9, *Land Use and Planning*, of the General Plan EIR, addressed impacts to land use and planning associated with buildout of the General Plan, including 125,000 square feet of commercial space and 275 residential units with a maximum height of 30 feet in the South De Anza Special Area at a program level. Impacts were determined to be less than significant, and no mitigation measures were required. The following is a summary of Section, 4.9.1.2, *Existing Conditions*, of Chapter 4.9.

[124] Partner Engineering and Science, Inc., April 13, 2020. *Phase I Environmental Site Assessment Report, 1655 South De Anza Boulevard and 7357 Prospect Road, Cupertino, California 95014.*

EXISTING CONDITIONS

The General Plan land use designation for the project site is Commercial/Office/Residential and the project site is within the General Commercial with Residential (P(CG, RES 5-15) zoning district. A complete description of the General Plan land use designation and zoning district is presented in Section 3.1.4, *Land Use and Zoning Designations*, of this Initial Study.

DISCUSSION

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

Because the development of the proposed project would occur on a site that is currently developed, would retain existing roadway patterns, and would not introduce any new major roadways or other physical features through existing residential neighborhoods or other communities that would create new barriers, the project would not physically divide an established community. Therefore, *no impact* would occur.

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

The proposed project does not include a request for amendments to the existing General Plan land use designation or zoning district. The proposed project would continue the existing development pattern of the city by demolishing the existing commercial building and constructing a mixed-use building with commercial and residential space, and townhomes. As described in Section 3.1.5, *Cupertino Municipal Code Requirements*, under the subheading "Density Bonus Standards," the proposed project would include the incorporation of below market rate units, and is therefore entitled to increase the proposed height and number of housing units consistent with the State's density bonus law and the City's density bonus ordinance. Section 3.2.1, *Proposed Buildings*, describes the proposed density bonus elements of the proposed project. As described in Section VIII, *Hazards and Hazardous Materials*, the project is not within an airport land use plan, and no impact associated with hazards due to the additional height would occur. Furthermore, the proposed project would be consistent with the types of development envisioned in the General Plan and more specifically, the South De Anza Special Area. Therefore, impacts would be *less than significant.*

XI. NOISE

Would the proposed project result in:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant	No Impact
a) Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or in other applicable local, state, or federal standards?	❒	■	❒	❒
b) Generation of excessive groundborne vibration or groundborne noise levels?	❒	■	❒	❒
c) For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within 2 miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	❒	❒	❒	■

GENERAL PLAN EIR

Chapter 4.10, *Noise*, of the General Plan EIR addressed the impacts from noise and vibration associated with buildout of the General Plan, including 125,000 square feet of commercial space and 275 residential units with a maximum height of 30 feet in the South De Anza Special Area at a program level. Noise impacts were found to be significant and unavoidable in the General Plan EIR because the project-specific details for future development were not available. No feasible mitigation measures were identified to reduce noise impacts to a less-than-significant level and project-specific noise evaluation is required to assess noise impacts from the proposed demolition and construction of the site.

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

EXISTING CONDITIONS

Noise is defined as unwanted sound and is known to have several adverse effects on people, including hearing loss, speech and sleep interference, physiological responses, and annoyance. Based on these known adverse effects of noise, the federal government, State of California, and City of Cupertino have established criteria to protect public health and safety and to prevent disruption of certain human activities. Noise terminology and fundamentals, pertinent existing local regulations, and construction noise modeling can be found in Appendix E, *Noise Data*, of this Initial Study.

The nearest sensitive receptors to the project site are the adjacent single-family residences to the west where the project shares a property line. Additional residences are located approximately 0.02 miles (100 feet) across Prospect Road to the south. Furthermore, the Growing Tree Learning Center approximately 0.05 miles (270 feet) to the southeast, Christian Righteousness Education Center approximately 0.09 miles (450 feet) to the southeast, De Anza Boulevard KinderCare preschool roughly 0.1 miles (500 feet) to the north, and Bright Horizons at Silicon Valley daycare roughly 0.2 miles (1,000 feet) to the northeast. The principal noise source in the project area is roadway traffic on Prospect Road and South De Anza Boulevard.

The nearest airports are San José International Airport roughly 7 miles to the northeast, and Palo Alto Airport, roughly 11 miles to the northwest. The nearest heliports are Santa Clara Towers Heliport, approximately 7 miles to the northeast, and Santa Clara Valley Medical Center Heliport, 5.5 miles to the east. The nearest private (military/corporate) airport is Moffett Federal Airfield, roughly 8 miles to the north.

The noise environment in the project area is within the 60 to 70 dBA CNEL noise contours based on the noise contour map in the General Plan Health and Safety Element (Attachment D, *Community Noise*, of Appendix E, *Noise Data*, of this Initial Study), with ambient noise levels decreasing at further distance from South De Anza Boulevard. It is important to note that with the Supreme Court decision regarding the assessment of the environment's impacts on a project (*California Building Industry Association (CBIA) v. Bay Area Air Quality Management District (BAAQMD)*, 62 Cal. 4th 369 (No. S 213478) issued December 17, 2015), it is generally no longer the purview of the CEQA process to evaluate the impact of existing environmental conditions on any given project. As a result, while the noise from existing sources is taken into account as part of the baseline, the direct effects of existing outside (exterior) noise from nearby noise sources as it relates to land use compatibility of the project is no longer a required topic for impact evaluation under CEQA. No determination of significance is required or made in this Initial Study.

DISCUSSION

a) Would the proposed project result in generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or in other applicable local, state, or federal standards?

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

With respect to permanent traffic-related increases, noise impacts can be placed into three categories. The first is "audible" impacts, which refer to increases in noise level that are perceptible to humans. Audible increases in general community noise levels generally refer to a change of 3 decibels (dBA) or more since this level has been found to be the threshold of perceptibility in exterior environments. The second category, "potentially audible" impacts, refers to a change in noise level between 1 and 3 dBA. The last category includes changes in noise level of less than 1 dBA that are typically "inaudible" to the human ear except under quiet conditions in controlled environments. Only "audible" changes in noise levels at sensitive receptor locations (i.e., 3 dBA or more) are considered potentially significant. Note that a

doubling of traffic flows (i.e., 10,000 vehicles per day to 20,000 per day) would be needed to create a 3 dBA increase in traffic-generated noise levels. For the purposes of this analysis, an increase of 3 dBA CNEL is used as the threshold for a substantial increase.

Project-Related Construction Noise

In terms of the proposed construction activities, the building construction (and utility trenching leading in to building construction) phase is expected to generate the highest noise levels, since it involves the largest and most powerful equipment. Construction equipment for the proposed project would include equipment such as cranes, generators, tractors, loaders, and rollers. Two types of short-term noise impacts could occur during construction: (1) mobile-source noise from the transport of workers, material deliveries, and debris/soil hauling and (2) stationary-source noise from use of construction equipment. Construction activities are anticipated to last approximately 16 months. The following discusses construction noise impacts to the off-site sensitive receptors.

Construction Vehicles

The transport of workers and materials to and from the construction site would incrementally increase noise levels along local roadways. Individual construction vehicle pass-bys may create momentary noise levels of up to approximately 85 dBA (L_{max}) at 50 feet from the vehicle, but these occurrences would generally be infrequent and short lived. Therefore, noise impacts from construction-related truck traffic would be *less than significant* at noise-sensitive receptors along the construction routes and no mitigation measures would be required.

Construction Equipment

According to CMC Section 10.48.053, *Grading, Construction and Demolition,* construction is allowed during "daytime hours" (7:00 a.m. to 8:00 p.m. Monday through Friday, and 9:00 a.m. to 6:00 p.m. on weekends) and exempt from the City's daytime and nighttime maximum noise level limits, provided that such construction activities do not exceed 80 dBA at the nearest affected property or individual equipment items do not exceed 87 dBA at 25 feet. Only one of these two criteria must be met. In addition, construction is prohibited on holidays and within 750 feet of residential areas on weekends, holidays, and during the nighttime, unless a special exception has been granted, and during nighttime hours unless it meets the nighttime noise level standards. Even with these restrictions, project construction would temporarily increase ambient noise. However, noise levels would subside again after construction is completed.

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

The noise produced at each construction stage is determined by combining the contributions from each piece of equipment used at a given time, while accounting for the on-going time-variations of noise emissions (commonly referred to as the usage factor) to determine the L_{10} and L_{eq} noise levels.[125] Heavy equipment, such as a bulldozer, can have maximum, short-duration noise levels of up to 85 dBA at 50 feet. However, overall noise emissions vary considerably, depending on what specific activity is being performed at any given moment. Noise attenuation due to distance, the number and type of equipment, and the load and power requirements to accomplish tasks at each construction phase would result in different noise levels from construction activities at a given receptor. Since noise from construction equipment is intermittent and diminishes at a rate of at least 6 dBA per doubling of distance (conservatively ignoring other attenuation effects from air absorption, ground effects, and/or shielding/scattering effects), the average noise levels at noise-sensitive receptors could vary considerably, because mobile construction equipment would move around the site with different loads and power requirements. Noise levels from project-related construction activities were calculated from the simultaneous use of all applicable construction equipment at spatially averaged distances (i.e., from the acoustical center of the general construction site or phase) to the property line of the nearest receptors. Although construction may occur across the entire phase area, the center of construction activities best represents the potential construction-related noise levels from multiple pieces of equipment at the various sensitive receptors. This is represented by the center of the entire construction site for activities such as paving, demolition, and grading, which are expected to take place across the entire site. Other activities, such as building construction are expected to occur in a focused area of the construction site. Distances for these activities were measured from the nearest sensitive receptor to the nearest phase of potential focused construction activity.

The expected construction equipment mix was estimated and categorized by construction activity and the three loudest equipment per activity phase using the Federal Highway Administration Roadway Construction Noise Model (RCNM). The associated, aggregate noise levels, grouped by construction activity, are summarized in Table 4-4, *Project-Related Construction Noise, L_{10} Noise Levels, dBA* and Table 4-5, *Project-Related Construction Noise, Energy-Average (L_{eq}) Noise Levels, dBA*.

[125] The L_{eq} is the energy average noise levels and the L_{10} is the noise level exceeded 10 percent of the time. The CMC defines "sound level" as the "maximum continuous or repeated peak value," which is interpreted to be the L_{10} for the purposes of this analysis. L_{eq} noise levels are provided for informational purposes.

TABLE 4-4 PROJECT-RELATED CONSTRUCTION NOISE, L_{10} NOISE LEVELS, DBA

Construction Activity Phase	Noise Level at the Nearest Receptors		
	Residences (west) [a]	Residences (south) [b]	KinderCare [c]
Demolition	78	76	68
Site Preparation and Rough Grading	73	71	63
Utility Trenching and Fine Grading	73	71	63
Utility Trenching and Building Construction	**84**	78	63
Building Construction	**84**	78	63
Paving	78	76	68
Architectural Coating	78	72	57

Notes: **Bold** = would be greater than the 80 dBA limit in CMC Section 10.48.053.
a. Approximately 50 feet or less from the center of construction for utility trenching and building construction, building construction, and architectural coating; and approximately 200 feet from the center of paving, grading, and asphalt demolition activities.
b. Approximately 100 feet from the center of construction for utility trenching and building construction, building construction, and architectural coating; and approximately 250 feet from the center of construction.
c. Approximately 565 feet from the center of construction for utility trenching and building construction, building construction, and architectural coating; and approximately 600 feet from the center of construction.
Values rounded to the nearest whole number.
Source: PlaceWorks, 2022.

TABLE 4-5 PROJECT-RELATED CONSTRUCTION NOISE, ENERGY-AVERAGE (L_{EQ}) NOISE LEVELS, DBA

Construction Activity Phase	Noise Level at the Nearest Receptors		
	Residences (west) [a]	Residences (south) [b]	KinderCare [c]
Demolition	73	71	63
Site Preparation and Rough Grading	73	71	63
Utility Trenching and Fine Grading	73	71	63
Utility Trenching and Building Construction	**83**	77	62
Building Construction	**83**	77	62
Paving	72	70	62
Architectural Coating	74	68	53

Notes: **Bold** = would be greater than the 80 dBA limit in CMC Section 10.48.053.
a. Approximately 50 feet or less from the center of construction for utility trenching and building construction, building construction, and architectural coating; and approximately 200 feet from the center of paving, grading, and asphalt demolition activities.
b. Approximately 100 feet from the center of construction for utility trenching and building construction, building construction, and architectural coating; and approximately 250 feet from the center of construction.
c. Approximately 565 feet from the center of construction for utility trenching and building construction, building construction, and architectural coating; and approximately 600 feet from the center of construction.
Values rounded to the nearest whole number.
Source: PlaceWorks, 2022.

As shown in Tables 4-6 and 4-7, construction activities would increase noise levels at and near the proposed project. Construction-related noise levels would be up to 84 dBA L_{10} and 83 dBA L_{eq} at the nearest residences to the west during construction, which would be greater than the 80 dBA limit in CMC Section 10.48.053. Construction noise levels at receptors further away are estimated to be less than 80 dBA. While construction noise levels would create a substantial temporary increase in ambient noise levels in the vicinity of the project in excess of the allowable noise limit, the proposed project would be required to comply with CMC Section 17.04.050(G)(2), *Manage Noise During Construction,* which requires

the applicant and contractor to submit a Construction Noise Control Plan to the City's Planning Department for review and approval prior to issuance of the first permit. The Construction Noise Control Plan would demonstrate compliance with daytime and nighttime decibel limits based on the type of construction equipment, distance of construction activities from sensitive receptors, site terrain, and other features on and surrounding the site (e.g., trees, built environment) and may include, but not be limited to, temporary construction noise attenuation walls, high quality mufflers. For example, a temporary sound barrier such as a minimum height of 12 feet that is free of gaps and holes with materials such as (a) a 0.75-inch-thick plywood wall or (b) a hanging blanket/curtain with a surface density or at least 2 pounds per square foot between the construction zone on the project site and the adjacent residences along the entirety of the project site boundary to the west would ensure the construction noise levels would not exceed the 80 dBA limit in CMC Section 10.48.053. Additional requirements of CMC Section 17.04.050(G)(2) include selecting haul routes that avoid the greatest amount of sensitive uses, posting signs that reinforce the prohibition of unnecessary engine idling, and the use of noise producing signals only for safety warning purposes. Furthermore, 10 days prior to the start of ground disturbing activities, the project applicant would be required to send out notices to off-site businesses within 500 feet of the project site. Accordingly, compliance with the CMC Section 17.04.050(G)(2), construction noise impacts would be less than significant with

Impact NOISE-1a: The proposed project could result in the generation of a substantial temporary increase in ambient noise levels at the residences to the west of the project site where the project shares a property line during the construction phase that would be in excess of standards established in the City of Cupertino Municipal Code.

> Mitigation Measure NOISE-1a: The project applicant shall identify in the Construction Noise Control Plan required pursuant to Cupertino Municipal Code Section 17.04.050(G)(2), *Manage Noise During Construction,* that a temporary sound barrier between the construction zone on the project site and the adjacent residences along the entirety of the project site boundary to the west with a minimum height of 12 feet and free of gaps and holes made of either a (a) 0.75-inch-thick plywood wall or (b) hanging blanket/curtain with a surface density or at least 2 pounds per square foot, would be installed to reduce construction noise levels to meet the 80 dBA limit in CMC Section 10.48.053.

Project-Related Operational Noise

Stationary-Source Noise

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

Common space areas are approximately 35 feet, as measured from the center, from the adjacent single-family property line to the west. A typical conversation between two people 3 feet apart is 60 dBA.[126] At a distance of 35 feet, noise levels would attenuate to approximately 39 dBA. Noise from typical use of the open space area would result in noise levels less than the CMC Section 10.48.040, *Daytime and Nighttime Maximum Noise Levels*, 50 dBA limit. Therefore, impacts from the proposed common outdoor use area would be *less than significant*.

The proposed townhomes are anticipated to have mechanical HVAC equipment on the ground next to units or on the on the rooftop. The exterior mechanical and HVAC equipment associated with the proposed townhomes are expected to be similar to the existing commercial uses or quieter. The proposed mixed-use building would also have mechanical HVAC equipment on the rooftop, which is expected to be similar to or quieter than HVAC equipment at existing commercial uses on site. Because mechanical specifications for these proposed units are not yet available, it is conservatively assumed that noise from these units would be up to 75 dBA L_{eq} at a distance of 3 feet and that they could be located within approximately 15 feet from the nearest residential property lines to the west. At this distance, the sound pressure level associated with a common HVAC unit would be approximately 61 dBA. Therefore, the noise level associated with HVAC in the backyards of the future residential units could exceed the CMC Section 10.48.040 standards, which limit nighttime noise to 50 dBA at nearby residential uses. Therefore, this impact would be potentially significant. With implementation of Mitigation Measure NOISE-2, project-related operational noise impacts would be *less than significant*.

Impact NOISE-1b: The proposed project could result in the generation of a substantial permanent increase in ambient noise levels in the vicinity of the project during the operation phase that could be in excess of standards established in the City of Cupertino Municipal Code.

Mitigation Measure NOISE-1b: Prior to issuance of building permits, the mechanical equipment and heating, ventilation, and air conditioning (HVAC) equipment shall be selected and designed to reduce impacts on surrounding uses to meet the Cupertino Municipal Code noise limits of 60 dBA and 50 dBA at residential uses during daytime and nighttime, respectively, and 65 dBA and 55 dBA at non-residential sensitive uses during daytime and nighttime, respectively. A qualified acoustical consultant shall be retained by the project applicant to review mechanical noise as these systems are selected to determine specific noise reduction measures necessary to reduce noise to comply with the City's noise level requirements. Mechanical equipment shall be selected and designed to reduce impacts on surrounding uses to meet the City's noise level requirements. Noise reduction measures could include, but are not limited to:

- Selection of equipment that emits low noise levels;
- Installation of noise dampening techniques, such as enclosures and parapet walls, to block the line-of-sight between the noise source and the nearest receptors; or
- Locating equipment in less noise-sensitive areas, where feasible.

[126] *Engineering ToolBox, 2005. Voice Level at Distance. Accessed June 19, 2020. https://www.engineeringtoolbox.com/voice-level-d_938.html*

Mobile-Source Noise

The proposed project is anticipated to result in a reduction of 51 average daily weekday vehicle trips when compared to existing vehicle trips associated with the existing commercial uses. According to the Santa Clara County traffic counts website, average daily traffic (ADT) on South De Anza Boulevard north of Prospect Road is 29,400 vehicle trips.[127] Along Prospect Road west of South De Anza Boulevard, ADT is 13,620 vehicle trips. The most recent counts are from 2014, which is conservative to use as a baseline in that traffic volumes are expected to be higher now. The reduction of 51 average daily weekday vehicle trips would be a net benefit when compared to existing traffic volumes on the surrounding roadway network. Therefore, traffic noise impacts would be *less than significant.*

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

Operational Vibration

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

Construction Vibration

Construction activities generate varying degrees of ground vibration, depending on the construction procedures, construction equipment used, and proximity to vibration-sensitive uses. The generation of vibration can range from no perceptible effects at the lowest vibration levels, to low rumbling sounds and perceptible vibrations at moderate levels, to slight damage at the highest levels. Table 4-6, *Construction Equipment Vibration Levels*, lists reference vibration levels for different types of commonly used construction equipment.

TABLE 4-6 CONSTRUCTION EQUIPMENT VIBRATION LEVELS

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

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

[127] Santa Clara County traffic counts. Available online: https://www.arcgis.com/apps/mapviewer/index.html?layers=709ef12897bc42aa8e3d87f4505641c0. Accessed April 25, 2022.

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

The City does not have specific, vibration-related standards. Thus, project-related construction vibration was evaluated for its potential to cause minor architectural damage based on FTA's architectural damage criteria. The term 'architectural damage' is defined as minor surface cracks (in plaster, drywall, tile, or stucco) or the sticking of doors and windows. This is below the severity of 'structural damage' which entails the compromising of structural soundness or the threatening the basic integrity of the building shell. Building damage is typically not a concern for most projects, with the occasional exception of blasting and pile driving during construction. No blasting, pile driving, or hard rock ripping/crushing activities would be required during project construction. Since vibration-induced architectural damage could result from an instantaneous vibration event, distances are measured from the receptor facade to the nearest location of potential construction activities.

A peak particle velocity (PPV) of 0.2 inches/second (in/sec) is used as the threshold for "non-engineered timber and masonry buildings" (which would apply to the surrounding structures).[128] If grading equipment such as a large dozer operates within approximately 15 feet of a nearby residential or commercial structure, the 0.2 in/sec PPV threshold may be exceeded. Proposed grading would be as close as 25 feet from the commercial uses to the south and 30 feet from the residences to the west. At this distance, the 0.2 in/sec PPV threshold would not be exceeded. Proposed driveways would be paved within approximately 100 feet of nearby residential structures. At this distance, construction vibration would attenuate to 0.026 in/sec PPV or less, which would not exceed the 0.2 in/sec PPV threshold if vibratory rollers are used for paving. The nearest off-site commercial building is approximately 25 feet south of the proposed parking lot, which would generate vibration levels of up to 0.21 in/sec PPV. This would exceed the 0.2 in/sec PPV threshold for vibratory rollers used for paving. This is considered a potentially significant impact. With implementation of Mitigation Measure NOISE-2, project-related construction vibration impacts to the adjacent commercial uses to the south would be *less than significant*.

Impact NOISE-2: The proposed project could result in the generation of excessive groundborne vibration in the vicinity of the project during the construction phase that would be in excess of established thresholds.

> Mitigation Measure NOISE-2: If paving activity during construction is required within 25 feet of nearby structures, the use of a static roller in lieu of a vibratory roller shall be employed. This mitigation measure shall be identified on the permit application drawing set and as part of the construction drawing set, and shall be implemented by the on-site Construction Manager.

[128] Federal Transit Administration (FTA), *Transit Noise and Vibration Impact Assessment*, 2018.

c) For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within 2 miles of a public airport or public use airport, would the proposed project expose people residing or working in the project area to excessive noise levels?

As discussed above, the proposed project is not located within an airport land use plan or within 2 miles of an airport. The project would not expose people residing or working in the project area to excessive aircraft noise levels. There would be *no impact*.

XII. POPULATION AND HOUSING

Would the proposed project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant	No Impact
a) Induce substantial unplanned population growth or growth for which inadequate planning has occurred, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	❒	❒	■	❒
b) Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?	❒	❒	❒	■

GENERAL PLAN EIR

Chapter 4.11, *Population and Housing*, of the General Plan EIR, addressed the impacts to population growth and displacement associated with buildout of the General Plan including 125,000 square feet of commercial space and 275 residential units with a maximum height of 30 feet in the South De Anza Special Area at a program level. Impacts were determined to be less than significant, and no mitigation measures were required.

As discussed in the General Plan EIR, the General Plan would introduce approximately 12,998 new residents[129] and 16,855 new jobs[130] to Cupertino. These new residents and jobs combined with existing conditions would result in 71,200 residents, 24,040 households, and 33,110 jobs at the 2040 buildout horizon.[131] The proposed project is anticipated to be complete in 2024. As discussed in the General Plan EIR, according to the Association of Bay Area Governments (ABAG), Cupertino is projected to have 62,500 residents and 30,110 jobs by 2020 and 66,800 residents and 31,370 jobs by 2030.

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

[130] Jobs are calculated applying the City's generation rates as follows; 4,040,231 square feet of office allocation divided by 300 square feet equals 13,467 jobs; 1,343,679 square feet of commercial allocation divided by 450 square feet equals 2,986 jobs; and 1,339 hotel rooms at 0.3 jobs per room equals 402 jobs for a total of 16,855 jobs.

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

EXISTING CONDITIONS

There is no population on-site, because the site is currently developed with commercial uses. The existing building is occupied by a mix of retail and service uses including a pharmacy, restaurant, nail salon, hair salon, and liquor store. As discussed in Chapter 3, *Project Description*, of this Initial Study, the existing 11,648-square foot commercial building businesses generate up to approximately 26 employees.

DISCUSSION

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

The proposed project would construct 7,500 square-foot of neighborhood-serving commercial space and 34 residential units, which would not result in any additional new population growth or employment growth beyond what was accounted for in the General Plan EIR. The proposed project is not a regionally significant employer, and it is anticipated that future employees of the proposed project would come from Cupertino and surrounding Bay Area communities. As described in Chapter 3, *Project Description*, of this Initial Study, the operation of the project is estimated to generate up to 17 total employees on the project site. As described above, the existing commercial buildings support approximately 26 employees. Development of the proposed project would result in a decrease of 9 employees on the project site.

The proposed project would directly contribute to housing through the construction of residential units. Based on a projected average household size of 2.87 persons,[132] it is assumed the proposed project would introduce 98 new residents[133] to the project site, which would increase the number of residents on the site from zero residents to approximately 98 residents at project buildout in 2024.

The 98 residents and 17 permanent jobs in combination with other future projects would not increase the overall City buildout to the year 2040 projections. Therefore, the proposed project is well within the population projections considered in the General Plan EIR and adopted General Plan Housing Element. The growth occurring as a result of the project would be limited to the project site, and the project does not include infrastructure to allow indirect off-site development.

As discussed in Section X, *Land Use and Planning*, the project is consistent with the General Plan Land Use and zoning district. Accordingly, there would be *less-than-significant* impacts related to substantial unexpected population growth or growth for which inadequate planning has occurred.

[132] This analysis is based on the Association of Bay Area Governments (ABAG) 2019 projections of the average household size of 2.87 persons for Cupertino in 2020. This is the standard approach for population and housing analysis in Cupertino.

[133] 18 new units multiplied by 2.87 persons per unit equals 51.66 new residents.

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

The project site does not contain any residential units and would not displace housing. The proposed project would be a net benefit to housing stock in Cupertino and the greater Bay Area. Therefore, the project would have *no impact* associated with the displacement of substantial numbers of housing.

XIII. PUBLIC SERVICES

Would the proposed project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant	No Impact
a) Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, or the need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for any of the public services:				
i) Fire protection?	❒	❒	■	❒
ii) Police protection?	❒	❒	■	❒
iii) Schools?	❒	❒	■	❒
iv) Libraries?	❒	❒	■	❒
v) Other public facilities?	❒	❒	■	❒

GENERAL PLAN EIR

Chapter 4.12, *Public Services and Recreation*, of the General Plan EIR, addressed the impacts to public service providers and public parks associated with buildout of the General Plan including 125,000 square feet of commercial space and 275 residential units with a maximum height of 30 feet in the South De Anza Special Area at a program level. Impacts were determined to be less than significant, and no mitigation measures were required.

EXISTING CONDITIONS

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

- The City of Cupertino contracts with Santa Clara County Fire District (SCCFD) for fire protection, emergency, medical, and hazardous materials services.
- The City of Cupertino contracts with Santa Clara County Sheriff's Office (Sheriff's Office) and West Valley Patrol Division for police protection services.

- Public schools near the project site include several schools in the Cupertino Union School District (CUSD) including Meyerholz Elementary School 0.9 miles to the northeast of the project site, Miller Middle School 1.2 miles to the northeast, John Muir Elementary School 0.7 miles to the northeast, and Christa McAuliffe Elementary School 1.2 miles to the southeast.
- Prospect High School is located 1.7 miles to the east of the project site and is part of Campbell Union High School District (CUHSD).
- The Santa Clara County Library District governs and administers seven community libraries, one branch library, two bookmobiles, the Home Service Library, and the 24-7 online library for all library users. The closest library to the project site is the Cupertino Library located at 10800 Torre Avenue in Cupertino.

DISCUSSION

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

The primary purpose of a public services impact analysis is to examine the impacts associated with physical improvements to public service facilities required to maintain acceptable service ratios, response times or other performance objectives. Public service facilities may need improvements (i.e., construction, renovation or expansion) as demand for services increase. Increased demand is typically driven by increases in population. The proposed project would have a significant environmental impact if it would exceed the ability of public service providers to adequately serve residents, thereby requiring construction of new facilities or modification of existing facilities.

As discussed in Section XII, *Population and Housing*, above, the proposed project would result in a net decrease of employees and 34 new dwelling units and approximately 98 new residents at the project site. Given the proposed project would represent less than 1 percent of the expected increase in population foreseen in General Plan and regional planning efforts, and because the proposed project would not increase what was accounted for in the General Plan EIR, which found impacts to be less than significant under full buildout conditions, it would not exceed contribute to the need for new construction or expansion of an existing fire, police, or library facility that would serve the project site. Because impacts to public service providers were determined to be less than significant in the General Plan EIR and the proposed project is within the number of jobs and residents evaluated in the General Plan EIR, impacts to public services providers as a result of the proposed project would also be *less than significant*.

XIV. PARKS AND RECREATION

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

GENERAL PLAN EIR

Chapter 4.12, *Public Services and Recreation*, of the General Plan EIR, addressed impacts to public services associated with buildout of the General Plan, including 125,000 square feet of commercial space and 275 residential units with a maximum height of 30 feet in the South De Anza Special Area at a program level. Impacts to public services were determined to be less than significant as a result of intensified development of the project site.

EXISTING CONDITIONS

The City of Cupertino Public Works Department is responsible for the maintenance of the City's 16 parks, five special use sites, nine school sports fields, and four trail corridors.[134] The City of Cupertino has an adopted parkland dedication standard of three acres of parkland for every 1,000 residents. There is a total of approximately 224 acres of parkland in Cupertino, or approximately 3.8 acres per 1,000 residents, based on an existing population of 58,302. The City parks nearest to the project site are Hoover Park roughly 0.2 miles (1,056 feet) to the west and Three Oaks Park roughly 0.5 miles (2,640 feet) to the northwest.

Regional park facilities operated by the Midpeninsula Regional Open Space District (MROSD) and the Santa Clara County Parks could be used by guests of the proposed project. The closest MROSD parks to Cupertino are the Fremont Older, Picchetti Ranch, and Rancho San Antonia, which are located just southwest and west of the city boundaries, respectively. Santa Clara County Park facilities that serve Cupertino include Rancho San Antonio County Park, south of I-280 and west of Foothill Boulevard, and the Stevens Creek County Park.

[134] City of Cupertino, October 2019. *Parks and Recreation System Master Plan, Introduction.*

DISCUSSION

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

As discussed in Chapter 3, *Project Description*, of this Initial Study, the mixed-use building would provide a rooftop terrace for use by residents and guests, and the townhomes would include private open space.

As discussed in Section XII, *Population and Housing*, above, the proposed project would result in a net increase of 34 new residential units and 98 new residents at the project site. To meet the City's parkland-to-resident ratio of three acres of parkland for every 1,000 residents, the proposed project would be required to provide 0.294 acres of parkland.[135] Although the proposed project would not provide on-site parkland, the proposed project would include the payment of City-required impact fees to contribute to the City's parks and recreation fund. As discussed in the General Plan EIR, the proposed project would be required to comply with CMC Chapter 13.08, *Park Land Dedication Fee*, and Chapter 18.24, *Dedications and Reservations*, which require the payment of impact fees to offset their fair share of impacts to parklands. Therefore, considering the proposed project's provision of 0.038 acres of residential open space, in conjunction with the collection of impact fees that support the City's parks and recreation fund, the impacts to the City's recreational facilities would be *less than significant* and no mitigation measures would be required.

Additionally, new residents of the project site would also be expected to occasionally use the regional park facilities operated by the MROSD and the Santa Clara County Parks from time to time. According to the MROSD's Budget and Action Plan for Fiscal Year 2019-20, a portion of the District's financing is provided by property taxes, which the project is required to pay.[136] Therefore, given the vast size of the regional park facilities, the relatively infrequent usage that future residents would make of them, and through the payment of property taxes that fund the MROSD the proposed project would not result in their substantial deterioration. The increase in usage that could potentially result from the proposed project is not likely to trigger the construction of new built facilities over and above that already foreseen in the long-range planning completed for these regional park facilities in the vicinity of the project site. Therefore, a *less-than-significant* impact to regional parks would occur and no mitigation measures would be required.

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

As discussed in criterion (a) above, the proposed project includes open space features and would be required to pay impact fees that support the City's parks and recreation fund, which would create less-

[135] 98 residents x 0.003 (3 acres of parkland per 1,000 residents) = 0.294 acres
[136] Midpeninsula Regional Open Space District, adopted June 26, 2019. *Budget and Action Plan FY2019-20.*

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

XV. TRANSPORTATION

Would the proposed project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant	No Impact
a) Conflict with a program, plan, ordinance, or policy addressing the circulation system, including transit, roadway, bicycle, and pedestrian facilities?	❒	❒	■	❒
b) Conflict or be inconsistent with CEQA Guidelines Section 15064.3, subdivision (b)?	❒	❒	❒	■
c) Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	❒	❒	❒	■
d) Result in inadequate emergency access?	❒	❒	❒	■

GENERAL PLAN EIR

While these standards regarding transportation impacts were adopted by the California Natural Resource Agency in December 2018 after the certification of the General Plan EIR, Chapter 4.13, *Transportation and Circulation*, of the General Plan EIR, addressed the impacts to the transportation network in the Cupertino area associated with buildout of the General Plan, including 125,000 square feet of commercial space and 275 residential units with a maximum height of 30 feet in the South De Anza Special Area at a program level. Impacts related to pedestrians, bicycles, transit, and emergency access were found to be less than significant and no mitigation measures were required. The General Plan EIR also found that the implementation of the General Plan would support and would not conflict with plans, programs and policies regarding bicycle or pedestrian facilities, or decrease the performance and safety of such facilities. As discussed in the General Plan EIR, the VMT per capita is projected to increase from 10.5 (2013) to 10.9 (2040). While the General Plan EIR found impacts associated with transportation level of service, also referred to as LOS, to be significant and unavoidable, with the passage of SB 743 (September 2013) and

the subsequent adoption of revised CEQA Guidelines (December 2018), level of service can no longer be used as a criterion for identifying significant transportation impacts under CEQA.

EXISTING CONDITIONS

Pedestrian Facilities

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

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

All major roadways in the area have at least one sidewalk on one side of the roadway, except for SR-85. Within about a half-mile radius of the project site, sidewalks are provided on both sides of South De Anza Boulevard, Prospect Road, Saratoga Sunnyvale Road, South Stelling Road, and Rainbow Drive. Crosswalks are provided at all signalized intersections in the area.

The 2018 *Cupertino Pedestrian Transportation Plan* (Pedestrian Plan) contains goals, policies, and specific recommendations to increase the walkability of Cupertino, including the Pedestrian Guidelines.[137] The Pedestrian Plan is a companion document to the *City of Cupertino Bicycle Transportation Plan* (discussed below). It includes specific recommendations to improve pedestrian conditions. Consistent with the Pedestrian Plan and any other applicable recommendations, the project applicant would be required to contribute to implementing any recommended pedestrian improvements in the project area.

Bicycle Facilities

Bicycle facilities in the city include the following:

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

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

Bike facilities in the vicinity of the project site include Class II bicycle lanes on Prospect Road, South Stelling Road, Rainbow Drive, and South De Anza Boulevard, north of the intersection near Rainbow Road. Additionally, Class III bike routes are provided on the segment of Rainbow Road between Bubb Road and South Stelling Road.

In 2016, the City adopted a *Bicycle Transportation Plan* (Bike Plan), which illustrates the current bicycle network, identifies gaps, and proposes improvement projects to address the gaps.[138] Recommended improvements in the area include adding buffers to the Class II bike lanes on Prospect Road and Rainbow Drive, and adding a Class III bike route on the connected routes through Jamestown Drive, Plum Blossom Drive, Poppy Way, Gardenside Lane, Kingsbury Place, and Scotland Drive. Furthermore, it was recommended to upgrade from a Class II bike lane to a Class IV separated bikeway on Stelling Road.

The VTA *Santa Clara Countywide Bicycle Plan* (CBP) was adopted in 2018 and guides the development of major bicycle facilities in the County.[139] Several Cross-Country Bicycle Corridors travel through the study area, including routes along Prospect Road, South Stelling Road, and Rainbow Drive. The 2018 CBP identifies the corridors along Saratoga Sunnyvale Road and a small segment of Prospect Road between South De Anza Boulevard and South Blaney Avenue on the east side of SR-85 as Priority Cross-Country Bicycle Corridors, which have funding priority.

Transit Facilities

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

The closest bus stop is located less than 200 feet across the street from the project site providing access to northbound Bus Route 51, and 500 feet south of the site providing access to southbound Bus Route 51. Bus Route 51 provides transportation between Ames Research Center and West Valley College and runs along South De Anza Boulevard and Saratoga Sunnyvale Road near the project site.

Caltrain is a passenger rail service that runs from downtown San Francisco to downtown San José with a limited number of commute period trains running farther south to Gilroy. The Lawrence Station is the closest Caltrain station accessible form the project site and is roughly a 15-minute car ride. The Sunnyvale Station is the closest Caltrain Station for transit use and is a 43-minute ride from the project site using the 51 bus line.

Daily Trips

The project's trip generation represents the amount of net new traffic produced by the project. It was determined by calculating the difference between the number of vehicle trip generated by the existing

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

commercial use on the site, and the number of vehicle trips that would be generated by the proposed project. The amount of traffic generated by the existing and proposed used was estimated by applying the land-use specific trip generation rates to the size of each land use component. Trip generation rates were obtained from the Institute of Transportation Engineers (ITE) 11th Edition Trip Generation Manual. As shown in Table 4-7, *Existing and Proposed Vehicular Trip Generation Based on ITE Rates*, the proposed project generates 51 fewer daily vehicle trips, 1 net new AM (morning) peak-hour trip and 6 net new PM (evening) peak-hour vehicle trips.

TABLE 4-7 EXISTING AND PROPOSED VEHICULAR TRIP GENERATION BASED ON ITE RATES

Land Use	Size	Average Daily Trip	AM Peak Hour	PM Peak Hour
Proposed Uses				
Multi-Family Units [a]	23 units	104	9	9
Single-Family Attached Housing [a]	11 units	79	5	6
15% Internal Capture [c]		(28)	(2)	(2)
Total Residential Project Trips		155	12	13
Strip Retail Plaza [b]	7,500 sf	414	18	50
15% Internal Capture [c]		(28)	(2)	(2)
Retail Pass-By Reduction [d]		(66)	0	(16)
Total Retail Project Trips		320	16	32
Total Proposed		*475*	*28*	*45*
Existing Uses				
Strip Retail Plaza [e]	11,648 sf	634	27	37
Retail Pass-By Reduction [d]		(108)	(0)	(26)
Total Existing		*526*	*27*	*51*
Difference/Net Daily Trips		**(51)**	**1**	**(6)**

Notes: sf = square feet

a. Trip generation for the residential component of the project based on average rates contained in the ITE Trip Generation Manual, 11th Edition, for Multifamily Housing Mid-Rise (Land Use 221) and Single-Family Attached Housing (Land Use 215) located in a General Urban/Suburban setting. Rates are expressed in vehicle trips per dwelling unit (DU).

b. Trip generation for the retail component of the project based on average rates contained in the ITE Trip Generation Manual, 11th Edition, for Strip Retail Plaza <40 ksf (Land Use 822) located in a General Urban/Suburban setting. Rates are expressed in vehicle trips per 1,000 square feet (SF).

c. A 15% residential/retail internal mixed-use trip reduction was applied to the project per the 2014 Santa Clara VTA TIA Guidelines. The 15% reduction was first applied to the smaller trip generator (residential use). The same number of vehicle trips were subtracted from the larger trip generator (retail use) to account for both trip ends.

d. The PM peak hour pass-by trip reduction percentage of 34% is based on the ITE Trip Generation Handbook (Third Edition). There is no AM peak hour pass-by trip reduction. The daily pass-by vehicle trip reduction of 17% was calculated based on the average of the AM and PM pass-by trip reduction percentages

e. Trip generation for the existing retail uses to be removed based on average rates contained in the ITE Trip Generation Manual, 11th Edition , for Strip Retail Plaza <40 ksf (Land Use 822) located in a General Urban/Suburban setting. Rates are expressed in vehicle trips per 1,000 square feet (SF).

Source: Institute of Transportation Engineers (ITE) *Trip Generation Manual 11th Edition* (2021); Hexagon, 2022.

DISCUSSION

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

Operational Traffic

As shown in Table 4-7, the current land uses generate approximately 526 gross average daily weekday vehicle trips. The proposed project would generate 475 gross daily weekday vehicle trips, which represents 51 fewer average daily weekday vehicle trips. Therefore, the project would generate less daily vehicle trips when compared to existing conditions and would have a net benefit to the roadway facilities.

As described in Section X, *Land Use and Planning*, the proposed project is consistent with the General Plan land use designation and zoning district. The proposed project, an infill redevelopment project currently served by existing public infrastructure and not in an environmentally sensitive area, would generate essentially the same amount of daily vehicle trips. The 2016 *Bicycle Transportation Plan* and 2018 *Pedestrian Transportation Pla*n aim to improve bicycle and pedestrian access and safety. The proposed project does not conflict with the goals of these plans, as it would not modify or remove any existing bicycle or pedestrian facilities. Further, the project is served by VTA bus services. The VTA has not established policies or significance criteria related to transit vehicle delay. The addition of 98 new residents and 9 fewer employees when compared to existing conditions would not conflict with these transit operations as they are anticipated to come from Cupertino and surrounding Bay Area communities and would not introduce new riders to the VTA operated bus services that serve the project area. Therefore, the new residents and patrons generated by the proposed project are not expected to create a significant demand in excess of the capacity of the transit service that is currently provided. Accordingly, the operational impacts would be *less than significant*.

Construction Traffic

Demolition and construction would take place over a 2-year period, subject to regulatory approval. During this period, the project would result in changes to existing transportation conditions. New traffic would be generated by construction employees and construction activities, including haul trucks. Construction traffic is temporary. During demolition and construction, vehicle, equipment, and materials would be staged and stored on a portion of the project site. The construction site and staging areas would be clearly marked, and construction fencing would be installed to prevent disturbance and safety hazards. No staging would occur in the public right-of-way. Therefore, no hazards for pedestrians and bicyclists in the area would occur during this phase. Accordingly, the construction impacts would be *less than significant*.

In summary, the mixed-use project would be expected to generate less vehicle trips than the existing use (475 average daily vehicle trips compared to 526 average daily vehicle trips). The proposed project would not displace modify or interfere with any sidewalk, bicycle lanes, or sidewalks. In addition, the project would not generate a demand for transit that would exceed the capacity of the system. Accordingly,

impacts would be *less than significant* under this criterion. Note, the reduction in daily vehicle trips is a net benefit to the environment.

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

CEQA Guidelines Section 15064.3, which took effect on July 1, 2020, contains new requirements for evaluating a project's transportation impacts. On February 16, 2021, the City adopted CMC Chapter 17.08, *Evaluation of Transportation Impacts Under the California Environmental Quality Act*, which provides screening criteria and VMT thresholds for land-use development projects, transportation projects, and other projects pursuant to the CEQA. The discussion of impacts under this criterion is based on the Vehicles Miles Traveled (VMT) analysis dated May 2022 prepared for the proposed project by Hexagon Transportation Consultants, Inc.[140] The VMT analysis is included in Appendix F, *Vehicles Miles Traveled Analysis*, of this Initial Study.

VMT measures the overall effects of a project on the transportation system. VMT is the sum of all of the vehicle trips generated by a project multiplied by the lengths of their vehicle trips to and from the site on an average weekday. A vehicle driven 1 mile is 1 VMT. Therefore, a project with a higher VMT would have a greater environmental effect than a project with a lower VMT.

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

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

The VMT analysis prepared for the project was prepared in accordance with the CMC Chapter 17.08. As described in the CMC, a project may be screened out from a detailed VMT analysis based on its location, characteristics, or a combination of the two. The City's screening criteria for land use developments are:

- A project located within 0.25 miles of a high quality transit corridor or transit stop as defined by CEQA; or
- Local-serving retail of 50,000 square feet or less; or
- Land use projects consisting of 100 percent affordable housing.

[140] Hexagon Transportation Consultants, Inc., May 2022. *VMT Analysis for the Proposed Residential Mixed-Use Project at 1655 S. De Anza Boulevard in Cupertino, California*.

The commercial component of the project, 7,500 square feet, would meet the City's screening criteria and is therefore not applied to the VMT analysis. The residential component (23 multi-family apartments and 11 townhomes) of the project does not meet the City's screening criteria because the project site is not located within 0.25 miles of a major transit stop and would not be 100 percent affordable housing. Thus, VMT was only analyzed for the residential component of the proposed project.

To determine whether a project would result in CEQA transportation impacts related to VMT, the City typically utilizes the *Santa Clara Countywide VMT Evaluation Tool*. The project's residential VMT was calculated, divided by the number of residents expected to occupy the project, and compared to the appropriate thresholds of significance based on the project location and type of development. The thresholds of significance for development within the city are based on the existing citywide average VMT level for residential uses.

The proposed project's daily VMT estimated by the VTA's VMT Evaluation Tool is 13.99 per capita, which exceeds the residential threshold of 11.50 daily VMT per capita. Accordingly, this is a potentially significant impacts.

Impact TRANS-1: The proposed project would exceed the residential vehicle-miles traveled threshold of 11.50 VMT per capita.

Mitigation Measure TRANS-1: The project applicant shall implement the following measures to reduce vehicle miles traveled (VMT) to meet the residential vehicle-miles traveled threshold of 11.50 VMT per capita.

- *Project Fair Share Contribution.* Prior to issuance of building permits, the project applicant shall pay a fair share contribution of $10,000 toward the bicycle improvements along Prospect Road that are planned in the City of Cupertino 2016 *Bicycle Transportation Plan*. The improvements include the addition of Class II buffered bike lanes along Prospect Road between De Anza Boulevard and Stelling Road, which would narrow the travel lanes on Prospect Road east of Galway Drive thereby reducing vehicle speeds to create a safer environment and promote walking and biking as alternatives to driving and reduce VMT.
- *School Pool Program.* Prior to issuance of certificate of occupancy, the project applicant shall prepare a School Pool Program to the satisfaction of the City of Cupertino to reduce VMT by matching parents of the proposed residential development who transport students to and from schools without a bussing program, including private schools, charter schools, and neighborhood schools where students cannot walk or bike, or where parents would rather their children not walk or bike. The School Pool Program shall be:
  - Included in resident welcome packets and clearly stated that the program is open to all residents. The building management would be responsible for preparing the welcome packet materials and distributing to all new residents; and,
  - Provided via an online kiosk/webpage with current school pool program information available at all times. The online kiosk/webpage would provide resident and school information for residents interested in participating in the school carpool program. Those residents that register for the program online could connect with other residents participating in the

program to schedule carpools. The building management would be responsible for creating the online kiosk/webpage so that it is up and running as soon as the residential development is ready for leasing. The building management (and/or website designer) would be responsible for adding new information to the website so that the online kiosk remains current and informative.

- *Bicycle Program.* Prior to issuance of certificate of occupancy, the project applicant shall demonstrate to the satisfaction of the City of Cupertino that an adequate number of electric bicycles have been purchased and are available to be distributed to each resident so that each resident will receive one properly-sized electric bicycle upon move in. Electric bicycles serve as a low barrier to entry-level bicycling for residents who may not otherwise consider bicycling as a viable mode of transportation and the electric assist allows users of all fitness levels to participate in biking and help users to reach farther away destinations that they may have previously considered too far to bike to. This strategy would promote bicycling as an alternative to driving, thereby reducing VMT. All residents would be eligible to receive an electric bicycle.
- *Car Share Program.* Prior to issuance of certificate of occupancy, the project applicant shall demonstrate to the satisfaction of the City of Cupertino that the project would provide subsidized memberships to a car sharing program (e.g., Zipcar and GetAround) for residents with a valid driver's license upon request. The Car Share Program shall include a dedicated car share vehicle parking on-site or at a convenient location within 0.25 miles of the project site. Because the car sharing services are a low-cost alternative to car ownership and provide flexibility to those who use other transportation modes for their daily commute but may need to access a car for mid-day errands, car sharing helps support the use of walking, biking, carpooling, and transit by providing another means for business/day vehicle trips or a guaranteed ride home option, allowing for overall reductions in automobile use which results in reduced VMT.
- *Behavioral Intervention Program.* Prior to certificate of occupancy, the project applicant shall prepare a Behavior Intervention Program that will provide individualized transportation information for each resident to the satisfaction of the City of Cupertino that will reduce VMT by encouraging residents to use travel modes other than single-occupant vehicles as part of the new resident move-in process. To implement this program, the project applicant shall establish a "transportation coordinator" that will work with residents to prepare the individualized transportation information for each resident. The transportation coordinator shall review the most current Santa Clara Valley Transportation Authority (VTA) bicycle and transit maps and work with each resident to identify key destinations for that resident which may include locations such as work, school, shopping and/or recreational destinations. The resident and coordinator would then map out feasible bicycle routes including the bicycle facility class types and transit routes to each destination including travel times, necessary bus transfers, and fare pricing. Bicycle and transit routes to common amenities such as grocery stores, drug stores, banks, and post offices would also be mapped out. Implementing this program would encourage the use of transit, shared ride modes, bicycling, and walking, thereby reducing drive-alone vehicle trips and VMT. Additional encouragement could be provided in the form of subsidies if participation in the program is lower than expected.

In summary, based on these VMT reduction strategies that are included in the VMT Evaluation Tool, implementing the multimodal infrastructure improvements and transportation demand measures described above would lower the project VMT to 11.50 per capita equal to the City's threshold significance. Therefore, with these mitigation measures, the proposed project would not conflict or be inconsistent with CEQA Guidelines Section 15064.3(b) and impacts would be *less than significant*.

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

The proposed project would introduce a new mixed-use building and townhomes where an existing commercial building currently exists and is consistent with the General Plan land use designation and zoning district. The proposed project does not propose any street network changes, nor any changes to pedestrian and bicycle facilities. As a result, the proposed project does not generate any new features that would substantially increase hazards and there would be *no impact*.

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

As discussed in Chapter 3, *Project Description*, emergency vehicles currently access the project site via the two-lane entrance/exit circulation pattern with access points at South De Anza Boulevard and Prospect Road. Both driveways are to be maintained by the proposed project, thus preserving emergency vehicle access to the project site. Therefore, *no impact* would occur under this criterion.

XVI. TRIBAL CULTURAL RESOURCES

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

GENERAL PLAN EIR

While these standards regarding tribal cultural resources were adopted by the California Natural Resource Agency in July 2016 after the certification of the General Plan EIR, as described above in Section III, *Cultural Resources*, the General Plan EIR addressed impacts to cultural resources associated with associated with buildout of the General Plan, including 125,000 square feet of commercial space and 275 residential units with a maximum height of 30 feet in the South De Anza Special Area at a program level. The impacts were found to be less than significant, and no mitigation measures were required. The cultural resources study prepared for the General Plan EIR consists of archival research at the Northwest Information Center at Sonoma State University, examination of the library and files, field inspection, and contact with the Native American community. The cultural resources study addressed impacts associated with archeological resources, including those of Native Americans. As shown in Table 4.4-2, *Cultural Resources in the Project Study Area and Vicinity*, and on Figure 4.4-1, *Cultural Resources*, of the General Plan EIR, there are no identified cultural resources, including those affiliated with Native Americans, present on the project site.

EXISTING CONDITIONS

Assembly Bill (AB) 52 requires the CEQA lead agency to begin consultation with a California Native American Tribe that is traditionally and culturally affiliated with the geographic area of the proposed project if the Tribe requests, in writing, to be informed by the lead agency through formal notification of the proposed projects in the area. The consultation is required before the determination of whether a negative declaration, mitigated negative declaration, or EIR is required. In addition, AB 52 includes time limits for certain responses regarding consultation. AB 52 also adds "tribal cultural resources" (TCR) to the specific cultural resources protected under CEQA.[141] CEQA Section 21084.3 has been added, which states that "public agencies shall, when feasible, avoid damaging effects to any tribal cultural resources." Information shared by tribes as a result of AB 52 consultation shall be documented in a confidential file, as necessary, and made part of a lead agencies administrative record. The City received a request to be notified about projects in the city of Cupertino from the Tamien Nation on May 28, 2021, as the city is within the geographic area with which they are traditionally and culturally affiliated. The City has initiated the consultation process by mailing notices to the Tamien Nation, and email representatives of the Tamien Nation as requested on the letter dated May 28, 2021.

A TCR is defined under AB 52 as a site, feature, place, cultural landscape that is geographically defined in terms of size and scope, sacred place, and object with cultural value to a California Native American tribe that are either included or eligible for inclusion in the California Register of Historic Resources or included a local register of historical resources, or if the City, acting as the lead agency, supported by substantial evidence, chooses at its discretion to treat the resource as a TCR.

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

DISCUSSION

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

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

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

The discussion in Section IV, *Cultural Resources*, is applicable to impacts to tribal cultural resources. As discussed under criteria (b) and (c) in Section IV, no known archeological resources, ethnographic sites or Native American remains are located on the project site. As discussed under criterion (b) in Section III, CMC Chapter 17.04, *Standard Environmental Protection Requirements,* lists Cultural Resources Permit Requirements protocols in Section 17.04.050(E) that the project applicant would be required to comply with to protect archaeological resources and tribal cultural resources. As discussed under criterion (c) in Section III, compliance with State and federal regulations would reduce the likelihood of disturbing or discovering human remains, including those of Native Americans. Therefore, compliance with CMC Chapter 17.04 and State and federal regulations related to the protection of human remains would reduce impacts to tribal cultural resources to a *less-than-significant* level.

XVII. UTILITIES AND SERVICE SYSTEMS

Would the proposed project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant	No Impact
a) Require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?	❒	❒	■	❒
b) Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry, and multiple dry years?	❒	❒	■	❒
c) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	❒	❒	■	❒

Would the proposed project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant	No Impact
d) Generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?	❒	❒	■	❒
e) Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?	❒	❒	■	❒

GENERAL PLAN EIR

Chapter 4.14, *Utilities and Services Systems*, of the General Plan EIR, addressed the impacts to water supply, wastewater, and solid waste associated with buildout of the General Plan, including 125,000 square feet of commercial space and 275 residential units with a maximum height of 30 feet in the South De Anza Special Area at a program level. Impacts were found to be less than significant with mitigation. The City is required to implement General Plan Mitigation Measures UTIL-6a through UTIL-6c, and UTIL-8, which were previously adopted and incorporated into the General Plan, to ensure impacts related to wastewater and solid waste are less than significant. General Plan Mitigation Measures UTIL-6a through UTIL-6c require the City to work with the Cupertino Sanitary District (CSD) to increase the available citywide treatment and transmission capacity, identify appropriate and current wastewater generation rates that are approved by CSD and establish a monitoring and tracking system for wastewater generation to better understand the City's need for potential capacity upgrades from CSD. General Plan Mitigation Measure UTIL-8 requires the City to continue current recycling and zero-waste practices, monitor solid waste generation, and seek new landfill sites to replace the Altamont and Newby Island landfills, at such time that these landfills are closed. These mitigation measures, which were previously adopted by the City and incorporated into the General Plan, will be implemented by the City on an ongoing basis.

EXISTING CONDITIONS

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

- The Cupertino Sanitary District (CSD) provides sanitary sewer services for the project site. Wastewater would be treated at the San José/Santa Clara Water Pollution Control Plant (SJ/SCWPCP).
- The Santa Clara Valley Water District (SCVWD) is the primary water resources agency for Santa Clara County. The project site is located within the San José Water (SJW) service area and SJW would supply water to the project site. Water supply for the SJW is a combination of groundwater from wells in the Santa Clara Groundwater Basin, treated water purchased from SCVWD, and local mountain surface water from the Santa Cruz Mountains.
- Recology South Bay (Recology) would provide curbside recycling, garbage, and compost and landscaping waste service to the project site.
- Electricity infrastructure would be supplied to the project site by PG&E. Electricity would be supplied by Silicon Valley Clean Energy.

- Telephone service would be provided by AT&T and other providers. Cable television service would be available from a number of providers, including Comcast.

Wastewater

The CSD maintains approximately 194.5 miles of sewer mains including the infrastructure in the vicinity of the project site.[142] The collected wastewater from the CSD service area is conveyed to the San José/Santa Clara Water Pollution Control Plant (SJ/SCWPCP) through mains and interceptor lines shared with both the cities of San José and Santa Clara. The CSD is one of five tributary agencies that have a contractual treatment allocation agreement with the SJ/SCWPCP. The CSD has a contractual treatment allocation with the SJ/SCWPCP of 7.85 million gallon per day (mgd), on average. CSD wastewater flow to the SJ/SCWPCP was 5.3 mgd at the time of the General Plan EIR.[143] The CSD wastewater system also flows through a portion of the City of Santa Clara's sewer system. The contractual agreement between CSD and the City of Santa Clara is 13.8 mgd during peak wet weather flows. The existing CSD peak wet weather flow into the Santa Clara system is modeled at 13.29 mgd.[144]

Water Supply

The San José Water Company (SJWC) provides groundwater, imported treated water, and local surface water for an area of approximately 139 square miles including San José, Cupertino, Campbell, Monte Sereno, Saratoga, Los Gatos, and unincorporated areas within Santa Clara County. Most of SJWC's customers are residential or commercial.[145] The SJWC also provides water to industrial, municipal, private fire services, and public fire protection services. The SJWC sources water from the Santa Clara Valley Water District (SCVWD), the Santa Clara Subbasin, and the Los Gatos Creek and local watersheds from the Santa Cruz Mountains.[146] According to the SJWC 2020 Urban Water Management Plan, the 2020 water use target was estimated at 127 gallons per capita per day (gpcd) and the actual water use was 109 gpcd. The projected water use target for 2025 is 43,311 million gallons (MG).[147] In 2020, the SJWC's actual water supply was 40,390 MG and the projected water supply for 2025 is 44,201 MG.[148]

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

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

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

[145] San José Water Company, June 2021. 2016 Urban Water Management Plan, Chapter 3, *System Description*.

[146] San José Water Company, June 2021. 2020 Urban Water Management Plan, Chapter 5, *Senate Bill x7-7 Baselines, Targets, and 2020 Compliance*.

[147] San José Water Company, June 2021. 2020 Urban Water Management Plan, Chapter 4, *System Water Use*.

[148] San José Water Company, June 2021. 2020 Urban Water Management Plan, Chapter 6, *System Supplies*.

Solid Waste

Recology provides curbside recycling, garbage, and compost and yard waste service to the residents of Cupertino.[149] All non-hazardous waste is collected under the Recology contract is hauled to the Newby Island Landfill for processing. The City of Cupertino has a contract with the Newby Island Resources Recovery Park and Sanitary Landfill until 2023.[150] The Newby Island Resources Recovery Park and Sanitary Landfill is permitted to receive 4,000 tons of waste per day. CalRecycle lists the expected closure date of the landfill to be January 1, 2041. The landfill has a total capacity of 57.5 million cubic yards and a remaining capacity of 21.2 million cubic yards.[151] In addition to the Newby Island Landfill, solid waste generated in Cupertino can also be disposed of at the Altamont Landfill and Resource Recovery facility, the Corinda Los Trancos Landfill, Forward Landfill Inc., Guadalupe Sanitary Landfill, Kirby Canyon Recycling and Disposal Facility, the Monterey Peninsula Landfill, Recology Hay Road, the Vasco Road Sanitary Landfill, the Zanker Material Processing Facility, and the Zanker Road Class III Landfill.

Energy

The project site is currently served by existing PG&E distribution systems that would provide electricity. Silicon Valley Clean Energy (SVCE), a locally controlled public agency that has a partnership with PG&E, supplies the electricity to the project site. SVCE provides a standard 50 percent renewable energy portfolio, in addition to a 100 percent renewable option that electricity customers can opt into.

DISCUSSION

a) *Would the proposed project require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?*

Wastewater Treatment Facilities

The CSD sewer collection system directs wastewater to the SJ/SCWPCP, which is jointly owned by the cities of San José and Santa Clara. Municipal storm water discharges in the City of Cupertino are subject to the Waste Discharge Requirements of the new Municipal Regional Permit (MRP; Order Number R2-2022-0018) and NPDES Permit Number CAS612008, which became effective on July 1, 2022. The MRP currently allows dry weather discharges of up to 167 million gallons per day (mgd) with full tertiary treatment, and wet weather discharges of up to 271 mgd with full tertiary treatment. As discussed below in criterion (c), future demands from the proposed project would not exceed the design or permitted capacity of the

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

[150] RecycleStuff.Org, September 14, 2021. City of Cupertino 2021-2022, Garbage and Recycling Services Fact Sheet, https://www.recyclestuff.org/Guides/Cupertino%20City%20Guide%20Nov.2021.pdf, accessed December 22, 2021.

[151] CalRecycle, SWIS Facility/Site Activity Details, Newby Island Sanitary Landfill (43-AN-0003), https://www2.calrecycle.ca.gov/SolidWaste/SiteActivity/Details/1362?siteID=3388, accessed December 22, 2021.

SJ/SCWPCP that serves the project site. Future water treatment demand was assessed in consultation with the City of Cupertino and includes consideration of development in the city through the 2040 buildout horizon of the General Plan. Therefore, development of the proposed project would not require any improvements not already considered and the impact of the proposed project on SJ/SCWPCP would be *less than significant.*

Storm Drainage

As previously discussed in Section IX, *Hydrology and Water Quality*, the proposed project would not exceed the capacity of stormwater drainage system that serves the project site. All new development that, like the proposed project, creates and/or replaces 10,000 square feet or more of impervious surface would be subject to Provision C.3 guidelines for stormwater control. Through C.3 compliance, the proposed project would involve actions to minimize runoff from the project site as described in Section IX, *Hydrology and Water Quality*, above. Additionally, the project would comply with CMC Chapter 9.18, *Storm Water Pollution Prevention and Watershed Protection*, described above in Section 3.1.5, *Cupertino Municipal Code Requirements*, which is intended to provide regulations and give legal effect to certain requirements of the NPDES permit issued to the City.

As described in the 2018 Storm Drain Master Plan, the project site is located in an area where the storm drain mains are potentially deficient in conveying the water from a 10-year storm. The mains within South De Anza Boulevard, near the intersection of Duckett Way, are currently under capacity and designated as low priority for replacement.[152] However, the proposed project would not exacerbate this existing condition. The proposed project would provide on-site stormwater treatment facilities that would hold and treat stormwater before it is released by curb-thru drains and sheet flows into the City's off-site storm drain infrastructure. Consequently, the proposed project would not require the expansion of existing stormwater facilities or the construction of new facilities, the construction of which could otherwise have significant impacts. Therefore, impacts would be *less than significant*.

Other Utility Facilities

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

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

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

As shown in the General Plan EIR in Chapter 4.14, the water supply at General Plan buildout year 2025 would be 147,764 acre feet per year (afy) and at General Plan buildout year 2035 would be 153,697 afy.[153] As discussed in the General Plan EIR, buildout of the General Plan would not result in insufficient water supplies from SJWC under normal year conditions or during single-dry year and multiple-dry years, with the proposed and existing water conservation regulations and measures in place. The water supply evaluation prepared for the General Plan EIR included the demolition and construction of the project site within the South De Anza Special Area; therefore, water supply impacts were adequately addressed in the General Plan EIR. As discussed in Section X, *Land Use and Planning*, the proposed project is consistent with the General Plan and the Zoning for the project site. Furthermore, the project applicant would be required to comply with CMC Chapter 17.04, *Standard Environmental Protection Requirements,* which includes Utilities and Service Systems Permit Requirements to ensure adequate water supply and infrastructure. Specifically, CMC Section 17.04.050(I)(2), *Ensure Adequate Water Supply and Infrastructure,* requires the project applicant to obtain written approval from the appropriate water service provider for water connections, service capability, and location and layout of water lines and backflow preventers, prior to issuance of the first permit. Therefore, the proposed project will have a *less-than-significant* water supply impact.

c) Would the proposed project result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?

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

- The project applicant shall demonstrate, to the satisfaction of the City of Cupertino and Cupertino Sanitary District (CSD) that the project would not exceed the peak wet weather flow capacity of the Santa Clara sanitary sewer system by implementing one or more of the following methods:
  - Reduce inflow and infiltration in the CSD system to reduce peak wet weather flows, or
  - Increase on-site water reuse, such as increased grey water use, or reduce water consumption of the fixtures used within the proposed project, or other methods that are measurable and reduce sewer generation rates to acceptable levels, to the satisfaction of the CSD.

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

The project's estimated wastewater generation shall be calculated using the current generation rates used by the CSD unless alternative (i.e., lower) generation rates achieved by the project are substantiated by the project applicant based on evidence to the satisfaction of the CSD.

- The project applicant shall obtain a letter of clearance from the CSD and provide a copy of the letter of clearance to the City prior to issuance of the first permit.

Therefore, the impacts under this criterion would be *less than significant*.

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

The City contracts with Recology to provide solid waste collection services to residents and businesses in the city. The City has a contract with Newby Island Sanitary Landfill (NISL) until 2023 but has not secured a new landfill contract for landfill disposal after that date. However, according to the Integrated Waste Management Plan, the landfills in the County (including NISL where the City's collected solid waste is currently being landfilled) have adequate disposal capacity beyond 2026 and NISL's' operational life has recently been extended to 2041.[154] The City, therefore, has options for landfill service once the City's existing contract with NISL ends in 2023. In addition to the Newby Island Landfill, solid waste generated in Cupertino can also be disposed of at the Altamont Landfill and Resource Recovery facility, the Corinda Los Trancos Landfill, Forward Landfill Inc., Guadalupe Sanitary Landfill, Kirby Canyon Recycling and Disposal Facility, the Monterey Peninsula Landfill, Recology Hay Road, the Vasco Road Sanitary Landfill, the Zanker Material Processing Facility, and the Zanker Road Class III Landfill.

The proposed waste management for the proposed project would include the management of waste, recycling, and composting. Solid waste generated by construction of the proposed project would largely consist of demolition waste from the existing building as well as construction debris. The project would be required to comply with CMC Chapter 16.72, *Recycling and Diversion of Construction and Demolition Waste*, and the City's Zero Waste Policy, which requires the recycling or diversion of at least 65 percent of all construction and demolition (C&D) waste by salvage or by transfer to an approved facility.[155,156] Prior to the issuance of any demolition, grading, and/or building permits, the applicant would be required to submit a properly completed Waste Management Plan to the Cupertino Public Works Department, Environmental Programs Division. The Waste Management Plan shall do the following:

- Identify the materials to be diverted from disposal by recycling, reused on the project, or salvaged for future use or sale.
- Specify if materials would be sorted on-site or mixed for transportation to a diversion facility.
- Identify the diversion facility where the material collected will be taken.

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

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

[156] City of Cupertino, Public Works, Garbage & Recycling, https://www.cupertino.org/our-city/departments/environment-sustainability/waste, accessed July 15, 2020.

- Identify construction methods employed to reduce the amount of waste generated.
- Specify that the amount of materials diverted shall be calculated by weight or volume, but not by both.

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

Once the project is operational, there will be approximately 98 residents on the site and 17 employees, which is 9 fewer employees than existing conditions. In 2019, the City of Cupertino's disposal rate for residents was 3.5 pounds per day (PPD), which is much lower than CalRecycle's target rate of 4.3 PPD for residents.[157] In 2020, Cupertino's per capita disposal rate for employees was 2.6 PPD, which is also much lower than CalRecycle's target rate of 8.1 PPD. The City's disposal rates for residents and employees have been below target rates and steadily decreasing since 2007, with the exception of 2014, when the rate (9.8 PPD) exceeded the target (8.10 PPD).[158] Applying these disposal rates, the project would generate approximately 387 PPD or 0.19 tons per day (TPD) of new waste.[159] The current uses with an estimated 26 employees generates approximately 67.6 PPD or 0.03 TPD.[160] Therefore, the net increase in solid waste generation is 320 PPD or 0.16 TPD, which is well within the Newby Island Sanitary Landfill permitted daily disposal capacity of 4,000 TPD. Thus, impacts on landfill capacity would be *less than significant*.

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

As described in criterion (d) the City's per capita disposal rate for residents and employees was 3.5 PPD in 2019 and 2.6 PPD in 2020, respectively, which is below the 4.3 PPD and 8.1 PPD target rate established by CalRecycle.[161] As part of the *Countywide Integrated Waste Management Plan* to address waste management conditions within Santa Clara County, Cupertino adopted a Source Reduction and Recycling Element (SRRE)[162] and Household Hazardous Waste Element (HHWE)[163] in compliance with the California Integrated Waste Management Act.[164] The City has gone beyond the SRRE by implementing several programs, including the City's and Recology's organics or food waste collection program, and

[157] CalRecycle. 2017. Jurisdiction Per Capita Disposal Trends. https://www2.calrecycle.ca.gov/LGCentral/AnnualReporting/DisposalRateCalculator, accessed July 15, 2020.

[158] CalRecycle, 2020. Jurisdiction Diversion/Disposal Rate Summary, https://www2.calrecycle.ca.gov/LGCentral/DiversionProgram/JurisdictionDiversionPost2006, accessed December 22, 2021.

[159] (3.5 PPD x 98 residents= 343) + (2.6 PPD x 17 employees = 44.2) = 387.2 PPD.

[160] 2.6 PPD x 26 employees = 67.6 PPD.

[161] CalRecycle, 2019 and 2020. Jurisdiction Diversion/Disposal Rate Summary, https://www2.calrecycle.ca.gov/LGCentral/DiversionProgram/JurisdictionDiversionPost2006, accessed August 5,2022. Note, the years reflect the most recent published data.

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

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

[164] Cupertino Municipal Code, Title 9, Health and Sanitation, Chapter 9.6, Solid Waste, Non-Organic Recycling and Recycling Areas, Section 9.16.010(a), Purpose.

Environmental Recycling Day events offered to residents quarterly by Recology.[165] Furthermore, the City adopted the CAP 2.0 in August 2022 and a Zero Waste Policy in December 2017. According to the Zero Waste Policy, the City will require, through the City's waste hauling franchise agreement, steadfast and ongoing efforts by the City's franchisee to maintain a minimum residential and commercial waste diversion rate of 75 percent with a goal of reaching and maintaining 80 percent by 2025.[166] These programs will be sufficient to ensure that future development in Cupertino, including the proposed project, would not compromise the ability to meet or perform better than the State mandated target. Additionally, construction and any demolition debris associated with the project would be subject to CMC Chapter 16.72, requiring that a minimum of 65 percent of C&D debris be diverted from landfill.[167] The City's Zero Waste Policy also requires that all private construction projects that come through the City's permitting process, and all City projects (through contract requirements), to recover and divert at least 65 percent of the construction waste generated by the project. Compliance with applicable statutes and regulations would ensure that the impact would be *less than significant*.

XVIII. MANDATORY FINDINGS OF SIGNIFICANCE

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant	No Impact
a) Does the project have the potential to substantially 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, substantially reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	❒	❒	■	❒
b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?	❒	❒	■	❒
c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	❒	❒	■	❒

[165] City of Cupertino, Shredding & Environmental Recycling, https://www.cupertino.org/our-city/departments/environment-sustainability/green-events-activities/shredding-environmental-recycling, accessed December 22, 2021.

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

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

DISCUSSION

a) Does the proposed project have the potential to substantially 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, substantially reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?

The project site is in an urbanized and developed area of Cupertino. The project site is currently developed with a single-story commercial building with associated paved surface parking. The surrounding area is entirely built out with residential and commercial uses. There are no identified sensitive natural communities, no areas of sensitive habitat, and no areas of critical habitat on the project site. The trees on the project site are considered protected and therefore subject to the CMC Chapter 14.18, *Protected Tree Ordinance*. In addition, there are no buildings currently listed or eligible for listing on the California Register of Historical Resources, no recorded archaeological sites, and no known paleontological resources located on the project site. Compliance with CMC Chapter 17.04, *Standard Environmental Protection Requirements*, would serve to protect the quality of the air, nesting birds, and unknown cultural and tribal resources, as well as ensure adequate services are provided and that no additional physical impacts would occur elsewhere. Therefore, implementation of the proposed project would result in a *less-than-significant* impact to the quality of the environment, wildlife, and major periods of California history or prehistory.

b) Does the proposed project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?

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

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

The General Plan EIR evaluated the cumulative effects of the General Plan Amendments, Housing Element Update, and Associated Rezoning using the summary of projections approach provided for in CEQA Guidelines Section 15130(b)(1)(B). The General Plan EIR took into account growth from the General Plan

within the Cupertino city boundary and Sphere of Influence (SOI), in combination with projected growth in the rest of Santa Clara County and the surrounding region, as forecast by ABAG.

As provided for by CEQA Guidelines Section 15130, the cumulative context considered in the General Plan EIR varies, depending on the nature of the issue being studied, to best assess each issue's geographic extent. For example, the cumulative impacts on water and air quality can be best analyzed within the boundaries of the affected resources, such as water bodies and air basins. For other cumulative impacts, such as hazard risks, traffic, and the need for new public service facilities, the cumulative impact is best analyzed within the context of the population growth and associated development that are expected to occur in the region or the public service providers' jurisdiction.

Table 4-8, *Reasonably Foreseeable Development Projects in Cupertino*, shows the other reasonably foreseeable projects in Cupertino and how they relate to the maximum buildout potential evaluated in the General Plan EIR.

TABLE 4-8 REASONABLY FORESEEABLE DEVELOPMENT PROJECTS IN CUPERTINO

	Hotel (rooms)	Residential (units)	Commercial (sq.ft.)	Office (sq.ft.)
General Plan EIR: Maximum Development Potential	**1,339**	**4,421**	**1,343,679**	**4,040,231**
Foreseeable Development				
Marina Plaza [b]		*206*	*41,268*	
The Hamptons Redevelopment [a]		*600*		
The Forum [a]		*23*		
The Village Hotel [a]	*185*			
De Anza Hotel [a]	*155*			
Westport [b]		*267*	*20,000*	
Public Storage [a, d]			*209,485*	
22690 Stevens Creek Boulevard [b]		*9*		
Canyon Crossings [b]		*18*	*4,536*	
Scandinavian Design [a]			*2,235*	
Vallco [a, c]		*2,402*	*400,000*	*1,810,000*
Leon Townhomes [b]		*6*		
VP1 Apple Office [b]			*2,300*	*280,020*
Total Foreseeable Development	***340***	***3,565***	***679,419***	***2,090,020***
General Plan EIR: Remaining Development Potential	**999**	**890**	**671,855**	**1,950,211**

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

The General Plan EIR included an assessment of the redevelopment of the South De Anza Special Area, including the project site, with 125,000 square feet of commercial space and 275 residential units with a

maximum height of 30 feet at a program level. As shown in Table 4-8, the project (34 units and 7,500 square feet of commercial uses) when combined with the other reasonably foreseeable projects in Cupertino would not exceed the maximum buildout potential evaluated in the General Plan EIR. The impact discussions in Section I through Section XVII, above describes the proposed projects relationship to and consistency with the scope of development, land use designations, population projections, and cumulative impacts analyses contained in the General Plan EIR. As shown, the project's cumulative impacts were determined to be less than significant or less than significant with mitigation in the cumulative context.

Since the certification of the General Plan EIR, the City has considered new development at the Vallco project site. While, as shown in Table 4-8, this development at the Vallco site is consistent with the maximum buildout potential in the General Plan EIR for citywide cumulative discussions (e.g., population and housing, water supply, etc.), the General Plan EIR did not evaluate localized cumulative impacts, such as traffic, traffic related noise, and utilities infrastructure, for the vicinity of the project site. Due to the distance between the proposed 1655 South De Anza Boulevard Mixed-Use Project site and the projects listed in Table 4-8, no localized cumulative impacts related traffic, noise, or utilities would occur.

As described in the Initial Study, the impacts of the proposed project would be mitigated to *less-than-significant* levels. The proposed project would incrementally contribute to, but would not exceed, the cumulative impacts analyses included in the General Plan EIR. Therefore, the proposed project would not be expected to contribute to significant cumulative impacts when considered along with other impacts under the General Plan.

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

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

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5. Mitigation Monitoring and Reporting Program

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

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

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

MITIGATION MONITORING AND REPORTING PROGRAM

TABLE 5-1 MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measures	Party Responsible for Implementation	Implementation Timing	Agency Responsible for Monitoring	Monitoring Action	Monitoring Frequency
NOISE					
NOISE-1a: The project applicant shall identify in the Construction Noise Control Plan required pursuant to Cupertino Municipal Code Section 17.04.050(G)(2), *Manage Noise During Construction,* that a temporary sound barrier between the construction zone on the project site and the adjacent residences along the entirety of the project site boundary to the west with a minimum height of 12 feet and free of gaps and holes made of either a (a) 0.75-inch-thick plywood wall or (b) hanging blanket/curtain with a surface density or at least 2 pounds per square foot, would be installed to reduce construction noise levels to meet the 80 dBA limit in CMC Section 10.48.053.	Applicant	Prior to issuance of building permits	City of Cupertino Public Works Department	Plan review and approval/site inspections	Once for plan review/ during scheduled construction site inspections
NOISE-1b: Prior to issuance of building permits, the mechanical equipment and heating, ventilation, and air conditioning (HVAC) equipment shall be selected and designed to reduce impacts on surrounding uses to meet the Cupertino Municipal Code noise limits of 60 dBA and 50 dBA at residential uses during daytime and nighttime, respectively, and 65 dBA and 55 dBA at non-residential sensitive uses during daytime and nighttime, respectively. A qualified acoustical consultant shall be retained by the project applicant to review mechanical noise as these systems are selected to determine specific noise reduction measures necessary to reduce noise to comply with the City's noise level requirements. Mechanical equipment shall be selected and designed to reduce impacts on surrounding uses to meet the City's noise level requirements. Noise reduction measures could include, but are not limited to: ▪ Selection of equipment that emits low noise levels; ▪ Installation of noise dampening techniques, such as enclosures and parapet walls, to block the line-of-sight between the noise source and the nearest receptors; or ▪ Locating equipment in less noise-sensitive areas, where feasible.	Applicant	Prior to issuance of building permits	Qualified acoustical consultant and City of Cupertino Public Works & Building Department	Plan review and approval/site inspections	Once for plan review/ during scheduled construction site inspections
NOISE-2: If paving activity during construction is required within 25 feet of nearby structures, the use of a static roller in lieu of a vibratory roller shall be employed. This mitigation measure shall be	Applicant	During construction	Qualified acoustical consultant and City of Cupertino Public	Plan review and approval/site inspections	Once for plan review/ during scheduled

TABLE 5-1 MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measures	Party Responsible for Implementation	Implementation Timing	Agency Responsible for Monitoring	Monitoring Action	Monitoring Frequency
identified on the permit application drawing set and as part of the construction drawing set, and shall be implemented by the on-site Construction Manager.			Works & Building Department		construction site inspections
TRANSPORTATION					
TRANS-1: The project applicant shall implement the following measures to reduce vehicle miles traveled (VMT) to meet the residential vehicle-miles traveled threshold of 11.50 VMT per capita. ▪ *Project Fair Share Contribution.* Prior to issuance of building permits, the project applicant shall pay a fair share contribution of $10,000 toward the bicycle improvements along Prospect Road that are planned in the City of Cupertino 2016 *Bicycle Transportation Plan*. The improvements include the addition of Class II buffered bike lanes along Prospect Road between De Anza Boulevard and Stelling Road, which would narrow the travel lanes on Prospect Road east of Galway Drive thereby reducing vehicle speeds to create a safer environment and promote walking and biking as alternatives to driving and reduce VMT. ▪ *School Pool Program.* Prior to issuance of certificate of occupancy, the project applicant shall prepare a School Pool Program to the satisfaction of the City of Cupertino to reduce VMT by matching parents of the proposed residential development who transport students to and from schools without a bussing program, including private schools, charter schools, and neighborhood schools where students cannot walk or bike, or where parents would rather their children not walk or bike. The School Pool Program shall be: ▪ Included in resident welcome packets and clearly stated that the program is open to all residents. The building management would be responsible for preparing the welcome packet materials and distributing to all new residents; and, ▪ Provided via an online kiosk/webpage with current school pool program information available at all times. The online kiosk/webpage would provide resident and school information for residents interested in participating in the school carpool	Applicant	Prior to issuance of building permits and certificate of occupancy	City of Cupertino Public Works Department	Permit issuance	During permit issuance for building permits and certificate of occupancy

MITIGATION MONITORING AND REPORTING PROGRAM

TABLE 5-1 MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measures	Party Responsible for Implementation	Implementation Timing	Agency Responsible for Monitoring	Monitoring Action	Monitoring Frequency
program. Those residents that register for the program online could connect with other residents participating in the program to schedule carpools. The building management would be responsible for creating the online kiosk/webpage so that it is up and running as soon as the residential development is ready for leasing. The building management (and/or website designer) would be responsible for adding new information to the website so that the online kiosk remains current and informative. ▪ *Bicycle Program.* Prior to issuance of certificate of occupancy, the project applicant shall demonstrate to the satisfaction of the City of Cupertino that an adequate number of electric bicycles have been purchased and are available to be distributed to each resident so that each resident will receive one properly-sized electric bicycle upon move in. Electric bicycles serve as a low barrier to entry-level bicycling for residents who may not otherwise consider bicycling as a viable mode of transportation and the electric assist allows users of all fitness levels to participate in biking and help users to reach farther away destinations that they may have previously considered too far to bike to. This strategy would promote bicycling as an alternative to driving, thereby reducing VMT. All residents would be eligible to receive an electric bicycle. ▪ *Car Share Program.* Prior to issuance of certificate of occupancy, the project applicant shall demonstrate to the satisfaction of the City of Cupertino that the project would provide subsidized memberships to a car sharing program (e.g., Zipcar and GetAround) for residents with a valid driver's license upon request. The Car Share Program shall include a dedicated car share vehicle parking on-site or at a convenient location within 0.25 miles of the project site. Because the car sharing services are a low-cost alternative to car ownership and provide flexibility to those who use other transportation modes for their daily commute but may need to access a car for mid-day errands, car sharing helps support the use of walking, biking, carpooling, and transit by providing another means for business/day vehicle trips					

TABLE 5-1 MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measures	Party Responsible for Implementation	Implementation Timing	Agency Responsible for Monitoring	Monitoring Action	Monitoring Frequency
or a guaranteed ride home option, allowing for overall reductions in automobile use which results in reduced VMT. ▪ *Behavioral Intervention Program*. Prior to certificate of occupancy, the project applicant shall prepare a Behavior Intervention Program that will provide individualized transportation information for each resident to the satisfaction of the City of Cupertino that will reduce VMT by encouraging residents to use travel modes other than single-occupant vehicles as part of the new resident move-in process. To implement this program, the project applicant shall establish a "transportation coordinator" that will work with residents to prepare the individualized transportation information for each resident. The transportation coordinator shall review the most current Santa Clara Valley Transportation Authority (VTA) bicycle and transit maps and work with each resident to identify key destinations for that resident which may include locations such as work, school, shopping and/or recreational destinations. The resident and coordinator would then map out feasible bicycle routes including the bicycle facility class types and transit routes to each destination including travel times, necessary bus transfers, and fare pricing. Bicycle and transit routes to common amenities such as grocery stores, drug stores, banks, and post offices would also be mapped out. Implementing this program would encourage the use of transit, shared ride modes, bicycling, and walking, thereby reducing drive-alone vehicle trips and VMT. Additional encouragement could be provided in the form of subsidies if participation in the program is lower than expected.					

MITIGATION MONITORING AND REPORTING PROGRAM

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6. Organizations and Persons Consulted

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

LEAD AGENCY

City of Cupertino

Benjamin Fu ..... Director of Community Development
Piu Ghosh ..... Planning Manager
Gian Martire ..... Senior Planner, Project Manager
David Stillman ..... Transportation Manager
Chris Carrao ..... Senior Transit and Transportation Planner
Jennifer Chu ..... Senior Civil Engineer

REPORT PREPARERS

PlaceWorks

Terri McCracken ..... Associate Principal, Principal-in-Charge
Jacqueline Protsman Rohr ..... Associate, Project Manager
Nicole Vermilion ..... Principal, Air Quality and Greenhouse Gas Practice Leader
Steve Bush ..... Senior Engineer
Alejandro Garcia ..... Senior Associate, Noise Specialist
Kristie Nguyen ..... Associate, Air Quality, Greenhouse Gas, and Energy
Vivian Kha ..... Project Planner
Emily Parks ..... Project Planner, Air Quality, Greenhouse Gas, and Energy
Grant Reddy ..... Graphics Specialist

W-Trans Transportation Consultants

Brian Jackson ..... Senior Associate

ORGANIZATIONS AND PERSONS CONSULTED

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