

# Loc-N-Stor Self Storage Project

## CEQA Exemption

City of Cupertino

*Prepared for:*

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# 1. Introduction

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## 1.1 CATEGORICAL EXEMPTION

Article 19 (Categorical Exemptions) of the California Environmental Quality Act (CEQA) Guidelines includes, as required by CEQA Section 21084 (List of Exempt Classes of Projects; Projects Damaging Scenic Resources), a list of classes of projects which have been determined not to have a significant effect on the environment and, as a result, are exempt from review under CEQA. This document has been prepared to demonstrate CEQA compliance as it pertains to the redevelopment of the existing storage unit development on the project site, referred to as the proposed Loc-n-Stor Self Storage Project (proposed project) and provides information to the decision-makers regarding a finding that the proposed project is exempt under CEQA.

This document describes how the proposed project qualifies for a Class 32 CEQA Exemption pursuant to CEQA Guidelines Sections 15332 (Infill Development Projects) which requires that:

- (a) the proposed project is consistent with the applicable General Plan designation and all applicable General Plan policies, as well as the applicable Zoning designations and regulations;
- (b) the proposed project would occur within the city limits on a site of less than 5 acres in size that is substantially surrounded by urban uses;
- (c) the project site has no value for endangered, rare or threatened species;
- (d) the proposed project would not result in any significant effects related to traffic, noise, air quality or water quality; and
- (e) the project site can be adequately served by all required utilities and public services.

In addition, this document demonstrates that none of the exceptions to categorical exemptions apply pursuant to CEQA Guidelines Section 15300.2 (Exceptions), which are based on the following:

- (a) the project is not located within a sensitive environment;
- (b) there would be no cumulative impacts;
- (c) there would be no significant effects on the environment due to an unusual circumstance;
- (d) there would be no impacts to a scenic highway;
- (e) the project site is not located on a hazardous waste site; and
- (f) there would be no impacts to historical resources.

## 1. Introduction

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## 2. Project Description

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### 2.1 REGIONAL LOCATION

As shown on Figure 2-1, the project site is located in Cupertino, which is in the northwestern portion of Santa Clara County. Cupertino is roughly 45 miles south of San Francisco and 10 miles west of downtown San Jose. Interstate 280 (I-280) provides regional vehicular access to the project site.

### 2.2 PROJECT SITE

#### 2.2.1 Location

The approximately 4-acre project site is located at 10655 Mary Avenue in the northwest region of the city. As shown on Figure 2-2, the project site is surrounded by the State Route 85 (SR-85)/I-280 interchange to the north and west, the Don Burnett Bicycle-Pedestrian Bridge and a residential neighborhood to the east, and the Cupertino Public Works maintenance yard to the south. Mary Avenue via Stevens Creek Boulevard and Meteor Drive via Castine Avenue, Gardena Drive and Greenleaf Drive, and Stelling Avenue provide local vehicular access to the site.

#### 2.2.2 Existing Site Conditions

As shown on Figure 2-3, the project site is currently developed with seven one-story, wood-framed storage buildings that total 59,546 square feet of building space<sup>1</sup> associated with 463 self-storage units.<sup>2</sup> A single residential unit for the property manager is located on the southeast corner of the project site. The site includes asphalt and concrete paved driveways. The existing facility also includes six standard parking stalls and 33 oversize parking stalls for recreational vehicles that are located on the 80-foot wide Pacific Gas and Electric (PG&E) easement that crosses the project site from northeast to southwest.<sup>3</sup> PG&E overhead power lines are also located within the easement. There is one PG&E tower located at the southwest corner of the project site.

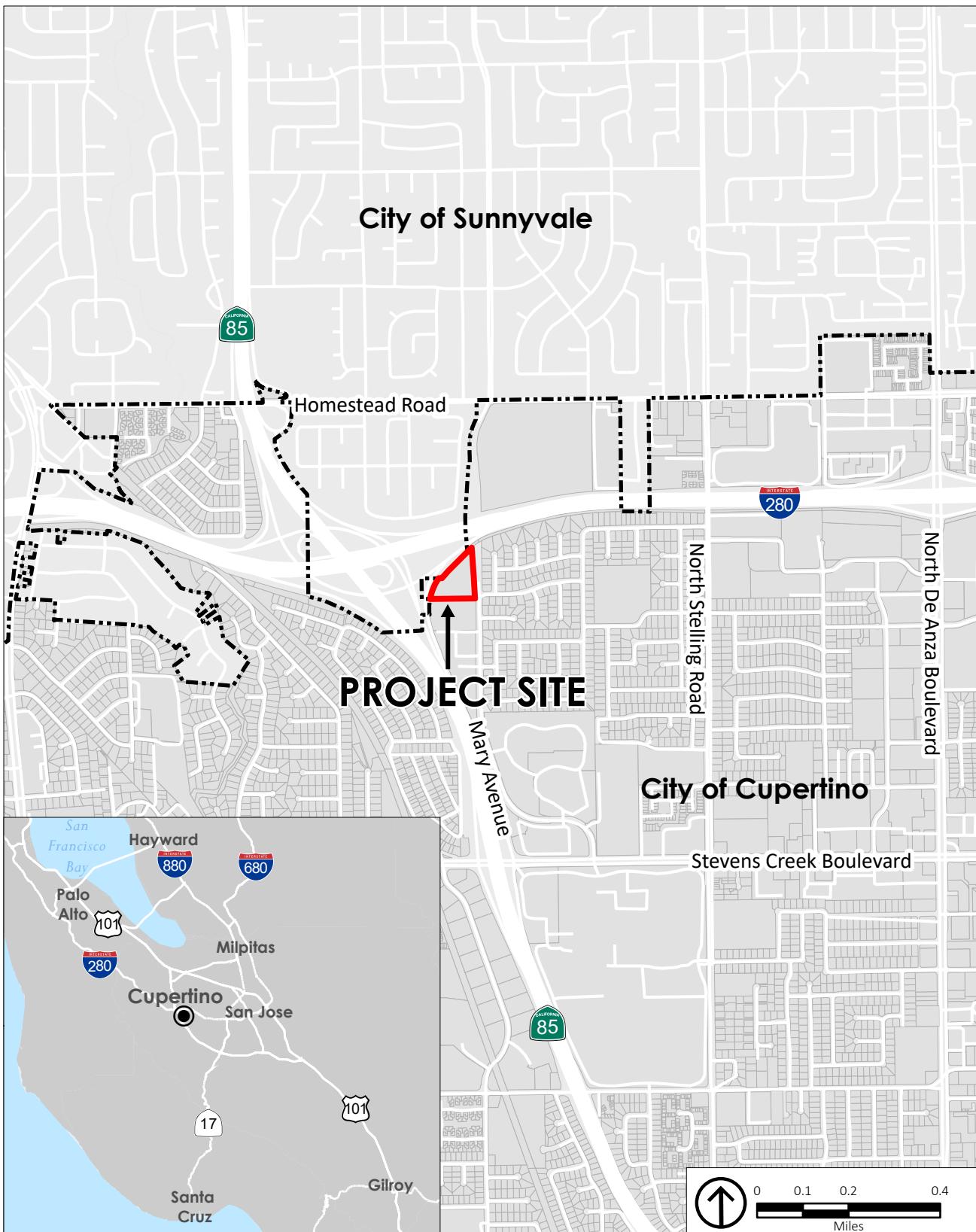
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<sup>1</sup> Project Site Plans, 2019, Sheet A2.1, October 28.

<sup>2</sup> *Phase 1 Environmental Site Assessment*, 2017, AST Geotechnical and Environmental Consulting Engineers, page 14, January 26.

<sup>3</sup> Land Title Survey, 2017, Kier & Wright Civil Engineers, April 11.

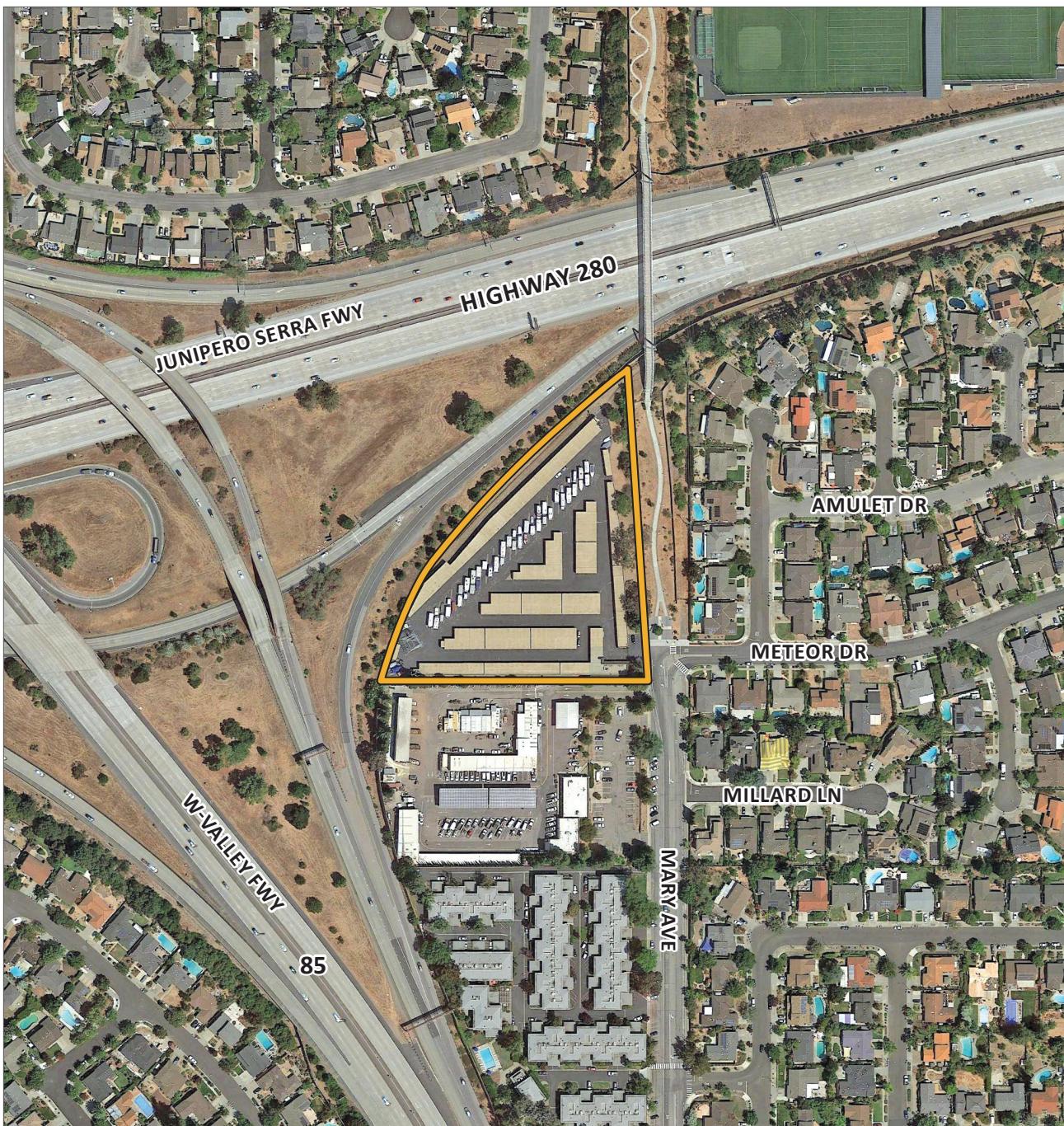
## 2. Project Description



Source: ESRI, 2017; PlaceWorks, 2019.

Figure 2-1  
Regional and Vicinity Map

## 2. Project Description



Source: Google Earth, 2019. PlaceWorks, 2021.



Project Site Boundary

Figure 2-2  
Aerial Photograph of the Project Site

## 2. Project Description

The site is generally flat with an elevation of 278 feet above mean sea level. The surficial geology is young, unconsolidated Quaternary alluvium,<sup>4</sup> which is described as Holocene-age younger alluvium and coarse-grained alluvium that are composed of unconsolidated, poorly sorted gravel, silt, sand, and clay and organic matter.

The project site was developed in 1977 and 1978.<sup>5</sup> Due to the age of the existing buildings, they may contain asbestos-containing materials (ACM), lead-based paint (LBP) or polychlorinated biphenyls (PCBs), which have been regulated in construction since the early 1970's.<sup>6</sup> A search of the Department of Toxic Substance Control (DTSC) EnviroStor database and the State Water Resources Control Board's online GeoTracker database was conducted on August 7, 2019 by PlaceWorks and a more extensive database search was performed by AST Geotechnical and Environmental Consulting Engineers as part of the Phase 1 ESA, which both concluded that there are no hazardous materials of concern on the project site or in close proximity to the site.<sup>7</sup>

The majority of the project site is fully developed with buildings and hardscape. An approximately 24-foot by 34-foot area in the southeast corner is landscaped with some groundcover, ornamental rocks, and a mature tree. The eastern border of the project site includes an approximately 40-foot-wide landscaped strip with groundcover (grass) shrubs. Mature trees are located on and adjacent to the site on City property that range in height from 10 to 50 feet. There are 32 trees located on and adjacent to the project site on City property that meet the definitions for protected tree status pursuant to Cupertino Municipal Code (CMC) Chapter 14.18, Protected Trees.<sup>8</sup> Using data from the Classification and Assessment with Landsat of Visible Ecological Groupings (CALVEG)<sup>9</sup> habitat mapping program, the site is classified as an "urban area" that tends to have low to poor wildlife habitat value due to replacement of natural communities, fragmentation of remaining open space areas and parks, and intensive human disturbance. Stormwater flows to the northeast from the site and drains to a 12-inch outfall into the Junipero Serra Channel, a concrete-lined

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<sup>4</sup> 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.

<sup>5</sup> *Phase 1 Environmental Site Assessment*, 2017, AST Geotechnical and Environmental Consulting Engineers, page 6, January 26.

<sup>6</sup> *Phase 1 Environmental Site Assessment*, 2017, AST Geotechnical and Environmental Consulting Engineers, pages 19 to 22, January 26.

<sup>7</sup> Department of Toxic Substance Control's EnviroStor database, <https://www.envirostor.dtsc.ca.gov/public/map/?myaddress=10655+mary+Avenue+cupertino>, and the State Water Resources Control Board's GeoTracker database, <https://geotracker.waterboards.ca.gov/map/?CMD=runreport&myaddress=10655+mary+avenue+cupertino>, accessed on August 7, 2019; *Phase 1 Environmental Site Assessment*, 2017, AST Geotechnical and Environmental Consulting Engineers, pages 33 to 40, January 26.

<sup>8</sup> *Arborist Report*, 2019, McClenahan Consulting, LLC, August 2019.

<sup>9</sup> The CALVEG system was initiated in January 1978 by the Region 5 Ecology Group of the US Forest Service to classify California's existing vegetation communities for use in statewide resource planning. CALVEG maps use a hierarchical classification on the following categories: forest; woodland; chaparral; shrubs; and herbaceous.

## 2. Project Description

ditch owned and maintained by Valley Water, that carries runoff to Calabazas Creek and to the San Francisco Bay.

### 2.3 LAND USE AND ZONING DESIGNATIONS

The project site is assigned Assessor's Parcel Number (APN) 326-06-050. The project is located within the Industrial/Residential General Plan Land Use Designation, and the Planned Development Quasi-Public Building Mini-Storage P(BQ, MINI-STOR) zoning district. The Industrial/Residential designation allows both industrial uses and residential uses, or a compatible combination of the two. Industrial use refers to manufacturing, assembly, and research and development. Administrative offices that support manufacturing and wholesaling are included. The General Plan allows for a maximum building height of 30 feet on the project site.

As described in CMC Section 19.80.010,<sup>10</sup> the planned development zoning district is intended to provide a means of guiding land development or redevelopment of the city that is uniquely suited for planned coordination of land uses. Development in this zoning district provides for a greater flexibility of land use intensity and design because of accessibility, ownership patterns, topographical considerations, and community design objectives. This zoning district is intended to accomplish the following:

- Encourage variety in the development pattern of the community.
- Promote a more desirable living environment.
- Encourage creative approaches in land development.
- Provide a means of reducing the amount of improvements required in development through better design and land planning.
- Conserve natural features.
- Facilitate a more aesthetic and efficient use of open spaces.
- Encourage the creation of public or private common open space.

All planned development districts are identified on the zoning map with the letter code "P" followed by a specific reference to the general type of use allowed in the particular planning development zoning district. The general type of use allowed on the project site is Quasi-Public Building Mini-Storage (BQ, MINI-STOR), which allows for self-storage facilities and is the use currently on the project site.

### 2.4 GENERAL PLAN EIR

The City's *General Plan Amendment, Housing Element Update, and associated Rezoning Project Environmental Impact Report (EIR)* was certified by the Cupertino City Council in December 2014,<sup>11</sup> and

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<sup>10</sup> Cupertino Municipal Code, Title 19, *Zoning*, Chapter 19.80, *Planned Development*, Section 19.80.010, *Purpose*, and Zoning Map <https://www.cupertino.org/home/showdocument?id=13535>. Accessed August 5, 2019.

<sup>11</sup> City of Cupertino, certified *General Plan Amendment, Housing Element Update, and Associated Rezoning EIR*, State Clearinghouse Number 2014032007. December 2014.

## 2. Project Description

several addenda to that EIR that were approved by the City Council in October 2015,<sup>12</sup> August 2019,<sup>13</sup> December 2019,<sup>14,15</sup> and October 2021,<sup>16</sup> together hereinafter “General Plan EIR.” As shown in Table 2-1, the proposed project is within the buildout projected and evaluated in the General Plan EIR.

TABLE 2-1 REASONABLY FORESEEABLE DEVELOPMENT PROJECTS IN CUPERTINO

	Hotel	Residential	Commercial	Office
<b>General Plan EIR: Maximum Development Potential</b>	1,339	4,421	1,343,679	4,040,231
<b>Foreseeable Development</b>				
<i>Marina Plaza<sup>a</sup></i>	122	188	23,000	
<i>The Hamptons Redevelopment<sup>a</sup></i>		600		
<i>The Forum<sup>a</sup></i>		23		
<i>The Village Hotel<sup>a</sup></i>	185			
<i>De Anza Hotel<sup>a</sup></i>	155			
<i>Westport<sup>b</sup></i>		267	20,000	
<i>Public Storage<sup>a, d</sup></i>			209,485	
<i>22690 Stevens Creek Boulevard<sup>b</sup></i>		9		
<i>Canyon Crossings<sup>b</sup></i>		18	4,536	
<i>Scandinavian Design<sup>a</sup></i>			2,235	
<i>1655 South De Anza Boulevard<sup>b</sup></i>		34	8,000	
<i>Vallco<sup>a, c</sup></i>		2,402	400,000	1,810,000
<i>19191 Vallco Parkway<sup>b</sup></i>			2,300	280,000
<b>Total Foreseeable Development</b>	<b>462</b>	<b>3,541</b>	<b>669,556</b>	<b>2,090,000</b>
<b>General Plan EIR: Remaining Development Potential</b>	<b>877</b>	<b>880</b>	<b>674,123</b>	<b>1,950,231</b>

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, 2021.

<sup>12</sup> City of Cupertino, approved *General Plan Amendment, Housing Element Update, and Associated Rezoning EIR Final Addendum*, State Clearinghouse Number 2014032007. October 2015.

<sup>13</sup> City of Cupertino, approved *Second Addendum to the General Plan Amendment, Housing Element Update, and Associated Rezoning Draft EIR*, State Clearinghouse Number 2014032007. August 2019.

<sup>14</sup> City of Cupertino, approved *Third Addendum to the General Plan Amendment, Housing Element Update, and Associated Rezoning Draft EIR*, State Clearinghouse Number 2014032007. December 2019.

<sup>15</sup> City of Cupertino, approved *Fourth Addendum to the General Plan Amendment, Housing Element Update, and Associated Rezoning Draft EIR*, State Clearinghouse Number 2014032007. December 2019.

<sup>16</sup> City of Cupertino, approved *General Plan Amendment, Housing Element Update, and Associated Rezoning EIR Addendum No. 5*, State Clearinghouse Number 2014032007. October 2021.

## 2. Project Description

### 2.5 PROPOSED PROJECT

The project applicant, Bass Cupertino, LLC, is proposing to redevelop the project site to update and expand the existing self-storage facility located at 10655 Mary Avenue. The proposed project would redevelop the portion of the project site that is southeast of the on-site PG&E easement. The existing 13,518-square-foot storage building northwest of the PG&E easement and 33 oversize parking stalls for recreational vehicles located under the PG&E power lines would remain unchanged under the proposed project. Therefore, the area of disturbance on the approximately 4-acre site would be approximately 3 acres or 132,000 square feet. See Figure 2-3. The proposed project would involve the demolition of all of the existing buildings and paved areas in the area of disturbance shown on Figure 2-3, site preparation, and the construction of new storage facilities, property management facilities (office and residence), and associated landscaping, on-site paved roadways and surface parking. The following provides a detailed description of the proposed project.

#### 2.5.1 Proposed Buildings

The proposed storage units and property management facilities (office and residence) would be located within three buildings as shown in Table 2-2.

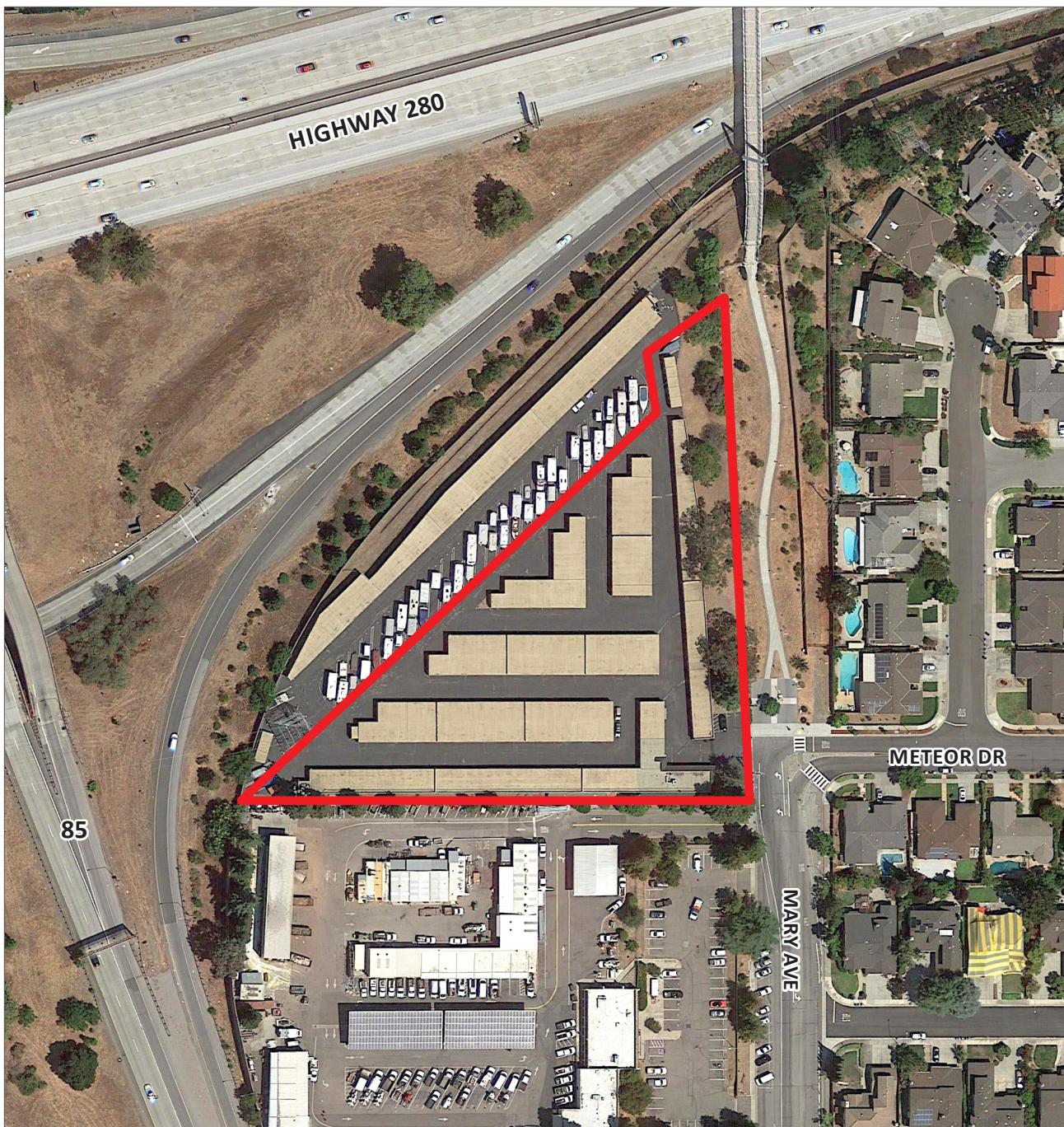
TABLE 2-2 PROPOSED REDEVELOPMENT BY BUILDING

Building	Storage Units (square feet)	Property Management	Gross Square Feet	Height
<b>Building A</b>				
Level 1	38,809		119,747	30 feet
Level 2	38,969			(3 stories)
Level 3	41,969			
<b>Building B</b>				
Level 1	14,234		28,568	25 feet
Level 2	14,334			(2 stories)
<b>Building C</b>				
Level 1	1,954	1,787 (office, courtyard, and garage)	5,012	25 feet
Level 2		1,271 (residence)		(2 stories)
<b>Total New Development</b>	<b>150,269</b>	<b>3,058</b>	<b>153,327</b>	

Note: Building D is 13,518 square feet and no redevelopment of this building is proposed.

Source: Project Applicant, Preliminary Site Plans, January 25, 2021.

## 2. Project Description



Source: Google Earth, 2019. PlaceWorks, 2021.

0 200  
Scale (Feet) 



Area of Disturbance

Figure 2-3  
Area of Disturbance

## 2. Project Description

The proposed project would result in an increase of approximately 104,233 square feet of buildings on the project site (46,036 square feet of existing buildings to be demolished<sup>17</sup> compared to 150,269 square feet of proposed redevelopment).

Building A, located in the center of the site, would be three stories tall and have a maximum building height of 32 feet. The other two new buildings (Buildings B and C), located on the southern and eastern perimeters of the site, would be two stories tall and have a maximum building height of 27 feet. An existing building, Building D, will remain, but be improved to match the new buildings on site. The conceptual site plans and building elevations are shown on Figures 2-4 and 2-5, respectively.

The proposed new storage units would be available in a variety of sizes ranging from 5 feet by 5 feet to 10 feet by 20 feet. All three new buildings would offer units with climate control features. The heating, ventilation, and air conditioning (HVAC) equipment would be located on the roof of each building and would be enclosed to withstand climatic conditions and reduce noise. The proposed property management facilities would be located in Building C at the south end of the building near the project entrance. The leasing and management office would be located on the ground floor and the residence would be located on the second floor.

### 2.5.2 Landscaping

The proposed project would provide 24,494 square feet of landscaped area.<sup>18</sup> Landscaping improvements would be located on all sides of the project site with the majority of the landscaping being located on the eastern perimeter of the project site adjacent to the existing public path and would consist of trees, shrubs, and groundcover. The proposed landscaping would be consistent with the surrounding Northern California landscape and would include native and/or adaptive and drought resistant plant materials of similar water use grouped by hydrozones, which are areas where plants are organized based on similar water use.<sup>19</sup> The majority of plantings would be drought tolerant grasses, shrubs, and trees that, once established, are adapted to a dry summer and intermittent rain in the winter season. Implementation of a bioretention area discussed below in Section 2.5.4.3, Stormwater Management, will require the removal of eight trees. Since these trees were required to be planted as part of the originally approved development, they are protected by CMC Section 14.18.050 under category "C. Approved Development Tree,"<sup>20</sup> and replacement plantings are required for the proposed removal. The proposed project replacement plantings include one 24-inch box tree and seven 36-inch box trees.

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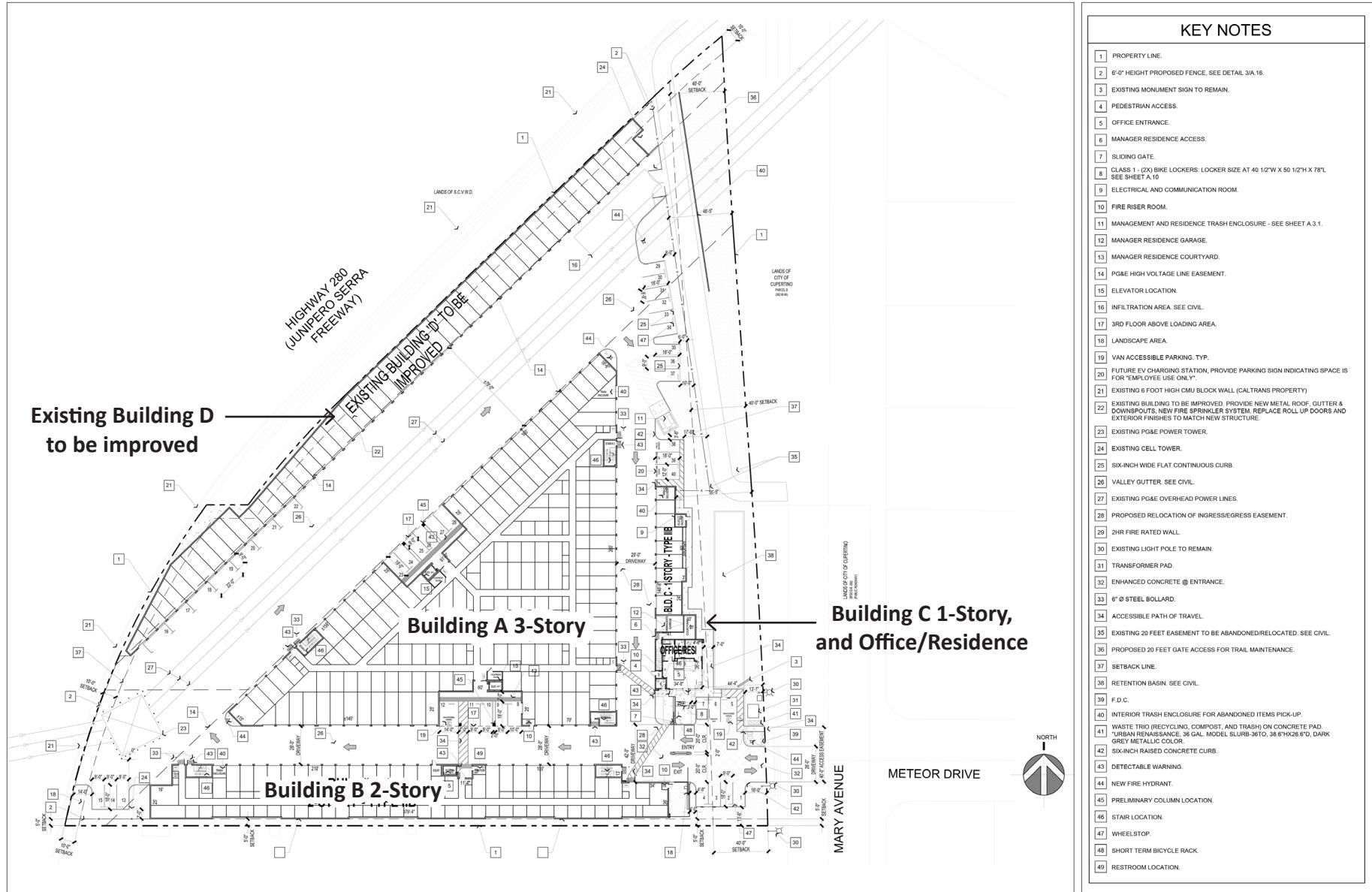
<sup>17</sup> 59,554 square feet existing conditions minus 13,518 square feet of existing to remain building equals 46,036 square feet.

<sup>18</sup> Plant Imagery and Area Map, 2020, Sheet CLP-03, November 13.

<sup>19</sup> The California Model Water Efficient Landscape Ordinance defines a hydrozone as a portion of the landscaped area having plants with similar water needs.

<sup>20</sup> *Arborist Memo*, 2019, McClenahan Consulting, LLC, September 2019.

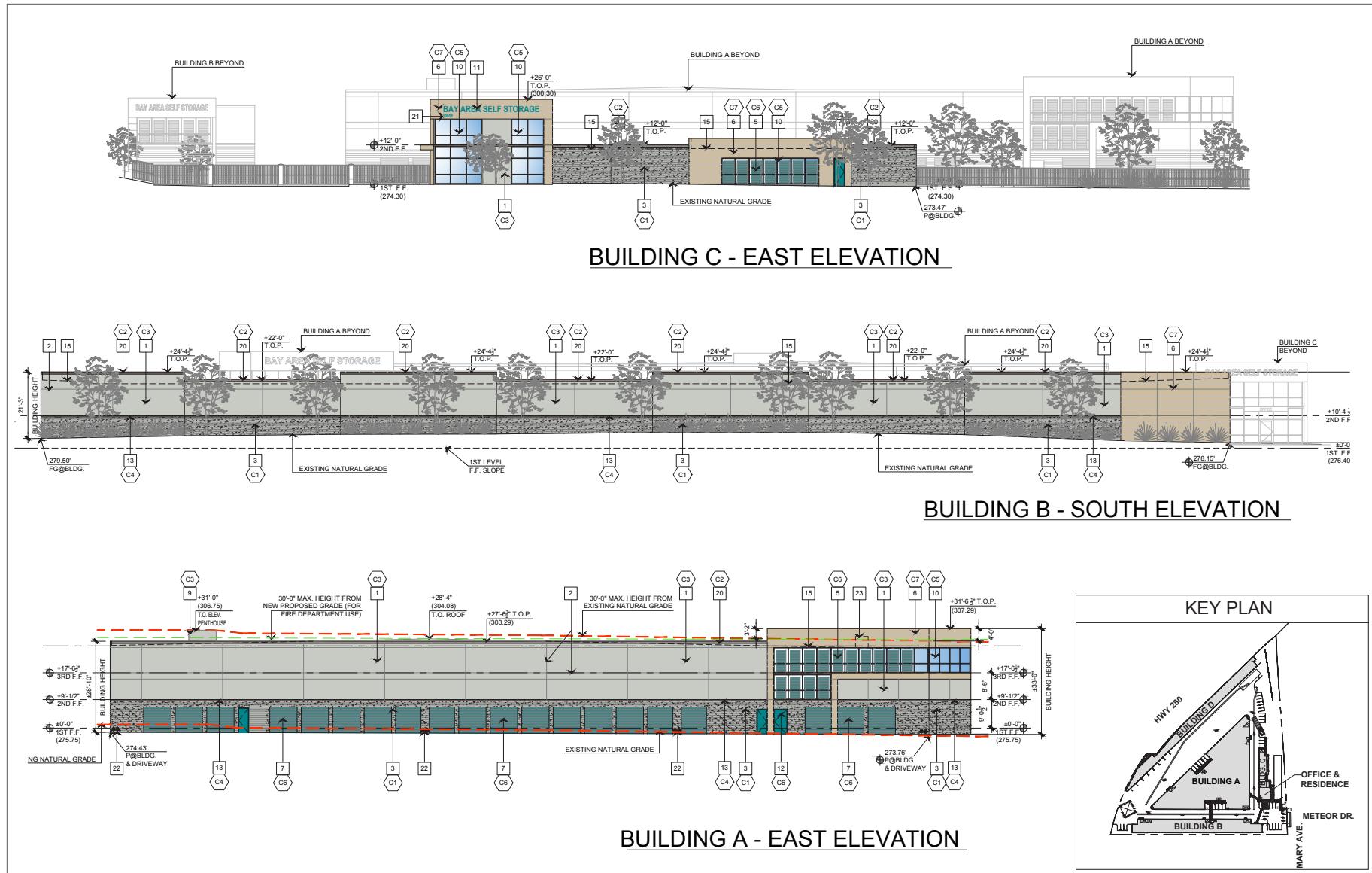
## 2. Project Description



Source: Jordan Architects, 2021. PlaceWorks, 2021.

Figure 2-4  
Conceptual Site Plan

## 2. Project Description



Source: Jordan Architects, 2021. PlaceWorks, 2021.

Figure 2-5  
Conceptual Building Elevations

## 2. Project Description

### 2.5.3 Project Access & Circulation

Access to the project site would be the same as existing conditions. The driveway would be located on Mary Avenue at the Mary Avenue/Meteor Drive intersection and vehicles would access the site the same way it is accessed today. Parking would include 40 automobile parking spaces, two of which would be compliant with the Americans with Disabilities Act. On-site circulation would be via an internal two-way road surrounding Building A. The Santa Clara County Fire Department (SCCFD) and City of Cupertino Building Division coordinate the review of building permits. All access driveways would be designed in accordance with City of Cupertino standards and would be reviewed and approved by SCCFD prior to project construction. See Figure 2-4.

### 2.5.4 Utilities & Public Service Providers

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

#### 2.5.4.1 WATER SUPPLY AND CONSERVATION

The project site is located within the Cupertino Water Service (CWS) area, leased to San José Water (SJW). Water service to the project site would be provided by the existing water line on the southern border of the project site via a 6-inch connection for fire water, and 4-inch connections for domestic and irrigation water.<sup>21</sup> No new connections would be needed and are not proposed as part of the project.

The project incorporates a number of features meant to conserve water. The proposed landscaping would include native and/or adaptive, and drought resistant plant materials of similar water use grouped by hydrozones. The majority of plantings would be drought tolerant grasses, shrubs, and trees that once established, would be adapted to a dry summer and intermittent rain in the winter season. All landscape zones would be irrigated as required by the Cupertino Landscape Ordinance, and water uses would be tailored to meet Cal Green Building Standards, which requires water conservation and requires new buildings to reduce water consumption by 20 percent.

#### 2.5.4.2 SANITARY SEWER SERVICE

The project site is located within the Cupertino Sanitary District service area and wastewater would be treated at the San Jose/Santa Clara Water Pollution Control Plant. Wastewater generated at the project site would be collected by the existing 4-inch sanitary sewer lateral located on the southern border of the project site and the existing 15-inch sanitary sewer main located in Mary Avenue.

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<sup>21</sup> Project Site Plans, 2019, Sheet C.2, October 18.

## 2. Project Description

### **2.5.4.3 STORMWATER MANAGEMENT**

The proposed project would create and/or replace more than 50 percent of the existing impervious area and is therefore required to treat the entire project site. The proposed project would include a 2,575-square-foot bioretention area and one 5,376-cubic-foot below-ground infiltration basin to hold and treat stormwater runoff before it enters the Junipero Serra Channel thereby reducing demand on the storm drain system. See Figure 2-6. 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. Additionally, the project must comply with CMC Chapter 9.18, which is intended to provide regulations and give legal effect to certain requirements of the National Pollutant Discharge Elimination System (NPDES) permit issued to the City of Cupertino.

### **2.5.4.4 SOLID WASTE SERVICES**

Recology South Bay (Recology) would provide curbside recycling, garbage, and compost and yard waste service to the project site.<sup>22</sup> All non-hazardous solid waste collected under the Recology franchise agreement is taken to Newby Island Sanitary Landfill (NISL) for processing. Under the agreement between the City and Recology, recyclable materials are also handled (at no cost to customers) by Recology. 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.<sup>23</sup> The City, therefore, has options for landfill service once the City's existing contract with NISL ends in 2023.

### **2.5.4.5 OTHER UTILITIES (GAS, ELECTRIC, AND CABLE)**

PG&E would supply natural gas and electricity to the project site via existing infrastructure. The source of electricity would be provided through a partnership of Silicon Valley Clean Energy (SVCE) and PG&E, which provides a standard electricity offering from a 50 percent renewable portfolio.<sup>24</sup> SVCE also offers a 100 percent renewable option that electricity customers can opt into.

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<sup>22</sup> City of Cupertino, Garbage and Recycling, <https://www.cupertino.org/our-city/departments/environment-sustainability/garbage-recycling>, accessed August 5, 2019.

<sup>23</sup> Santa Clara County Integrated Waste Management Plan, County of Santa Clara Environmental Resources Agency, 1996.

<sup>24</sup> Silicon Valley Clean Energy. 2019. Your Choices. <https://www.svcleanenergy.org/choices/>, accessed on May 2, 2019 at

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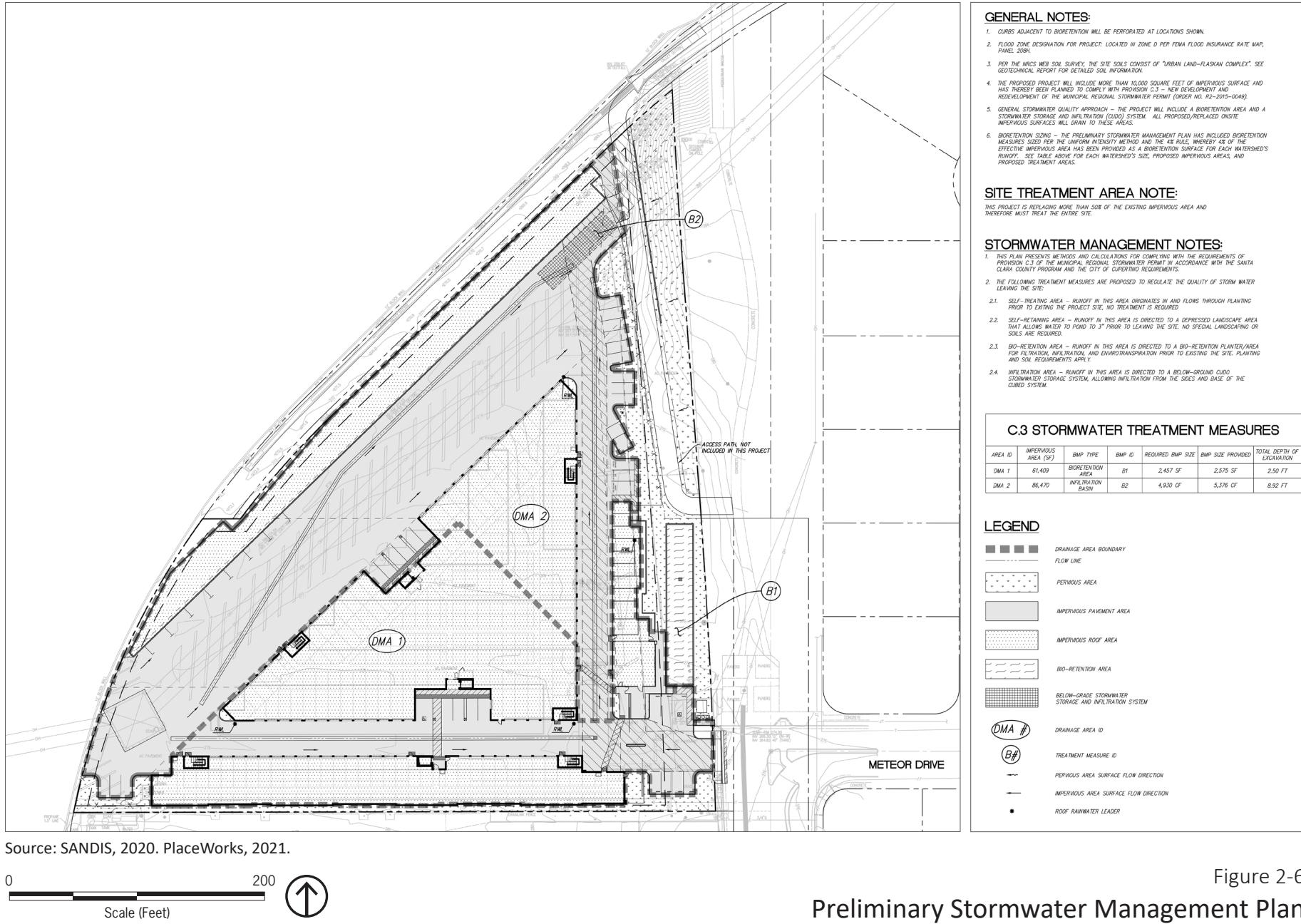


Figure 2-6

## 2. Project Description

The proposed development would achieve Leadership Energy & Environmental Design (LEED) Silver,<sup>25</sup> or Alternative Reference Standard, consistent with the City's requirements.<sup>26</sup> AT&T, Comcast, or other providers would provide telephone service and cable television service to the proposed property management facilities (office and residence).

### 2.5.5 Demolition, Grading, and Construction

The project demolition, grading, and construction is assumed to take place over 12 months (263 workdays). The project applicant proposes to demolish seven of the existing buildings and remove the existing on-site vegetation and eight trees on the eastern perimeter of the site.

The proposed project would require 7,800 cubic yards of cut to be off-hauled and no fill would be required.<sup>27</sup> The project site would be graded down to a depth of approximately 2 feet below the existing ground surface and trenching for utility installation. Demolition debris would be off-hauled for disposal in accordance with the City of Cupertino's Recycling and Diversion of Construction and Demolition Waste Ordinance.<sup>28</sup> Typical equipment to be used for demolition and site preparation would include excavators, a skid steer loader, a grader, a rubber-tired dozer, scrapers, and an off-highway truck. 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.

Demolition and construction work would be conducted between 7:00 a.m. to 8:00 p.m. on weekdays, and the period from 9:00 a.m. to 6:00 p.m. on weekends as provided for in CMC Section 10.48.053, Grading, Construction and Demolition. 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.<sup>29</sup>

During demolition and construction, vehicles, equipment, and materials would be staged and stored on a portion of the project site. The construction site and staging areas would be clearly marked, and construction fencing would be installed to prevent disturbance and safety hazards. No staging would occur

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<sup>25</sup> 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.

<sup>26</sup> Cupertino Municipal Code (CMC) Sections 16.58.100 through 16.58.220 sets forth the standards for green building requirements by type of building. As shown on Table 101.10 in CMC Section 16.58.220, non-residential new construction exceeding 50,000 square feet is required to be LEED Silver or equivalent.

<sup>27</sup> Project Site Plans, 2019, Sheet C.2, October 18.

<sup>28</sup> Cupertino Municipal Code, Title 16, *Building and Construction*, Chapter 16.72, *Recycling and Diversion of Construction and Demolition Waste*.

<sup>29</sup> Cupertino Municipal Code, Title 10, *Public Peace, Safety and Morals*, Chapter 10.48, *Community Noise Control*, Section 10.48.053, *Grading, Construction and Demolition*.

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in the public right-of-way. On-site parking facilities for construction workers would be identified during demolition, grading, and construction.

### 2.5.6 Required Permits and Approval

Following approval of the CEQA Categorical Exemption and the approval of the proposed project by the Planning Commission, the following discretionary permits and approvals from the City would be required for the proposed project:

- Development Permit
- Architectural and Site Approval
- Tree Removal Permit
- Encroachment Permit
- Provision of grading, demolition, construction, and Stormwater Pollution Prevention Plan permits and approvals

Other agencies that also have discretionary authority related to the project, such as PG&E would authorize the connection/reconnection of electric utilities, San José Water would authorize the installation of a water meter connection, and Cupertino Sanitary District would be responsible for authorizing the sanitary sewer line.

## 3. Exemption

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As stated in the Introduction chapter of this document, Article 19 of the CEQA Guidelines includes a list of classes of projects which have been determined not to have a significant effect on the environment and, as a result, are exempt from review under CEQA. This document has been prepared to serve as the basis for compliance with CEQA as it pertains to the proposed project, and to demonstrate that the project qualifies for a CEQA Exemption as an Infill Development Project, consistent with the provisions of CEQA Guidelines Sections 15332 and 15300.2. Specifically, the information provided herein shows that:

- The proposed project qualifies for an exemption under CEQA Guidelines Section 15332 (Class 32: Infill Development Projects) and, as a result, would not have a significant effect on the environment;
- No exceptions to the infill exemption, as identified in CEQA Guidelines Section 15300.2, apply to the proposed project.

### 3.1 SECTION 15332(A): GENERAL PLAN AND ZONING CONSISTENCY

*For the reasons stated below, the proposed project is consistent with the applicable General Plan designation and all applicable General Plan policies, as well as the applicable Zoning designations and regulations, and therefore meets the criteria for Section 15332(a).*

#### 3.1.1 General Plan

The project site is designated Industrial/Residential in the City of Cupertino General Plan. The General Plan intends for this site to consist of primarily industrial uses and secondarily residential uses, or a compatible combination of the two. Industrial use refers to manufacturing, assembly, and research and development. Administrative offices that support manufacturing and wholesaling are included. While the self-storage use is in the industrial land use category, the operation of an industrial use differs from that of a self-storage use because a self-storage use would not include any type of manufacturing, assembly, or research and development.

The proposed project would result in the demolition of existing public storage buildings on the project site and the construction of new two- to three-story (up to approximately 32 feet tall) self-storage buildings, which due to proposed site grading would be a maximum of 30 feet above the existing grade. Therefore, implementation of the proposed project would not introduce a new incompatible land use to the project site or the surrounding Garden Gate Neighborhood. Additionally, the proposed project is consistent with General Plan Land Use (LU) Goal 5, which states that the City will ensure that neighborhoods have access

### 3. Exemption

to local retail and services within walking or bicycling distance. The proposed project continues to provide a retail public storage facility that provides a convenient service to the immediate residents of Garden Gate Neighborhood and the greater Cupertino area. In addition, the proposed project is within the 30-foot height limit established in the Heart of the City Special Area shown on Figure LU-1, Community Form Diagram, in Chapter 3, Land Use and Community Design Element of the General Plan. Therefore, the proposed project would be consistent with the project site's General Plan land use designation.

#### 3.1.2 Zoning

The project site is zoned Planned Development Quasi-Public Building Mini-Storage P(BQ, MINI-STOR) on the City of Cupertino Zoning Map. 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 planned development zoning district. The general type of use allowed on the project site is Quasi-Public Building Mini-Storage (BQ, MINI-STOR), which allows for self-storage facilities such as what is currently on the project site and what is proposed. Therefore, the proposed project would not introduce a new incompatible use and would continue to be consistent with the project site's zoning designation.

## 3.2 SECTION 15332(B): PROJECT LOCATION, SIZE, AND CONTEXT

*For the reasons stated below, the proposed development occurs within city limits on a project site of no more than 5 acres substantially surrounded by urban uses and therefore meets the criteria of Section 15332(b).*

The proposed project is located within city limits. The area of disturbance on the approximately 4-acre site would be approximately 3 acres, or 132,000 square feet. The project site is substantially surrounded by urban uses and paved public streets, including single-family homes, a multi-use pathway, City maintenance facilities, Mary Avenue, Meteor Drive, and I-280. See Figure 2-3. Accordingly, the proposed project meets the criteria of CEQA Guidelines Section 15332(b).

## 3.3 SECTION 15332(C): ENDANGERED, RARE, OR THREATENED SPECIES

*For the reasons stated below, which includes compliance with the standard condition of approval protecting nesting birds listed below, the project site has no value for endangered, rare, or threatened species and therefore meets the criteria of CEQA Guidelines Section 15332(c).*

The project site has no value as habitat for endangered, rare, or threatened species. The project site is developed and consists of seven self-storage buildings, drive aisles, and ruderal vegetation. There are 32 trees located on and adjacent to the project site on City property, of which eight trees would be removed as a part of the proposed project. No existing buildings that could potentially provide habitat for special-status bats would be removed as a part of the proposed project.

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Migratory birds, which are protected under the Migratory Bird Treaty Act, may use vegetation, including existing trees, on or near the project site for nesting. Implementation of the following standard condition of approval would ensure that potential impacts to nesting birds and raptors during construction would be *less than significant*:

- Construction and tree removal/pruning activities shall be scheduled to avoid the nesting season to the extent feasible. If feasible, tree removal and/or pruning shall be completed before the start of the nesting season to help preclude nesting. The nesting season for most birds and raptors in the San Francisco Bay area extends from February 1 through August 31.
- If it is not possible to schedule construction activities between September 1 and January 31, then a qualified ornithologist shall conduct a preconstruction survey to identify active bird nests that may be disturbed during project construction. This survey shall be completed no more than seven days prior to the initiation of demolition/construction activities (including tree removal and pruning). During this survey, the ornithologist shall inspect all trees and other possible nesting habitats in and immediately adjacent to the construction areas for nests.
- If the survey does not identify any nesting birds that would be affected by construction activities, no further mitigation is required. If an active nest is found sufficiently close to work areas to be disturbed by these activities, the ornithologist (in consultation with the California Department of Fish and Wildlife) shall designate a construction-free buffer zone (typically 300 feet for raptors and 100 feet for non-raptors) to be established around the nest to ensure that no nests of species protected by the Migratory Bird Treaty Act and California Fish and Game Code will be disturbed during construction activities. The buffer shall remain in place until a qualified ornithologist has determined that the nest is no longer active.
- A final report on nesting birds and raptors, including survey methodology, survey date(s), map of identified active nests (if any), and protection measures (if required), shall be submitted to the Planning Manager, through the building permit review process, and be completed to the satisfaction of the Community Development Director prior to the start of grading.

### 3.4 SECTION 15332(D): TRAFFIC, NOISE, AIR QUALITY, OR WATER QUALITY

*For the reasons stated below, the proposed project would not result in any significant effects related to traffic, noise, air quality, or water quality and therefore meets the criteria of CEQA Guidelines Section 15332(d).*

### 3. Exemption

#### 3.4.1 Traffic

##### 3.4.1.1 VEHICLES

The project site is located in the northwest region of the city. Regional access is provided from I-280 and local access is provided from Mary Avenue via Stevens Creek Boulevard and Meteor Drive via Castine Avenue, Gardena Drive and Greenleaf Drive, and Stelling Avenue. Vehicular access to and from the project site, including the driveway on Mary Avenue, would not change from existing conditions.

The proposed project would not generate any new residents or new employees from what are currently on-site. The proposed project would generate new users to the site due to the net increase in square footage of additional storage facilities onsite.

The Governor's Office of Planning and Research's *Technical Advisory On Evaluating Transportation Impacts in CEQA*,<sup>30</sup> provides guidance on evaluating transportation impacts for redevelopment projects on infill sites, projects that provide locally-serving retail uses, and projects that are consistent with the Regional Transportation Plan (RTP)/Sustainable Community Strategy (SCS).

*Plan Bay Area* is the Bay Area's RTP/SCS that identifies the sustainable vision for the Bay Area. 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 vehicle miles traveled (VMT) reductions. 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. Therefore, the proposed project would not conflict with the *Plan Bay Area*.<sup>31</sup> The project site is zoned for self-storage facilities, which are commonly defined as a type of retail service establishment providing off-site storage space for residents and businesses to rent, offering convenient storage and limited warehousing services primarily for personal effects and household goods within enclosed structures having individual access. In addition, nearly all of the trips generated by the project site would be generated by customers rather than residents or employees. Based on zip code data for current customers at the existing on-site storage facility, customers are primarily from the local area, with 68 percent from Cupertino or the surrounding cities of Sunnyvale, Los Altos, and Saratoga.<sup>32</sup> Furthermore, the proposed project is not considered a regionally significant project under CEQA Guidelines Section 15206 that would affect regional VMT and warrant intergovernmental review by the Association of

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<sup>30</sup> Governor's Office of Planning and Research, *Technical Advisory On Evaluating Transportation Impacts in CEQA*, December 2018.

<sup>31</sup> Governor's Office of Planning and Research, *Technical Advisory On Evaluating Transportation Impacts in CEQA*, page 18, December 2018.

<sup>32</sup> Hexagon, 2021, *Transportation Analysis for the Proposed Self-Storage Facility at 10655 Mary Avenue in Cupertino, California*. September 3.

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Bay Area Governments (ABAG)<sup>33</sup> and the Metropolitan Transportation Commission (MTC).<sup>34</sup> Therefore, the proposed project serves as a local-serving retail use.

The following scenarios involving retail uses are identified by OPR as scenarios that would result in less-than-significant transportation impacts:

- By adding retail opportunities into the urban fabric and thereby improving retail destination proximity, local-serving retail development tends to shorten trips and reduce VMT. Thus, lead agencies generally may presume such development creates a less-than-significant transportation impact.<sup>35</sup>
- If the project leads to a net increase in the provision of locally-serving retail, transportation impacts from the retail portion of the development should be presumed to be less than significant.<sup>36</sup>

As described in Section 3.1.1, General Plan, and Section 3.1.2, Zoning, the proposed redevelopment is consistent with the General Plan land use designation and zoning district. As shown previously in Section 2.4, General Plan EIR, in Table 2-1, the proposed project would not exceed the buildout projected in the General Plan EIR. Accordingly, implementation of the proposed project would be consistent with and would have no effect on the VMT estimates presented in the General Plan EIR.

In summary, the proposed redevelopment project is consistent with the General Plan land use designation and zoning district for the site and *Plan Bay Area*, it would provide additional local-serving retail in the form of expanded storage facility units in an existing neighborhood that is accessed by neighborhood streets, and would not exceed the development evaluated in the General Plan EIR.

The City also adopted a VMT policy on March 2, 2021, based on Senate Bill 743, where local-serving retail projects with 50,000 square feet or fewer meet the City's VMT screening criteria and are not required to prepare a detailed CEQA transportation analysis on VMT. However, self-storage facilities are not addressed in the adopted policy, and the Santa Clara Valley Transportation Authority's Travel Forecasting Model does not explicitly model the proposed land use. Therefore, VMT was analyzed using the applicant supplied trip generation data.

Based on the transportation analysis for the proposed project, the proposed project would result in an estimated 123 daily vehicle trips, which is an additional 79 daily vehicle trips from existing conditions, with 3 additional trips occurring during the morning peaks hours of traffic and 9 additional trips occurring during

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<sup>33</sup> Association of Bay Area Governments, Regional Clearinghouse <http://abag.ca.gov/planning/clearinghouse.html>, accessed July 30, 2019.

<sup>34</sup> Metropolitan Transportation Commission, Air Quality Conformity, [http://www.mtc.ca.gov/planning/air\\_quality/](http://www.mtc.ca.gov/planning/air_quality/), accessed July 30, 2019.

<sup>35</sup> Governor's Office of Planning and Research, *Technical Advisory On Evaluating Transportation Impacts in CEQA*, page 16, December 2018.

<sup>36</sup> Governor's Office of Planning and Research, *Technical Advisory On Evaluating Transportation Impacts in CEQA*, page 18, December 2018.

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the afternoon peak hours of traffic. This is equivalent to a retail project with approximately 3,500 square feet, based on the Institute of Transportation Engineers Trip Generation Manual, which falls below the City's threshold of 50,000 square feet of retail space.<sup>37</sup>

Occupancy rates of storage facilities in and around Cupertino range from 96 to 100 percent occupied at comparable facilities. In addition, storage space supply in Cupertino is 1.33 square feet per resident, compared to the average Bay Area rate of 5.80 square feet per person. Thus, it can be concluded that the Cupertino area is substantially underserved by storage facilities, and many storage users have to travel outside the area to meet their current storage needs.<sup>38</sup>

Based on zip code data provided, the average trip length for current customers is 6.4 miles, which means that the daily VMT is 282 miles for the existing facility.<sup>39</sup> Because of the lack of storage capacity in Cupertino, it is assumed that new customers at the project site currently travel to and from facilities outside the area.<sup>40</sup> Conservatively assuming that current trips are only 2 miles longer, the transportation analysis for the proposed project estimated that potential new customers currently generate 664 daily VMT traveling to other storage facilities outside the area.<sup>41</sup> Thus, the total daily VMT under existing conditions is estimated to be a total of 946.<sup>42</sup> Under the proposed project, the longer trip lengths can be assumed to be reduced to the current average of 6.4 miles, reducing the daily VMT to 787.<sup>43</sup> Therefore, the total VMT for the proposed project would be reduced by 159 miles per day, and the proposed project is expected to result in a reduction in the total VMT.

Since the proposed project meets the City's VMT screening criteria, it can be assumed to have a less-than-significant impact on VMT. In addition, the transportation analysis conducted for the proposed project determined that it would reduce total VMT when compared to the existing on-site uses. Accordingly, there would be no transportation impacts associated with vehicles during the operation of the proposed project.

#### 3.4.1.2 PEDESTRIAN, BICYCLE, AND PUBLIC TRANSIT

The project site is located in northern Cupertino and would continue to be accessible to pedestrians, bicyclists, and transit users; although given the nature of the proposed development, site users are primarily expected to access the site via automobile. While customers are unlikely to bicycle to or from the site, employees of the site may choose to bicycle to and from work. The site is well served by the existing Class

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<sup>37</sup> Hexagon, 2021. *Transportation Analysis for the Proposed Self-Storage Facility at 10655 Mary Avenue in Cupertino, California*. September 3.

<sup>38</sup> Hexagon, 2021. *Transportation Analysis for the Proposed Self-Storage Facility at 10655 Mary Avenue in Cupertino, California*. September 3.

<sup>39</sup> Existing 44 daily vehicle trips x 6.4 miles = 282 daily VMT.

<sup>40</sup> Total of 123 daily trips - 44 existing daily trips = 79 net new daily trips.

<sup>41</sup> Estimated 79 additional daily vehicle trips under the proposed project x 8.4 miles = 664 vehicle miles traveled daily.

<sup>42</sup> Total 282 existing VMT at the project site + 664 VMT trips to other storage units = 946 existing total VMT.

<sup>43</sup> Total of 123 daily vehicle trips under the proposed project x 6.4 miles = 787 vehicle miles traveled daily

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II bike lanes on Mary Avenue, the Class III bikeway on Meteor Drive, and the Class I bicycle/pedestrian bridge over I-280.<sup>44, 45</sup> The project would facilitate implementation of the City's *Bicycle Transportation Plan* by dedicating a 20-foot-wide path easement at the northeast corner of the site for a future Class I bike path that extends from Mary Avenue at Meteor Drive along the I-280 channel on the south side of the freeway. The project also would provide two Class I bicycle lockers that would provide secure long-term bicycle parking to accommodate employee bicycles. Furthermore, the site plan shows a bicycle rack for short-term bicycle parking adjacent to the office that could be used by customers.

Public transit to the project site is provided by a local municipal bus Line 51 operated by the Santa Clara Valley Transit Authority with a bus stop approximately 1.3 miles from the project site on Stevens Creek Boulevard at Mary Avenue. This bus lines provides access to and from the Moffett Field/Ames Center- West Valley College, among other destinations. Pedestrian, bicycle, and public transit access to and from the project site would not change from existing conditions.

Implementation of the proposed project would not substantially increase the daytime population at the project site resulting in a large number of vehicular trips and therefore would not result in changes to the City's transportation and circulation system that could conflict with adopted policies, plans, or programs regarding transit, bicycle, or pedestrian facilities. The proposed project would not otherwise decrease the performance or safety of such facilities or cause a substantial increase in transit demand which cannot be accommodated by existing or proposed transit capacity or alternative travel modes. Accordingly, there would be no transportation impacts related to pedestrians, bicycles, or public transit during the operation of the proposed project.

#### **3.4.1.3 CONSTRUCTION**

Demolition and construction would take place during a 12-month 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 and would generate fewer daily trips than projected during project operation. During demolition and construction, vehicle, equipment, and materials would be staged and stored on a portion of the project site. The construction site and staging areas would be clearly marked, and construction fencing would be installed to prevent disturbance and safety hazards. No staging would occur in the public right-of-way and would not block or obstruct access to neighborhood streets or the Don

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<sup>44</sup> Class I Bikeways are off-road paths and trails. 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. Class III Bikeways are bicycle routes, which are shared facilities with vehicles and other road users, and are often marked by signs and sharrows.

<sup>45</sup> The Don Burnett Bicycle-Pedestrian Bridge, renamed from Mary Avenue Bridge on July 19, 2011, is a cable-stayed bridge over Interstate 280.

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Burnett Bicycle-Pedestrian Bridge.<sup>46</sup> Therefore, no hazards for vehicle, pedestrians, and/or cyclists in the area would occur during this phase.

#### 3.4.2 Noise

The noise environment at the project site is dominated by vehicle traffic noise from I-280. Certain land uses are considered more sensitive to noise than others. Examples of these land uses, also referred to as “sensitive receptors” include residential areas, educational facilities, hospitals, childcare facilities, and senior housing. The closest sensitive receptors to the project site are the single-family residences located approximately 130 feet from the site construction area to the east along Nathanson Avenue and to the south along Meteor Drive and Mary Avenue.

A project will normally have a significant effect on the environment related to noise if it would substantially increase the ambient noise levels for adjoining areas or conflict with the adopted environmental plans and goals of the community in which it is located. Because the proposed project would include the redevelopment of the site with the same use and is consistent with the General Plan and zoning district (see Section 3.1), this analysis addresses increases in ambient noise levels for adjoining areas. Noise impacts can be described in three categories.

- **Audible.** Audible impacts are an increase noise levels that are noticeable to humans. Audible increases in noise levels generally refer to a change of 3.0 decibels (dB) or greater since this level has been found to be barely perceptible in exterior environments.
- **Potentially Audible.** Potentially audible, is the change in the noise level between 1.0 dB and 3.0 dB. This range of noise levels has been found to be noticeable only in laboratory environments.
- **Inaudible.** Changes in noise levels of less than 1.0 dB are inaudible to the human ear. Only audible changes in existing ambient or background noise levels are considered potentially significant.

For the purpose of this analysis, the proposed project would create a significant noise impact if the project-related noise increase at an existing sensitive receptor is greater than 3 dB and the resulting noise level is greater than the standards cited below or if the project-related increase in noise is greater than 5 A-weighted decibels (dBA).

The Health and Safety Element of the City’s General Plan<sup>47</sup> seeks to ensure that the community continues to enjoy a high quality of life through reduced noise pollution, effective project design, and noise management operations. The Health and Safety Element identifies the City’s land use compatibility guidelines for determining acceptable noise levels for specified land uses. The noise environment in the

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<sup>46</sup> The Don Burnett Bicycle-Pedestrian Bridge, renamed from Mary Avenue Bridge on July 19, 2011, is a cable-stayed bridge over Interstate 280.

<sup>47</sup> Cupertino, City of, 2015. *General Plan (Community Vision 2015-2040)*. October 20.

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project area is approximately 65 to 70 dBA CNEL based on the noise contour map in the General Plan Health and Safety Element (Attachment D, Community Noise), with ambient noise levels decreasing at further distance from Mary Avenue. It is important to note that with the Supreme Court decision regarding the assessment of the environment's impacts on projects (*California Building Industry Association (CBIA) v. Bay Area Air Quality Management District (BAAQMD)*, 62 Cal. 4th 369 (No. S 213478) issued December 17, 2015) 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 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.

The City of Cupertino further addresses noise in the CMC Chapter 10.48, *Community Noise Control*. The CMC Section 10.48.040 establishes the acceptable daytime and nighttime maximum noise levels at receiving land uses. As shown in Table 3-1 below, the maximum permissible noise level (as measured at receiving sensitive land uses) that may be generated by sources on a nonresidential land use is 55 dBA during nighttime hours and 65 dBA during daytime hours. The maximum permissible noise level that may be generated by sources on a residential land use is 50 dBA during nighttime hours and 60 dBA during daytime hours. Daytime hours are defined to be the period from 7:00 a.m. to 8:00 p.m. on weekdays, and from 9:00 a.m. to 6:00 p.m. on weekends.

**TABLE 3-1 CITY OF CUPERTINO DAYTIME AND NIGHTTIME MAXIMUM NOISE LEVELS**

Land Use at Point of Origin	Maximum Noise Level at Complaint Site of Receiving Property	
	Nighttime	Daytime
Residential	50 dBA	60 dBA
Nonresidential	55 dBA	65 dBA

Source: City of Cupertino Municipal Code Section 10.48.040 (2021).

In addition, during the daytime period only, brief noise incidents exceeding established limits are permitted, providing that the sum of the noise duration in minutes plus the excess noise level does not exceed 20 dBA in a two-hour period. Table 3-2 shows example combinations of allowable noise level exceedances.

**TABLE 3-2 CITY OF CUPERTINO EXAMPLE MAXIMUM PERMISSIBLE NOISE LEVELS**

Noise Increment Above Normal Standard	Noise Duration in 2-Hour Period
5 dBA	15 minutes
10 dBA	10 minutes
15 dBA	5 minutes
19 dBA	1 minute

Source: City of Cupertino Municipal Code Section 10.48.050 (2021).

According to CMC Section 10.48.051, the use of motorized equipment for landscape maintenance activities is limited to 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 for the proposed project. During these hours, noise from the use of motorized equipment for landscape maintenance activities is allowed to exceed the maximum permissible noise limits of Municipal

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Code Section 10.48.040, provided that the equipment is outfitted with appropriate mufflers and is operated for “only the minimal period necessary.”

According to CMC Section 10.48.053, noise from grading, construction, and demolition activities is also allowed to exceed the maximum permissible noise limits described above (with examples given in Table 3-2), provided that the equipment utilized is outfitted with high-quality mufflers and abatement devices and is in good condition. In addition, noise-producing construction activities must meet one of the following criteria:

- No individual device produces a noise level of more than 87 dBA  $L_{max}$  (maximum instantaneous noise level) as measured at a distance of 25 feet; or
- The operation of such equipment does not produce noise levels that exceed 80 dBA  $L_{max}$  as measured at any nearby property.

Except for emergency work, construction activities including grading, street construction, demolition, or underground utility work are not permitted within 750 feet of a residential area on Saturdays, Sundays, holidays, or during the nighttime period. Construction activities, other than street construction, are prohibited on holidays (which include New Year’s Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, and Christmas Day). In addition, construction activities, other than street construction, are prohibited during nighttime periods unless they meet the City’s nighttime maximum permissible noise level standards.

#### **3.4.2.1 PROJECT-RELATED CONSTRUCTION NOISE**

In terms of the proposed construction activities, the demolition, site preparation, grading, and paving activities are expected to generate the highest noise levels, since they involve the largest and most powerful equipment. Construction equipment for the proposed project would include equipment such as concrete saws, dozers, tractors, loaders, backhoes, cranes, forklifts, pavers, and rollers. Table 3-3 lists typical construction equipment noise levels ( $L_{max}$ ) recommended for the evaluation of noise impacts, based on a distance of 50 feet between the equipment and a noise receptor, obtained from the Federal Highway Administration (FHWA) Roadway Construction Noise Model.

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TABLE 3-3 TYPICAL CONSTRUCTION EQUIPMENT NOISE LEVELS

Equipment Description	Acoustical Usage Factor (%)	Maximum Noise Level ( $L_{max}$ ) at 50 Feet <sup>a</sup>
Backhoes	40	80
Compactor (ground)	20	80
Compressor	40	80
Cranes	16	85
Dozers	40	85
Dump Trucks	40	84
Excavators <sup>b</sup>	40	85
Flat Bed Trucks	40	84
Forklift	20	85
Front-end Loaders	40	80
Graders	40	85
Impact Pile Drivers <sup>b</sup>	20	95
Jackhammers	20	85
Pick-up Truck	40	55
Pneumatic Tools	50	85
Pumps	50	77
Rock Drills	20	85
Rollers	20	85
Scrapers	40	85
Tractors	40	84
Welder	40	73

Notes: Noise levels reported in this table are rounded to the nearest whole number.

a. Maximum noise levels were developed based on Spec 721.560 from the Central Artery/Tunnel (CA/T) program to be consistent with the City of Boston's Noise Code for the "Big Dig" project.  $L_{max}$  = maximum instantaneous sound level.

b. There is no excavation or pile driving associated with the construction of the proposed project.

Source: Roadway Construction Noise Model (FHWA 2006).

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 (Construction Vehicles) and (2) stationary-source noise from use of construction equipment (Construction Equipment). Construction activities are anticipated to last 12 months but would no longer occur once construction of the project is completed. 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.

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#### Construction Equipment

Short-term noise impacts would occur during grading and site preparation activities. Construction-related short-term noise levels would be higher than existing ambient noise levels in the vicinity of the project site but would no longer occur once construction of the project is completed. Each construction phase has its own mix of equipment and, consequently, its own noise characteristics. These various sequential phases would change the character of the noise generated on site. Therefore, the noise levels vary as construction progresses from demolition, site preparation, and building construction. Despite the variety in the type and size of construction equipment, similarities in the dominant noise sources and patterns of operation allow construction-related noise ranges to be categorized by work phase.

As shown in Table 3-3, typical maximum noise levels range up to the City's standard of 87 dBA  $L_{max}$  at 50 feet during the noisiest construction phases, but this is only when pile driving occurs (95 dBA  $L_{max}$ ), otherwise the next highest noise level is 85 dBA  $L_{max}$ . The site preparation phase, including grading of the site and utility trenching, tends to generate the highest noise levels because earthmoving machinery is the noisiest construction equipment. Typical operating cycles for these types of construction equipment may involve 1 or 2 minutes of full-power operation followed by 3 or 4 minutes at lower power settings.

This evaluation includes a conservative analysis that focuses on whether noise from multiple pieces of heavy construction equipment operating simultaneously near the project borders would result in noise levels in excess of the City's standard of 80 dBA  $L_{max}$  as measured at nearby receiving properties. The nearest residential buildings are located approximately 130 feet east of the project site. At 130 feet, there would be a decrease of approximately 8 dBA from the increased distance compared to the noise level measured at 50 feet from the active construction area. Therefore, the closest sensitive receptor may be subject to short-term maximum construction noise reaching 77 dBA  $L_{max}$  during construction.<sup>48</sup> Therefore, construction noise levels as measured at the nearest noise sensitive land uses would be below the City's threshold of 80 dBA  $L_{max}$ . In addition, construction equipment would operate at various locations within the 3-acre project site and would only generate this maximum noise level when operations occur closest to the receptor.

As discussed above, construction noise may exceed the maximum permissible noise limits, provided that the equipment utilized is outfitted with high-quality mufflers and abatement devices and is in good condition. Therefore, consistent with the CMC Chapter 10.48, the following construction best management practices are required to be implemented:

- Prepare all construction equipment, fixed or mobile, with properly operating and maintained mufflers consistent with manufacturers' standards.
- Place all stationary construction equipment so that emitted noise is directed away from sensitive receptors nearest the active project site.

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<sup>48</sup> Since there is no pile driving as part of the proposed project, this represents the highest construction equipment noise level of 85 dBA  $L_{max}$  minus 8 dBA equals 77 dBA  $L_{max}$ .

### 3. Exemption

- Locate equipment staging in areas that would create the greatest possible distance between construction-related noise sources and noise-sensitive receptors nearest the active project site during all construction activities.

In addition to the best management practices listed above, the applicant shall indicate compliance with the following grading and construction hours and noise limit requirements on all demolition, construction and grading permits, and in the construction management plan(s), unless otherwise indicated.

- All grading activities shall be limited to the dry season (April 15 to October 1), unless permitted otherwise by the Director of Public works.
- Construction hours and noise limits shall be compliant with all requirements of CMC Chapter 10.48.
- Grading, street construction, underground utility and demolition hours for work done more than 750 feet away from residential areas shall be limited to Monday through Friday, 7:00 a.m. to 8:00 p.m. and Saturday and Sunday, 9:00 a.m. to 6:00 p.m. Grading, street construction, demolition or underground utility work within 750 feet of residential areas shall not occur on Saturdays, Sundays, holidays, and during nighttime period as defined in CMC Section 10.48.053(b).
- Construction activities shall be limited to Monday through Friday, 7:00 a.m. to 8:00 p.m. and Saturday and Sunday, 9:00 a.m. to 6:00 p.m. Construction activities are not allowed on holidays as defined in CMC Chapter 10.48. Nighttime construction is allowed if compliant with nighttime standards of CMC Section 10.48.
- Rules and regulations pertaining to all construction activities and limitations identified in this permit, along with the name and telephone number of an applicant appointed disturbance coordinator, shall be posted in a prominent location at the entrance to the job site.
- The applicant shall be responsible for educating all contractors and subcontractors of said construction restrictions.
- Ensure that all general construction related activities are restricted to between the hours of 7:00 a.m. to 8:00 p.m. Monday through Friday. Construction shall be prohibited on Saturdays, Sundays, and holidays, and during the nighttime period.

#### **3.4.2.2 PROJECT-RELATED OPERATIONAL NOISE**

Operational noise can be categorized as stationary source noise and mobile source noise. Stationary source noise includes noise generated by the proposed project, such as storage loading/unloading activities and heating, ventilation, and air conditioning (HVAC) equipment. Mobile source noise would be attributable to the additional trips that would occur with implementation of the proposed project.

##### **Stationary-Source Noise**

The proposed public storage uses would contain stationary noise sources such as storage loading/unloading activities and HVAC equipment. These are potential point sources of noise that could affect noise-sensitive receptors in the project site vicinity.

### 3. Exemption

#### *Customer Vehicle Access Activities*

The proposed project would contain self-storage uses, therefore, vehicle noise, including engine sounds, car doors slamming, car alarms, music, and people conversing, could occur as a result of the proposed project. Typical vehicle access activities, such as people conversing or doors slamming, would generate noise levels of approximately 60 dBA to 70 dBA  $L_{max}$  at 50 feet.

Intensity of operation of the proposed project may increase due to the higher number of storage units; however, these operations would be internal to the new buildings and would not contribute to the exterior noise environment at the surrounding receptors. Therefore, noise levels due to customer vehicle activities are anticipated to remain similar to existing conditions.

#### *Heating, Ventilation, and Air Conditioning Equipment*

The HVAC equipment would be located on the roof of each building and would be enclosed to withstand climatic conditions and reduce noise. The exterior mechanical and HVAC equipment associated with the proposed use are expected to be similar to the existing commercial uses or quieter due to advances in technology. 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. The nearest sensitive receptors to proposed buildings include the single-family residences located adjacent to the eastern border of the project site, which would be located approximately 130 feet to the east along Nathanson Avenue and to the south along Meteor Drive and Mary Avenue. Adjusted for distance to the nearest off-site sensitive receptors, these residences would be exposed to a noise level of 42 dBA  $L_{eq}$  generated by HVAC equipment.<sup>49</sup> This noise level would not exceed the City's maximum noise level standards of 55 dBA during nighttime hours and 65 dBA during daytime hours, as measured at the nearest receiving sensitive land use.

#### **Mobile-Source Noise**

##### *Traffic Noise Impacts*

Motor vehicles with their distinctive noise characteristics are the dominant noise source in the project vicinity. The amount of noise varies according to many factors, such as volume of traffic, vehicle mix (percentage of cars and trucks), average traffic speed, and distance from the observer. Implementation of the proposed project would result in new daily trips on local roadways in the project site vicinity. A characteristic of sound is that a doubling of a noise source is required in order to result in a perceptible (3 dBA or greater) increase in the resulting noise level. As discussed under Section 3.4.1, Traffic, the proposed project would result in an estimated 123 daily vehicle trips, which is an additional 79 daily vehicle trips from existing conditions.

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<sup>49</sup> Assumes noise diminishes at a rate of at least 6 dBA per doubling of distance.

### 3. Exemption

The adjacent I-280, which is the predominant source of noise in the vicinity of the project site, carries approximately 146,000 average daily trips.<sup>50</sup> The net increase of 79 daily trips, including 8 afternoon peak hour trips and 3 morning peak hour trips, would be minimal compared to existing trips associated with a built-out neighborhood and the thousands of existing trips on SR-85 and I-280. Therefore, project daily trips would not result in a perceptible noise increase along any roadway segment in the project vicinity and this impact would be less than significant.

#### 3.4.2.3 GROUNDBORNE VIBRATION

##### 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 project, such as industrial machinery or railroad operations. Thus, vibration effects or impacts from operations sources would be less than significant.

##### Construction Vibration

Construction activities generate varying degrees of ground vibration, depending on the construction procedures, construction equipment used, and proximity to vibration-sensitive uses. The generation of vibration can range from no perceptible effects at the lowest vibration levels, to low rumbling sounds and perceptible vibrations at moderate levels, to slight damage at the highest levels. Table 3-5 lists reference vibration levels for different types of commonly used construction equipment.

TABLE 3-5 CONSTRUCTION EQUIPMENT VIBRATION LEVELS

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

Notes: PPV = Peak Particle Velocity in inches per second

Source: Federal Transit Administration (FTA), *Transit Noise and Vibration Impact Assessment*, 2018.

Proposed construction would include demolition and grading, which would include equipment such as loaders and bulldozers. Paving activities may also generate construction vibration and would include equipment such as pavers and rollers. Using the vibration source level of construction equipment provided in Table 3-5 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.

<sup>50</sup> California Department of Transportation, 2020. *2017 Traffic Volumes*. Website: [www.dot.ca.gov/trafficops/census](http://www.dot.ca.gov/trafficops/census) (accessed August 2020).

### 3. Exemption

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 façade to the nearest location of potential construction activities.

A peak particle velocity (PPV) of 0.2 inches per second (in/sec) is used as the threshold for "non-engineered timber and masonry buildings" (which would apply to the surrounding structures).<sup>51</sup> Proposed driveways would be paved within 130 feet of nearby residential structures, and therefore would not exceed the 0.2 in/sec PPV threshold if vibratory rollers are used. If grading equipment such as a large dozer operates within approximately 130 feet of a nearby residential structure, the 0.2 in/sec PPV threshold would also not be exceeded. Therefore, impacts from groundborne vibration during construction would be less than significant.

#### **3.4.2.4 AIRCRAFT NOISE IMPACTS**

The proposed project is not located within 2 miles of a public or public use airport. The San Jose International Airport is the closest airport and is located approximately 7 miles northeast of the project site. Aircraft noise is occasionally audible at the project site; however, no portion of the project site lies within the 65 dBA CNEL noise contours of any public airport nor does any portion of the project site lie within 2 miles of any private airfield or heliport. Therefore, the proposed project would not result in the exposure of people residing or working in the project area to excessive noise levels associated with the proximity of an airport.

#### **3.4.3 Air Quality**

The proposed project is located in the City of Cupertino and is within the jurisdiction of the Bay Area Air Quality Management District (BAAQMD), which regulates air quality in the San Francisco Bay Area. Within the BAAQMD, ambient air quality standards for ozone, carbon monoxide (CO), nitrogen dioxide (NO<sub>2</sub>), sulfur dioxide (SO<sub>2</sub>), particulate matter (PM<sub>10</sub>, PM<sub>2.5</sub>), and lead (Pb) have been set by both the State of California and the federal government. The State has also set standards for sulfate and visibility. The BAAQMD is under State non-attainment status for ozone and particulate matter standards. The BAAQMD is classified as non-

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<sup>51</sup> Federal Transit Administration (FTA), *Transit Noise and Vibration Impact Assessment*, 2018.

### 3. Exemption

attainment for the federal ozone 8-hour standard and non-attainment for the federal PM<sub>2.5</sub> 24-hour standard.

#### **3.4.3.1 CONSISTENCY WITH APPLICABLE AIR QUALITY PLANS**

The applicable air quality plan is the BAAQMD 2017 Clean Air Plan, which was adopted on April 19, 2017. The 2017 Clean Air Plan/Regional Climate Protection Strategy serves as a roadmap for the BAAQMD to reduce air pollution and protect public health and the global climate. The 2017 Clean Air Plan also includes measures and programs to reduce emissions of fine particulates and toxic air contaminants. In addition, the Regional Climate Protection Strategy is included in the 2017 Clean Air Plan, which identifies potential rules, control measures, and strategies that the BAAQMD can pursue to reduce greenhouse gases throughout the Bay Area.

Consistency with the 2017 Clean Air Plan is determined by whether or not the proposed project would result in significant and unavoidable air quality impacts or hinder implementation of control measures (e.g., excessive parking or preclude extension of transit lane or bicycle path). As indicated in the analysis that follows, the proposed project would not result in significant operational and construction-period emissions. Therefore, the proposed project supports the goals of the Clean Air Plan and would not conflict with any of the control measures identified in the plan as designed to bring the region into attainment. Additionally, the project site is located in close proximity to residential uses and would be readily accessible to pedestrians, bicyclists, and transit users (see Section 3.4.1 Traffic above). In addition, the proposed project would provide bicycle parking spaces, which would promote BAAQMD initiatives to reduce vehicle trips and vehicle miles traveled and would increase the use of alternate means of transportation. The proposed project would not hinder the region from attaining the goals outlined in the Clean Air Plan. Therefore, the proposed project would not hinder or disrupt implementation of any control measures from the Clean Air Plan.

#### **3.4.3.2 RESULT IN A CUMULATIVELY CONSIDERABLE NET INCREASE OF ANY CRITERIA POLLUTANT**

This section analyzes potential impacts related to air quality that could occur from a combination of the proposed project with other past, present, and reasonably foreseeable projects within the San Francisco Bay Area Air Basin. The San Francisco Bay Area Air Basin is currently designated a nonattainment area for California and National O<sub>3</sub>, California and National PM<sub>2.5</sub>, and California PM<sub>10</sub> AAQS. Any project that produces a significant project-level regional air quality impact in an area that is in nonattainment adds to the cumulative impact. Due to the extent of the area potentially impacted by cumulative plus project emissions (the San Francisco Bay Area Air Basin), a project is cumulatively significant when project-related emissions exceed the BAAQMD emissions thresholds.

BAAQMD has identified thresholds of significance for criteria pollutant emissions and criteria air pollutant precursors, including ROG, NO<sub>x</sub>, PM<sub>10</sub>, and PM<sub>2.5</sub>. Development projects below the significance thresholds

### 3. Exemption

would not generate sufficient criteria pollutant emissions to violate any air quality standard or contribute substantially to an existing or projected air quality violation. The following describes project-related impacts from regional short-term construction activities and regional long-term operation of the proposed project.

#### **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 proposed project would result in emissions of ROG,  $NO_x$ , CO,  $PM_{10}$ , and fine  $PM_{2.5}$ .

#### ***Construction Fugitive Dust***

Ground disturbing activities during construction would generate fugitive dust ( $PM_{10}$  and  $PM_{2.5}$ ). The amount of dust generated during construction would be highly variable and is dependent on the amount of material being disturbed, the type of material, moisture content, and meteorological conditions. If uncontrolled,  $PM_{10}$  and  $PM_{2.5}$  levels downwind of actively disturbed areas could possibly exceed State standards. Consequently, BAAQMD considers all impacts related to fugitive dust emissions from construction to be *less than significant* with implementation of BAAQMD's best management practices listed below.

- All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day.
- All haul trucks transporting soil, sand, or other loose material off-site shall be covered.
- All visible mud or dirt tracked-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.
- All vehicle speeds on unpaved roads shall be limited to 15 mph.
- All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible.
- Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.
- Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations [CCR]). Clear signage shall be provided for construction workers at all access points.
- All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation.
- A publicly visible sign shall be posted with the telephone number and person to contact at the City of Cupertino regarding dust complaints. This person shall respond and take corrective action within 48 hours. The BAAQMD phone number shall also be visible to ensure compliance with applicable regulations.

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***Construction Exhaust Emissions***

Construction emissions are based on the preliminary construction duration and normalized California Emissions Estimator Model (CalEEMod) default schedule developed for the proposed project. The proposed project would result in demolition, demolition debris hauling, site preparation, grading, building construction, paving, and architectural coating that would occur near existing sensitive land uses. Construction emissions were quantified using the CalEEMod Version 2016.3.2.25. 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 3-6. Average daily emissions are based on the annual construction emissions divided by the total number of active construction days.

**TABLE 3-6** CONSTRUCTION-RELATED CRITERIA AIR POLLUTANT EMISSIONS ESTIMATES

Year <sup>b</sup>	Criteria Air Pollutants (tons/year) <sup>a</sup>					
	VOC	NO <sub>x</sub>	Fugitive PM <sub>10</sub> <sup>c</sup>	Exhaust PM <sub>10</sub>	Fugitive PM <sub>2.5</sub> <sup>c</sup>	Exhaust PM <sub>2.5</sub> <sup>c</sup>
2021	2.3	23.2	1	<1	<1	<1
2022	24	29.0	1	<1	<1	<1
<b>Total</b>	<b>26.3</b>	<b>52.2</b>	<b>1</b>	<b>&lt;1</b>	<b>&lt;1</b>	<b>1</b>

Criteria Air Pollutants (average lbs/day) <sup>a</sup>						
Average Daily Emissions <sup>d</sup>	10	25	<1	<1	<1	<1
BAAQMD Average Daily Project-Level Threshold	54	54	BMPs	82	BMPs	54
<b>Exceeds Average Daily Threshold</b>	<b>No</b>	<b>No</b>	<b>NA</b>	<b>No</b>	<b>NA</b>	<b>No</b>

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

- a. Construction phasing and equipment mix are based on the preliminary information provided by the project applicant. Where specific information regarding project-related construction activities was not available, construction assumptions were based on CalEEMod defaults, which are based on construction surveys conducted by South Coast Air Quality Management District of construction equipment and phasing for comparable projects.
- b. The construction schedule has been pushed back since air pollutant emissions modeling on CalEEMod was conducted. While emissions for each year may be different from the original results, which would also result in slightly different numbers for construction health risk, the total average daily emissions would still be the same for the proposed project. In other words, while total emissions over the life of the construction period would be the same, the amount generated in a given year may differ. However, because the duration and type of construction remains the same, differences in air pollutant numbers due to a change in when the construction year starts would be negligible.
- c. Includes implementation of BMPs for fugitive dust control required by BAAQMD as mitigation, including watering disturbed areas a minimum of two times per day, reducing speed limit to 15 miles per hour on unpaved surfaces, and street sweeping.
- d. 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 263.

Source: California Emissions Estimator Model (CalEEMod), Version 2016.3.2.25

As shown above in Table 3-6, 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*.

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#### Operational Impacts

Typical long-term air pollutant emissions are generated by area sources (e.g., landscape fuel use, aerosols, architectural coatings, and asphalt pavement), energy use (natural gas), and mobile sources (i.e., on-road vehicles). The proposed project would result in new public storage buildings and new paved and landscaped surfaces. The proposed project would generate a net total of 79 average daily trips from the existing land uses at the project site. Because transportation emissions would generate the majority of criteria air pollutants associated with the proposed project, the net increase in daily trips would not substantially increase criteria air pollutant emissions in the city. Furthermore, 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 cumulatively contribute to the nonattainment designations of the San Francisco Bay Area Air Basin. Because criteria air pollutant emissions associated with the proposed project are anticipated to decrease, resulting in a project benefit to air quality, *no impact* would occur.

#### 3.4.3.3 SENSITIVE RECEPTORS

Development of the proposed project could expose sensitive receptors to elevated pollutant concentrations. Unlike the construction emissions shown above in Table 3-6, described in pounds per day (PPD), localized concentrations refer to an amount of pollutant in a volume of air (parts per millions [ppm] or micrograms per cubic meter [ $\mu\text{g}/\text{m}^3$ ]) and can be correlated to potential health effects.

#### Construction Off-Site Community Risk and Hazards

The proposed project would elevate concentrations of TACs and  $\text{PM}_{2.5}$  in the vicinity of sensitive land uses during construction activities. The BAAQMD has developed *Screening Tables for Air Toxics Evaluation During Construction* to evaluate construction-related health risks associated with residential, commercial, and industrial projects. According to the screening tables, the surrounding residences are closer than the distance of 100 meters (328 feet) that would screen out potential health risks and, therefore, could be potentially impacted from the proposed construction activities. The closest sensitive receptors to the project site are the single-family residences located approximately 130 feet from the site construction area to the east along Nathanson Avenue and to the south along Meteor Drive and Mary Avenue. Consequently, a site-specific construction health risk assessment (HRA) of TACs and  $\text{PM}_{2.5}$  was prepared (Attachment A).

A quantified analysis of the proposed project construction emissions was conducted using the CalEEMod, Version 2016.3.2.25. Construction emissions were based on 263 working days of the total 12-month construction duration. The United States Environmental Protection Agency (USEPA) AERMOD, Version 9.9, dispersion modeling program was used to estimate excess lifetime cancer risk, chronic non-cancer hazard index for non-carcinogenic risk, and the  $\text{PM}_{2.5}$  maximum annual concentrations at the nearest sensitive receptors. The results of the analysis are shown in Table 3-7.

## 3. Exemption

TABLE 3-7 CONSTRUCTION RISK SUMMARY

Receptor	Cancer Risk (per million)	Chronic Hazards	PM <sub>2.5</sub> ( $\mu\text{g}/\text{m}^3$ )
Maximum Exposed Receptor – Off-site Resident	3.8	0.014	0.04
BAAQMD Threshold	10	1.0	0.30
<b>Exceeds Threshold?</b>	<b>No</b>	<b>No</b>	<b>No</b>

Note: micrograms per cubic meter =  $\mu\text{g}/\text{m}^3$ ; PM<sub>2.5</sub> – fine particulate matter; Cancer risk calculated using 2015 Office of Environmental Health Hazard Assessment Health Risk Assessment Guidance Manual.

Source: Lakes AERMOD View, 9.5 (2017).

Cancer risk for the maximum exposed receptor (MER) from project-related construction emissions was calculated to be 3.8 in a million, which is below the 10 in a million-significance threshold. In accordance with the latest 2015 Office of Environmental Health Hazard Assessment (OEHHA) guidance, the calculated total cancer risk conservatively assumes that the risk for the MER consists of a pregnant woman in the third trimester that subsequently gives birth to an infant during the approximately 12-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 exposed to all of the daily construction emissions. For non-carcinogenic effects, the chronic hazard index identified for each toxicological endpoint totaled less than one for all the off-site sensitive receptors. Therefore, chronic non-carcinogenic hazards are within acceptable limits. Additionally, the highest annual PM<sub>2.5</sub> concentration of 0.04  $\mu\text{g}/\text{m}^3$  would not exceed the BAAQMD significance threshold of 0.3  $\mu\text{g}/\text{m}^3$ . Therefore, the project would not expose off-site sensitive receptors to substantial concentrations of air pollutant emissions during construction and impacts would be *less than significant*.

### Operation Phase Community Risk and Hazards

Types of land uses that typically generate substantial quantities of criteria air pollutants and toxic air contaminants 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 storage unit project. The proposed project would not include stationary sources that emit toxic air contaminants and would not generate a significant amount of heavy-duty truck trips (a source of diesel particulate matter [DPM]). Therefore, the proposed project would not expose sensitive receptors to substantial concentrations of air pollutant emissions during operation, and impacts would be *less than significant*.

### Carbon Monoxide (CO) Hotspot Analysis

Areas of vehicle congestion have the potential to create pockets of carbon monoxide (CO) called hotspots. These pockets have the potential to exceed the State 1-hour standard of 20 parts per million (ppm) or the 8-hour standard of 9 ppm.

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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 result in a net increase of peak hour trips by 3 AM (morning) and 9 PM (evening) trips.<sup>52</sup> Thus, 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.<sup>53</sup> The proposed project would not have the potential to substantially increase CO hotspots at intersections in the project vicinity. As a result, the proposed project would not increase CO concentrations at intersections. Localized air quality impacts related to mobile-source emissions would be a project benefit; and therefore, impacts would be *less than significant*.

#### 3.4.3.4 ODORS

During project construction, some odors may be created due to diesel exhaust. However, these odors would be temporary and limited to the construction period. The proposed project would not include any activities or operations that would generate objectionable odors and once operational, the project would not be a source of odors. Therefore, the proposed project would not create objectionable odors affecting a substantial number of people.

#### 3.4.3.5 GREENHOUSE GAS EMISSIONS

A project does not generate enough GHG emissions on its own to influence global climate change; therefore, this section measures the proposed project contribution to the cumulative environmental impact associated with GHG emissions. Development of the proposed project would contribute to climate change through direct and indirect emissions of GHG from the construction activities needed to implement the project, which would generate a short-term increase in GHG emissions.

##### Construction Impacts

BAAQMD does not have thresholds of significance for construction related GHG emissions, which are one-time, short-term emissions and therefore would not significantly contribute to the long-term cumulative GHG emissions impacts of the proposed project. Implementation of the BAAQMD Basic Construction best management practices (refer to Section 3.4.3.2) would reduce GHG emissions by reducing the amount of construction vehicle idling and by requiring the use of properly maintained equipment. Therefore, project construction impacts associated with GHG emissions would be reduced to the extent feasible and as required by the BAAQMD.

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<sup>52</sup> Hexagon, 2021. *Transportation Analysis for the Proposed Self-Storage Facility at 10655 Mary Avenue in Cupertino, California*. September 3.

<sup>53</sup> Bay Area Air Quality Management District (BAAQMD), 2011 Revised. *California Environmental Quality Act Air Quality Guidelines*.

### 3. Exemption

#### Operational Impacts

The proposed project would generate a net increase in 162 daily weekday trips than the existing on-site land uses (see Table 3-4 in Section 3.4.2, Noise). Because transportation emissions would generate the majority of GHG emissions associated with the proposed project, this net increase in daily trips would not substantially increase GHG emissions in the city. Additionally, 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. The net increase in GHG emissions from the operation of the project would be 496 metric tons of carbon dioxide equivalent (MTCO<sub>2</sub>e) per year. See Attachment B of this document.

BAAQMD has a tiered approach for assessing GHG emissions impacts of a project. According to the BAAQMD CEQA Guidelines, if a project is consistent with an adopted qualified Greenhouse Gas Reduction Strategy that meets certain specified standards, it may be presumed that the project will not have significant cumulative greenhouse gas emission impacts. This approach is consistent with the State CEQA Guidelines, Section 15183.5(b), which states that “[p]ursuant to Sections 15064(h)(3) and 15130(d), a lead agency may determine that a project’s incremental contribution to a cumulative effect is not cumulatively considerable if the project complies with a previously adopted plan or mitigation program [for reduction of greenhouse gases],” and will be used in this analysis. BAAQMD also has adopted screening criteria and significance criteria for development projects that would be applicable for the proposed project. If a project exceeds the BAAQMD Guidelines’ GHG screening-level sizes, the proposed project would be required to conduct a GHG emissions analysis using the BAAQMD significance criteria of 660 MTCO<sub>2</sub>e per year.<sup>54</sup>

#### Cupertino Climate Action Plan

The *Cupertino Climate Action Plan* (CAP) is a strategic planning document that identifies sources of GHG emissions within the City’s boundaries, presents current and future emissions estimates, identifies a GHG reduction target for future years, and presents strategic goals, measures, and actions to reduce emissions from the energy, transportation and land use, water, solid waste, and green infrastructure sectors.

The emissions reduction strategies developed by the City followed the BAAQMD’s CEQA Guidelines (2011) and the corresponding criteria for a Qualified Greenhouse Gas Emissions Reduction Program as defined by the BAAQMD, which in turn were developed to comply with the requirements of Assembly Bill (AB) 32 and achieve the goals of California Air Resources Board’s (CARB’s) *2008 Scoping Plan*. Since the adoption of the CAP in January of 2015 as a qualified GHG Reduction Strategy, the Legislature adopted Senate Bill (SB) 32 (September 2016) and CARB adopted the *2017 Climate Change Scoping Plan* (December 2017), aimed at meeting SB 32’s GHG reduction goal of 40 percent below 1990 levels by 2030.

A qualified GHG reduction strategy adopted by a local jurisdiction should include the following elements, described in the State CEQA Guidelines Section 15183.5. BAAQMD’s revised CEQA Guidelines provides the

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<sup>54</sup> This threshold has been reduced by 40 percent (1,100 MTCO<sub>2</sub>e per year minus 440 MTCO<sub>2</sub>e per year equals 660 MTCO<sub>2</sub>e per year) to meet the Senate Bill 32’s GHG reduction goal of 40 percent below 1990 levels by 2030.

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methodology to determine if a GHG reduction strategy meets these requirements. The following includes a description of the BAAQMD methodology and how the Cupertino CAP meets the requirement.

1. Quantify GHG emissions, both existing and projected over a specified time period, resulting from activities within a defined geographic area.
  - Cupertino's CAP identifies a baseline GHG emissions inventory for year 2010 and business-as-usual forecasts for 2020, 2035, and 2050 for land uses within the City.
2. Establish a level, based on substantial evidence, below which the contribution to GHG emissions from activities covered by the plan would not be cumulatively considerable.
  - Cupertino's CAP has established a goal (or level) of 15 percent below 2005 levels by 2020 and 35 percent below 2005 levels by 2035. The 2020 GHG reduction goal is in line with AB 32. However, the 2030 goal was adopted prior to SB 32.
3. Identify and analyze the GHG emissions resulting from specific actions or categories of actions anticipated within the geographic area.
  - The GHG emissions sources calculated in the baseline GHG emissions inventory include commercial, residential, and industrial electricity and natural gas use, on-road transportation, solid waste disposal, energy use related to water and wastewater, agricultural off-road equipment and emissions associated with fertilizer application, and off-road equipment use for construction and lawn and garden activities. GHG emissions from these activities were calculated from activity data such as kilowatt hours of electricity, therms of natural gas, tons of waste disposed, and VMT from trips with an origin or destination in Cupertino.
4. Specify measures or a group of measures, including performance standards, that substantial evidence demonstrates, if implemented on a project-by-project basis, would collectively achieve the specified emissions level.
  - The Cupertino CAP has identified groups of measures and performance standards aimed at achieving these targets: Reduce Energy Use/Improve Facilities; Encourage Alternative Transportation/Convert Vehicle Fleet; Conserve Potable Water; Reduce Solid Waste; and Expand Green Infrastructure. The Cupertino CAP strategies achieve the near-term (i.e., 2020) GHG reduction target. Strategies for the post-2020 targets were not quantified.
5. Establish a mechanism to monitor the plan's progress toward achieving the target GHG emissions level and to require amendment if the plan is not achieving specified levels.
  - The City has a sustainability division that implements and tracks the City's GHG reduction strategies and progress toward GHG reduction targets. The City's sustainability division prepares annual reports on CAP implementation and progress as part of the monitoring program, including projects and policies, data and metrics, as well as inventory updates to determine if the CAP is achieving its targeted goals.

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6. Be adopted in a public process following environmental review.
  - The City's 2015 addendum to General Plan EIR<sup>55</sup> demonstrated that that adoption of the Cupertino CAP would not create any new or substantially more severe significant effects on the environment that were not analyzed in the General Plan EIR certified in 2014.<sup>56</sup>

Based on the analysis above, the City's CAP is a qualified GHG reduction plan for the AB 32 targets, but not the SB 32 targets.

In addition, a specific project proposal is considered consistent with the Cupertino CAP if it does not conflict with the required GHG reduction measures contained in the adopted CAP. Project consistency with the adopted GHG reduction measures are shown in Table 3-8:

**TABLE 3-8 CUPERTINO CLIMATE ACTION PLAN CONSISTENCY MATRIX**

Measure	Consistency
<b>Measure C-E-1 Energy Use Data and Analysis</b>  <i>Increase resident and building owner/tenant/operator knowledge about how, when, and where building energy is used.</i>	<b>Consistent.</b> The City is the responsible party for this measure. This measure is not relevant because the proposed project receives energy through Silicon Valley Clean Energy (SVCE) and therefore utilizes renewable energy for the building. The proposed project would not conflict with implementation of this measure.
<i>2035 GHG Reduction Potential: 850 MT CO<sub>2</sub>e/yr</i>	
<b>Measure C-E-2 Retrofit Financing</b>  <i>Promote existing and support development of new private financing options for home and commercial building retrofits and renewable energy development.</i>	<b>Consistent.</b> The City is the responsible party for this measure. The project proposes new residential buildings that would comply with the 2019 Building Energy Efficiency Standards and CALGreen, at minimum. The proposed project would not conflict with implementation of this measure.
<i>2035 GHG Reduction Potential: 10,525 MT CO<sub>2</sub>e/yr</i>	
<b>Measure C-E-3 Home &amp; Commercial Building Retrofit Outreach</b>  <i>Develop aggressive outreach program to drive voluntary participation in energy- and water-efficiency retrofits.</i>	<b>Consistent.</b> The City is the responsible party for this measure. The proposed project includes the construction of new buildings and therefore these measures would not apply as a retrofit. Additionally, the proposed project would comply with the latest building code and utilize energy and water efficient fixtures. The proposed project would not conflict with implementation of this measure.
<i>Supporting Measure</i>	
<b>Measure C-E-4 Energy Assurance Plan</b>  <i>Develop a long-term community-wide energy conservation plan that considers future opportunities to influence building energy efficiency through additional or enhanced building regulations.</i>	<b>Consistent.</b> The City is the responsible party for this measure. The proposed project includes buildings that would comply with the 2019 Building Energy Efficiency Standards and CALGreen, at minimum.
<i>Supporting Measure</i>	

<sup>55</sup> City of Cupertino, approved General Plan Amendment, Housing Element Update, and Associated Rezoning EIR Final Addendum, State Clearinghouse Number 2014032007. October 2015.

<sup>56</sup> City of Cupertino, certified General Plan Amendment, Housing Element Update, and Associated Rezoning EIR, State Clearinghouse Number 2014032007. December 2014.

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TABLE 3-8 CUPERTINO CLIMATE ACTION PLAN CONSISTENCY MATRIX

Measure	Consistency
<b>Measure C-E-5 Community-Wide Solar Photovoltaic Development</b>  <i>Encourage voluntary community-wide solar photovoltaic development through regulatory barrier reduction and public outreach campaigns.</i>	<b>Consistent.</b> The City is the responsible party for this measure. The proposed project would not conflict with implementation of this measure.  2035 GHG Reduction Potential: 4,400 MT CO <sub>2</sub> e/yr
<b>Measure C-E-6 Community-Wide Solar Hot Water Development</b>  <i>Encourage communitywide solar hot water development through regulatory barrier reduction and public outreach campaigns.</i>	<b>Consistent.</b> The City is the responsible party for this measure. The proposed project would not conflict with implementation of this measure.  2035 GHG Reduction Potential: 925 MT CO <sub>2</sub> e/yr
<b>Measure C-E-7 Community Choice Energy Option</b>  <i>Partner with other Santa Clara County jurisdictions to evaluate the development of a regional CCE option, including identification of the geographic scope, potential costs to participating jurisdictions and residents, and potential liabilities.</i>	<b>Consistent.</b> The City is the responsible party for this measure. The City of Cupertino is a member of Silicon Valley Clean Energy (SVCE) which partners with PG&E to provide clean electricity. The proposed project would receive energy from SVCE. The proposed project would not conflict with implementation of this measure.  2035 GHG Reduction Potential: 56,875 MT CO <sub>2</sub> e/yr
<b>Measure C-T-1 Bicycle &amp; Pedestrian Environment Enhancements</b>  <i>Continue to encourage multi-modal transportation, including walking and biking, through safety and comfort enhancements in the bicycle and pedestrian environment.</i>	<b>Consistent.</b> The City is the responsible party for this measure. The proposed project would not remove existing bicycle facilities, nor would it conflict with the City's 2016 <i>Bicycle Transportation Plan</i> . Pedestrians would also have access to the site via the existing crosswalks on Mary Avenue and Meteor Drive. Therefore, the proposed project would promote these alternative modes of transportation.  Supporting Measure
<b>Measure C-T-2 Bikeshare Program</b>  <i>Explore feasibility of developing local bikeshare program.</i>	<b>Consistent.</b> The City is the responsible party for this measure. The proposed project would not conflict with implementation of this measure. A Class II bike lane currently exist on Mary Avenue. Bicyclists would access the project site from the existing Class II bike lane via the internal roadway network.  Supporting Measure
<b>Measure C-T-3 Transportation Demand Management</b>  <i>Provide informational resources to local businesses subject to SB 1339 transportation demand management program requirements and encourage additional voluntary participation in the program.</i>	<b>Consistent.</b> The City is the responsible party for this measure. The proposed project is an infill project with access provided by roads, bike lanes, and sidewalks and is served by VTA bus route 51. The proposed project would not conflict with implementation of this measure.  2035 GHG Reduction Potential: 2,375 MT CO <sub>2</sub> e/yr

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TABLE 3-8 CUPERTINO CLIMATE ACTION PLAN CONSISTENCY MATRIX

Measure	Consistency
<b>Measure C-T-5 Transit Priority</b>  <i>Improve transit service reliability and speed.</i>	<b>Consistent.</b> The City is the responsible party for this measure. The proposed project is an infill project served by VTA bus route 51. The proposed project would not conflict with implementation of this measure.
<i>Supporting Measure</i>	
<b>Measure C-T-6 Transit-Oriented Development</b>  <i>Continue to encourage development that takes advantage of its location near local transit options (e.g., major bus stops) through higher densities and intensities to increase ridership potential.</i>	<b>Consistent.</b> The City is the responsible party for this measure. The proposed project is an infill project served by VTA bus route 51. The proposed project would not conflict with implementation of this measure.
<i>Supporting Measure</i>	
<b>Measure C-W-1 SB-X7-7</b>  <i>Implement water conservation policies contained within Cupertino's Urban Water Management Plan to achieve 20 percent per capita water reductions by 2020.</i>	<b>Consistent.</b> The City is the responsible party for this measure. 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. The project incorporates water conservation features for on-site irrigation. 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.
<i>Supporting Measure</i>	
<b>Measure C-W-2 Recycled Water Irrigation Program</b>  <i>Explore opportunities to use recycled water for irrigation purposes to reduce potable water demands.</i>	<b>Consistent.</b> The City is the responsible party for this measure. City must build the infrastructure to provide recycled water for projects to use. The project incorporates water conservation features for on-site irrigation. 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.
<i>Supporting Measure</i>	
<b>Measure C-SW-1 Zero Waste Goal</b>  <i>Maximize solid waste diversion communitywide through preparation of a zero-waste strategic plan.</i>	<b>Consistent.</b> The City is the responsible party for this measure. Pursuant to CMC Chapter 16.72, Recycling and Diversion of Construction and Demolition Waste, during construction, the project would reduce construction waste and divert materials from landfill and promote recycling of construction waste. The proposed project would not conflict with implementation of this measure.
<i>Supporting Measure</i>	
<b>Measure C-SW-2 Food Scrap and Compostable Paper Diversion</b>  <i>Continue to promote the collection of food scraps and compostable paper through the City's organics collection program.</i>	<b>Consistent.</b> The City is the responsible party for implementing this measure. The proposed project would include compost and yard waste disposal services through the City's contracts with Recology South Bay. The materials would be collected by the

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TABLE 3-8 CUPERTINO CLIMATE ACTION PLAN CONSISTENCY MATRIX

Measure	Consistency
<i>2035 GHG Reduction Potential: 750 MT CO<sub>2</sub>e/yr</i>	City garbage waste hauler. The proposed project would not conflict with implementation of this measure.
<b>Measure C-SW-3 Construction &amp; Demolition Waste Diversion Program</b>  <i>Continue to enforce diversion requirements in City's Construction &amp; Demolition Debris Diversion and Green Building Ordinances.</i>	<b>Consistent.</b> The City is the responsible party for this measure. The proposed project would comply with the City's Construction and Demolition Debris Diversion Ordinance (CMC Chapter 16.72), which requires applicable construction projects to divert 65 percent of construction waste. Pursuant to CMC Section 16.72.050, Information Required Before Issuance of Permit, the project would create a construction waste management plan to reduce construction waste and divert materials from landfill and promote recycling of construction waste. Prior to receiving a final building inspection, a construction recycling report would be submitted to show the tons recycled and disposed by material type. The proposed project would not conflict with implementation of this measure.
<i>2035 GHG Reduction Potential: 550 MT CO<sub>2</sub>e/yr</i>	
<b>Measure C-G-1 Urban Forest Program</b>  <i>Support development and maintenance of a healthy, vibrant urban forest through outreach, incentives, and strategic leadership.</i>	<b>Consistent.</b> The City is the responsible party for this measure. The project would provide 25,272 square feet of landscaped area and would replace each tree proposed for removal. Landscaping improvements would be located on all sides of the project site with the majority of the landscaping being located on the eastern perimeter of the project site adjacent to the existing public path and would consist of trees, shrubs, and groundcover. The new landscaping reduces stormwater run-off, increases carbon sequestration plantings, and reduces the heat sink profile of the site. The proposed project would not conflict with implementation of this measure.

Source: City of Cupertino, PlaceWorks, 2021.

Development in Cupertino, including the proposed project, is required to adhere to City-adopted policy provisions, including those contained in the adopted CAP. The City ensures that the provisions of the Cupertino CAP are incorporated into projects and their permits through development review and applications of conditions of approval as applicable. Additionally, as previously stated, the proposed self-storage project would replace the older structures with newer, more energy efficient structures that achieve the 2019 Building and Energy Efficiency Standards and water efficiency standards and the net increase in GHG emissions from the operation of the project would be 496 MTCO<sub>2</sub>e, which is less than the BAAQMD *de minimis* bright-line screening threshold<sup>57</sup> of 660 MTCO<sub>2</sub>e/year (see Attachment B of this document). Therefore, the impact would be *less than significant*.

<sup>57</sup> A bright-line rule (or bright-line test) is a clearly defined rule or standard in the United States, composed of objective factors, which leaves little or no room for varying interpretation. The purpose of a bright-line rule is to produce predictable and consistent results in its application.

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#### **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 AB 32 and SB 32. 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.

Statewide strategies to reduce GHG emissions in the Scoping Plan include: implementing SB 350, which expands the Renewable Portfolio Standard to 50 percent by 2030 and doubles energy efficiency savings; expanding the Low Carbon Fuel Standards 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 California Fuel Efficiency 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 and SB 32. In addition, new buildings are required to comply with the current Title 24 Building Energy Efficiency Standards and CALGreen. The proposed project would comply with these GHG emissions reduction measures since they are statewide strategies. The proposed project GHG emissions would be reduced through compliance with statewide measures that have been adopted since AB 32 and SB 32 were adopted. Therefore, impacts would be *less than significant*.

#### **Plan Bay Area**

*Plan Bay Area* is the Bay Area's RTP/ SCS that identifies the sustainable vision for the Bay Area. 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 VMT reductions. 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. Therefore, the proposed project would not conflict with the *Plan Bay Area*.

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#### 3.4.4 Water Quality

##### 3.4.4.1 CONSTRUCTION RELATED WATER QUALITY IMPACTS

The City, as a participant in the Santa Clara Valley Urban Runoff Pollution Prevention Program (SCVURPP), which is regulated by the National Pollutant Discharge Elimination System (NPDES) Program, is committed to reducing the amount of pollutants entering waterways. Below is a discussion of the proposed project's compliance with water quality standards.

The proposed project would include the demolition of existing self-storage buildings and the construction of three new self-storage buildings on a 3-acre area of the site (see Figure 2-3). Runoff water quality is regulated by the NPDES Program. Locally, the NPDES Program is administered by the San Francisco Regional Water Quality Control Board (Regional Water Board). The proposed project would be required to comply with the General Permit for Stormwater Discharges Associated with Construction and Land Disturbance Activity (Construction General Permit), because it would result in a disturbance of 1 acre or more, and the Regional Water Board Municipal Regional Permit (MRP), because it would create and/or replace more than 10,000 square feet of existing impervious surfaces.

In compliance with the Construction General Permit, the project applicant would be required to prepare and implement a Stormwater Pollution Prevention Plan (SWPPP) as a standard condition of project approval. Preparation and implementation of the SWPPP, would ensure that potential adverse impacts to surface water quality throughout the construction period would be *less than significant*.

When and where it is required by the State Water Resources Control Board (State Water Board), the developer must obtain a Notice of Intent (NOI) from the State Water Board, which encompasses preparation of a SWPPP, use of construction best management practices to control storm water runoff quality, and best management practices inspection and maintenance.

##### 3.4.4.2 OPERATION PERIOD WATER QUALITY IMPACTS

The proposed project would include the demolition of existing self-storage buildings and construction of three new self-storage buildings on a 3-acre area of the site. The proposed project would result in a decrease in impervious surface area by adding landscaping on the project site. Additionally, the proposed project would include point source control measures, as identified in Section 2.5.4.3, Stormwater Management, of the Project Description.

As stated above, the proposed project would be required to comply with the MRP. In compliance with the MRP, the project applicant would be required to prepare a Stormwater Control Plan (SCP), which would act as the overall program document designed to provide measures to mitigate potential water quality impacts associated with operation of the proposed project. Therefore, the proposed project would continue to

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minimize pollutant runoff from the project site, and water quality impacts during operation would not be significant.

#### **3.4.4.3 GROUNDWATER**

The proposed project would connect to the existing water lines on- site and would not use groundwater at the site. Additionally, the proposed project would include 24,494 square feet of pervious landscaped area and a 5,376 cubic-foot below-ground infiltration basin, which would allow water to percolate into the groundwater basin below the project site. Therefore, the proposed project would not deplete groundwater supplies or interfere substantially with groundwater recharge.

#### **3.4.4.4 STORMWATER COLLECTION**

The proposed project would not increase the impervious surface area of the project site and therefore would not result in an increase in runoff that would exceed existing stormwater facilities or cause flooding of receiving waters. Additionally, the proposed project would implement site design and source control measures, such as directing stormwater flows to landscaped areas on site, to reduce stormwater runoff.

#### **3.4.4.5 FLOODING**

The project site is not located within a 100-year flood zone or special flood hazard area as mapped by the Federal Emergency Management Agency (FEMA). Additionally, the project site is also not located in an area subject to tsunami, seiche, or dam failure inundation.

## **3.5 SECTION 15332(E): UTILITIES AND PUBLIC SERVICES**

*For the reasons stated below, the project site can be adequately served by all required utilities and public services and therefore meets the criteria of CEQA Guidelines Section 15332(e).*

The project site is located in an urban area already served by all necessary municipal utilities (i.e., stormwater, water, wastewater, solid waste) and public services (i.e., police and fire).

### **3.5.1 Stormwater**

Stormwater runoff from the project site is channeled into storm drains onsite and conveyed northeast to a 12-inch outfall into the Junipero Serra Channel, a concrete-lined ditch owned and maintained by Valley Water, which discharge into Calabazas Creek, and ultimately into San Francisco Bay. As stated above, the City participates in the SCVURPP, which implements the NPDES program throughout the county.

Overall stormwater runoff volume from the project site would decrease because the existing site is comprised almost entirely of impervious surfaces. The proposed project would include a 2,575-square-foot bioretention area and one 5,376-cubic-foot infiltration basin to hold and treat stormwater runoff before it

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enters the channel thereby reducing demand on the storm drain system. Therefore, there would be no significant increase in contributions to the municipal stormwater system once the proposed project is in operation.

#### 3.5.2 Water

The project site is located within the Cupertino Water Service (CWS), which is leased to San José Water (SJW) until 2022. 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 the Santa Clara Valley Water District, and local mountain surface water from the Santa Cruz Mountains. Water service to the project site would be provided by the existing water line on the southern border of the project site via a 6-inch connection for fire water, and 4-inch connections for domestic and irrigation water.<sup>58</sup> No new connections would be needed and are not proposed as part of the proposed project.

As shown in the General Plan EIR in Chapter 4.14, the water supply at project buildout year 2022 would be 13,078 acre-feet<sup>59</sup> per year (afy) and at General Plan buildout year 2040 would be 16,984 afy. As discussed in the General Plan EIR, buildout of the General Plan would not result in insufficient water supplies from SJW 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. As shown in Table 2-1 in Section 2.4, General Plan EIR, the proposed project is within the buildout projections of the General Plan EIR. Therefore, there would be *no impact* with respect to water supply.

#### 3.5.3 Wastewater

The Cupertino Sanitary District (CSD) sewer collection system directs wastewater to the San José-Santa Clara Water Pollution Control Plan (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 Municipal Regional Permit (MRP; Order Number R2-2015-0049) and NPDES Permit Number CAS612008, which became effective on January 1, 2016. The MRP currently allows average dry weather flow (ADFW) 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, future demands from the proposed project would not exceed the design or permitted capacity of the SJ/SCWPCP that serves the project site. Future water treatment demand was assessed in consultation with the City of Cupertino and includes consideration of development in the city through the 2040 buildout horizon of the General Plan. Therefore, development of the proposed project would not require any improvements not already considered and the impact of the proposed project on SJ/SCWPCP would be *less than significant*.

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<sup>58</sup> Project Site Plans, 2019, Sheet C.2, October 18.

<sup>59</sup> 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.

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Based on the CSD's *Flow Modeling Analysis Homestead Flume Outfall to City of Santa Clara* dated December 6, 2019, the estimated ADWF generation rate for retail is 0.73 gpd per square foot. Applying this generation rate, the net new 104,392 square feet of additional storage facility from the proposed project would generate up to 7,206 gpd or approximately 0.076 mgd of wastewater.<sup>60</sup>

The SJ/SCWPCP's projected peak wet weather capacity stated in *The San Jose Santa Clara Water Pollution Control Plant Master Plan*, November 2013, is 450 mgd. Combined, the proposed project's wastewater generation (0.076 mgd) and the existing wastewater generated in the SJ/SCWPCP's service area (110 mgd) would not exceed the SJ/SCWPCP's current total peak wet weather capacity of 450 mgd. The (Average Dry Weather Flow) ADWF capacity is 167 mgd pursuant to the most recent NPDES permit for the SJ/SCWPCP. Combined, the proposed project's wastewater generation (0.076 mgd) and the existing wastewater generated (110 mgd) would not exceed the SJ/SCWPCP's current ADWF capacity limits.

The CSD has a contractual maximum treatment allocation of 7.85 mgd, on average, with the SJ/SCWPCP. At the time of the General Plan EIR, the wastewater generation of 5.3 mgd was estimated by the CSD.<sup>61</sup> Combined, the existing wastewater flow (5.3 mgd) plus the proposed project (0.076 mgd) would not exceed the City's contractual allocation limits (7.85 mgd). Furthermore, the proposed project is within the buildout evaluated in the General Plan EIR; therefore, no new impact would result.

The CSD wastewater system flows through a portion of the City of Santa Clara's sewer system. The contractual agreement between CSD and the City of Santa Clara, for this portion of the Santa Clara sewer system, allows the City 13.8 mgd of capacity in the sewer system during peak wet weather flows. The existing CSD peak wet weather flow into the Santa Clara system is 13.14 mgd.<sup>62</sup> However, the estimated wastewater generation from the proposed project and from other potential projects in Cupertino, as established by the General Plan and other approved projects, is approximately 14.61 mgd, which is the total capacity needed to serve the General Plan buildout.<sup>63</sup> Therefore, the proposed project, and other approved and potential projects as established by the General Plan buildout, will require a reduction in sewer generation from the CSD system prior to flowing into the City of Santa Clara system, or additional capacity rights will need to be acquired from the City of Santa Clara.

Until such corrections to the system can occur, the operation of future projects in Cupertino, including the proposed project, would exceed the 13.8 mgd contractual limit through the City of Santa Clara sewer

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<sup>60</sup> Mark Thomas & Co. Inc., December 6, 2019, *Cupertino Sanitary District Flow Modeling Analysis Homestead Flume Outfall to City of Santa Clara*.

<sup>61</sup> 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.

<sup>62</sup> Mark Thomas & Co. Inc, December 6, 2019, *Cupertino Sanitary District Flow Modeling Analysis Homestead Flume Outfall to City of Santa Clara*.

<sup>63</sup> Mark Thomas & Co. Inc, December 6, 2019, *Cupertino Sanitary District Flow Modeling Analysis Homestead Flume Outfall to City of Santa Clara*.

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system. Implementation of the following condition of approval is required for all future projects in Cupertino.

No building permits shall be issued by the City for the proposed Loc-N-Stor Project that would result in exceeding the permitted peak wet weather flow capacity of 13.8 mgd through the Santa Clara sanitary sewer system. The project applicant shall demonstrate, to the satisfaction of the City of Cupertino and Cupertino Sanitary District (CSD), that the proposed 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:

1. Reduce inflow and infiltration in the CSD system to reduce peak wet weather flows; or
2. Increase on-site water reuse, such as increased grey water use, or reduce water consumption of the fixtures used within the proposed project, or other methods that are measurable and reduce sewer generation rates to acceptable levels, to the satisfaction of the CSD.
3. The proposed project's estimated wastewater generation shall be calculated using the generation rates used by the CSD in the *Flow Modeling Analysis for the Homestead Flume Outfall to the City of Santa Clara*, prepared by Mark Thomas & Co. Inc. dated December 6, 2019, unless alternative (i.e., lower) generation rates achieved by the proposed project are substantiated by the project applicant based on evidence to the satisfaction of the CSD. To calculate the peak wet weather flow for a 10-year storm event, the average daily flow rate shall be multiplied by a factor of 2.95 as required by CSD pursuant to their December 2019 flow modeling analysis.

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

#### 3.5.4 Solid Waste

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.<sup>64</sup> 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

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<sup>64</sup> Santa Clara County Integrated Waste Management Plan, County of Santa Clara Environmental Resources Agency, 1996.

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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.

#### 3.5.5 Public Services Providers

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

The proposed project would not directly result in any additional new population growth or employment growth and impacts to public services providers as a result of the proposed project would be *less than significant*. No mitigation measures would be required. Furthermore, the property tax generated from the proposed storage facility would support the City's public services funds that are used in part to maintain some City services. Likewise, and pursuant to SB 50,<sup>65</sup> the project applicant would be required the school impact fees required for commercial development that would deem any impacts to the Cupertino Union School District *less than significant*.

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<sup>65</sup> Senate Bill 50 amended California Government Code Section 65995, which contains limitations on Education Code section 17620, the statute that authorizes school districts to assess development fees within school district boundaries.

### 3. Exemption

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## 4. Exceptions

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In addition to analyzing the applicability of CEQA Guidelines Section 15332 (Class 32), this document assesses whether any of the exceptions to categorical exemptions identified in CEQA Guidelines Section 15300.2 (Exceptions) apply to the proposed project. The following analysis compares the criteria in CEQA Guidelines Section 15300.2 (Exceptions) to the project, and concludes, based on substantial evidence, that none of the exceptions are applicable to the project, and that the project is categorically exempt from CEQA pursuant to CEQA Guidelines Sections 15300 and 15332.

### 4.1 SECTION 15300.2(A): LOCATION

*Classes 3, 4, 5, 6, and 11 are qualified by consideration of where the project is to be located – a project that is ordinarily insignificant in its impact on the environment may in a particularly sensitive environment be significant. Therefore, these classes are considered to apply all instances, except where the project may impact on an environmental resource of hazardous or critical concern where designated, precisely mapped, and officially adopted pursuant to law by federal, state, or local agencies.*

The proposed project does not qualify for an exemption under Classes 3, 4, 5, 6, or 11. The project site is located within an urban developed area and is not located within a sensitive environment. In addition, the proposed project would not result in any impacts on an environmental resource of hazardous or critical concern. Therefore, the exception under CEQA Guidelines Section 15300.2(a) does not apply to the proposed project.

### 4.2 SECTION 15300.2(B): CUMULATIVE IMPACT

*All exemptions for these classes are inapplicable when the cumulative impact of successive projects of the same type in the same place, over time is significant.*

The effects of the proposed project would generally be beneficial, as the proposed project would provide greater self-storage space within the City and would replace an existing self-storage facility with a more modern facility. The proposed project would result in an increased density of self-storage activities in an urban neighborhood that is already served by utilities and public services, as well as transportation. Any

#### 4. Exceptions

construction effects would be temporary, confined to the project vicinity, and reduced to the extent feasible by implementing specific General Plan policies and applicable regulatory requirements. No successive project of the same type in the same place are known or expected to occur over time that would result in cumulatively considerable impacts. Additionally, as stated in Section 3.4.3.5, Greenhouse Gas Emissions, the proposed project would be consistent with the applicable CAP and would not result in cumulative impacts related to GHGs. Therefore, the exception under CEQA Guidelines Section 15300.2(b) does not apply to the proposed project.

### 4.3 SECTION 15300.2(C): SIGNIFICANT EFFECT

*A categorical exemption shall not be used for an activity where there is a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances.*

There are no known unusual circumstances that are applicable to the project and which may result in a significant effect on the environment. The proposed project consists of the demolition of the existing self-storage buildings on the project site and the construction of three new self-storage buildings. The proposed project would not result in a change in the existing use or introduce a new activity to the area that could result in a significant effect on the environment. Therefore, the exception under CEQA Guidelines Section 15003.2(b) does not apply to the proposed project.

### 4.4 SECTION 15300.2(D): SCENIC HIGHWAYS

*A categorical exemption shall not be used for a project which may result in damage to scenic resources, including but not limited to, trees, historic buildings, rock outcroppings, or similar resources, within a highway officially designated as a state scenic highway. This does not apply to improvements which are required as mitigation by an adopted negative declaration or certified EIR.*

The proposed project would not affect a resource within a State Scenic Highway. The nearest scenic Highway, State Route 9, is located approximately 5 miles south of the project site. Therefore, no scenic resources within view of a State Scenic Highway would be altered as part of the project.

As discussed in Chapter 4.1, Aesthetics, of the General Plan EIR, the segment of I-280 in Cupertino is not an officially designated State Scenic Highway but is considered eligible for listing as a designated State Scenic Highway. The project site is adjacent to I-280 and is visible from I-280. 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 building heights are consistent with what was evaluated in the General Plan EIR, consistent with the surrounding development, and existing conditions currently limit views of scenic resources, including those from the I-280 viewshed. Therefore, proposed project impacts would remain consistent with the conclusions in the General Plan EIR and would be *less than significant*.

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### 4.5 SECTION 15300.2(E): HAZARDOUS WASTE SITES

*A categorical exemption shall not be used for a project located on a site which is included on any list compiled pursuant to Section 65962.5 of the Government Code.*

California Government Code Section 65962.5 requires the California Environmental Protection Agency (CalEPA) to compile, maintain, and update specified lists of hazardous material release sites. CEQA<sup>66</sup> requires the lead agency to consult the lists compiled pursuant to Government Code Section 65962.5 to determine whether a project and any alternatives are identified. The required lists of hazardous material release sites are commonly referred to as the “Cortese List” named after the legislator who authored the legislation. Because the statute was enacted more than 20 years ago, some of the provisions refer to agency activities that were conducted many years ago and are no longer being implemented and, in some cases the information required in the Cortese List does not exist. Those requesting a copy of the Cortese Lists are now referred directly to the appropriate information resources contained on internet websites hosted by the boards or departments referenced in the statute, including California Department of Toxic Substance Control’s (DTSC’s) online EnviroStor database and the State Water Resources Control Board’s (SWRCB’s) online GeoTracker database. These two databases include hazardous material release sites, along with other categories of sites or facilities specific to each agency’s jurisdiction. As described in Section 2.2.2, Existing Conditions, a search of these online databases found the project site is not on any list pursuant to Section 65962.5 of the Government Code or any other list compiled for purposes related to identifying the prior release of hazardous materials. The project site is currently used as a self-storage site. Therefore, the exception under CEQA Guidelines Section 15300.2(e) does not apply to the proposed project.

### 4.6 SECTION 15300.2(F): HISTORICAL RESOURCES

*A categorical exemption shall not be used for a project which may cause a substantial adverse change in the significance of a historical resource.*

No historic resources exist in the vicinity of the project site. There is also no known sensitivity for archaeological or paleontological resources on the site. However, the site may contain previously unknown subsurface archaeological deposits. The proposed project would comply with Land Use and Community Design Element Policy 2-72 in the General Plan which would require compliance with City, State, and federal historic preservation laws, regulations, and Codes, including laws related to archaeological resources. In particular, the proposed project would be required to comply with CEQA Guidelines Section 15064.5(e), which specifies procedures to be used in the event of a discovery of Native American human remains on non-federal land. Adherence to CEQA Guidelines Section 15064.5(e) would ensure that impacts to cultural resources would not occur.

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<sup>66</sup> California Public Resources Code Section 21092.6.

#### 4. Exceptions

### 4.7 CONCLUSION

As discussed in Chapter 3, Exemptions, of this document, the proposed project meets the criteria for categorically exempt in-fill development projects in CEQA Guidelines Section 15332 and because, as discussed above, none of the exceptions to the categorical exemptions in CEQA Guidelines Section 15300.2 apply, and it would not have a significant effect on the environment, this analysis finds that a Notice of Exemption may be prepared for the project.

## 5. List of Preparers

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## 6. List of Preparers

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