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July 2, 2019 | Public Review Draft Initial Study

The De Anza Hotel Project

for the City of Cupertino

Image Credit: Winkleman Designs, November 13, 2018.

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for the City of Cupertino

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SOURCES

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

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1. Introduction

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

The project site is located on a 1.29-acre site at 10931 North De Anza Boulevard, approximately mid-way between Homestead Road to the north of the site and Interstate 280 (I-280) to the south of the site. The project site is currently developed with commercial land uses associated with the Goodyear Auto Service Center (Goodyear Tire). The proposed project would involve demolishing the existing commercial building and constructing a hotel with up to 156 rooms[1] with associated amenities including a conference/meeting room and a restaurant. The project proposes both at-grade and below-grade parking spaces, and associated landscaping. The project site is assigned Accessor Parcel Number (APN) 326-10-061. The site's General Plan land use designation is Commercial/Residential and the Zoning District is General Commercial (CG) with special development regulations (rg), together referred to as CG-rg.[2]

In September 2015, the City adopted "General Plan Amendment Procedures" that allow project applicants to apply for authorization to process a General Plan Amendment. Each application undergoes a preliminary review to determine if the proposed project achieves the goals of the General Plan, amongst other criteria. The City Council, at a publicly noticed meeting, authorizes the applications that satisfy the required criteria to proceed with the General Plan amendment application.[3] A General Plan Amendment Authorization resolution was adopted by City Council that allowed the project applicant to make an application for a General Plan Amendment to increase the hotel development allocation up to 156 rooms, increase the allowable building height, and reduce the building plane setback requirements in the Homestead Special Area and North De Anza Gateway.[4] Accordingly, the project that is the subject of this

[1] Note this Initial Study is based on a hotel project with up to 156 rooms; however, the final project may have slightly fewer rooms.

[2] City of Cupertino Ordinance 436 (not codified).

[3] *Procedures for Processing of General Plan Amendment Applications* as listed in City of Cupertino Resolution Number 15-078, Passed and Adopted at a Regular Meeting of the City Council of the City of Cupertino on September 1, 2015.

[4] City of Cupertino General Plan Amendment Authorization Number 2018-01, Resolution Number 19-010, Passed and Adopted at a Regular Meeting of the City Council of the City of Cupertino on January 15, 2019.

Initial Study includes an evaluation of these proposed amendments to the General Plan. For further details on the project description, see Chapter 3 of this Initial Study.

1.1 INITIAL STUDY

Pursuant to Section 15063 of the CEQA Guidelines,[5] an Initial Study is a preliminary environmental analysis that is used by the lead agency as a basis for determining what form of environmental review is required for a project. The CEQA Guidelines require that an Initial Study contain a project description, description of environmental setting, identification of environmental effects by checklist or other similar form, explanation of environmental effects, discussion of mitigation for significant environmental effects, evaluation of the project's consistency with existing and applicable land use controls, and the name of persons who prepared the study.

1.2 TIERING PROCESS

The CEQA concept of "tiering" refers to the evaluation of general environmental matters in a broader program-level EIR, with subsequent focused or project-level environmental documents for individual projects that implement the program. This Initial Study incorporates by reference the discussions in the City's General Plan Amendment, Housing Element Update, and associated Rezoning Project Environmental Impact Report (EIR) that was certified by the Cupertino City Council in December 2014,[6] and the addendum to that EIR that was approved by the City Council in October 2015,[7] together hereinafter "General Plan EIR." The analysis in this Initial Study concentrates on the project-specific issues pertaining to the proposed De Anza Hotel project.

CEQA and the CEQA Guidelines encourage the use of tiered environmental documents to reduce delays and excessive paperwork in the environmental review process. This is accomplished in tiered documents by eliminating repetitive analyses of issues that were adequately addressed in the program EIRs and by incorporating those analyses by reference.

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

- Is the proposed project included in the scope of the development projected and analyzed in the General Plan EIR?

[5] The CEQA Guidelines are found in California Code of Regulations, Title, 14, Section 15000 *et seq*.

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

[7] City of Cupertino, approved General Plan Amendment, Housing Element Update, and Associated Rezoning EIR Final Addendum, State Clearinghouse Number 2014032007. October 2015.

- Is the project site in an area that was considered for hotel land uses in the General Plan EIR?
- Are the changes to population and employment associated with the proposed project included within the scope of the projections accounted for in the General Plan EIR?
- Is the proposed project within the scope of the cumulative analysis in the General Plan EIR?

Table 1-1 shows a comparison of the scope of the proposed project compared to the scope of the evaluation included in the General Plan EIR. As shown in Table 1-1, the proposed project is well within the scope of hotel development and building height limits analyzed in the General Plan EIR for the project site.

TABLE 1-1 SCOPE OF THE PROPOSED PROJECT IN THE GENERAL PLAN EIR AND THE PROPOSED PROJECT

	General Plan EIR	Proposed Project
Project Site	Study Area 1 (Cupertino Inn and Goodyear Tire)	At the site of Goodyear Tire
General Plan Land Use	Commercial/Residential	Commercial/Residential
Zoning	Planned Development General Commercial (P(CG))[a]	General Commercial with special development regulation (CG-rg)
Proposed Project	250 hotel rooms with conference facility	156 hotel rooms with conference facilities
Maximum Height	145 feet[b]	82 feet and 8 inches at the top of bar roof
Employees[c]	75[c]	78[d]

Notes:
a. The General Plan EIR evaluated a proposed change to the current zoning on the project site, which is General Commercial with special development regulation (CG-rg); however, the zoning designation was not changed.
b. The General Plan EIR included a description of multiple height scenarios for the project site. These included 60 feet, 75 feet with retail, and 145 feet with retail and community benefits. In the Aesthetics chapter of the General Plan EIR, the project site was evaluated at the maximum height.
c. The General Plan EIR applied 0.3 employees per hotel room (0.3 x 250 = 75 employees).
d. The City now assumes one job (employee) for every two hotel rooms (156 rooms/2 employees = 78 employees).
Source: PlaceWorks, Project Applicant, City of Cupertino, certified General Plan Amendment, Housing Element Update, and Associated Rezoning EIR and Addendum, State Clearinghouse Number 2014032007. December 2014 and October 2015.

The General Plan land use designation for the project site is Commercial/Residential, which allows primarily commercial uses and secondarily residential uses or a compatible combination of the two. Hotel uses are permitted in the Commercial/Residential land use designation.

The site is located in the North De Anza Gateway, which is within the Homestead Special Area.[8] The Homestead Special Area includes residential, commercial, office and hotel uses along Homestead Road, between I-280 and the Sunnyvale city limit. The General Plan EIR evaluated designated gateways, which represent key locations in the city that, with the use of design elements such as buildings, arches, fountains, banners, signage, special lighting, landscaping and public art, have the opportunity to create a memorable impression of Cupertino. Development in the city's gateways is required to have high-quality

[8] City of Cupertino General Plan, Community Vision 2040, Chapter 3, Land Use, Figure LU-1, Community Form Diagram, page LU-18.

buildings with architecture and materials to reflect the entrances to the city. The General Plan EIR considered future development in the gateways that foster sustainable development practices including, but not limited to, locating high-density residential and employment growth near major transportation and transit corridors, concentrating development on infill sites, and promoting multi-modal (e.g., bike, pedestrian, transit) transportation opportunities. The proposed project is a hotel with conference facilities and a ground-floor restaurant and rooftop terrace, lounge and bar, which is consistent with the types of development envisioned in the North De Anza Gateway.

The General Plan EIR evaluated a Zoning designation change to Planned Development General Commercial (P(CG)) to be consistent with the Cupertino Hotel that is adjacent to the project site. However, the site was not rezoned and the current Zoning designation for General Commercial with special development regulation CG-rg applies to the site.

The General Plan EIR evaluated the potential for new development that would bring approximately 12,998new residents[9] and 16,855 new jobs[10] to the city within the 2040 plan horizon. These new residents and jobs, combined with existing conditions, would result in 71,300 residents and 44,242 jobs at the General Plan 2040 buildout horizon. The proposed project is anticipated to be completed by 2022. As discussed in the General Plan EIR, according to the Association of Bay Area Governments (ABAG), Cupertino is projected to have 62,500 residents and 30,110 jobs by 2020 and 66,800 residents and 31,370 jobs by 2030. No new residents are projected due to the proposed project. Temporary construction-related jobs and 78 permanent jobs are projected to be created by the 2022 buildout year. The City has approved one new 122-room hotel as part of the Marina Plaza project since the certification of the General Plan EIR. The City currently has an open application for the proposed 185-room Cupertino Village Hotel project. Combined, these projects equal 307 hotel rooms. Therefore, the proposed project, combined with the other hotels that are being considered, would not increase hotel development to levels that would exceed the 1,339 new hotel rooms analyzed in the General Plan EIR. Accordingly, the project's proposed increase of temporary construction-related jobs and permanent jobs associated with hotel projects, in combination with other hotel projects, would not increase development projections related to hotel projects over the year 2020 or 2030 projections. Therefore, the project is within the population and employment projections considered in the General Plan EIR.

Accordingly, this Initial Study tiers from the General Plan EIR pursuant to CEQA Guidelines Section 15152 (Public Resources Code Section 21094).

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

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

1.3 REPORT ORGANIZATION

This Initial Study is organized into the following chapters:

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

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

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

Chapter 4: Environmental Analysis. Making use of the CEQA Guidelines Appendix G, Environmental Checklist, that was updated in December 2018, this chapter identifies and discusses anticipated impacts from the proposed project, providing substantiation of the findings made.

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

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

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2. Executive Summary

2.1 INITIAL STUDY CHECKLIST

1.	**Project Title:**	The De Anza Hotel Project
2.	**Lead Agency Name and Address:**	City of Cupertino 10300 Torre Avenue Cupertino, CA 95014
3.	**Contact Person and Phone Number:**	Gian Martire, Associate Planner GianM@cupertino.org 408-777-3319
4.	**Project Location:**	10931 North De Anza Boulevard Cupertino, CA 95014
5.	**Project Applicant's Name and Address:**	De Anza Properties 960 North San Antonio Road Los Altos, CA 94703
6.	**General Plan Land Use Designation:**	Commercial/Residential
7.	**Zoning:**	General Commercial with special development regulation (CG-rg)
8.	**Description of Project:**	See Project Description in Chapter 3
9.	**Surrounding Land Uses and Setting:**	See page 1 of Chapter 3, Project Description
10.	**Other Public Agencies whose Approval is Required:**	See page 26 of Chapter 3, Project Description

11. **Have California Native American tribes traditionally and culturally affiliated with the project area requested consultation pursuant to Public Resources Code Section 21080.3.1? If so, is there a plan for consultation that includes, for example, the determination of significance of impacts to tribal cultural resources, procedures regarding confidentiality, etc.?** The City has not received any request from any Tribes in the geographic area with which they are traditionally and culturally affiliated or otherwise to be notified about projects in Cupertino.

2.2 ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED

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

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

2.3 DETERMINATION

On the basis of this initial evaluation:

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

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

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

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

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

APPROVED BY:
Gian Martire, Associate Planner Date 7/1/19

2.4 SUMMARY OF IMPACTS AND MITIGATION MEASURES

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

AIR QUALITY

Impact AQ-1: Fugitive dust (PM_{10} and $PM_{2.5}$) generated by the proposed project during construction could potentially result in significant regional short-term air quality impacts without implementation of the Bay Area Air Quality Management District's best management practices related to reducing fugitive dust emissions.

Mitigation Measure AQ-1: The project's construction contractor shall comply with the following best management practices for reducing construction emissions of fugitive dust (PM_{10} and $PM_{2.5}$) as required by the Bay Area Air Quality Management District Revised California Environmental Quality Act Air Quality Guidelines:

- Water all active construction areas at least twice daily, or as often as needed to control dust emissions. Watering should be sufficient to prevent airborne dust from leaving the site. Increased watering frequency may be necessary whenever wind speeds exceed 15 miles per hour. Reclaimed water should be used whenever possible.
- Pave, apply water twice daily or as often as necessary to control dust, or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas, and staging areas at construction sites.
- Cover all trucks hauling soil, sand, and other loose materials or require all trucks to maintain at least 2 feet of freeboard (i.e., the minimum required space between the top of the load and the top of the trailer).
- Sweep daily (with water sweepers using reclaimed water if possible) or as often as needed all paved access roads, parking areas and staging areas at the construction site to control dust.
- Sweep public streets daily (with water sweepers using reclaimed water if possible) in the vicinity of the project site, or as often as needed, to keep streets free of visible soil material.
- Hydroseed or apply non-toxic soil stabilizers to inactive construction areas.
- Enclose, cover, water twice daily, or apply non-toxic soil binders to exposed stockpiles (dirt/sand).
- Limit vehicle traffic speeds on unpaved roads to 15 miles per hour.
- Replant vegetation in disturbed areas as quickly as possible.
- Install sandbags or other erosion control measures to prevent silt runoff from public roadways.

Impact AQ-2: The proposed project could expose sensitive receptors to substantial pollutant concentrations during construction.

Mitigation Measure AQ-2: During construction, the construction contractor(s) shall:

- Use construction equipment fitted with Level 3 Diesel Particulate Filters (DPF) for all equipment of 50 horsepower or more.
- Prior to issuance of any construction permit, ensure that all construction plans submitted to the City of Cupertino Planning Department and/or Building Division clearly show the requirement for Level 3 DPF emissions standards for construction equipment over 50 horsepower.
- Maintain a list of all operating equipment in use on the project site for verification by the City of Cupertino Building Division official or his/her designee. The construction equipment list shall state the makes, models, and number of construction equipment on-site.
- Ensure that all equipment shall be properly serviced and maintained in accordance with manufacturer recommendations.
- Communicate with all sub-contractors in contracts and construction documents that all nonessential idling of construction equipment is restricted to 5 minutes or less in compliance with California Air Resources Board Rule 2449 and is responsible for ensuring that this requirement is met.

BIOLOGICAL RESOURCES

Impact BIO-1: The proposed project could have a substantial adverse effect, either directly or through habitat modifications, on a plant or animal population, or essential habitat, defined as a candidate, sensitive or special-status species.

Mitigation Measure BIO-1: Nests of raptors and other birds shall be protected when in active use, as required by the federal Migratory Bird Treaty Act and the California Fish and Game Code. If construction activities and any required tree removal are proposed to occur during the breeding season (February 1 and August 31), the construction contractor shall indicate, on all construction plans, that preconstruction surveys shall:

- Be conducted by a qualified biologist prior to tree removal or grading, demolition, or construction activities. Note that preconstruction surveys are not required for tree removal or construction, grading, or demolition activities outside the nesting period.
- Be conducted no more than 14 days prior to the start of tree removal or construction.
- Be repeated at 14-day intervals until construction has been initiated in the area after which surveys can be stopped.
- Document locations of active nests containing viable eggs or young birds.

Protective measures for active nests containing viable eggs or young birds shall be implemented under the direction of the qualified biologist until the nests no longer contain eggs or young birds. Protective measures shall include:

- Establishment of clearly delineated exclusion zones (i.e., demarcated by identifiable fencing, such as orange construction fencing or equivalent) around each nest location as determined by the

qualified biologist, taking into account the species of birds nesting, their tolerance for disturbance and proximity to existing development. In general, exclusion zones shall be a minimum of 300 feet for raptors and 75 feet for passerines and other birds.

- Monitoring active nests within an exclusion zone on a weekly basis throughout the nesting season to identify signs of disturbance and confirm nesting status.
- An increase in the radius of an exclusion zone by the qualified biologist if project activities are determined to be adversely affecting the nesting birds. Exclusion zones may be reduced by the qualified biologist only in consultation with California Department of Fish and Wildlife.
- The protection measures shall remain in effect until the young have left the nest and are foraging independently or the nest is no longer active.

CULTURAL RESOURCES

Impact CULT-1: The proposed project could cause a substantial adverse change in the significance of an archaeological resource pursuant to CEQA Guidelines Section 15064.5.

Mitigation Measure CULT-1: If any prehistoric or historic subsurface cultural resources are discovered during ground-disturbing (including grading, demolition and/or construction) activities:

- All work within 50 feet of the resources shall be halted, the City shall be notified and a qualified archaeologist shall be consulted. The contractor shall cooperate in the recovery of the materials. Work may proceed on other parts of the project site while mitigation for tribal cultural resources, historical resources or unique archaeological resources is being carried out.
- The qualified archaeologist shall prepare a report for the evaluation of the resource to the California Register of Historical Places and the City Building Department. The report shall also include appropriate recommendations regarding the significance of the find and appropriate mitigations as follows:
  - If the resource is a non-tribal resource, the archaeologist shall assess the significance of the find according to CEQA Guidelines Section 15064.5.
  - If the resource is a tribal resource – whether historic or prehistoric – the consulting archaeologist shall consult with the appropriate tribe(s) to evaluate the significance of the resource and to recommend appropriate and feasible avoidance, testing, preservation or mitigation measures, in light of factors such as the significance of the find, proposed project design, costs, and other considerations. If avoidance is infeasible, other appropriate measures (e.g., data recovery) may be implemented.
- All significant non-tribal cultural materials recovered shall be, as necessary, and at the discretion of the consulting archaeologist, subject to scientific analysis, professional museum curation, and documentation according to current professional standards.

GEOLOGY AND SOILS

Impact GEO-1: The proposed project could directly or indirectly destroy a unique paleontological resource or site or unique geologic feature.

Mitigation Measure GEO-1: The construction contractor shall incorporate the following in all grading, demolition, and construction plans:

- In the event that fossils or fossil-bearing deposits are discovered during grading, demolition, or building, excavations within 50 feet of the find shall be temporarily halted or diverted.
- The contractor shall notify the City of Cupertino Building Department and a City-approved qualified paleontologist to examine the discovery.
- The paleontologist shall document the discovery as needed, in accordance with Society of Vertebrate Paleontology standards (Society of Vertebrate Paleontology 1995), evaluate the potential resource, and assess the significance of the finding under the criteria set forth in CEQA Guidelines Section 15064.5.
- The paleontologist shall notify the appropriate agencies to determine procedures that would be followed before construction is allowed to resume at the location of the find.
- If the project applicant determines that avoidance is not feasible, the paleontologist shall prepare an excavation plan for mitigating the effect of the project based on the qualities that make the resource important. The excavation plan shall be submitted to the City for review and approval prior to implementation.

GREENHOUSE GAS EMISSIONS

Impact GHG-1: The proposed project would generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment.

Mitigation Measure GHG-1: The project applicant shall offset a minimum of 173 metric tons metric tons of carbon dioxide-equivalent ($MTCO_2e$) emissions per year for a period of 30 years (5,190 $MTCO_2e$) through the purchase of voluntary carbon offsets (i.e., not compliance offsets) from the California Air Resources Board (CARB) approved Offset Project Registries (i.e., Climate Action Reserve, Verra, American Carbon Registry) or forecasted mitigation units (FMUs) (GHG Mitigation Credits) from the Climate Action Reserve's Climate Forward program. The voluntary carbon offsets or FMUs must be real, additional, permanent, confirmable, and enforceable. The order of preference for purchase of voluntary carbon offsets or FMUs shall be as follows: 1) within the City; 2) within the San Francisco Bay Area Air Basin; 3) within the State of California; then 4) elsewhere in the United States. Evidence of payments, and funding of an escrow-type account or endowment fund shall be submitted to the City by the project applicant. Prior to issuance of the certificate of occupancy, the project applicant shall submit to the City of Cupertino Building Division official or his/her designee, the necessary documentation to verify the agreement to purchase the necessary voluntary carbon offsets or FMUs to offset project emissions to below 1,100 $MTCO_2e$ per year.

NOISE

Impact NOISE-1: The proposed project could result in the generation of a substantial temporary increase in ambient noise levels in the vicinity of the project during the construction phase that would be in excess of standards established in the local general plan or noise ordinance, or in other applicable local, State, or federal standards.

Mitigation Measure NOISE-1: The following shall be incorporated in all demolition, grading, and construction plans, as required by the Cupertino Municipal Code (CMC). Construction activities shall take place only during daytime hours of 7:00 a.m. and 8:00 p.m. on weekdays, and 9:00 a.m. to 6:00 p.m. on weekends. In addition, the construction crew shall adhere to the following best management practices shall be observed:

- At least 90 days prior to the start of any construction, demolition or grading activities, all offsite businesses and residents within 300 feet of the project site will be notified of the planned activities. The notification will include a brief description of the project, the activities that would occur, the hours when activity would occur, and the construction period's overall duration. The notification should include the telephone numbers of the contractor's authorized representatives that are assigned to respond in the event of a noise or vibration complaint.
- The project applicant and contractors shall prepare and submit a Construction Noise Control Plan to the City's Building Department and Code Enforcement for review and approval prior to issuance of any grading, demolition, and/or building permits. The Construction Noise Plan shall demonstrate compliance with the 80 dBA limit in the CMC. The details of the Construction Noise Control Plan, including those details listed herein, shall be included as part of the permit application drawing set and as part of the construction drawing set, shall be implemented by the on-site Construction Manager, and shall include, but not be limited to, the following available controls to comply with the 80 dBA performance standard:
    - At least 10 days prior to the start of construction activities, a sign will be posted at the entrance(s) to the job site, clearly visible to the public, which includes permitted construction days and hours, as well as the telephone numbers of the City's and contractor's authorized representatives that are assigned to respond in the event of a noise or vibration complaint. If the authorized contractor's representative receives a complaint, he/she will investigate, take appropriate corrective action, and report the action to the City.
    - During the entire active construction period, equipment and trucks used for project construction will utilize the best available noise control techniques (e.g., improved mufflers, equipment re-design, use of intake silencers, ducts, engine enclosures, and acoustically attenuating shields or shrouds), wherever feasible.
    - Include noise control requirements for equipment and tools, including concrete saws, to the maximum extent feasible. Such requirements could include, but are not limited to, erecting temporary plywood noise barriers between areas where concrete saws will be used and nearby sensitive receptors; performing work in a manner that minimizes noise; and undertaking the noisiest activities during times of least disturbance to nearby sensitive receptors.

- During the entire active construction period, stationary noise sources will be located as far from sensitive receptors as possible, and they will be muffled and enclosed within temporary sheds, or insulation barriers or other measures will be incorporated to the extent feasible.
- During the entire active construction period, noisy operations will be conducted simultaneously to the degree feasible in order to reduce the time periods of these operations.
- Select haul routes that avoid the greatest amount of sensitive use areas and submit to the City of Cupertino Public Works Department for approval prior to the start of the construction phase.
- Signs will be posted at the job site entrance(s), within the on-site construction zones, and along queueing lanes (if any) to reinforce the prohibition of unnecessary engine idling. All other equipment will be turned off if not in use for more than 5 minutes.
- During the entire active construction period and to the extent feasible, the use of noise producing signals, including horns, whistles, alarms, and bells will be for safety warning purposes only. The construction manager will use smart back-up alarms, which automatically adjust the alarm level based on the background noise level, or switch off back-up alarms and replace with human spotters in compliance with all safety requirements and laws.

Impact NOISE-2: The proposed project could result in the generation of a substantial permanent increase in ambient noise levels in the vicinity of the project during the operation phase that would be in excess of standards established in the local general plan or noise ordinance, or in other applicable local, State, or federal standards.

Mitigation Measure NOISE-2: Mechanical equipment shall be selected and designed to reduce impacts on surrounding uses to meet the Cupertino Municipal Code noise limits of 60 dBA and 50 dBA at residential uses during daytime and nighttime, respectively, and 65 dBA and 55 dBA at non-residential sensitive uses (i.e., the Cupertino Hotel) during daytime and nighttime, respectively. A qualified acoustical consultant shall be retained to review mechanical noise as these systems are selected to determine specific noise reduction measures necessary to reduce noise to comply with the City's noise level requirements. Mechanical equipment shall be selected and designed to reduce impacts on surrounding uses to meet the City's noise level requirements. Noise reduction measures could include, but are not limited to:

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

TRIBAL CULTURAL RESOURCES

Impact TRC-1: The proposed project could cause a substantial adverse impact to an unknown Tribal Cultural Resource.

Mitigation Measure TCR-1: Implement Mitigation Measure CULT-1.

UTILITIES AND SERVICE SYSTEMS

Impact UTIL-1: The proposed project may result in a determination by the wastewater treatment provider which serves or may serve the project does not have adequate capacity to serve the project's projected demand in addition to the provider's existing commitments.

Mitigation Measure UTIL-1: No building permits shall be issued by the City for the proposed De Anza Hotel 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 may demonstrate, to the satisfaction of the City of Cupertino and Cupertino Sanitary District (CSD), that the proposed hotel 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 *San Jose-Santa Clara Water Pollution Control Plant Specific Use Code & Sewer Coefficient* table in the May 2007, *City of Santa Clara Sanitary Sewer Capacity Assessment*,[11] and *California Green Building Standards*, 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.

[11] Mark Thomas and Associates. Email communication with Cupertino Public Works. July 19, 2018.

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3. Project Description

The applicant, De Anza Properties, is proposing the De Anza Hotel Project (proposed project) which would involve the construction of a hotel on a 1.29-acre site. The project site is currently developed with commercial land uses (Goodyear Tire). The proposed project would involve demolishing the existing commercial building and redeveloping the site with a new seven-story hotel with up to 156 rooms, a rooftop terrace, lounge, and bar and ground-floor conference facilities and restaurant. The proposed project would include four levels of below-grade parking. This chapter provides a detailed description of the proposed project, including the location, setting, and characteristics of the project site, the principal project features, construction phasing and schedule, as well as a list of the required permits and approvals.

3.1 PROJECT LOCATION AND SITE CHARACTERISTICS

3.1.1 REGIONAL LOCATION

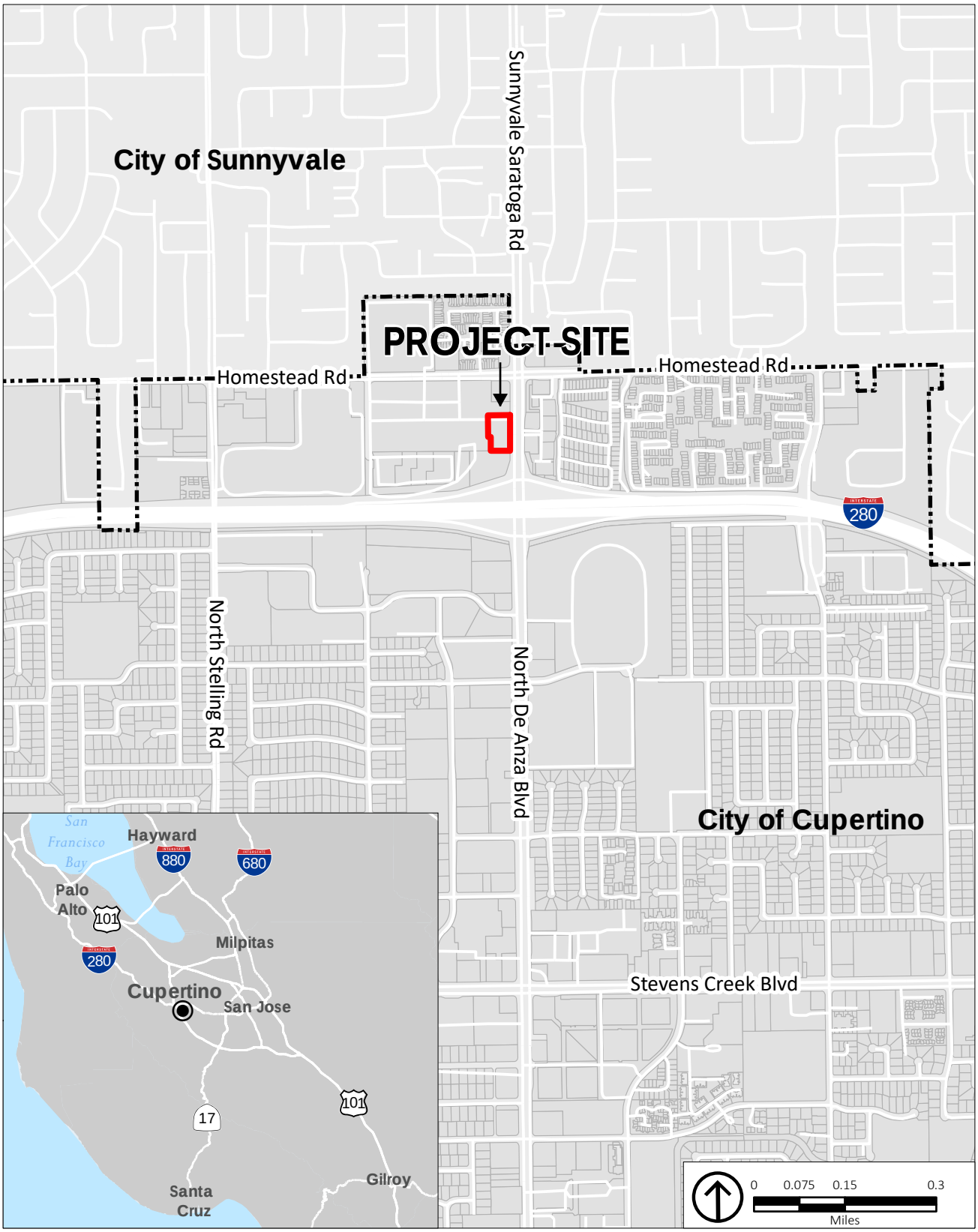
As shown on Figure 3-1, the project site is located in Cupertino, which is in the northwestern portion of Santa Clara County. Cupertino is roughly 45 miles south of San Francisco and 10 miles west of downtown San Jose. Interstate 280 (I-280) provides regional access to the project site.

3.1.2 LOCAL SETTING

The project site is located at 10931 North De Anza Boulevard. The site is located on the eastern side of the Homestead Square Shopping Center (Homestead Square), which offers retail and restaurants for nearby workers and serves as a village center for the residential uses in this area. As shown on Figure 3-2, the project site is bounded by Homestead Square buildings and parking lots to the north and west, North De Anza Boulevard to the east, and Cupertino Hotel to the south. The Cupertino Hotel is a full service, boutique, business hotel with event facilities and 125 rooms.

The project is separated from the Homestead Square Shopping Center to the west by an approximately 20-foot (two-lanes) wide internal roadway, from the Commercial/Retail building to the north by an approximately 40-foot (three-lanes) wide driveway, from the Aviare Apartments to the east by North De Anza Boulevard, which is approximately 150 feet (six-lanes) wide including the landscaped median, and from Cupertino Hotel building to the south by an approximately 34-foot (two-lane) wide driveway.[12]

[12] The existing driveways off North De Anza Boulevard meet three-car width standard required by the CG-rg Zoning code.



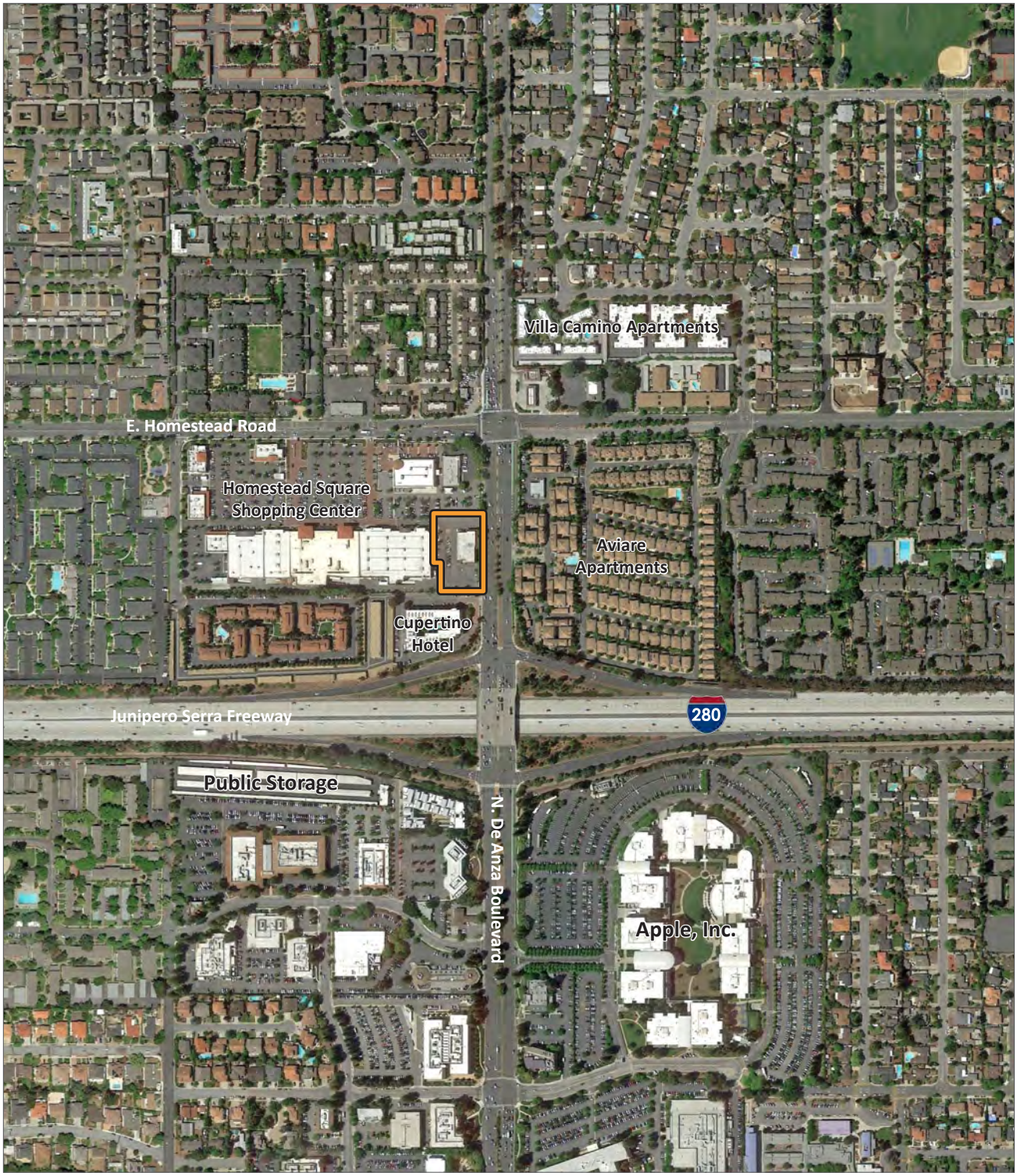
Source: ESRI, 2017; PlaceWorks, 2019.

Project Site

Cupertino City Limit

Figure 3-1

Regional and Vicinity Map



Source: Google Earth Professional, 2018; PlaceWorks, 2018.

0 700
Scale (Feet)

Project Site

Figure 3-2
Aerial View of Project Site and Surroundings

The nearest residential development to the project site is the Aviare Apartments approximately 150 feet to the east of the project across North De Anza Boulevard. The closest neighborhood park is Franco Park approximately 0.5 miles to the west. The Nimitz and Louis E. Stocklmier Elementary Schools are located about 1 mile to the north, the Homestead High School and Cupertino Middle School are located approximately 0.75 miles and 1.5 miles to the west respectively, and the Saint Joseph Cupertino School and William Faria Elementary School are located approximately 0.8 miles and 1.6 miles to the south respectively. The closest major regional employer (Apple Park) is located about 0.25 miles to the south.

The nearest public airports are San Jose International Airport, approximately 6 miles to the northeast, and Palo Alto Airport, approximately 9.3 miles to the northwest. The nearest heliports are McCandless Towers Heliport, approximately 4.5 miles to the northeast, and County Medical Center Heliport, approximately 5.6 miles to the southeast.

3.1.3 EXISTING SITE CONDITIONS

SITE CHARACTER

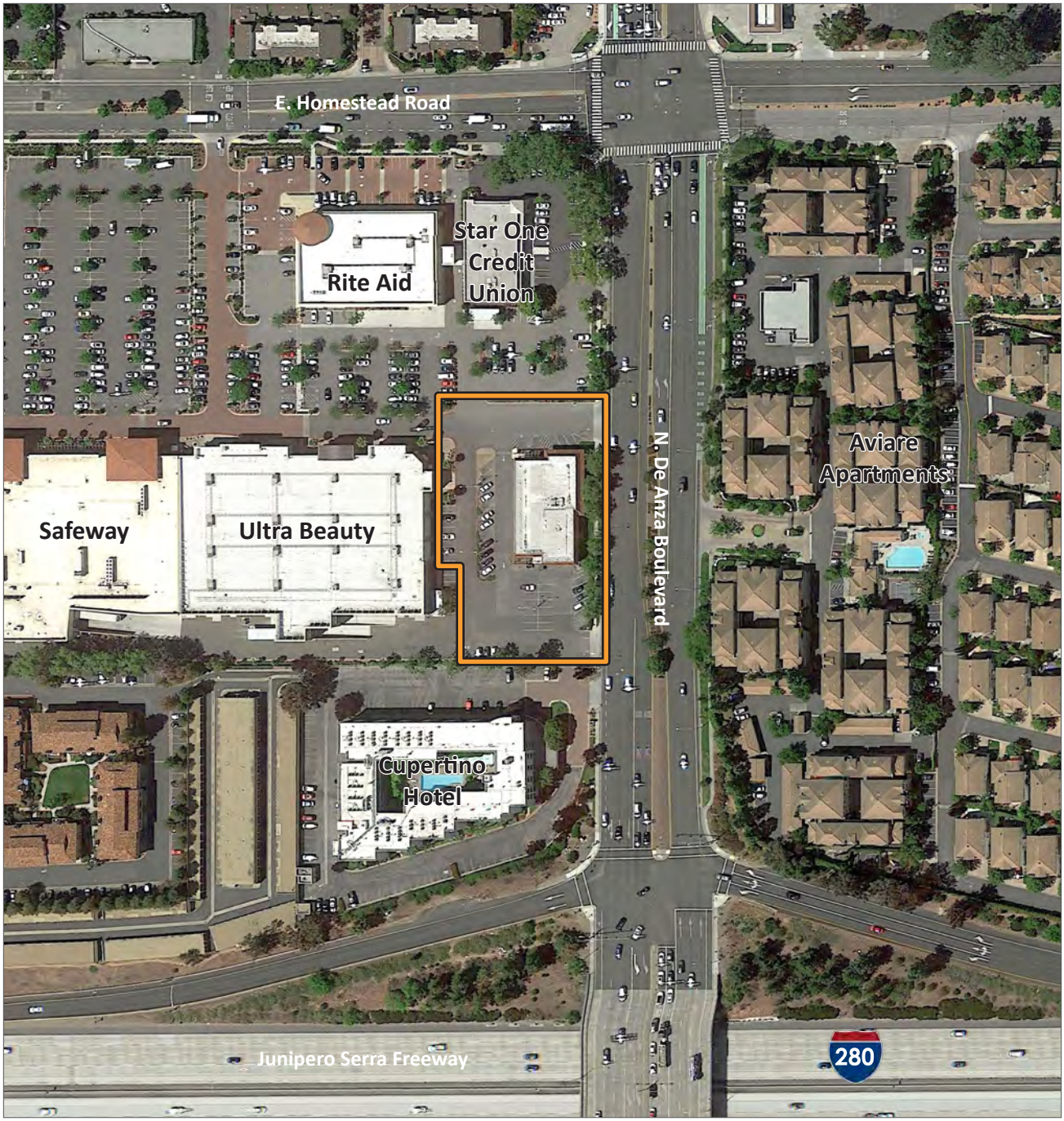
As shown on Figure 3-3, the site is currently developed with an 8,323 square-foot building that is one story (approximately 18 feet) tall. The existing building is currently occupied with a Goodyear Tire, which provides new tires, tire repairs, oil changes, and other automotive care services and provides about 10 jobs.[13] The site also contains surface parking.

The site supported agricultural land uses between 1939 to 1968 and there is a potential that agricultural chemicals, such as pesticides, herbicides and fertilizers, were used on site. The existing building was built in 1971 and 1972. Due to the age of the existing buildings, they may contain asbestos-containing materials or lead-based paint, which have been regulated in construction since the early 1970's.[14] The project site was developed in 1971, which is within the 45-year age limit established by the State Office of Historic Preservation (OHP) for buildings that may be of historical value.[15]

[13] Personal communication between PlaceWorks and Goodyear Auto Service Center on January 9, 2019.

[14] AEI Consultants, 2018, Phase I Environmental Site Assessment, 10931 North De Anza Boulevard, Cupertino, Santa Clara County, California. August 8, 2018.

[15] Public Resources Code Section 5024.1



Source: Google Earth Professional, 2018; PlaceWorks, 2018.

0 200
Scale (Feet)

Project Site

Figure 3-3
Existing Condition

VEGETATION AND LANDCOVER

Using data from the Classification and Assessment with Landsat of Visible Ecological Groupings (CALVEG)[16] 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. According to the Vegetation Map shown in the Environmental Resources and Sustainability Element of the General Plan most of the City, including the project site, is within the urban forest.[17] The City recognizes that every tree on both public and private property is an important part of Cupertino's urban forest and contributes significant economic, environmental and aesthetic benefits of the community.[18] The site contains ornamental landscaping for the existing and surrounding commercial spaces, including 11 trees, of which six are located along North De Anza Boulevard. The California Natural Diversity Database (CNDDB) has no record of special-status plant or animal species on the project site or urbanized areas within a 1-mile area surrounding the project site. There are no natural lands within a 1-mile area of the project site.

The California Department of Forestry and Fire Projection (CAL FIRE) has designated the project site as a Local Responsibility Area (LRA) and a non-very high fire hazard severity zone (NVHFHSZ). The project site is not near lands that CAL FIRE designates as State Responsibility Area (SRA). The nearest Fire Hazard Severity Zones in a designated SRA and LRA is a VHFHSZ about 5 miles south where the Fremont Older Open Space Preserve interfaces with the urban edge.[19] Land between the edge of the FHSZ and the project site is dense urban development.

The site is generally flat with an average elevation of 213 feet above mean sea level and the depth of groundwater is estimated to be 125 feet below ground surface or deeper. The soil is Urban Land Flaskan Complex, which is a well-drained sandy loam, sandy clay loam, gravelly sandy clay loam and very gravelly sandy clay loam soil with a depth of 59 inches.[20] Surficial geology is young, unconsolidated Quaternary

[16] 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.

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

[18] City of Cupertino, Tree Protection and Tree Removal link on the City's website, Accessed May 6, 2019 at https://www.cupertino.org/our-city/departments/community-development/planning/residential-development/tree-protection-tree-removal.

[19] California Department of Forestry and Fire Prevention (CAL FIRE). The Fire and Resource Assessment Program (FRAP). Very High Fire Hazard Severity Zones (FHSZ) in SRA and LRA. FHSZ Viewer. http://www.fire.ca.gov/fire_prevention/fire_prevention_wildland_zones_maps

[20] AEI Consultants, 2018, Phase I Environmental Site Assessment, 10931 North De Anza Boulevard, Cupertino, Santa Clara County, California. August 8, 2018.

alluvium,[21] 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 existing impervious surface totals 38,380 square feet. Stormwater from the site would drain to a network of City-maintained storm drains that collect runoff from city streets and carries it to the creeks that run through Cupertino and to the San Francisco Bay.

The current on-site utilities are a natural gas heating system and electric cooling system.[22]

The surrounding uses are the one-story (approximately 30 feet) buildings in the Homestead Square shopping center to the north and west, the three-story (approximately 45 feet) Aviare Apartments to the east, and the four-story (approximately 45 feet) Cupertino Hotel to the south.

PUBLIC SERVICE AND UTILITY PROVIDERS

The following service providers would serve the proposed project:

- The City contracts with the Santa Clara County Fire District (SCCFD) for fire protection, emergency, medical, and hazardous materials services.
- The City contracts with the Santa Clara County Sheriff's Office (Sheriff's Office) and West Valley Patrol Division for police protection services.
- The site is in the Cupertino Union School District.
- The Santa Clara County Library District governs and administers seven community libraries, one branch library, two bookmobiles, the Home Service Library, and the 24/7 online library. The closest library to the project site is the Cupertino Library located at 10800 Torre Avenue in Cupertino.
- The City of Cupertino Recreation and Community Services is responsible for the maintenance of the City's 14 parks and seven community and recreational facilities within the city boundary.
- The project site is located within the California Water Service (Cal Water) Los Altos Suburban District (LASD) service area, and Cal Water would supply water for the project.
- The project site is located within the Cupertino Sanitary District (CSD) service area and wastewater would be treated at the San Jose/Santa Clara Water Pollution Control Plant (SJ/SCWPCP).

[21] 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.

[22] AEI Consultants, 2018, Phase I Environmental Site Assessment, 10931 North De Anza Boulevard, Cupertino, Santa Clara County, California. August 8, 2018.

- The City has contracts with Recology South Bay (Recology) and Newby Island Sanitary Landfill (NISL). Recology would provide curbside recycling, garbage, and compost and yard waste services to the project site and haul waste to the NISL.[23]
- Electricity and natural gas would be supplied to the project site via infrastructure maintained by Pacific Gas & Electric (PG&E).
- Telephone service would be provided by AT&T and other providers. Cable television service would be available from a number of providers, including Comcast.

3.1.4 LAND USE DESIGNATION AND ZONING

GENERAL PLAN

The project site is assigned APN 326-10-061. In addition to the General Plan land use designation, the project site is located in a special planning area and designated gateway within the city. A description of the planning area and development parameters is provided below.

Planning Area and Gateway

The site is located in the North De Anza Gateway, which is within the Homestead Special Area.[24] The Homestead Special Area includes residential, commercial, office and hotel uses along Homestead Road, between I-280 and the Sunnyvale city limit. In addition to the project site, the North De Anza Gateway includes one other hotel (Cupertino Hotel). According to the General Plan, the Homestead Special Area will continue to be a predominantly mixed-use retail commercial area with residential uses and neighborhood centers providing services to local residents. Bike and pedestrian improvements to the roadways in this area will provide better connections for residents and workers to access services. Tree-lined streets and sidewalks will provide an inviting environment and will link existing and new uses.

Building Height

As shown on the Community Form Diagram in the General Plan, a maximum height of 45 feet is allowed at this location.[25] The adopted General Plan Amendment Authorization resolution allows the project

[23] City of Cupertino, Garbage and Recycling Services Fact Sheet, http://www.recyclestuff.org/Guides/CityGuideCupertino.pdf, accessed May 7, 2019.

[24] City of Cupertino General Plan, Community Vision 2040, Chapter 3, Land Use, Figure LU-1, Community Form Diagram, page LU-18.

[25] City of Cupertino General Plan, Community Vision 2040, Chapter 3, Land Use, Figure LU-1, Community Form Diagram1, page LU-18.

applicant to apply for a General Plan Amendment to increase the height.[26] The project features for the General Plan Amendment are discussed below in Section 3.2, Project Components.

Land Use Designation

The General Plan land use designation for the project site is Commercial/Residential, which allows primarily commercial uses and secondarily residential uses or a compatible combination of the two. Commercial use is defined in the General Plan as retail sales, businesses, limited professional offices, and service establishments with direct contact with customers. Commercial uses can range from neighborhood convenience to regionally oriented specialty stores. Retail stores that would be a nuisance to adjoining neighborhoods or harmful to the community identity would be regulated by the Commercial Zoning Ordinance and use permit procedures.[27]

ZONING DISTRICT

The project site is within the General Commercial (CG) with special development regulations (rg), together referred to as CG-rg.[28] As described in Cupertino Municipal Code (CMC) Section 19.60.010, the CG zoning district is intended to provide a means of guiding land development or redevelopment of the city to establish retailing, offices, and service establishments that ensure the maximum compatibility with surrounding residential areas. Development in this Zoning District provides goods and services to the general public, while minimizing adverse traffic impacts resulting from commercial development.[29] The special development regulation applies to three parcels in the city. Ordinance 436 requires a driveway equal to the width of three cars (e.g., three 10-foot travel lanes would equal a 30-foot driveway) to serve the project site and Homestead Shopping Center.[30] Hotel uses are allowed in the CG-rg Zoning District with a Conditional Use Permit issued by the Planning Commission pursuant to CMC Section 19.60.030.[31] However, the adopted General Plan Amendment Authorization resolution allows the project applicant to apply for a General Plan Amendment to increase the hotel development allocation on the site;[32] therefore, the project must be reviewed and approved by the City Council. The project features for the General Plan Amendment are discussed below in Section 3.2, Project Components.

[26] City of Cupertino General Plan Amendment Authorization Number 2018-01, Resolution Number 19-010, Passed and Adopted at a Regular Meeting of the City Council of the City of Cupertino on January 15, 2019.

[27] City of Cupertino General Plan, Community Vision 2040, Appendix A, Land Use Definitions, pages A-5 and A-6.

[28] City of Cupertino Ordinance 436 (not codified).

[29] The City of Cupertino Municipal Code, Title 19, Zoning, Chapter 19.60, General Commercial, Section 19.60.010, Purpose.

[30] City of Cupertino Ordinance 436 (not codified).

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

[32] City of Cupertino General Plan Amendment Authorization Number 2018-01, Resolution Number 19-010, Passed and Adopted at a Regular Meeting of the City Council of the City of Cupertino on January 15, 2019.

SETBACKS

Development on the site would be required to provide sufficient space for adequate light, air and visibility at intersections, and general conformity to yard requirements of adjacent or nearby zones, lot or parcels. However, pursuant to CMC Section 19.60.060, because the project site does not abut any residential or agricultural zones, no specific front, side, or rear yard setbacks are required.[33] Nonetheless, the development on the project site must still adhere to the General Plan requirement of maintaining the building plane setback requirements whereas the primary bulk of the building is behind a 1:1 slope line (i.e., 1 foot of setback for every 1 foot of building height) from the face of the curb along North De Anza Boulevard.[34] The adopted General Plan Amendment Authorization resolution allows the project applicant to apply for a General Plan Amendment to reduce the building plane setback requirements in the Homestead Special Area and North De Anza Gateway.[35] The project features for the General Plan Amendment are discussed below in Section 3.2, Project Components.

PRIORITY DEVELOPMENT AREA

Plan Bay Area 2040 is the Bay Area's current Regional Transportation Plan (RTP)/Sustainable Community Strategy (SCS) that was adopted jointly by the Association of Bay Area Government's (ABAG) and Metropolitan Transportation Commission (MTC) on July 26, 2017. As part of the implementing framework for *Plan Bay Area*, local governments identified Priority Development Areas (PDAs) to focus growth. PDAs are transit-oriented, infill development opportunity areas within existing communities. An overarching goal of the regional *Plan Bay Area* 2040 is to concentrate development in areas where there are existing services and infrastructure rather than allocate new growth in outlying areas where substantial transportation investments would be necessary to maximize energy conservation and achieve the per capita passenger vehicle, vehicle miles traveled (also referred to as "VMT"), and associated greenhouse gas (GHG) emissions reductions.

The project site is located in the Santa Clara Valley Transportation Authority City Cores, Corridors & Station Areas PDA. While the project is in close proximity to existing employment centers, roadways, transit, and bicycle and pedestrian routes, it is not a designated Transit Priority Area (TPA).[36] See Section 4.1, Discussion of Environmental Evaluation, for more discussion on TPAs.

[33] The City of Cupertino Municipal Code, Title 19, Zoning, Chapter 19.60, General Commercial, Section 19.60.060, Development Standards. Table 19.60.060: Development Standards.

[34] City of Cupertino General Plan, Community Vision 2040, Chapter 3, Land Use, Figure LU-1, Community Form Diagram, page LU-18.

[35] City of Cupertino General Plan Amendment Authorization Number 2018-01, Resolution Number 19-010, Passed and Adopted at a Regular Meeting of the City Council of the City of Cupertino on January 15, 2019.

[36] *Plan Bay Area*, Association of Bay Area Governments (ABAG)/Metropolitan Transportation Commission (MTC) Priority Development Area (PDA) and Transit Priority Area (TPA) Map for CEQA Streamlining, https://www.planbayarea.org/pda-tpa-map, accessed on January 4, 2019.

3.1.5 OTHER REQUIREMENTS

LANDSCAPING

Landscape Ordinance

CMC Chapter 14.15, Landscape Ordinance, implements the California Water Conservation in Landscaping Act of 2006 by establishing new water-efficient landscaping and irrigation requirements. In general, any building or landscape project that involves more than 2,500 square feet of landscape area is required to submit a Landscape Project Submittal to the Director of Community Development for approval. Existing and established landscaped areas over 1 acre, including cemeteries, are required to submit water budget calculations and audits of established landscapes.[37]

Tree Ordinances

CMC Chapter 14.12, Trees, establishes regulations for the planting, care, and maintenance of public trees, and provides for the continuous maintenance of the public trees, with the goal of encouraging preservation of trees. The City funds the planting and maintenance of public trees through payment of reimbursement costs as a conditions of building permit issuance.[38]

CMC Chapter 14.18, Protected Tree Ordinance, provides regulations for the protection, preservation, and maintenance of trees of certain species and sizes. Removal of a protected tree requires a permit from the City. "Protected" trees include trees of a certain species and size in all zoning districts; heritage trees in all zoning districts; any tree required to be planted or retained as part of an approved development application, building permit, tree removal permit, or code enforcement action in all zoning districts; and approved privacy protection planting in single-family residential (R-1) zoning districts. Because the existing development is on property that requires a development application, all existing trees on the site are considered protected.[39]

UTILITIES AND ENERGY

Energy

The California Green Building Standards Code (Part 11, Title 24, known as "CALGreen") was adopted as part of the California Building Standards Code (Title 24, California Code of Regulations) to apply to the planning, design, operation, construction, use, and occupancy of every newly constructed building or

[37] City of Cupertino Municipal Code, Title 14, Streets, Sidewalks and Landscaping, Chapter 14.15, Landscape Ordinance.
[38] City of Cupertino Municipal Code, Title 14, Streets, Sidewalks and Landscaping, Chapter 14.12, Trees.
[39] City of Cupertino Municipal Code, Title 14, Streets, Sidewalks and Landscaping, Chapter 14.18, Protected Trees.

structure, unless otherwise indicated in the code, throughout the State of California. CALGreen established planning and design standards for sustainable site development, energy efficiency (in excess of the California Energy Code requirements), water conservation requiring new buildings to reduce water consumption by 20 percent, material conservation, and internal air contaminants. The local building permit process enforces the building efficiency standards. CMC Chapter 16.58, Green Building Standards Code Adopted, includes the CALGreen requirements with local amendments for projects in the city. The City's Green Building Ordinance codifies green building techniques, including measures affecting water use efficiency and water conservation. CMC sections 16.58.100 through 16.58.220 sets forth the standards for green building requirements by type of building. As shown on Table 101.10 in CMC Section 16.58.220, non-residential new construction exceeding 50,000 square feet is required to be Silver in Energy and Environmental Design (LEED).[40] CMC Section 16.58.230 permits applicants to apply an alternate green building standard for a project in lieu of the minimum standards outlined in CMC Section 16.58.220 that meet the same intent of conserving resources and reducing solid waste.

Solid Waste Reduction

Consistent with CALGreen, CMC Chapter 16.72, Recycling and Division of Construction and Demolition Waste, requires that a minimum of 65 percent of all non-hazardous construction and demolition debris must be recycled or salvaged and that all applicants have a waste management plan for on-site sorting of construction debris. Additionally, in December 2017, the City adopted a Zero Waste Policy.[41] According to the Zero Waste Policy, the City would require, through the City's waste hauling franchise agreement, steadfast and ongoing efforts by the City's franchise to maintain a minimum residential and commercial waste diversion rate of 75 percent with a goal of reaching and maintaining 80 percent by 2025.

Water Quality

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

[40] 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.

[41] City of Cupertino, Public Works, Garbage & Recycling, https://www.cupertino.org/our-city/departments/environment-sustainability/waste, accessed October 4, 2018.

3.2 PROJECT COMPONENTS

The proposed project would redevelop the project site with a hotel and associated amenities with subterranean parking. The following provides a detailed description of the key project components. A complete set of preliminary site plans are available on the City's website at www.cupertino.org/deanzahotel and at the City of Cupertino Community Development Department at 10300 Torre Avenue, Cupertino, California 95014.

HOTEL

The conceptual site plan for the proposed project is shown on Figure 3-4. The proposed project would develop a seven-story hotel with up to 156 guest rooms and a rooftop terrace, lounge, and bar. The first/ground floor would be for guest amenities, which could include a lobby, reception area, exercise room, restaurant/bar, kitchen, conference rooms, and restrooms. The first floor would also include space for an administrative office, employee lounge, housekeeping, electrical, mechanical, trash/recycling, and storage. The second floor would have guest rooms and guest facilities, which could include lounge areas and outdoor terraces. One of the second-floor terraces would have a green roof. The third through the sixth floors would have guest rooms and lounge areas. Each floor with hotel rooms would include space for electrical, mechanical, trash/recycling, housekeeping, and storage.

The ground-floor restaurant, bar, and kitchen would be approximately 4,200 square feet. The ground-floor conference space, approximately 4,300 square feet, would be provided in two rooms. The rooftop terrace, lounge, and bar would occupy an approximately 5,200-square-feet portion of the rooftop. The restaurant, bar, and conference facilities on the ground floor and the rooftop terrace, lounge and bar would be open to hotel guests and non-hotel customers. Guest rooms would include king, queen, and double rooms, and comply with the Americans with Disabilities Act (ADA). See Figures 3-5 through 3-7.

The proposed project would include solar panels, and the heating, ventilation, and air conditioning equipment, commonly referred to as "HVAC" systems, on the roof level. The HVAC system would be shielded from view by a six-foot metal rooftop panel (see Figure 3-8). The main vehicular parking area would be provided on four subterranean levels. At-grade parking spaces would be located near the drop-off/check-in area. ADA-compliant parking would be available above and below ground. A loading zone is proposed on the north side of the building away from the primary access point. The proposed project would include a valet service for hotel and restaurant guests. Class 1 bicycle parking spaces (bicycle lockers or secure rooms) would be provided in the subterranean parking levels. Class 2 bicycle parking spaces (publicly accessible bicycle racks) would be available for guests and employees near the main entrance. The main housekeeping services/storage area would be on the fourth level of the subterranean parking facility.

The hotel would have a FAR (Floor Area Ratio)[42] of 2.5. As shown in Figures 3-9 and 3-10, the building would have a maximum height of 70 feet and 8 inches at the roofline, and a maximum height of 88 feet for the rooftop mechanical equipment and utility structures. The proposed project would have slope line (setback height) that would range from 0.18:1 to 0.22:1 from the face of the curb on North De Anza Boulevard.[43] The proposed project would have balconies at each of the stories that overhang into the public right of way. Separate encroachment permits and agreements would be necessary to allow these encroachments, if approved by the City.

The operation of the proposed hotel would generate 78 jobs.[44] According to the project applicant, a maximum of 20 employees would be on site at a time. With an average of two guests per hotel room, the hotel would generate up to 312 guests at maximum capacity. The hotel conference rooms would accommodate up to approximately 700 attendees depending on the type of event (e.g., banquet or lecture).

CIRCULATION AND ACCESS

VEHICULAR, BICYCLE, AND PEDESTRIAN ACCESS

As shown on Figure 3-4, vehicular and bicycle access to the project site would be provided via two limited-access (right-turn only) driveways located on North De Anza Boulevard: one located at the northern end of the project site and one located at the southern end of the project site. Both driveways would provide access to the passenger drop-off/pick-up area adjacent to the hotel lobby entrance on the south side of the proposed hotel, as well as to the underground parking garage.

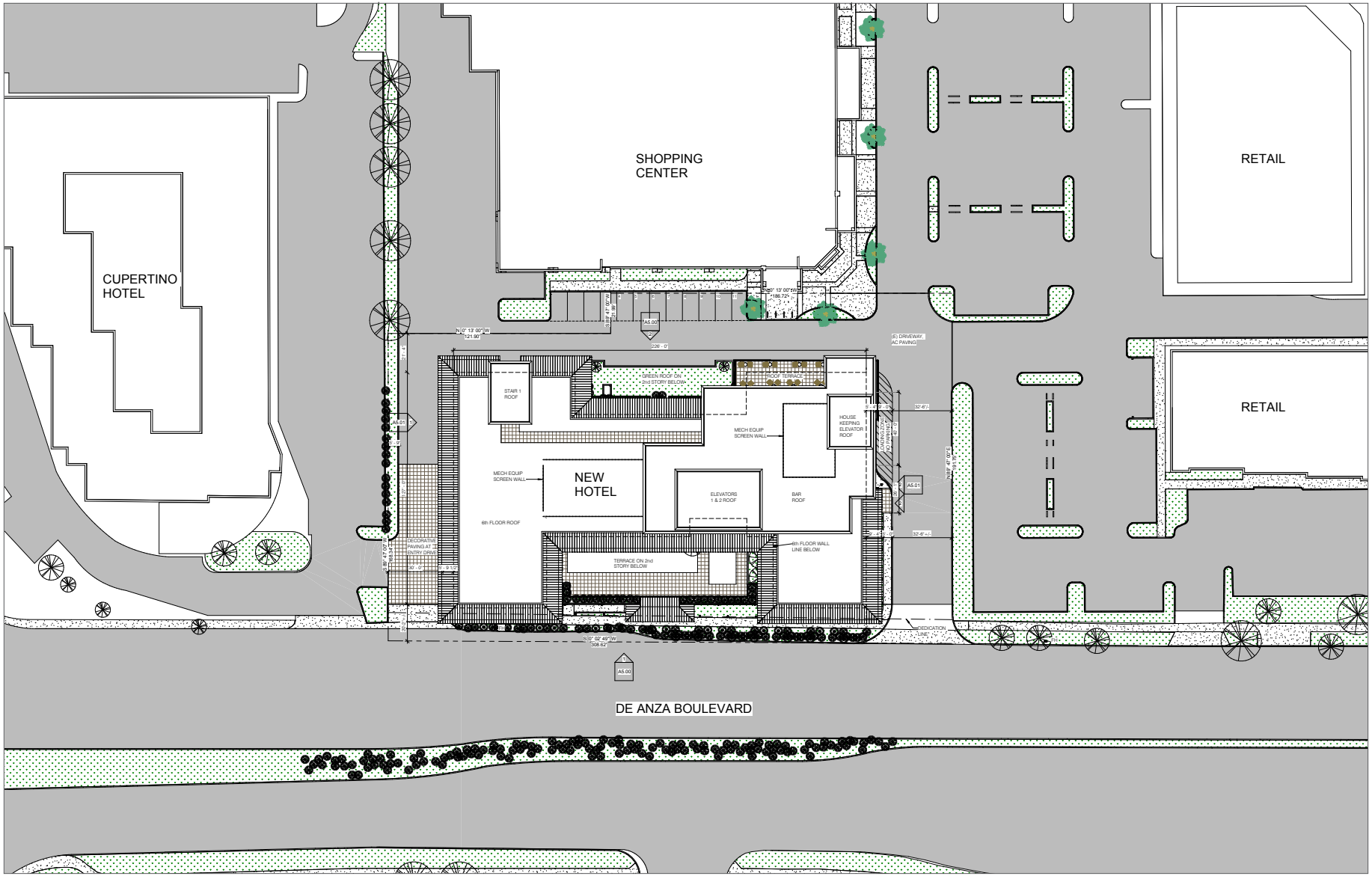
Both project driveways would also continue to serve the existing Homestead Square Shopping Center. The driveway widths at De Anza Boulevard would be 30 feet wide at the south access point and 32 feet and 4 inches wide at the north access point. Emergency vehicles would continue to access the site in much the same way it is accessed today. While the SCCFD and City of Cupertino Building Division would coordinate the review of building permits for precise final measurements, the preliminary plans have been designed to meet the turning radius requirements for emergency vehicles.

A striped bike lane currently exists along North De Anza Boulevard between Stevens Creek Boulevard and Homestead Road. Bike lanes are lanes on roadways designated for use by bicycles with special lane markings, pavement legends, and signage.

[42] The floor area ratio (FAR) is the ratio of the gross floor area of all buildings on a lot to the area of the lot. A hotel development does not have a FAR limit for the Commercial/Retail General Plan Land Use designation or General Commercial with special development regulations (CG-rg) Zoning District.

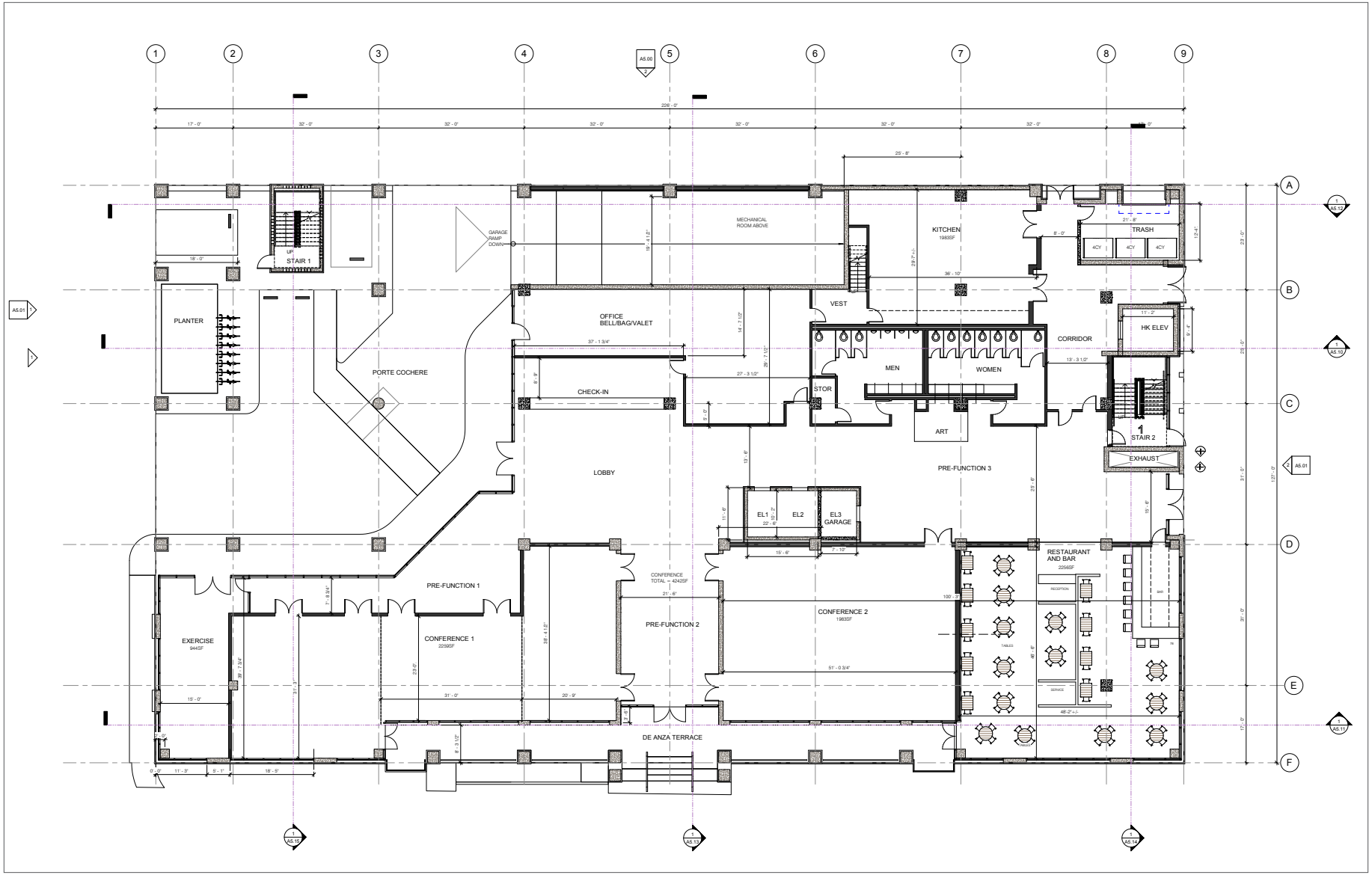
[43] The primary building bulk is below a 1:1 slope line (i.e., 1 foot of setback for every 1 foot of building height.)

[44] Assumes one job (employee) for every two hotel rooms (156 rooms/2 employees = 78 employees). Note that the City now applies a different standard for determining employees than was used for the General Plan EIR, which was 0.3 employees per hotel room (0.3 x 250 = 75 employees).



Source: Winkleman Designs, 2019.

Figure 3-4
Conceptual Site Plan

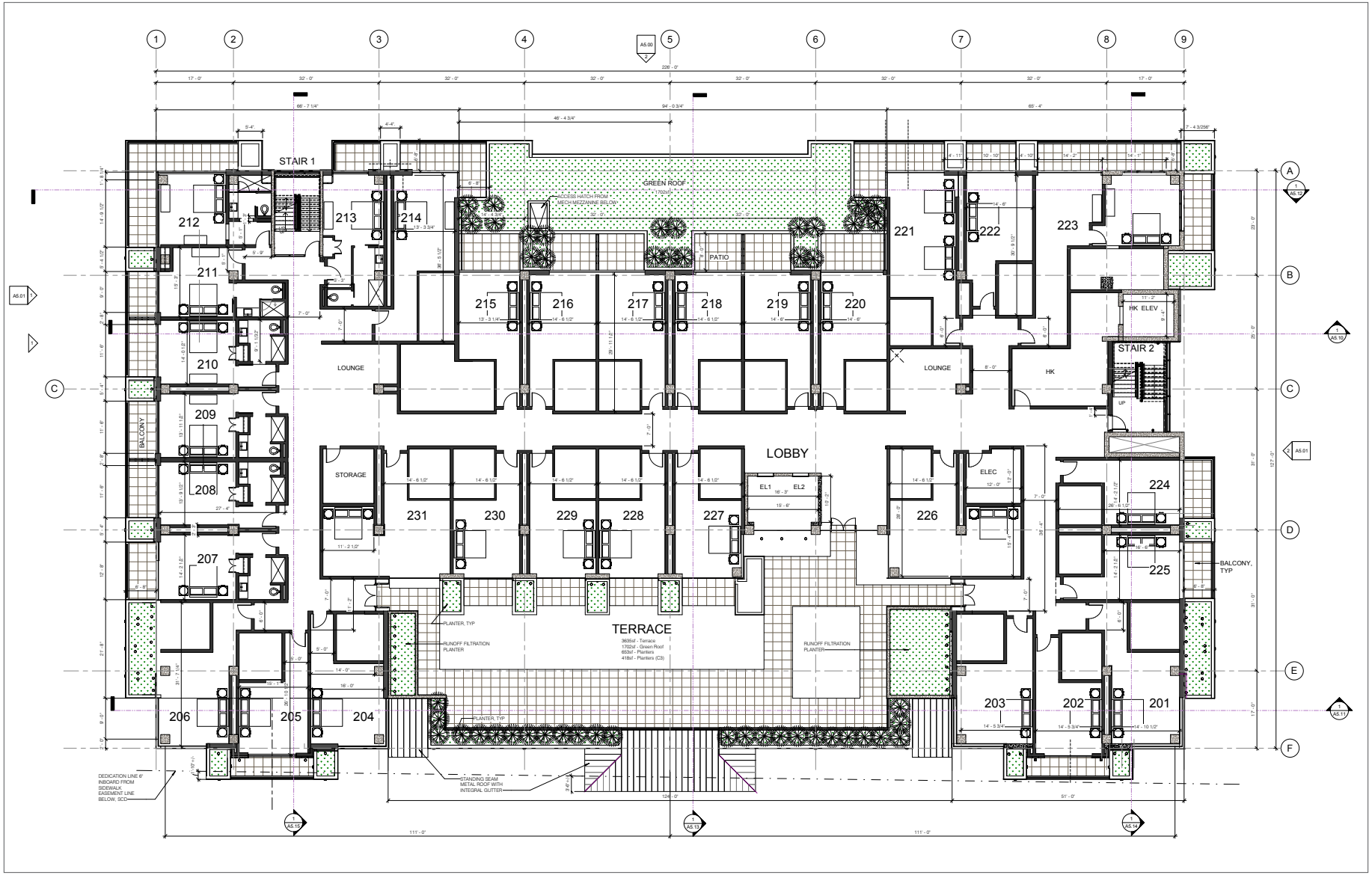


Source: Winkleman Design, 2019.

0 32
Scale (Feet)

Figure 3-5
First Floor Plan

PROJECT DESCRIPTION



Source: Winkleman Design, 2019.

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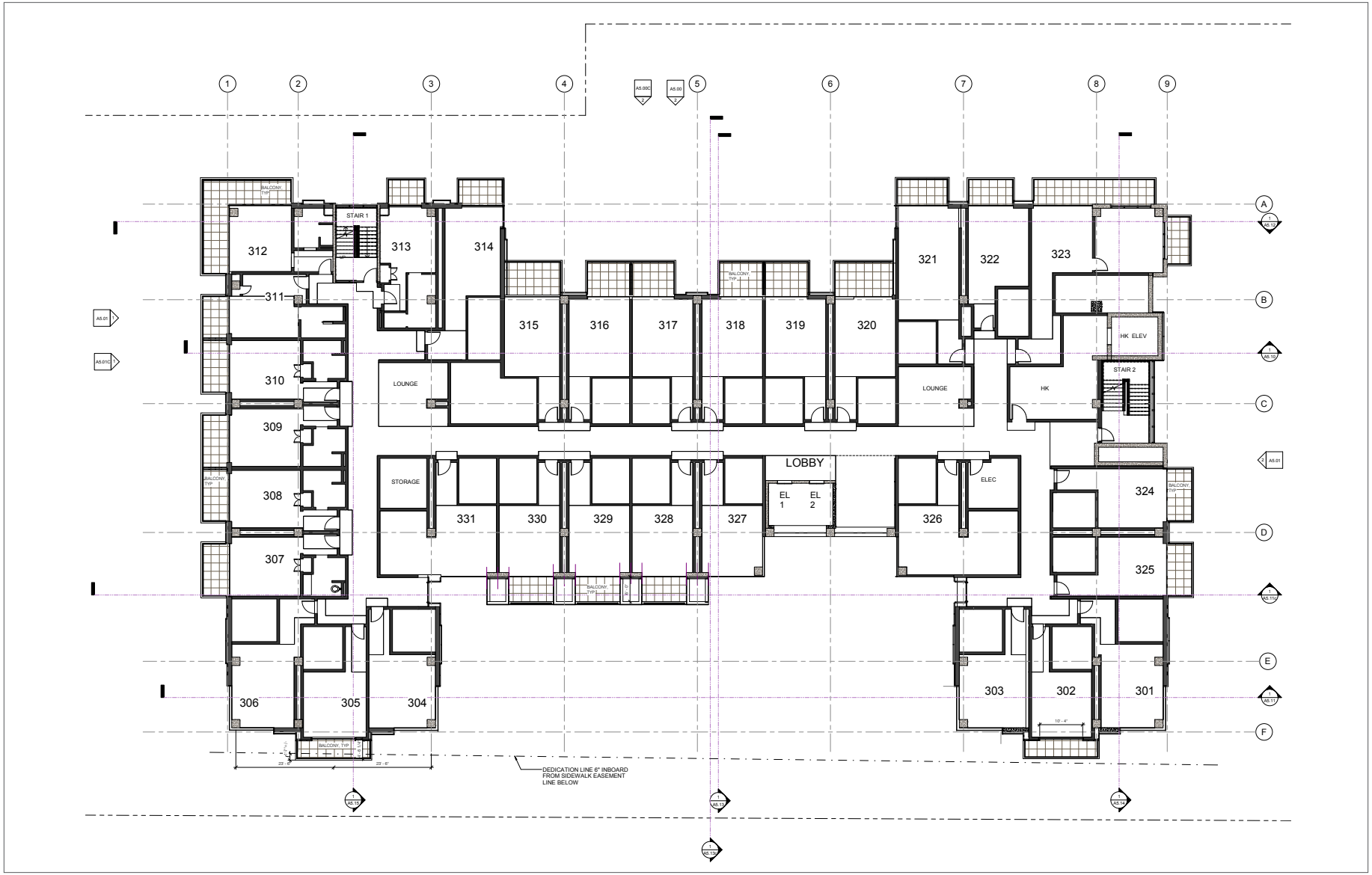
Scale (Feet)

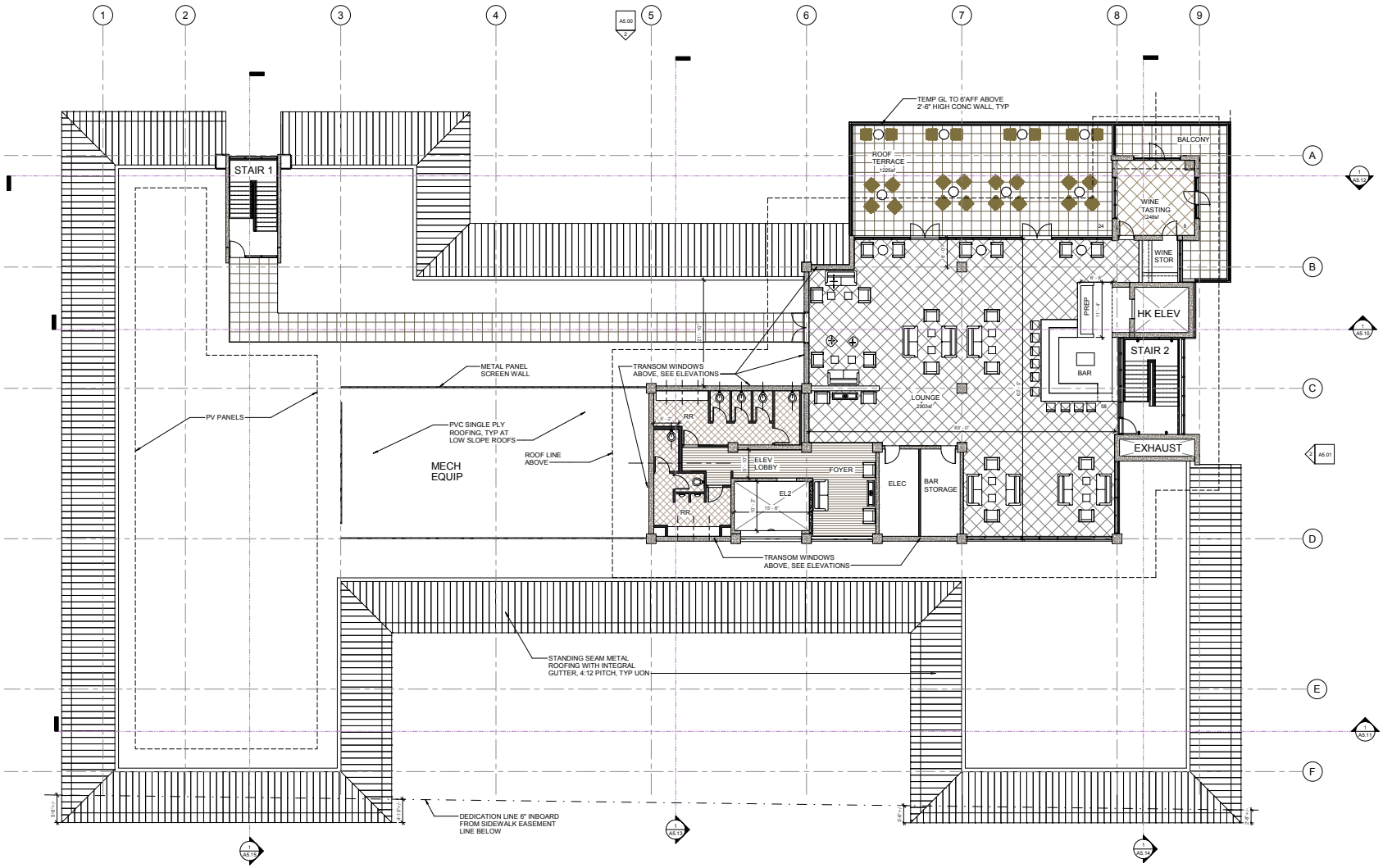
Figure 3-6
Second Floor Plan



Source: Winkleman Design, 2019.

0 32
Scale (Feet)

Figure 3-7
Third Floor Plan

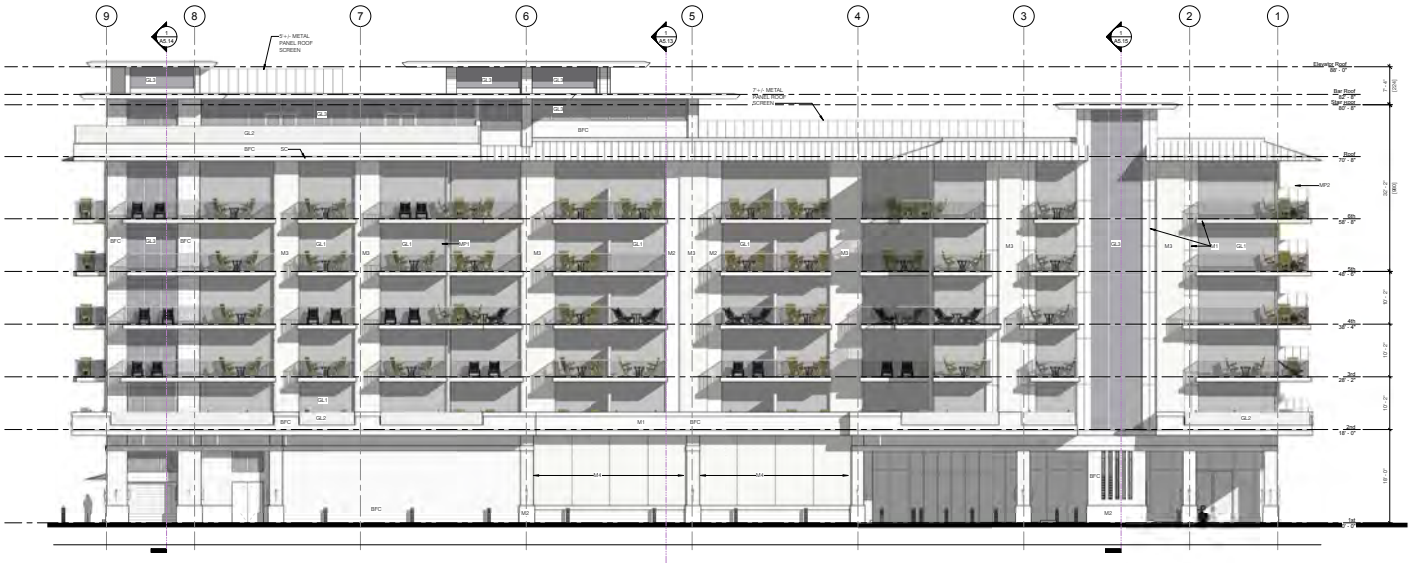


Source: Winkleman Design, 2019.

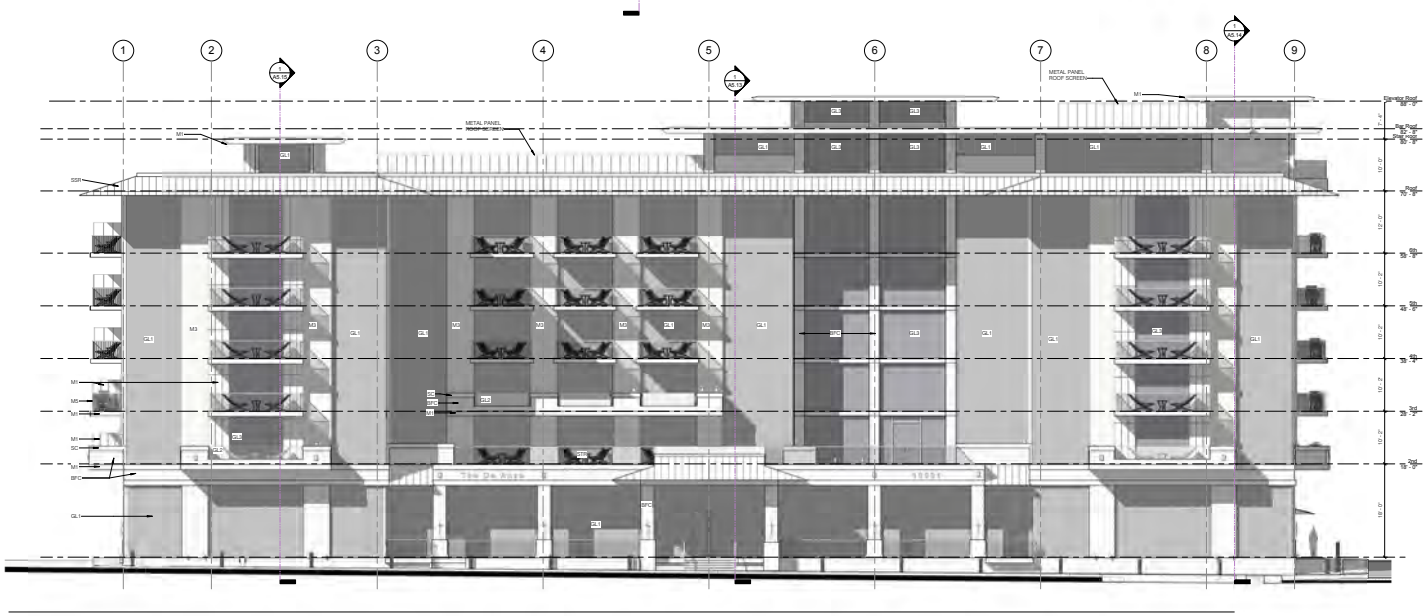
0 32
Scale (Feet)

Figure 3-8
Roof Plan

West

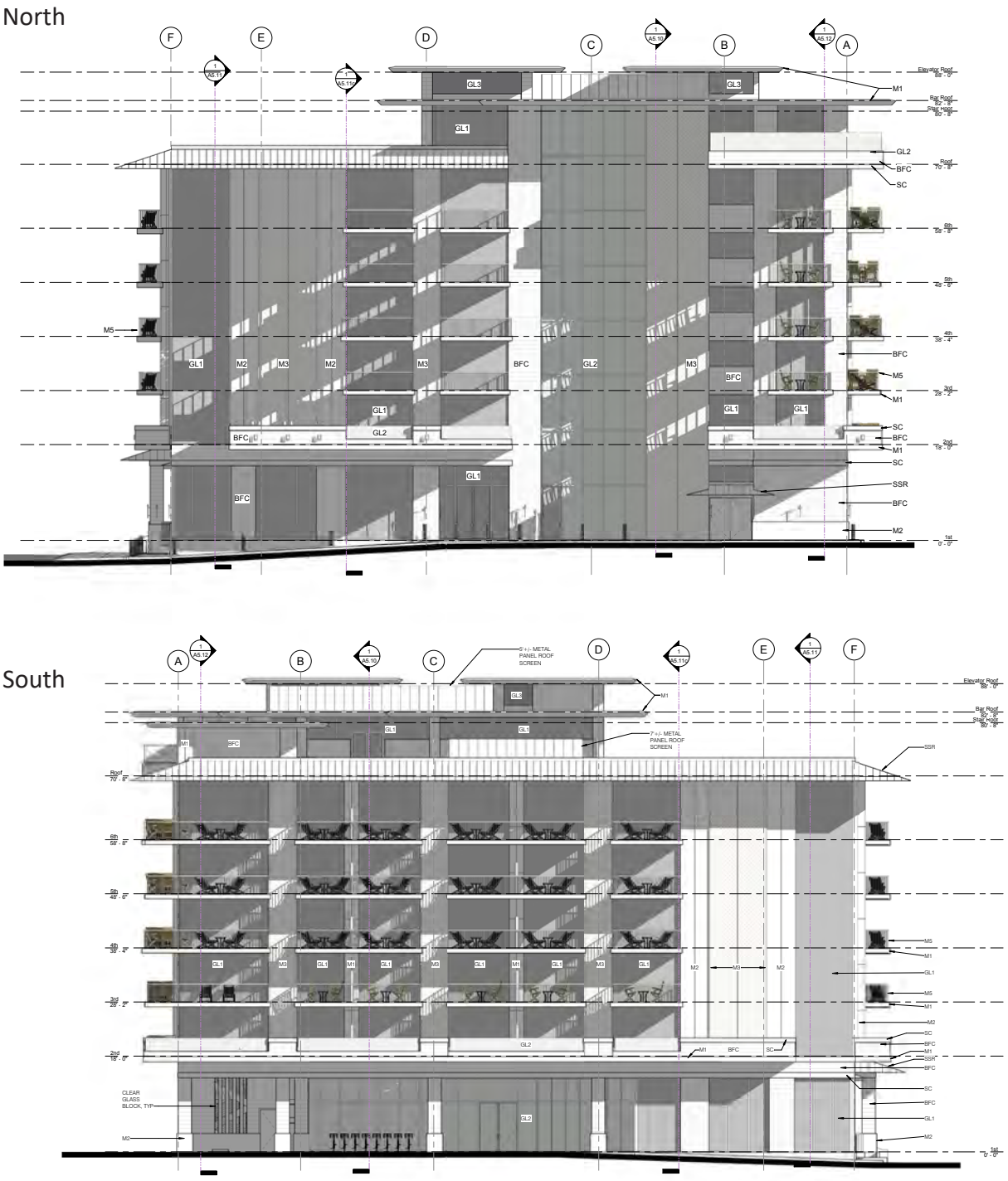


East



Source: Winkleman Design, 2019.

Figure 3-9
West and East Elevations



Source: Winkleman Design, 2019.

Figure 3-10
North and South Elevations

Pedestrian entrances into the hotel would be located on the north, east, and south sides of the building. A walkway that connects to the North De Anza Boulevard sidewalk surrounds the project site for protected pedestrian access. Pedestrian facilities consist of sidewalks, crosswalks, and pedestrian signals at signalized intersections. In the vicinity of the project site, sidewalks exist along both sides of North De Anza Boulevard and Homestead Road, providing pedestrian access to and from the project site. Pedestrians can also access the project site via the parking lot of the adjacent Homestead Square Shopping Center.

TRANSIT

Transit services are provided by the Santa Clara Valley Transportation Authority (VTA) and Caltrain. Access to the existing bus service (Local Bus Routes 55 and 81) is provided via bus stops located near the southwestern, southeastern, and northwestern corners of the North De Anza Boulevard/Homestead Road intersection, approximately a two-minute walk (about 500 feet) to and from the project site. Local Route 55 provides transit service from De Anza College to Great America Parkway between 5:38 a.m. and 10:54 p.m., with 15- to 35-minute headways. Local Route 81 provides transit service from Moffett Field/Ames Center to San Jose State University between 6:06 a.m. and 9:04 p.m., with 25- to 35-minute headways.

Caltrain is a commuter heavy rail service that runs from downtown San Francisco (4th and King Streets) to downtown San Jose (Diridon Station), with a limited number of commute period trains running farther south to Gilroy. The nearest station to the project site is the Sunnyvale Station, which is located on West Evelyn Avenue approximately 3 miles north of the project site.

TRANSPORTATION DEMAND MANAGEMENT PROGRAM

The proposed project would incorporate a transportation demand management (TDM) program in the form of a dedicated shuttle program for hotel employees and guests. The shuttle destinations would be determined based on hotel employee and guest needs. The hotel shuttle would offset transportation related GHG emissions and to reduce overall vehicle miles traveled. This measure is proposed by the project applicant and is included in the Transportation Impact Analysis prepared by Hexagon Transportation Consultants dated May 16, 2019 and included in Appendix D of this Initial Study. The proposed hotel would be responsible for ensuring that the TDM trip reduction measure is implemented. A designated on-site TDM coordinator would be responsible for implementing the ongoing TDM measure and reporting progress to the City of Cupertino annually.

LANDSCAPING

The proposed project would result in approximately 2,100 square feet of pervious landscaped surfaces. The project site would include landscaping that surrounds the hotel structure (see Figure 3-4 above). All 11 existing trees would remain as part of the project and 14 new trees would be added for a total of 25 trees. The proposed landscaping would be consistent with the surrounding landscape and 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, are adapted to a dry summer and intermittent rain in the winter season. As stated above in Section 1.1.4.2, Zoning, the project is required to submit a Landscape Project Submittal for approval by the City.

LIGHT AND GLARE

The source, intensity, and type of exterior lighting for the project site would generally be provided for the purpose of orienting site users and for safety needs. All on-site lighting would be low-level illumination and shielded to reduce light spill or glare into surrounding buildings. There would be no up-lighting on the building exterior. In landscaped and paved areas, light sources would be concealed and not visible from a public viewpoint. Energy conservation measures would be used as part of interior lighting for the new building, such as employing automatic sensors to turn off lights when guests are not present in guest rooms. The HVAC system would be shielded from view by a six-foot metal rooftop panel (see Figure 3-8). The proposed project would not include reflective glass. Where glass features are considered, glazing treatments will vary and none of the exterior glass would have a light reflectance value of more than 15 percent. The second-floor balconies and the roof top area would include railing elements, which would have UV coatings, frosting, and fritting, which reduces glare and makes the glass visible to birds to reduce collisions.

UTILITIES

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

WATER SUPPLY AND CONSERVATION

The project site is located within the California Water Service (Cal Water) Los Altos Suburban District (LASD) service area, and Cal Water would supply water for the project. The proposed project would connect to existing water lines along North De Anza Boulevard.

The project incorporates a number of features meant to conserve water used for on-site irrigation. The irrigation water on the site would be dual-sourced recycled water and potable water as available from the LASD. Any lawn areas would can use 100 percent recycled water. All landscape zones would be irrigated as required by the Cupertino Landscape Ordinance, and water uses would be tailored to meet CALGreen Building Standards which, as described in Section 1.1.4.2, Zoning, requires water conservation and requires new buildings to reduce water consumption by 20 percent.

SANITARY SEWER SERVICE

The project site is located within the Cupertino Sanitary District (CSD) service area and wastewater would be treated at the San Jose/Santa Clara Water Pollution Control Plant (SJ/SCWPCP). The project would use existing connections to the sanitary sewer system on North De Anza Boulevard and a sewer easement from the Homestead Square Shopping Center through the project site; therefore, no new connections

would be needed and are not proposed as part of the project. The proposed project includes upsizing existing 6-inch sewer line to 8 inches.

STORMWATER MANAGEMENT

The proposed project would result in an increase in the amount of impervious surfaces from 38,380 square feet to 49,918 square feet. The project would 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 maintenance of the stormwater treatment and flow control facilities in perpetuity. Additionally, the project would comply with CMC Chapter 9.18 described above in Section 3.1.4.2, Zoning, which is intended to provide regulations and give legal effect to certain requirements of the NPDES permit issued to the City. Existing connections to the storm drain line on North De Anza Boulevard and Homestead Square Shopping Center are not expected to change; however, the proposed project would provide several bioretention water treatment areas at ground level, as raised flow-through planters, and drainage management areas on the project site. When combined, the on-site water treatment areas would meet the required treatment areas of 1,997 square feet.

SOLID WASTE SERVICES

Recology South Bay (Recology) would provide curbside recycling, garbage, and compost and landscaping waste service to the hotel.[45] All non-hazardous solid waste collected under the Recology franchise agreement is taken to Newby Island Sanitary Landfill for processing. Under the agreement between the City and Recology, Recology also handles recyclable materials (at no cost to customers). The proposed waste management for the proposed project would focus on waste, recycling, and composting.

OTHER UTILITIES (GAS, ELECTRIC, AND CABLE)

Pacific Gas & Electric (PG&E) would supply natural gas and electricity infrastructure to the project site. 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.[46] SVCE also offers a 100 percent renewable option that electricity customers can opt into. Additionally, the proposed development would achieve LEED Silver, or Alternative Reference Standard, consistent with the City's requirements. Sustainability features such as environmentally preferable building products and photovoltaic generation system (commonly referred to as a PV system or solar panels) are proposed on the rooftop (see Figure 3-8). AT&T and other providers would provide telephone service. Cable television service would be available from a number of providers, including Comcast.

[45] City of Cupertino, Garbage and Recycling, https://www.cupertino.org/our-city/departments/environment-sustainability/waste, accessed on January 16, 2019.

[46] Silicon Valley Clean Energy. 2019. Your Choices. https://www.svcleanenergy.org/choices/, accessed on May 2, 2019 at

CONSTRUCTION PHASE

Demolition and construction would take place over a 2-year period, which is anticipated to begin in August 2020 and end in 2022, subject to regulatory approval.[47]

DEMOLITION AND SITE PREPARATION

The proposed project would demolish the existing 8,323-square-foot building and 17,700 square feet of paved surfaces. No existing trees would be removed.

Table 3-1 shows the construction phase and the length of time estimated to complete each phase. Equipment that will likely be used for demolition and site preparation would include a combination of concrete/industrial saws, rubber-tired bulldozers, graders, tractors, loaders, and backhoes. The proposed project would require up to 72,000 cubic yards of cut. Demolition debris, including soil from excavation, would be off hauled for disposal at the Zanker Materials Recovery and Landfill in San Jose, which is approximately 12 miles from the project site. This would be done in accordance with the CMC Chapter 16.72, Recycling and Diversion of Construction and Demolition Waste.[48]

TABLE 3-1 DEMOLITION AND CONSTRUCTION PHASING

Activity	Phase 1 (work days)
Demolition	10
Site Preparation	5
Grading	30
Building Construction	425
Paving	10
Painting	20

Source. Based on information from the project applicant, California Emissions Estimator Model Version 2016.3.25, and PlaceWorks, 2019.

CONSTRUCTION

As shown in Table 3-1, the longest construction phase is the building of the hotel, which would take place over a 16-month period followed by much shorter time periods for paving and painting. Project construction would result in an approximately 129,000-square-foot hotel building, 88,000-square-foot subterranean garage, and 18,000-square-foot driveway and surface parking. Approximately 2,100 square feet of landscaping would also be installed. The total area to be disturbed during construction would be 1.29 acres. The construction site and staging areas would be clearly marked, and construction fencing would be installed. All staging areas would occur on site and no staging would occur in the public right-of-way. A combination of on- and off-site parking facilities for construction workers would be identified during demolition, grading, and construction.

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

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

3.3 REQUIRED PERMITS AND APPROVALS

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

- General Plan Amendment
- Development Agreement
- Development Permit
- Encroachment Agreement
- Architectural and Site Approval Permit
- Use Permit

In addition, permits for demolition, grading, encroachments and building, and a certificate of occupancy would be required from the City.

3.4 VOLUNTARY COMMUNITY AMENITIES

The proposed project would provide the following community benefits:

- complementary use of conference facilities for public schools within Cupertino and City of Cupertino for up to 12 days per year;
- reduced rate for use of hotel shuttle for Cupertino residents for airport transportation needs on the hotel's schedule;
- funding of a one-time payment of $500,000; and
- an enclosed or unenclosed rooftop amenity, including but not limited to a deck, bar, or restaurant, with public access, not to exceed the height of any rooftop mechanical equipment enclosure.

Final fees and voluntary community benefits would be determined upon approval of the project.

4. Environmental Analysis

4.1 DISCUSSION OF ENVIRONMENTAL EVALUATION

As described in Chapter 1, Introduction, under the subheading "Tiering Process," the General Plan EIR contains an analysis of the project site, which is within Study Area 1 (Cupertino Hotel and Goodyear Tire) of the General Plan EIR, which assumed potential redevelopment of the site, including a five-story hotel with up to 250 rooms and conference facilities and a maximum height of 145 feet. The cumulative impacts, in conjunction with overall General Plan buildout, were evaluated as part of the General Plan EIR. The proposed project is anticipated to be complete in 2022 (subject to regulatory approval); thus, this Initial Study presents a focused analysis to evaluate the near-term impacts of the proposed project under existing and cumulative conditions.

Consistent with the analysis presented in the General Plan EIR, and due to the proposed project's location in an urbanized city setting, the project would not have a significant effect on agriculture, forestry or mineral resources. Maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency categorize land within Cupertino as Urban and Built-Up Land.[49] In addition, according to the 2006 mapping data from the California Department of Forestry and Fire Protection, the city does not contain any woodland or forestland cover.[50] Finally, the city does not contain land zoned for farmland or timberland production.[51] Consequently, there would be no impacts with regard to agriculture and forestry resources. The project site is within an area designated as Mineral Resource Zone 3, which is an area containing mineral deposits for which the significance cannot be evaluated from available data.[52] Consequently, because the site has been developed and is not considered suitable for protection or conservation, there would be no impacts to mineral resources. For these reasons, these topics are not discussed further in this Initial Study.

Senate Bill (SB) 743 became effective on January 1, 2014 and, among other provisions, SB 743 amended CEQA by adding Public Resources Code Section 21099 regarding analysis of aesthetics, parking, and traffic impacts for urban infill projects. The following is a discussion of how aesthetics and parking are treated in SB 743.

[49] California Resources Agency, Farmland Mapping and Monitoring Program. Santa Clara County Important Farmland 2010, accessed on July 23, 2018.

[50] California Department of Forestry and Fire Protection Fire and Resource Assessment Program, Land Cover Map, accessed on July 23, 2018.

[51] City of Cupertino, Zoning Map, http://www.cupertino.org/index.aspx?page=291, accessed on July 23, 2018.

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

CEQA Section 21099(d)(1), states, "Aesthetic and parking impacts of a residential, mixed-use residential, or employment center project on an infill site located within a transit priority area shall not be considered significant impacts on the environment." Accordingly, aesthetics and parking are no longer to be considered in determining if a project has the potential to result in significant environmental effects if the project meets the following criteria:

- Is located on an infill site,
- Is a residential, mixed-use residential, or an employment center, and
- Is located in a transit priority area.

As described below, the proposed hotel is located on a site that meets the definition of an infill site and the proposed project is a qualified "employment center" but the site does not meet the definition of a designated "transit priority area" pursuant to SB 743:

- Infill Site: An infill site is defined as "a lot located within an urban area that has been previously developed or on a vacant site where at least 75 percent of the perimeter of the site adjoins or is separated only by an improved public right-of-way from, parcels that are developed with qualified urban uses."

  The site is currently developed with a commercial building (Goodyear Tire). Surrounding uses include commercial buildings in the Homestead Square and parking lots to the north and west, the existing Aviare Apartment complex to the east across North De Anza Boulevard, and Cupertino Hotel to the south. Hence, the site qualifies as infill.

- Employment Center: An employment center is defined as "a project located on property zoned for commercial uses with a FAR of no less than 0.75 and that is located within a transit priority area." The project site is within the General Commercial with special development regulations (CG-rg) Zoning District. The proposed hotel would have a FAR of 2.5.[53]

- Transit Priority Area: A transit priority area is defined as "an area within one-half mile of a major transit stop that exists or planned, if the planned stop is scheduled to be completed within the planning horizon included in a Transportation Improvement Program adopted pursuant to Section 450.216 or 450.322 of Title 23 of the Code of Federal Regulations. As shown in Table 4-14 in section XV, Transportation, below, the project site is not within a half mile of a "major transit stop" as defined by CEQA section 21064.3 (the intersection of two or more major bus routes with a frequency of service interval of 15 minutes or less during the morning and afternoon peak commute periods) and CEQA section 21155(b) (a high-quality transit corridor means a corridor with fixed route bus service with service intervals no longer than 15 minutes during peak commute hours).

[53] The floor area ratio (FAR) is the ratio of the gross floor area of all buildings on a lot to the area of the lot. A hotel development does not have a FAR limit for the Commercial/Retail General Plan Land Use designation or General Commercial with special development regulations (CG-rg) Zoning District.

The Santa Clara Valley Transportation Authority (VTA) Bus Stops 55 and 81 are located near each of the corners of the North De Anza Boulevard/Homestead Road intersection, approximately a two-minute walk (about 500 feet or 0.1 miles) from the project site but they do not meet the 15-minute frequency of service interval.[54] Local Route 55 provides transit service from De Anza College to Great America Parkway between 5:38 a.m. and 10:54 p.m., with 15- to 35-minute headways. Local Route 81 provides transit service from Moffett Field/Ames Center to San Jose State University between 6:06 a.m. and 9:04 p.m., with 25- to 35-minute headways. Additionally, while the project site is in the Santa Clara Valley Transportation Authority City Cores, Corridors & Station Areas PDA, this PDA is not a recognized Transit Priority Area.[55]

Since the site does not meet the criteria in SB 743, the aesthetic-related impacts are discussed in Section I, Aesthetics, of this Initial Study. With respect to parking impacts, effective in 2010, parking inadequacy as significant environmental impact was eliminated from the CEQA Guidelines by The Governor's Office of Planning and Research, which is the entity charged with drafting guidelines to help agencies implement CEQA. Accordingly, parking adequacy is not discussed further in this Initial Study.

Items identified in each section of the environmental checklist below are discussed following that section. Required mitigation measures are identified where necessary to reduce a projected impact to a level that is determined to be less than significant. All impacts were found to be less than significant or less than significant with mitigation.

I. AESTHETICS

Except as provided in Public Resources Code Section 21099 (transit priority area/major transit stop), would the proposed project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant	No Impact
a) Have a substantial adverse effect on a scenic vista?	❒	❒	■	❒
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a State scenic highway?	❒	❒	■	❒
c) In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publically accessible vantage point). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?	❒	❒	■	❒
d) Create a new source of substantial light or glare that would adversely affect day or nighttime views in the area?	❒	❒	■	❒

[54] Santa Clara Valley Transportation Authority, Bus Schedules for Bus 55 and 81. http://www.vta.org/routes/rt55 and http://www.vta.org/routes/rt81, respectively; accessed on January 4, 2019.

[55] *Plan Bay Area*, Association of Bay Area Governments (ABAG)/Metropolitan Transportation Commission (MTC) Priority Development Area (PDA) and Transit Priority Area (TPA) Map for CEQA Streamlining, https://www.planbayarea.org/pda-tpa-map, accessed on January 4, 2019.

GENERAL PLAN EIR

Chapter 4.1, Aesthetics, of the General Plan EIR, addresses the impacts to visual resources associated with maximum building heights up to 145 feet for future buildings on the project site. Impacts at this maximum height were found to be less than significant.

EXISTING CONDITIONS

The project site contains an existing one-story (approximately 18 feet tall) commercial building that is bordered by surface parking, a sidewalk along De Anza Boulevard, and mature trees. Surrounding uses include the one-story (30 feet tall) buildings in the Homestead Square shopping center to the north and west, the three-story (approximately 45 feet) Aviare Apartments to the east, and the four-story (approximately 45 feet) Cupertino Hotel to the south.

DISCUSSION

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

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

Public views of scenic corridors are views seen along a linear transportation route and public views of scenic vistas are views of specific scenic features. Scenic vistas are generally interpreted as long-range views, while scenic corridors are comprised of short-, middle-, and long-range views. The General Plan does not have designated scenic corridors or vistas. However, for purposes of this analysis, the westward views of the foothills and ridgelines of the Santa Cruz Mountains are considered scenic vistas, and the segment of I-280 from Santa Clara County line on the west to I-880 on the east also is considered a scenic corridor.

The analysis in the General Plan EIR found that an increase of building height of up to 145 feet would result in a less-than-significant impact to the long-range views of the Santa Cruz Mountain Range and foothills because the maximum heights of the existing on-site and surrounding buildings and mature trees, currently limit the opportunity for views of scenic vistas from street-level public viewing and because the project location is not considered a destination public viewing point nor is it visible from scenic vistas.

As described in Chapter 3, Project Description, of this Initial Study, the existing building would be removed and replaced by the proposed building that would consist of a seven-story building with a rooftop terrace, lounge, and bar over four levels of below-grade parking, and would be 70 feet and 8 inches at the roofline

and 88 feet at the highest point (rooftop mechanical equipment and utility structures). All 11 of the existing trees, which range in height from about 20 to 50 feet, would remain as part of the proposed project.

Because the proposed project would involve height increases that are less than what was evaluated in then General Plan EIR, and because existing conditions currently limit views of scenic resources combined with the fact that the site and surrounding areas are not destination viewing locations, impacts would remain consistent with the conclusions in the General Plan EIR and would be *less than significant*.

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

As discussed in Chapter 4.1, Aesthetics, of the General Plan EIR, the segment of I-280 in Cupertino is not an officially designated State Scenic Highway but is considered to be eligible to be designated as a State Scenic Highway. The section of I-280 that is near the project site is at a lower elevation. Any views of the mountains are currently impeded by the existing tree canopy along I-280, the one-story (approximately 30 feet) buildings in the Homestead Shopping Center, the four-story (approximately 45-feet) Cupertino Hotel, and three-story (approximately 45-feet) Aviare Apartments buildings. There would be no changes from the I-280 viewshed because the freeway is located south of the site and the project site is not visible from that location. Impacts to views of scenic resources from the I-280 view corridor were determined to be *less than significant* in the General Plan EIR.

Because the project proposes height increases that would be less than what is evaluated in then General Plan EIR and existing conditions currently limit views of scenic resources, including those from the I-280 viewshed, project impacts would remain consistent with the conclusions in the General Plan EIR and would be *less than significant*.

c) Would the proposed project substantially degrade the existing visual character in non-urbanized areas, or quality of public views of the site and its surroundings? Is the project in an urbanized area, and would the project conflict with applicable zoning and other regulations governing scenic quality?

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

The proposed project would result in a change from the existing one-story (approximately 18 feet tall) commercial building to a seven-story hotel building with a rooftop terrace, lounge, and bar. The project site is within the General Commercial with special development regulations (CG-rg) zoning district, which 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 and requires a driveway that is equal to the width of three

cars.[56] The proposed project includes a General Plan Amendment to reduce the slope line (setback height) and increase the height.[57] The proposed development would be required to provide suitable setbacks from public rights-of-way and appropriate buffers and/or height transitions for buildings adjacent to low-density residential development. Furthermore, the proposed project would increase the landscaping to include 14 new trees in addition to the 11 existing trees that currently surround the perimeter of the project site. Combined, the existing and proposed trees would help to preserve the existing visual setting.

The project is separated from the Homestead Square Shopping Center to the west by an approximately 20-foot (two-lanes) wide internal roadway, from the Commercial/Retail building to the north by an approximately 40-foot (three-lanes) wide driveway, from the Aviare Apartments to the east by North De Anza Boulevard, which is approximately 150 feet (six-lanes) wide including the landscaped median, and from Cupertino Hotel building to the south by an approximately 34-foot (two-lane) wide driveway.[58] The roadway and existing landscaping would remain intact and continue to serve as a buffer between the project site and the surrounding land uses.

Furthermore, the project is subject to the City's discretionary review processes, including the Development Permit and Architectural and Site Approval Review, in accordance with Chapters 19.12 and 19.168 of the Zoning Ordinance, which would ensure the proposed project would harmonize with adjacent development and not degrade the existing visual quality of the site and surrounding land uses. Accordingly, consistent with the conclusions of the General Plan EIR, the proposed project would not substantially degrade the existing visual character of the site and its surroundings, and impacts would remain *less than significant*.

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

Nighttime illumination and glare impacts are the effects on adjoining uses and areas of a project's exterior lighting. Light and glare impacts are determined through a comparison of the existing light sources with the proposed lighting plan or policies. As discussed in Chapter 4.1, Aesthetics, of the General Plan EIR, the project site and surrounding area contains many existing sources of nighttime illumination. These include street and parking area lights, security lighting, and exterior lighting on existing commercial and residential buildings. Additional on-site light and glare is caused by surrounding land uses and traffic on surrounding roadways. As described in Chapter 3, Project Description, of this Initial Study, the source, intensity, and type of exterior lighting for the project site would be typical for becoming orientated and safety needs. All on-site lighting would be low-level illumination and shielded to reduce light spill or glare. There would be no up-lighting on the building exterior. All exterior surface and above-ground mounted fixtures would be complementary to the existing architectural theme. The existing roadways as well as the existing and proposed surface parking and landscaping surrounding the project would act as a buffer to

[56] The City of Cupertino Municipal Code, Title 19, Zoning, Chapter 19.60, General Commercial, Section 19.60.010, Purpose.
[57] The primary building bulk is below a 1:1 slope line (i.e., 1 foot of setback for every 1 foot of building height.)
[58] The existing driveways off North De Anza Boulevard meet three-car width standard required by the CG-rg Zoning code.

prevent light spilling on to adjacent land uses and the Aviare Apartments to the east, separated from the project site by North De Anza Boulevard which is approximately 150 feet (six-lane) wide including the landscaped median. The proposed project would not include reflective glass and all exterior glass in the building would have a light reflectance value of more than 15 percent. Where glass features are considered, the proposed project would use non-reflective or "fritted glass" that is used specifically to reduce glare. For these reasons, and because the project proposes less development than what was evaluated in the General Plan EIR, impacts would remain consistent with the conclusions in the General Plan EIR and would be *less than significant*.

II. AIR QUALITY

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

GENERAL PLAN EIR

Chapter 4.2, Air Quality, of the General Plan EIR, addresses the air quality impacts associated with intensified development of the project site. Air quality impacts are found to be significant and unavoidable in the General Plan EIR and requires the City to implement General Plan EIR Mitigation Measures AQ-2a, AQ-2b and AQ-4b, which are project-specific mitigation measures that would reduce construction-related impacts and to ensure that mobile sources of toxic air contaminants (TACs) that are not covered under the Bay Area Air Quality Management District (BAAQMD) permits are considered during subsequent project-level environmental review.

While Chapter 4.2, Air Quality, of the General Plan EIR addresses the impacts associated with the development on the project site, the analysis was performed at a program level. This section analyzes the types and quantities of air pollutant emissions that would be generated by the construction and operation of the proposed project. An update to the background discussion on the air quality regulatory setting, meteorological conditions, existing ambient air quality in the vicinity of the project site, and air quality modeling is in Appendix A, Air Quality and Greenhouse Gas Emissions, of this Initial Study. The health risk assessment (HRA) for this project is in Appendix B, Health Risk Assessment, of this Initial Study.

EXISTING CONDITIONS

The existing commercial building (Goodyear Tire) generates criteria air pollutants from transportation sources, energy (natural gas and purchased energy), and area sources such as landscaping equipment and architectural coatings. Current land uses generate approximately 98 average daily trips.[59] Existing emissions associated with the proposed project are shown in Table 4-1, below.

TABLE 4-1 EXISTING CRITERIA AIR POLLUTANT EMISSIONS

	Criteria Air Pollutants (tons/year)			
Category	ROG	NO_x	PM_{10}	$PM_{2.5}$
Existing 2018 Emissions				
Area	<1	<1	<1	<1
Energy	<1	<1	<1	<1
Mobile	<1	<1	<1	<1
Total	<1	<1	<1	<1
	Criteria Air Pollutants (lbs/day)			
	ROG	NO_x	PM_{10}	$PM_{2.5}$
Total	<1	<1	<1	<1

Notes: Emissions may not total to 100 percent due to rounding.
Source: California Emissions Estimator Model (CalEEMod), Version 2016.3.2.25.

Air Pollutants of Concern

Criteria Air Pollutants

Pollutants emitted into the ambient air by stationary and mobile sources are regulated by federal and State law under the National and California Clean Air Act, respectively. Air pollutants are categorized as primary and/or secondary pollutants. Primary air pollutants are those that are emitted directly from sources. Carbon monoxide (CO), reactive organic gases (ROG), nitrogen oxides (NO_x), sulfur dioxide (SO_2), coarse inhalable particulate matter (PM_{10}), fine inhalable particulate matter ($PM_{2.5}$), and lead (Pb) are primary air pollutants. Of these, all of them except for ROGs are "criteria air pollutants," which means that ambient air quality standards (AAQS) have been established for them. The National and California AAQS are the levels of air quality considered to provide a margin of safety in the protection of the public health and welfare. They are designed to protect those "sensitive receptors" most susceptible to further respiratory distress, such as asthmatics, the elderly, very young children, people already weakened by other disease or illness, and persons engaged in strenuous work or exercise. Healthy adults can tolerate

[59] Transportation Impact Analysis, Hexagon Transportation Consultants, Inc. May 16, 2019, Table 5, Project Trip Generation Estimates.

occasional exposure to air pollutant concentrations considerably above these minimum standards before adverse effects are observed.

Toxic Air Contaminants

In addition to criteria air pollutants, both the State and federal government regulate emissions of TACs. The California Health and Safety Code defines a TAC as "an air pollutant which may cause or contribute to an increase in mortality or in serious illness, or which may pose a present or potential hazard to human health." A substance that is listed as a hazardous air pollutant pursuant to Section 112(b) of the federal Clean Air Act (42 United States Code Section 7412[b]) is a toxic air contaminant. Under State law, the California Environmental Protection Agency, acting through the California Air Resources Board (CARB), is authorized to identify a substance as a TAC if it determines that the substance is an air pollutant that may cause or contribute to an increase in mortality or serious illness, or may pose a present or potential hazard to human health.

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

DISCUSSION

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

BAAQMD is directly responsible for reducing emissions from area, stationary, and mobile sources in the San Francisco Bay Area Air Basin (SFBAAB) to achieve National and California AAQS. In April of 2017 BAAQMD adopted its 2017 Clean Air Plan, which is a regional and multiagency effort to reduce air pollution in the SFBAAB. Regional growth projections are used by BAAQMD to forecast future emission levels in the SFBAAB. For the Bay Area, these regional growth projections are provided by the Association of Bay Area Governments (ABAG) and transportation projections are provided by the Metropolitan Transportation Commission (MTC) and are partially based on land use designations in city/county general plans. Typically, only large, regionally significant projects have the potential to affect the regional growth projections. The proposed project would construct a 156-room hotel, which is within the 1,339-hotel-room maximum evaluated in the General Plan EIR and would not directly result in any new population growth or employment growth. The proposed project is not considered a regionally significant project under CEQA Guidelines Section 15206 that would affect regional vehicle miles traveled or VMT and warrant intergovernmental review by ABAG and MTC.

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

project would not exceed these thresholds, the proposed project would not be considered by the BAAQMD to be a substantial emitter of criteria air pollutants. Therefore, the proposed project would not conflict with or obstruct implementation of the 2017 Clean Air Plan and impacts would be considered *less than significant*.

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

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 SFBAAB. The SFBAAB is currently designated a nonattainment area for California and National O_3, California and National $PM_{2.5}$, and California PM_{10} 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 from cumulative project emissions (the SFBAAB), 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_x, PM_{10}, and $PM_{2.5}$. Development projects below the significance thresholds are not expected to 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 changes in regional impacts from short-term construction activities and long-term operation of the proposed project.

Construction Impacts

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

Construction Fugitive Dust

Ground disturbing activities during construction would generate fugitive dust (PM_{10} and $PM_{2.5}$). The amount of dust generated during construction would be highly variable and is dependent on the amount of material being disturbed, the type of material, moisture content, and meteorological conditions. If uncontrolled, PM_{10} and $PM_{2.5}$ levels downwind of actively disturbed areas could possibly exceed State standards. BAAQMD considers all impacts related to fugitive dust emissions from construction to be *less than significant* with implementation of BAAQMD's best management practices, which are shown in Mitigation Measure AQ-1.

Impact AQ-1: Fugitive dust (PM_{10} and $PM_{2.5}$) generated by the proposed project during construction could potentially result in significant regional short-term air quality impacts without implementation of the Bay

Area Air Quality Management District's best management practices related to reducing fugitive dust emissions.

Mitigation Measure AQ-1: The project's construction contractor shall comply with the following best management practices for reducing construction emissions of fugitive dust (PM_{10} and $PM_{2.5}$) as required by the Bay Area Air Quality Management District Revised California Environmental Quality Act Air Quality Guidelines:

- Water all active construction areas at least twice daily, or as often as needed to control dust emissions. Watering should be sufficient to prevent airborne dust from leaving the site. Increased watering frequency may be necessary whenever wind speeds exceed 15 miles per hour. Reclaimed water should be used whenever possible.
- Pave, apply water twice daily or as often as necessary to control dust, or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas, and staging areas at construction sites.
- Cover all trucks hauling soil, sand, and other loose materials or require all trucks to maintain at least 2 feet of freeboard (i.e., the minimum required space between the top of the load and the top of the trailer).
- Sweep daily (with water sweepers using reclaimed water if possible) or as often as needed all paved access roads, parking areas and staging areas at the construction site to control dust.
- Sweep public streets daily (with water sweepers using reclaimed water if possible) in the vicinity of the project site, or as often as needed, to keep streets free of visible soil material.
- Hydroseed or apply non-toxic soil stabilizers to inactive construction areas.
- Enclose, cover, water twice daily, or apply non-toxic soil binders to exposed stockpiles (dirt/sand).
- Limit vehicle traffic speeds on unpaved roads to 15 miles per hour.
- Replant vegetation in disturbed areas as quickly as possible.
- Install sandbags or other erosion control measures to prevent silt runoff from public roadways.

Construction Exhaust Emissions

The proposed project would result in demolition debris and would require soil export for the underground parking that would occur near existing sensitive land uses. Thus, the BAAQMD screening criteria for construction-related impacts would not be met. A quantified analysis of the proposed project's construction emissions was conducted using the California Emissions Estimator Model (CalEEMod) Version 2016.3.2.25 based on information provided by the project applicant. The approximately 2-year construction period is assumed to begin in August 2020 and end in 2022. Potential construction-related air quality impacts are determined by comparing the average daily criteria air pollutants emissions generated by the proposed project-related construction activities to the BAAQMD significance thresholds in Table 4-2. Average daily emissions are based on the annual construction emissions divided by the total number of active construction days. As shown in Table 4-2, criteria air pollutant emissions from construction equipment exhaust would not exceed the BAAQMD average daily thresholds and impacts from project-related construction activities to the regional air quality would be *less than significant.*

TABLE 4-2 CONSTRUCTION-RELATED CRITERIA AIR POLLUTANT EMISSIONS ESTIMATES

	Criteria Air Pollutants (tons/year)[a]					
Year	VOC	NO_x	Fugitive PM_{10}[b]	Exhaust PM_{10}	Fugitive $PM_{2.5}$[b]	Exhaust $PM_{2.5}$[b]
2020	<1	2	<1	<1	<1	<1
2021	<1	2	<1	<1	<1	<1
2022	1	<1	<1	<1	<1	<1
Total	**1**	**4**	**<1**	**<1**	**<1**	**<1**
	Criteria Air Pollutants (average lbs/day)[a]					
Average Daily Emissions[c]	5	17	1	<1	<1	<1
BAAQMD Average Daily Project-Level Threshold	54	54	BMPs	82	BMPs	54
Exceeds Average Daily Threshold	**No**	**No**	**N/A**	**No**	**N/A**	**No**

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

a. Construction phasing and equipment mix are based on the preliminary information provided by the project applicant. Where specific information regarding project-related construction activities was not available, construction assumptions were based on CalEEMod defaults, which are based on construction surveys conducted by South Coast Air Quality Management District of construction equipment and phasing for comparable projects.

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

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

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

Operational Impacts

Long-term air pollutant emissions generated by a hotel development are typically associated with the burning of fossil fuels in vehicle trips to and from the hotel (mobile sources); energy use for cooling, heating, and cooking (energy); and landscape equipment use and household products (area sources). The primary source of long-term criteria air pollutant emissions generated by the project would be emissions produced from project-generated vehicle trips. The proposed project would generate a net total of 1,660 vehicle trips, an increase of 1,562 average daily weekday trips over the existing land uses at the site.[60] Table 4-3 identifies the net increase in criteria air pollutant emissions associated with the proposed project compared to the baseline operation.

[60] Transportation Impact Analysis, Hexagon Transportation Consultants, Inc. May 16, 2019, Table 5, Project Trip Generation Estimates.

TABLE 4-3 OPERATIONAL CRITERIA AIR POLLUTANT EMISSIONS ESTIMATES

	Criteria Air Pollutants (average lbs/day)[a]			
Category	ROG	NO_x	PM_{10}	$PM_{2.5}$
Existing 2022 Projected Emissions				
Area	<1	<1	<1	<1
Energy	<1	<1	<1	<1
On-Road Mobile	<1	<1	<1	<1
Total	*<1*	*<1*	*<1*	*<1*
Proposed Land Use 2022 Emissions				
Area	3	<1	<1	<1
Energy	<1	2	<1	<1
On-Road Mobile	2	2	6	2
Total	*5*	*3*	*6*	*2*
Net Change in Emissions				
Area	3	<1	<1	<1
Energy	<1	2	<1	<1
On-Road Mobile	2	2	6	2
Total	*5*	*3*	*6*	*2*
BAAQMD Average Daily Project-Level Threshold	**54**	**54**	**82**	**54**
Exceeds BAAQMD Threshold?	No	No	No	No
	Criteria Air Pollutants (tons/year)			
	ROG	NO_x	PM_{10}	$PM_{2.5}$
Net Change	*1*	*1*	*1*	*<1*
BAAQMD Annual Project-Level Threshold	**10**	**10**	**15**	**10**
Exceeds BAAQMD Threshold?	No	No	No	No

Notes: Emissions may not total to 100 percent due to rounding.
[a] Average daily emissions are based on the annual operational emissions divided by 365 days.
Source: California Emissions Estimator Model (CalEEMod), Version 2016.3.2.25.

As shown in Table 4-3, the net increase in operational emissions generated by the project would not exceed the BAAQMD daily or annual thresholds. Therefore, the proposed project would not cumulatively contribute to the nonattainment designations of the SFBAAB and impacts from project-related operation activities to the regional air quality would be *less than significant*.

Summary

As described, the proposed project would not have a significant long-term operational phase impact. However, also discussed above, without incorporation of fugitive dust control measures required by BAAQMD, construction activities associated with the proposed project could potentially result in

significant regional short-term air quality impacts. Mitigation Measure AQ-1 would ensure that required fugitive dust control measures are implemented to control project-related fugitive dust generated during construction activities. Therefore, the project's contribution to cumulative air quality impacts would be *less than significant with mitigation*.

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

Development that would be accommodated by the proposed project could expose sensitive receptors to elevated pollutant concentrations. Unlike the construction emissions shown above in Table 4-2 under criterion (b), described in pounds per day (PPD), localized concentrations refer to an amount of pollutant in a volume of air (ppm or $\mu g/m^3$) and can be correlated to potential health effects.

Construction Off-Site Community Risk and Hazards

The proposed project would elevate concentrations of TACs and $PM_{2.5}$ in the vicinity of sensitive land uses during construction activities. The BAAQMD has developed *Screening Tables for Air Toxics Evaluation During Construction* (2017) that evaluate construction-related health risks associated with residential, commercial, and industrial projects. According to the screening tables, the residences are closer than the distance of 100 meters (328 feet) that would screen out potential health risks and, therefore, could be potentially impacted from the proposed construction activities. The nearest sensitive receptors to the project site are the residents at the Aviare Apartments, which is approximately 150 feet to the east of the project across North De Anza Boulevard. Consequently, a site- specific construction health risk assessment (HRA) of TACs and $PM_{2.5}$ was prepared (see Appendix B of this Initial Study).

A quantified analysis of the project's construction emissions was conducted using the CalEEMod, Version 2016.3.2.25. Construction emissions were based on 425 working days of the total 2-year construction duration. The United States Environmental Protection Agency (USEPA) AERMOD, Version 9.5, dispersion modeling program was used to estimate excess lifetime cancer risk, chronic non-cancer hazard index for non-carcinogenic risk, and the $PM_{2.5}$ maximum annual concentrations at the nearest sensitive receptors. The results of the analysis are shown in Table 4-4.

TABLE 4-4 CONSTRUCTION RISK SUMMARY – UNMITIGATED

Receptor	Cancer Risk (per million)	Chronic Hazards	$PM_{2.5}$ ($\mu g/m^3$)[a]
Maximum Exposed Receptor – Offsite Residences	33.4	0.10	0.19
BAAQMD Threshold	10	1.0	0.30
Exceeds Threshold?	**Yes**	**No**	**No**

Note: Cancer risk calculated using 2015 Office of Environmental Health Hazard Assessment Health Risk Assessment Guidance Manual.
Source: Lakes AERMOD View, 9.5 (2017).

The results of the HRA are based on the maximum receptor concentration over a 2-year construction exposure duration for off-site receptors, assuming 24-hour outdoor exposure.[61] Risk is based on the updated Office of Environmental Health Hazard Assessment (OEHHA) Guidance Manual:[62]

- Cancer risk for the maximum exposed off-site resident from only construction activities related to the proposed project were calculated to be 33.4 in a million and would exceed the 10 in a million-significance threshold. Utilizing the latest 2015 OEHHA Guidance Manual, the calculated total cancer risk conservatively assumes that the risk for the MER consists of a pregnant woman in the third trimester that subsequently gives birth to an infant during the approximately 2-year construction period; therefore, all calculated risk values were multiplied by a factor of 10. In addition, it was conservatively assumed that the residents were outdoors 8 hours a day, 260 construction days per year and exposed to all of the daily construction emissions.
- For non-carcinogenic effects, the chronic hazard index identified for each toxicological endpoint totaled less than one for all the off-site sensitive receptors. Therefore, chronic non-carcinogenic hazards are within acceptable limits.
- The highest PM2.5 annual concentration of 0.19 is below the BAAQMD significance threshold of 0.3 micrograms per cubic meter ($\mu g/m_3$).

Because cancer risk for the maximum exposed receptor would exceed BAAQMD's significance thresholds due to construction activities associated with the proposed project, the following mitigation measure is proposed.

Impact AQ-2: The proposed project could expose sensitive receptors to substantial pollutant concentrations during construction.

Mitigation Measure AQ-2: During construction, the construction contractor(s) shall:

- Use construction equipment fitted with Level 3 Diesel Particulate Filters (DPF) for all equipment of 50 horsepower or more.
- Prior to issuance of any construction permit, ensure that all construction plans submitted to the City of Cupertino Planning Department and/or Building Division clearly show the requirement for Level 3 DPF emissions standards for construction equipment over 50 horsepower.
- Maintain a list of all operating equipment in use on the project site for verification by the City of Cupertino Building Division official or his/her designee. The construction equipment list shall state the makes, models, and number of construction equipment on-site.
- Ensure that all equipment shall be properly serviced and maintained in accordance with manufacturer recommendations.

[61] The 2015 Office of Environmental Health Hazard Assessment Air Toxics Hot Spots Program Guidance Manual identified that exposure duration has changed from 70 years to 30 years for operational risk to residents; however, the risk is still averaged over a 70-year lifetime.

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

- Communicate with all sub-contractors in contracts and construction documents that all nonessential idling of construction equipment is restricted to 5 minutes or less in compliance with California Air Resources Board Rule 2449 and is responsible for ensuring that this requirement is met.

Mitigation Measure AQ-2 would reduce the project's localized construction emissions, as shown in Table 4-5. The results indicate that, with mitigation, cancer risk would be less than the BAAQMD's significance thresholds for residential-based receptors. 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 with mitigation*.

TABLE 4-5 CONSTRUCTION RISK SUMMARY – MITIGATED

Receptor	Cancer Risk (per million)	Chronic Hazards	$PM_{2.5}$ ($\mu g/m^3$)[a]
Maximum Exposed Receptor – Offsite Residences	5.1	0.015	0.03
BAAQMD Threshold	10	1.0	0.3
Exceeds Threshold?	**No**	**No**	**No**

Risks incorporate Mitigation Measure AQ-2, which includes using construction equipment with Level 3 Diesel Particulate Filters for equipment over 50 horsepower.
Note: Cancer risk calculated using 2015 Office of Environmental Health Hazard Assessment Health Risk Assessment guidance.

Operation Phase Community Risk and Hazards

Types of land uses that typically generate substantial quantities of criteria air pollutants and TACs include industrial (stationary sources), manufacturing, and warehousing (truck idling) land uses. These types of major air pollutant emissions sources are not included as part of the proposed hotel project. Thus, implementation of the proposed project would not result in creation of land uses that would generate substantial concentrations of TACs.

Development of the proposed hotel may result in stationary sources of TACs emissions from the restaurant's use of charbroilers, or emergency generators and boilers. However, these sources are not considered to be large emitters. Examples of projects which generate substantial TAC emissions are distribution centers with more than 100 trucks per day or 40 trucks with transport refrigeration units (TRUs) per day, refineries, chrome platers, dry cleaners, gasoline dispensing facilities, and railyards.[63] Possible stationary sources associated with hotels would require permits from BAAQMD to limit TAC emissions (e.g., diesel-fueled emergency generators over 50 horsepower, water boilers with natural gas combustion). The permitting process ensures that stationary source emissions would be below the BAAQMD significance thresholds of 10 in a million-cancer risk and 1 for acute risk at the maximally exposed individual. Additionally, hotel-related truck deliveries would be less than CARB's recommended

[63] California Air Resources Board (CARB), 2005. Air Quality and Land Use Handbook.

advisory criteria for distribution centers (100 trucks per day). Therefore, overall, impacts related to TACs are considered *less than significant*.

CO Hotspot Analysis

Areas of vehicle congestion have the potential to create pockets of carbon monoxide (CO) called hotspots. These pockets have the potential to exceed the State 1-hour standard of 20 parts per million (ppm) or the 8-hour standard of 9 ppm. The proposed project would not conflict with the VTA's Congestion Management Program (CMP) because it would not hinder the capital improvements outlined in the CMP or alter regional travel patterns. VTA's CMP must be consistent with *Plan Bay Area* 2040. An overarching goal of the regional *Plan Bay Area* 2040 is to concentrate development in areas where there are existing services and infrastructure rather than allocate new growth in outlying areas where substantial transportation investments would be necessary to achieve the per capita passenger vehicle, vehicle miles traveled, and associated GHG emissions reductions. The proposed project is an infill hotel development that is in close proximity to existing employment centers, roadways, transit, and bicycle and pedestrian routes (see Section XV, Transportation, below), and for these reasons would be consistent with the overall goals of the *Plan Bay Area* 2040. Furthermore, implementation of the proposed project would result in the generation of 84 AM (morning) peak hour trips on a weekday[64] and 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. Therefore, impacts associated with CO hotspots would be *less than significant*.

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

Construction and operation of hotel developments would not generate odors that would affect a substantial number of people. The type of facilities that are considered to have objectionable odors include wastewater treatments plants, compost facilities, landfills, solid waste transfer stations, fiberglass manufacturing facilities, paint/coating operations (e.g., auto body shops), dairy farms, petroleum refineries, asphalt batch plants, chemical manufacturing, and food manufacturing facilities. Hotel uses are not associated with foul odors that constitute a public nuisance.

During operation, the on-site restaurant could generate odors from cooking. Odors from cooking are not substantial enough to be considered nuisance odors that would affect a substantial number of people. Furthermore, nuisance odors are regulated under BAAQMD Regulation 7, Odorous Substances, which requires abatement of any nuisance generating an odor complaint. BAAQMD's Regulation 7, Odorous Substances, places general limitations on odorous substances and specific emission limitations on certain

[64] Transportation Impact Analysis, Hexagon Transportation Consultants, Inc. May 16, 2019, Table 5, Project Trip Generation Estimates.

odorous compounds.[65] For restaurants and commercial kitchens, the City generally requires installation of charcoal activated filtration systems as a condition of approval to further control odors.

Odors are also regulated under BAAQMD Regulation 1, Rule 1-301, Public Nuisance, which states that "no person shall discharge from any source whatsoever such quantities of air contaminants or other material which cause injury, detriment, nuisance or annoyance to any considerable number of persons or the public; or which endangers the comfort, repose, health or safety of any such persons or the public, or which causes, or has a natural tendency to cause, injury or damage to business or property." During construction activities, construction equipment exhaust and application of asphalt and architectural coatings would temporarily generate odors. Any construction-related odor emissions would be temporary and intermittent. Additionally, odors would typically be confined to the immediate vicinity of the construction equipment. By the time such emissions reach any sensitive receptor sites, they would be diluted to well below any level of air quality concern.

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

III. BIOLOGICAL RESOURCES

Would the proposed project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant	No Impact
a) Have a substantial adverse effect, either directly or through habitat modifications, on a plant or animal population, or essential habitat, defined as a candidate, sensitive or special-status species?	❒	■	❒	❒
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community type?	❒	❒	❒	■
c) Have a substantial adverse effect on State or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.)through direct removal, filling, hydrological interruption, or other means?	❒	❒	■	❒
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species, their wildlife corridors or nursery sites?	❒	❒	■	❒
e) Conflict with any local ordinances or policies protecting biological resources?	❒	❒	■	❒

[65] It should be noted that while restaurants can generate odors, these sources are not identified by BAAQMD as nuisance odors because they typically do not generate significant odors that affect a substantial number of people. Larger restaurants that employ five or more people are subject to BAAQMD Regulation 7, Odorous Substances.

Would the proposed project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant	No Impact
f) Conflict with an adopted Habitat Conservation Plan, Natural Community Conservation Plan or other approved local, regional, or State habitat conservation plan?	❒	❒	❒	■

GENERAL PLAN EIR

Chapter 4.3, Biological Resources, of the General Plan EIR, addresses the impacts to biological resources associated with intensified development of the project site. Impacts to biological resources are found to be less than significant and less than significant with implementation of mitigation measures to ensure impacts to birds protected under the Migratory Bird Treaty Act (MBTA) would not be significant. The project is required to comply with the General Plan EIR Mitigation Measure BIO-1 to ensure the protection of nesting raptors and other birds when in active use, as required by the federal MBTA and the California of Fish and Game Code (CFG Code).

EXISTING CONDITIONS

As previously described, the project site contains an existing and occupied Goodyear Tire, which provides new tires, tire repairs, oil changes, and other automotive care services, and associated surface parking lot. The site contains ornamental landscaping for the existing and surrounding commercial spaces, including 11 trees, of which six are located along North De Anza Boulevard. The existing trees range in height from 20 to 50 feet. There are no buildings immediately adjacent to the site. Surrounding uses include the one-story (30 feet tall) buildings in the Homestead Square shopping center to the north and west, the three-story (approximately 45 feet) Aviare Apartments to the east, and the four-story (approximately 45 feet) Cupertino Hotel to the south.

The project site and surrounding area has been urbanized and now contains roadways, structures, other impervious surfaces, areas of turf, and ornamental landscaping. Remnant native trees are scattered throughout the urbanized area, together with non-native trees, shrubs, and groundcovers. As previously described in Chapter 3, Project Description, the CALVEG[66] habitat mapping program, classifies the site as an "urban area" that tends to have low to poor wildlife habitat value due to replacement of natural communities, fragmentation of remaining open space areas and parks, and intensive human disturbance. The diversity of urban wildlife depends on the extent and type of landscaping and remaining open space, as well as the proximity to natural habitat. Trees and shrubs used for landscaping provide nest sites and cover for wildlife adapted to developed areas. Typical native bird species include the mourning dove,

[66] 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.

scrub jay, northern mockingbird, American robin, brown towhee, American crow, and Anna's hummingbird, among others. Introduced species include the rock dove, European starling, house finch, and house sparrow. Urban areas can also provide habitat for several species of native mammals such as the California ground squirrel and striped skunk, as well as the introduced eastern fox squirrel and eastern red fox. Introduced pest species such as the Norway rat, house mouse, and opossum are also abundant in developed areas.

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

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

The California Natural Diversity Database (CNDDB) has no record of special-status plant or animal species on the project site or urbanized areas within a 1-mile area surrounding the project site. There are no natural lands within a 1-mile area of the project site. There is a possibility that birds could nest in trees and other landscaping on the project site. The nests of most bird species are protected under the MBTA when in active use and there is a remote possibility that one or more raptor species protected under the MBTA and CFG Code, could nest on the project site. These include both the Cooper's hawk (*Accipiter cooperi*) and white-tailed kite (*Elanus leuocurus*), which have reported CNDDB occurrences within the city boundary, together with more common raptors such as red-tailed hawk, great horned owl, and American kestrel, all of which are protected by the MBTA and CFG Code when their nests are in active use. However, no essential habitat for these or other special-status species is present on the site due to its developed condition.

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

According to the Vegetation Map shown in the Environmental Resources and Sustainability Element of the General Plan most of the City, including the project site, is within the urban forest.[67] The City recognizes that every tree on both public and private property is an important part of Cupertino's urban forest and contributes significant economic, environmental and aesthetic benefits of the community.[68] All 11 existing trees will remain on the project site as part of the proposed project. The existing tree species are not native to California, nor indigenous to the project site. Since the existing development is on property that requires a development application, all existing trees on the site are considered protected.[69]

DISCUSSION

a) Would the project have a substantial adverse effect, either directly or through habitat modifications, on a plant or animal population, or essential habitat, defined as a candidate, sensitive or special-status species?

Nesting Birds

As stated above in the existing conditions discussion, there are no known occurrences of special-status plant or animal species and no suitable habitat for such species on the project site, but there is a possibility that birds that are protected by the MBTA and CFG Code could nest in trees and other landscaping on the project site. However, no essential habitat for these or other special-status species is present on the site due to its developed condition. The analysis in the General Plan EIR found that impacts to special-status species, including nesting birds, would be reduced to less than significant with mitigation. Accordingly, the implementation of Mitigation Measure BIO-1 would also be required for the project to reduce impacts to a *less-than-significant* level.

Impact BIO-1: The proposed project could have a substantial adverse effect, either directly or through habitat modifications, on a plant or animal population, or essential habitat, defined as a candidate, sensitive or special-status species.

> Mitigation Measure BIO-1: Nests of raptors and other birds shall be protected when in active use, as required by the federal Migratory Bird Treaty Act and the California Fish and Game Code. If construction activities and any required tree removal are proposed to occur during the breeding season (February 1 and August 31), the construction contractor shall indicate, on all construction plans, that preconstruction surveys shall:

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

[68] City of Cupertino, Tree Protection and Tree Removal link on the City's website, Accessed May 6, 2019 at https://www.cupertino.org/our-city/departments/community-development/planning/residential-development/tree-protection-tree-removal.

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

- Be conducted by a qualified biologist prior to tree removal or grading, demolition, or construction activities. Note that preconstruction surveys are not required for tree removal or construction, grading, or demolition activities outside the nesting period.
- Be conducted no more than 14 days prior to the start of tree removal or construction.
- Be repeated at 14-day intervals until construction has been initiated in the area after which surveys can be stopped.
- Document locations of active nests containing viable eggs or young birds.

Protective measures for active nests containing viable eggs or young birds shall be implemented under the direction of the qualified biologist until the nests no longer contain eggs or young birds. Protective measures shall include:

- Establishment of clearly delineated exclusion zones (i.e., demarcated by identifiable fencing, such as orange construction fencing or equivalent) around each nest location as determined by the qualified biologist, taking into account the species of birds nesting, their tolerance for disturbance and proximity to existing development. In general, exclusion zones shall be a minimum of 300 feet for raptors and 75 feet for passerines and other birds.
- Monitoring active nests within an exclusion zone on a weekly basis throughout the nesting season to identify signs of disturbance and confirm nesting status.
- An increase in the radius of an exclusion zone by the qualified biologist if project activities are determined to be adversely affecting the nesting birds. Exclusion zones may be reduced by the qualified biologist only in consultation with California Department of Fish and Wildlife.
- The protection measures shall remain in effect until the young have left the nest and are foraging independently or the nest is no longer active.

Bird Collision

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

The proposed hotel would alter the physical characteristics of the site; however, this change is not expected to contribute to a substantial increase in the risk of collisions to local and migratory birds. This is due to several reasons, including the fact that the surrounding area is already intensively developed with structures ranging in height from approximately 18 feet to 45 feet with similar bulk and surface treatment; and the proposed building materials would have a light reflectance value of more than 15 percent, and

the proposed lighting is low-level illumination with no up-lighting on the building exterior. The railings located on the second-floor balconies and roof top lounge would also incorporate UV coating, frosting, and fritting to make them visible to birds and reduce bird collisions. Because the site vicinity is already intensively developed with urban use and the site is currently developed with an occupied structure, most birds, as under existing conditions, would likely acclimate to the presence of the new building once completed. The potential risk of bird collision with the new building would be a *less-than-significant* impact.

While the exterior treatment of the proposed new hotel is in the conceptual phase and has not yet been finalized, and must still go through Design Review, there are design options to minimize the risk of bird collisions through the use of well-documented bird-safe designs for window treatments, roof top equipment, and night-time lighting. While any bird collisions that do occur should not have a substantial adverse effect on special-status bird species or more common bird species that may be flying through the vicinity, the applicant has committed to implementing bird-safe design measures in the new building, which would further address the low risk of collision. These include the following measures that would be part of the design of the new building:

- Non-Reflective Glass: No reflective glass would be used in the building consistent with the San Francisco Bird Safe Recommendations[70] that state that reflective glass should be avoided, because some birds in certain circumstances might see vegetation in the reflection and fly into a building. None of the exterior glass in the building will have a light reflectance value of more than 15 percent.
- Fritted Glass: Fritted glass is a non-reflective glass that is used to reduce glare and lower the danger to birds. Using fritted glass on the upper floor windows of the new building (4th through 6th floors) would help prevent possible bird strikes. Fritting helps diminish the transparency of glass and is a documented approach to helping reduce the probability of bird collisions. Transparent glass used in "design traps" such as glass bridges or parapets can also be problematic. The project proposes glass railing elements on the second-floor balconies and roof top lounge, which would incorporate UV coatings, frosting, and fritting to make them visible to birds to reduce collisions.
- Building Lighting: Overly lit buildings can be problematic, especially if there is up-lighting. The project is required to meet City code minimum standards on exterior lighting, and the new building would have no up-lighting. The source, intensity, and type of exterior lighting for the project site would generally be provided for the purpose of orienting site users and for safety needs. All on-site lighting would be low-level illumination and shielded to reduce light spill or glare.
- Tree Screening on Lower Floors (1st through 3rd): The proposed project includes 14 new trees on the perimeter of the building in addition to the 11 mature trees that would remain. These trees would help shield lower floors, which shielding would increase as the new trees grow over time.

[70] San Francisco Planning Department, 2011. *Standards for Bird-Safe Buildings*, San Francisco, California. Adopted July 14;

- Reduced Unnecessary Interior Lights: Energy conservation measures, such as employing automatic sensors to turn off lights when guests are not present in guest rooms, would be used as part of interior lighting for the new building.

The location of the project site, the building design features and selected materials, were determined to adequately address the remote potential for special-status bird species dispersing through the site vicinity to collide with the new structure and be injured or killed. These measures would serve to minimize the potential for bird strikes through the use of bird-friendly design guidelines in the treatment of windows and other aspects of the proposed hotel building, and would ensure any potential impact would be *less than significant* for special-status birds and more common bird species.

Roosting Bats

b) *As described in the existing conditions, the CNDDB records were recently searched for, among other species, occurrences of Townsend's big-eared bat (*Corynorhinus townsendii*), hoary bat (*Lasiurus cinereus*), and Yuma myotis bat (*Myotis yumanensis*). These three species have no legal protected status under the State or federal Endangered Species Acts, but Townsend's big-eared bat is considered a Species of Special Concern by the CDFW. Bat species found in the Cupertino vicinity may forage and occasionally roost in the site vicinity, but suitable habitat conditions for maternity roots is absent from the site. The potential for any special-status bat species to be present on the site is considered highly remote, given the urbanization of the site vicinity and intensity of human activity, which typically discourages possible occupation by special-status bats. Accordingly, the construction and operation of the proposed project would not result in the inadvertent loss of any bats and impacts would be* less than significant*. Would the project have a substantial adverse effect on any riparian habitat or other sensitive natural community type?*

As discussed in the existing conditions above and determined in the General Plan EIR, development of the proposed project would occur in an urbanized area where no sensitive natural communities are found; therefore, *no impact* would occur, and no mitigation measures would be required.

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

As discussed in the existing conditions above and determined in the General Plan EIR, development of the proposed project would occur in an urbanized area and there are no wetlands or jurisdictional waters on or near the project site; therefore, *no impact* would occur directly.

Indirect impacts to wetlands and jurisdictional other waters include: 1) an increase in the potential for sedimentation due to construction grading and ground disturbance, 2) an increase in the potential for erosion due to increased runoff volumes generated by impervious surfaces, and 3) an increase in the potential for water quality degradation due to increased levels in non-point pollutants. However, indirect

impacts would be largely avoided through effective implementation of best management practices during construction and compliance with water quality controls. As discussed below in Section IX, Hydrology and Water Quality, of this Initial Study, water quality in stormwater runoff is regulated locally by the Santa Clara Valley Urban Runoff Pollution Prevention Program, which implements Provision C.3 of the Municipal Regional Storm Water National Pollutant Discharge Elimination System (NPDES) Permit (MRP) adopted by the San Francisco Bay Regional Water Quality Control Board (RWQCB). Adherence to these permit conditions requires the project to incorporate treatment measures, an agreement to maintain them, and other appropriate source control and site design features that reduce pollutants in runoff to the maximum extent practicable. Many of the requirements involve low impact development practices such as the use of on-site infiltration that reduce pollutant loading. Incorporation of these measures can even improve on existing conditions. In addition, future development would be required to comply with the Municipal Regional NPDES Permit (CMC Chapter 9.18, Storm Water Pollution Prevention and Watershed Protection) and implement a construction Storm Water Pollution Prevention Plan (SWPPP) that require the incorporation of best management practices to control sedimentation, erosion, and hazardous materials contamination of runoff during construction. The indirect water quality-related issues are discussed further in Section IX, Hydrology and Water Quality, of this Initial Study. As discussed in Impact HYDRO-1, water quality impacts would be less than significant. Accordingly, indirect impacts to wetlands and jurisdictional waters would be *less than significant* and no mitigation measures would be required.

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

Development on the project site would occur in an urbanized area where sensitive wildlife resources and important wildlife movement corridors are no longer present because of the existing development. Wildlife species common to urban and suburban habitat could be displaced where existing structures are demolished and landscaping is removed as part of future development, but these species are relatively abundant, and adapted to human disturbance. As discussed in Chapter 3, Project Description, of this Initial Study, the proposed project would retain the 11 existing trees that border the project site and would also include landscaping that would provide replacement habitat for wildlife species that may have adapted to the project site. Therefore, project impacts on the movement of fish and wildlife, wildlife corridors, or wildlife nursery sites would be considered *less than significant,* and no mitigation measures would be required.

e) Would the project conflict with any local ordinances or policies protecting biological resources?

As discussed in criteria (a) through (d), above, development of the project site would occur in an urbanized area where sensitive biological and wetland resources are considered to be absent, and no major conflicts with the relevant policies or ordinances related to biological resources in the General Plan and/or CMC would occur. No trees are proposed to be removed as part of the project. However, because the existing development is on property that requires a development application, all existing trees on the

site are considered protected.[71] Therefore, if trees were to be removed, compliance with the City's Tree Ordinances (CMC Chapter 14.12 and Chapter 14.18), which requires replacement trees, would ensure impacts related to the removal of trees would be *less than significant*.

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

No adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved conservation plan includes the city or the project site, and the proposed project would not conflict with any adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved conservation plan. *No impact* would occur, and no mitigation measures would be required.

IV. CULTURAL RESOURCES

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

GENERAL PLAN EIR

Chapter 4.4, Cultural Resources, of the General Plan EIR, addresses the impacts to cultural and Tribal Cultural Resources (TCRs) associated with intensified development of the project site and impacts are less than significant. The following is a summary of Section, 4.4.1.2, Existing Conditions, of Chapter 4.4, which is based on the cultural resource analysis conducted by Tom Origer & Associates on July 24, 2013, included as Appendix D, Cultural Resources Data, of the General Plan EIR. The cultural resources study consists of archival research at the Northwest Information Center at Sonoma State University, examination of the library and files, field inspection, and contact with the Native American community. As shown in Table 4.4-2, *Cultural Resources in the Project Study Area and Vicinity*, and on Figure 4.4-1, *Cultural Resources*, of the General Plan EIR, there are no identified cultural resources on the project site.

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

EXISTING CONDITIONS

As shown in Table 4.4-2, *Cultural Resources in the Project Study Area and Vicinity*, and on Figure 4.4-1, *Cultural Resources*, of the General Plan EIR, there are no identified cultural resources on the project site. The project site was developed in 1971 and 1972, which is within the 45-year age limit established by the State Office of Historic Preservation (OHP) for buildings that may be of historical value.[72] However, the existing building is not associated with significant cultural events or persons in California's past and does not have any distinctive historical characteristics, and as such does not have any qualifying historical value.

DISCUSSION

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

Under CEQA, both prehistoric and historic-period archaeological sites may qualify as historical resources.[73] Archaeological resources are addressed in criterion (b), and human remains are addressed below in criterion (c), below.

The project site currently has a commercial building developed in 1971 and 1972. As described in the existing conditions above, the existing building does not meet the criteria for listing in the California Register of Historical Resources. Additionally, the General Plan EIR did not identify the project site or existing building as a historic resource, and the existing building is not currently listed as a California Historical Resource.[74] Accordingly, *less-than-significant* impacts to historical architectural resources would occur as a result of project development and no mitigation measures would be required.

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

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

[72] Public Resources Code Section 5024.1

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

[74] Office of Historic Preservation, Listed California Historical Resources, http://ohp.parks.ca.gov/ListedResources/?view=county&criteria=43, accessed July 23, 2018.

While the project site is developed and the cultural resources study prepared for the General Plan EIR did not identify any known archaeological deposits on the project site, the site could still contain subsurface archaeological deposits, including unrecorded Native American prehistoric archaeological materials. Therefore, any project-related ground-disturbing activities have the potential to affect subsurface prehistoric archaeological resources that may be present. Implementation of Mitigation Measure CULT-1 would reduce impacts to unknown archaeological deposits to a *less-than-significant* level.

Impact CULT-1: The proposed project could cause a substantial adverse change in the significance of an archaeological resource pursuant to CEQA Guidelines Section 15064.5.

Mitigation Measure CULT-1: If any prehistoric or historic subsurface cultural resources are discovered during ground-disturbing (including grading, demolition and/or construction) activities:

- All work within 50 feet of the resources shall be halted, the City shall be notified, and a qualified archaeologist shall be consulted. The contractor shall cooperate in the recovery of the materials. Work may proceed on other parts of the project site while mitigation for tribal cultural resources, historical resources or unique archaeological resources is being carried out.
- The qualified archaeologist shall prepare a report for the evaluation of the resource to the California Register of Historical Places and the City Building Department. The report shall also include appropriate recommendations regarding the significance of the find and appropriate mitigations as follows:
  - If the resource is a non-tribal resource, the archaeologist shall assess the significance of the find according to CEQA Guidelines Section 15064.5.
  - If the resource is a tribal resource – whether historic or prehistoric – the consulting archaeologist shall consult with the appropriate tribe(s) to evaluate the significance of the resource and to recommend appropriate and feasible avoidance, testing, preservation or mitigation measures, in light of factors such as the significance of the find, proposed project design, costs, and other considerations. If avoidance is infeasible, other appropriate measures (e.g., data recovery) may be implemented.
- All significant non-tribal cultural materials recovered shall be, as necessary, and at the discretion of the consulting archaeologist, subject to scientific analysis, professional museum curation, and documentation according to current professional standards.

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

There are no known human remains on the project site; however, the potential to unearth unknown remains during ground disturbing activities associated with the construction of the project could occur. Any human remains encountered during ground-disturbing activities associated with the proposed project would be subject to federal, State, and local regulations to ensure no adverse impacts to human remains would occur in the unlikely event human remains are found.

Health and Safety Code Section 7050.5 and the CEQA Guidelines Section 15064.5(e) contain the mandated procedures of conduct following the discovery of human remains. According to the provisions

in CEQA, if human remains are encountered at the site, all work in the immediate vicinity of the discovery shall cease and necessary steps to ensure the integrity of the immediate area shall be taken. The Santa Clara County Coroner shall be notified immediately. The Coroner shall then determine whether the remains are Native American. If the Coroner determines the remains are Native American, the Coroner shall notify the Native American Heritage Commission (NAHC) within 24 hours, which would, in turn, notify the person the NAHC identifies as the Most Likely Descendants (MLD) of any human remains. Further actions shall be determined, in part, by the MLD. The MLD has 48 hours to make recommendations regarding the disposition of the remains following allowed access to the project site. If the MLD does not make recommendations within 48 hours, the owner shall, with appropriate dignity, reinter the remains in an area of the property secure from further disturbance. Alternatively, if the owner does not accept the MLD's recommendations, the owner or the MLD may request mediation by the NAHC.

Therefore, with the mandatory regulatory procedures described above, potential impacts related to the potential discovery or disturbance of any human remains accidently unearthed during construction activities associated with the proposed project would be *less than significant*.

V. ENERGY

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

GENERAL PLAN EIR

Chapter 4.14, Utilities and Services Systems, of the General Plan EIR, includes an analysis of impacts related to energy. Impacts were found to be less than significant.

EXISTING CONDITIONS

The project site is located in the Santa Clara Valley Transportation Authority City Cores, Corridors & Station Areas PDA, which, amongst other uses, are areas designated for energy-efficient infill development with existing infrastructure that is in close proximity to existing employment centers, roadways, transit, and bicycle and pedestrian routes.

Pacific Gas & Electric (PG&E) supplies electricity and natural gas to much of northern and central California – from Humboldt and Shasta counties in the north to Kern and Santa Barbara counties in the south – including the infrastructure for the City of Cupertino. Total electricity consumption in PG&E's

service area is forecast to increase from 104,868 gigawatt-hours (GWh) in 2015 to 119,633 GWh in 2027.[75]

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

The current on-site utilities include a natural gas heating system and electric cooling system.[76] Current energy demands come from the operation of the 8,323 square-foot building that is one story (approximately 18 feet) tall and built in 1971 and 1972.[77] The existing building is currently occupied with a Goodyear Tire, which provides new tires, tire repairs, oil changes, and other automotive care services and provides about 10 jobs.[78] According to the transportation analysis prepared for the project, the current site generates about 98 average daily trips.[79]

DISCUSSION

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

The proposed project would demolish the existing commercial building and replace it with a new building. Construction activities use energy from various sources, such as on-site heavy-duty construction vehicles, vehicles hauling materials to and from the site, and motor vehicles transporting the construction crew. The operation of the proposed hotel would use energy for cooling, heating, cooking, and use of landscape equipment, and for vehicle trips to and from the hotel. The proposed project would generate a net total of 1,660 vehicle trips, an increase of 1,562 average daily weekday trips over the existing land uses at the site.[80]

The proposed project is an infill development project that would result in an increase in land use intensity in a portion of the city. The project site currently has access to existing infrastructure and services, and

[75] California Energy Commission (CEC). 2017. California Energy Demand Updated Forecast, 2017-2027. https://efiling.energy.ca.gov/getdocument.aspx?tn=214635, accessed on June 11, 2019.

[76] AEI Consultants, 2018, Phase I Environmental Site Assessment, 10931 North De Anza Boulevard, Cupertino, Santa Clara County, California. August 8, 2018.

[77] AEI Consultants, 2018, Phase I Environmental Site Assessment, 10931 North De Anza Boulevard, Cupertino, Santa Clara County, California. August 8, 2018.

[78] Personal communication between PlaceWorks and Goodyear Auto Service Center on January 9, 2019.

[79] Transportation Impact Analysis, Hexagon Transportation Consultants, Inc. May 16, 2019, Table 5, Project Trip Generation Estimates.

[80] Transportation Impact Analysis, Hexagon Transportation Consultants, Inc. May 16, 2019, Table 5, Project Trip Generation Estimates.

therefore would not result in new energy use associated with the construction or installation of new transmission infrastructure for electricity, natural gas, water, wastewater, and storm water. The proposed project would connect to the existing infrastructure systems and would not require new off-site energy supply facilities or capacity enhancing alterations to existing facilities.

The project provides connectivity to existing transit, bicycle, and pedestrian facilities, and locates a hotel development in close proximity to existing hotel-serving land uses and employment centers. As described in Section X, Land Use and Planning, the proposed project is consistent with the General Plan land use designation as well as the Zoning District and would not result in new growth potential from what was considered in the General Plan EIR.

The proposed hotel would meet the 2019 Building and Energy Efficiency Standards of the California Public Resources Code, Title 24, Part 6 that will take effect on January 1, 2020 and apply to any project that is proposed to begin construction on or after August 2020. The 2019 Building and Energy Efficiency Standards improve upon the 2016 Standards and require 30 percent more energy-efficiency for non-residential buildings.[81] As described above in Section 3.1.4.2, Zoning, the City enforces the CalGreen Building Standards, which established planning and design standards for sustainable site development, energy efficiency (in excess of the California Energy Code requirements), in CMC Chapter 16.58, Green Building Standards Code Adopted. CMC Chapter 16.58, Section 16.58.220, Table 101.10 requires that non-residential new construction exceeding 50,000 square feet shall achieve a minimum green building requirement of Leadership in Energy and Environmental Design (LEED) Silver or an alternate green building standard that is as stringent as LEED or other cited standards and is subject to third party verification. Energy conserving features of the proposed project would include new landscaping that is native and/or adaptive, and drought resistant to conserve water and subsequently energy. Additionally, the proposed project would install solar panels on the roof level, and Mitigation Measure GHG-1, in Section VII, Greenhouse Gas Emissions, below, requires that the proposed photovoltaic generation system (commonly referred to as a PV system or solar panels) to offset potential building electricity use. While this measure is aimed at reducing GHG emissions, it also ensures energy efficiency.

New buildings constructed in PDAs and to the standards identified above would not result in wasteful, inefficient, or unnecessary consumption of energy resources. Accordingly, impacts would be *less than significant,* and no mitigation measures would be required.

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

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

[81] California Energy Commission's website https://www.energy.ca.gov/title24/2019standards/index.html, accessed on January 6, 2019.

Action Plan (CAP), both of which involve planning for us of renewable energy planning and energy efficiency standards. Also, as previously discussed, the project would build to the most current 2019 Building and Energy Efficiency Standards of the California Public Resources Code, Title 24, Part 6. Accordingly, impacts would be *less than significant*.

VI. GEOLOGY AND SOILS

Would the proposed project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant	No Impact
a) Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury or death involving:				
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault?	❒	❒	■	❒
ii) Strong seismic ground shaking?	❒	❒	■	❒
iii) Seismic-related ground failure, including liquefaction?	❒	❒	■	❒
iv) Landslides, mudslides or other similar hazards?	❒	❒	■	❒
b) Result in substantial soil erosion or the loss of topsoil?	❒	❒	■	❒
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse?	❒	❒	■	❒
d) Be located on expansive soil, as defined by Table 18-1-B of the Uniform Building Code (1994),creating substantial direct or indirect risks to life or property?	❒	❒	■	❒
e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of wastewater?	❒	❒	❒	■
f) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	❒	■	❒	❒

GENERAL PLAN EIR

Chapter 4.5, Geology, Soils, and Seismicity, of the General Plan EIR, addresses the impacts to geological and seismic-related impacts associated with intensified development of the project site. The following discussion is based on project site information available in Section 4.5.1.2, Existing Conditions, of Chapter 4.5.

EXISTING CONDITIONS

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

- **Geology.** The City of Cupertino lies in the west-central part of the Santa Clara Valley, a broad, mostly flat alluvial plain that extends southward from San Francisco Bay. The site is generally flat with an average elevation of 213 feet above mean sea level and the depth of groundwater is estimated to be 125 feet below ground surface or deeper.
- **Soils.** The soil is Urban Land Flaskan Complex, which is a well-drained sandy loam, sandy clay loam, gravelly sandy clay loam and very gravelly sandy clay loam soil with a depth of 59 inches.[82] Surficial geology is young, unconsolidated Quaternary alluvium,[83] 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.
- **Fault Rupture.** The San Francisco Bay Area is one of the most seismically active regions in the United States. The significant earthquakes that occur in the Bay Area are generally associated with crustal movement along well-defined active fault zones such as the San Andreas Fault system. Many of these zones exhibit a regional trend to the northwest. The site is not located within a State-designated Alquist-Priolo Earthquake Fault Zone (known formerly as a Special Studies Zone) or a Santa Clara County-designated Fault Rupture Hazard Zone.[84] No active fault traces are known to cross the site.
- **Liquefaction.** The site is not located within a seismically inducted liquefaction hazard zone, as mapped by the State of California and Santa Clara County.[85] During cyclic ground shaking, such as seismic shaking during an earthquake, cyclically-induced stresses may cause increased pore water pressures within the soil matrix, resulting in liquefaction. Liquefied soil may lose shear strength that may lead to large shear deformations and/or flow failure. Liquefied soil can also settle as pore pressures dissipate following an earthquake.

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

[82] AEI Consultants, 2018, Phase I Environmental Site Assessment, 10931 North De Anza Boulevard, Cupertino, Santa Clara County, California. August 8, 2018.

[83] 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.

[84] Santa Clara County, 2012. Santa Clara County Geologic Hazard Zones, Map 18, updated October 26, 2012.

[85] http://gmw.conservation.ca.gov/SHP/EZRIM/Reports/SHZR/SHZR_068_Cupertino.pdf, accessed on July 23, 2018.

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

DISCUSSION

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

Fault Rupture

As discussed in the General Plan EIR, only one Alquist-Priolo Earthquake Fault Zone has been mapped within the City of Cupertino, namely, the zone that flanks the San Andreas Fault in the southwestern most part of the city. Because the site is not located within a State-designated Alquist-Priolo Earthquake Fault Zone or Santa Clara County-designated Fault Rupture Hazard Zone, and no active faults are known to traverse the site, the risk of surface fault rupture is considered low. The impacts from project development as they relate to surface fault rupture are considered *less than significant*.

Strong Seismic Ground Shaking

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

Liquefaction

The project site is not located within an area mapped by the State of California or Santa Clara County as having a high potential for seismically induced liquefaction. As discussed in the General Plan EIR, the potential for seismically induced liquefaction in the vicinity appears low and is limited to a very narrow strip of alluvial deposits that flank Calabazas Creek approximately 1 mile east of the project site. Accordingly, impacts associated with project development as they may relate to seismically induced liquefaction would be *less than significant*.

Landslides

The site is generally flat with elevation ranging from 209 to 213 feet above mean sea level. The project site is not located within an area mapped by the State of California or Santa Clara County as having a high potential for seismically induced landslides. Therefore, impacts associated with project development as they may relate to seismically induced landslides would be *less than significant*.

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

Substantial soil erosion or loss of topsoil during construction could, in theory, undermine structures and minor slopes during development of the project site. However, compliance with existing regulatory requirements, such as the implementation of grading erosion control measures specified in the CBC and the CMC, would reduce erosion and the loss of topsoil.

Examples of these control measures are best management practices such as hydroseeding or short-term biodegradable erosion control blankets; vegetated swales, silt fences, or other forms of protection at storm drain inlets; post-construction inspection of drainage structures for accumulated sediment; and post-construction clearing of debris and sediment from these structures.

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

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

As discussed in criterion (a), the project site is not located within an area mapped as having significant potential for seismically induced liquefaction. Because of the low potential for liquefaction, the risk of lateral spreading at the site would also be low. Therefore, the impacts of project development as they relate to liquefaction and lateral spreading would be *less than significant*.

The project site is generally flat with an average elevation of 213 feet above mean sea level. The properties surrounding the project site are also typified by low topographic relief. The impacts of project development as they relate to landslides would be *less than significant*.

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

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

The proposed project would be subject to the CBC regulations and provisions, as adopted in CMC Chapter 12.04 and enforced by the City during plan review prior to building permit issuance. The CBC contains specific requirements for seismic safety, excavation, foundations, retaining walls, and site demolition, and also regulates grading activities, including drainage and erosion control. Thus, compliance with existing regulations and policies would ensure that the potential future development impacts permitted under the proposed project would be reduced. Therefore, the impacts of project development due to expansive soils are considered *less than significant*.

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

The development of the proposed project would not require the construction or use of septic tanks or alternative wastewater disposal systems. Therefore, *no impact* would occur.

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

As discussed above in existing conditions, while no paleontological resources have been identified on the project site, because the proposed project requires substantial excavation that could reach significant depths below the ground surface where no such excavation has previously occurred, there could be fossils of potential scientific significance and other unique geologic features that have not been recorded. Such ground-disturbing construction associated with development under the proposed project could cause damage to, or destruction of, paleontological resources or unique geologic features. Impacts to paleontological resources or site or unique geologic features would be reduced to a *less-than-significant* level with implementation of Mitigation Measure GEO-1.

Impact GEO-1: The proposed project could directly or indirectly destroy a unique paleontological resource or site or unique geologic feature.

> Mitigation Measure GEO-1: The construction contractor shall incorporate the following in all grading, demolition, and construction plans:

- In the event that fossils or fossil-bearing deposits are discovered during grading, demolition, or building, excavations within 50 feet of the find shall be temporarily halted or diverted.
- The contractor shall notify the City of Cupertino Building Department and a City-approved qualified paleontologist to examine the discovery.
- The paleontologist shall document the discovery as needed, in accordance with Society of Vertebrate Paleontology standards (Society of Vertebrate Paleontology 1995), evaluate the potential resource, and assess the significance of the finding under the criteria set forth in CEQA Guidelines Section 15064.5.
- The paleontologist shall notify the appropriate agencies to determine procedures that would be followed before construction is allowed to resume at the location of the find.
- If the project applicant determines that avoidance is not feasible, the paleontologist shall prepare an excavation plan for mitigating the effect of the project based on the qualities that make the resource important. The excavation plan shall be submitted to the City for review and approval prior to implementation.

VII. GREENHOUSE GAS EMISSIONS

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

GENERAL PLAN EIR

Chapter 4.6, Greenhouse Gas Emissions, of the General Plan EIR, addresses the cumulative impacts from greenhouse gas emissions associated with General Plan buildout, including intensified development of the project site. GHG emissions impacts under the General Plan EIR are less than significant.

EXISTING CONDITIONS

The existing commercial building (Goodyear Tire) generates GHG emissions from transportation sources, energy (natural gas and purchased energy), and area sources such as landscaping equipment. Current land uses generate approximately 98 average daily trips.[86] GHG emissions generated by the existing land uses are shown in Table 4-6 below.

[86] Transportation Impact Analysis, Hexagon Transportation Consultants, Inc. May 16, 2019, Table 5, Project Trip Generation Estimates.

DISCUSSION

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

A project does not generate enough GHG emissions on its own to influence global climate change; therefore, this Section measures the project's contribution to the cumulative environmental impact associated with GHG emissions. Development permitted under the proposed project would contribute to global climate change through direct and indirect emissions of GHG from transportation sources, energy (natural gas and purchased energy), water use, wastewater generation, and solid waste generation. In addition, construction activities would generate a short-term increase in GHG emissions. The net increase in emissions generated by the project was evaluated using the CalEEMod, Version 2016.3.2.25. The total and net increase in GHG emissions associated with the proposed project are shown in Table 4-6.

TABLE 4-6 PROJECT GHG EMISSIONS

	GHG Emissions ($MTCO_2e$/Year)		
Category	Existing Emissions	Project Emissions	Net Change from Existing
Area	<1	<1	<1
Energy	14	326	313
On-Road Mobile Sources	34	861	828
Waste	7	106	99
Water/Wastewater	<1	5	5
Amortized Construction Emissions	N/A	28	28
Total	**54**	**1,299**	**1,272**
BAAQMD Emissions Threshold ($MTCO_2e$)			**1,100**
Exceeds BAAQMD Thresholds?			**Yes**

Notes: Emissions may not total to 100 percent due to rounding. N/A = not applicable. New buildings would be constructed to the 2019 Building Energy Efficiency Standards (effective January 1, 2020) at a minimum. Existing buildings were constructed prior to the 2005 Building Energy Efficiency Standards; and therefore, the "historic" rates in CalEEMod, which are based on the 2005 Standards, were used to estimate existing building energy use. Transportation emissions include transportation demand management measures, such as the trip reduction program, required under the Bay Area Commuter Benefits Program.
Source: California Emissions Estimator Model (CalEEMod), Version 2016.3.2.25.

Construction Impacts

BAAQMD does not have thresholds of significance for construction-related GHG emissions, however, the BAAQMD advises that the lead agency should quantify and disclose GHG emissions that would occur during construction and make a determination on the significance of these construction-generated GHG emissions in relation to meeting AB 32 GHG reduction goals. GHG emissions from construction activities are one-time, short-term emissions and therefore, would not significantly contribute to long-term cumulative GHG emissions impacts of the proposed project. One-time, short-term emissions are converted to average annual emissions by amortizing them over the service life of a building. For buildings

in general, it is reasonable to look at a 30-year time frame, since this is a typical interval before a new building requires the first major renovation.[87] As shown in Table 4-6 above, when amortized over a 30-year project lifetime, average annual construction emissions from the proposed project of 28 metric tons of carbon dioxide equivalent per year ($MTCO_2e$/year) would represent a nominal source of GHG emissions and would not exceed BAAQMD's threshold of 1,100 $MTCO_2e$/year. Construction emissions would be *less than significant,* and no mitigation measures would be required.

Operational Impacts

Because the project's net increase in long-term emissions of 1,272 $MTCO_2e$ exceeds BAAQMD's bright-line threshold[88] of 1,100 $MTCO_2e$ per year, as shown in Table 4-6 above, the following mitigation measure is proposed.

Impact GHG-1: The proposed project would generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment.

> Mitigation Measure GHG-1: The project applicant shall offset a minimum of 173 metric tons metric tons of carbon dioxide-equivalent ($MTCO_2e$) emissions per year for a period of 30 years (5,190 $MTCO_2e$) through the purchase of voluntary carbon offsets (i.e., not compliance offsets) from the California Air Resources Board (CARB) approved Offset Project Registries (i.e., Climate Action Reserve, Verra, American Carbon Registry) or forecasted mitigation units (FMUs) (GHG Mitigation Credits) from the Climate Action Reserve's Climate Forward program. The voluntary carbon offsets or FMUs must be real, additional, permanent, confirmable, and enforceable. The order of preference for purchase of voluntary carbon offsets or FMUs shall be as follows: 1) within the City; 2) within the San Francisco Bay Area Air Basin; 3) within the State of California; then 4) elsewhere in the United States. Evidence of payments, and funding of an escrow-type account or endowment fund shall be submitted to the City by the project applicant. Prior to issuance of the certificate of occupancy, the project applicant shall submit to the City of Cupertino Building Division official or his/her designee, the necessary documentation to verify the agreement to purchase the necessary voluntary carbon offsets or FMUs to offset project emissions to below 1,100 $MTCO_2e$ per year.

Mitigation Measure GHG-1 would require the purchase of voluntary carbon credits or FMUs to offset project-generated emissions by 5,190 $MTCO_2e$ (173 $MTCO_2e$ over the hotel building's lifetime of 30 years). As a result of implementation of Mitigation Measure GHG-1, emissions from the proposed project would not exceed the BAAQMD's bright-line threshold. Therefore, the impact would be *less than significant*.

[87] International Energy Agency, 2008, *Energy Efficiency Requirements in Building Codes, Energy Efficiency Policies for New Buildings,* March.

[88] 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.

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

Applicable plans adopted for the purpose of reducing GHG emissions include the CARB Scoping Plan, *Plan Bay Area* 2040, and Cupertino's CAP. A consistency analysis with these plans is presented below.

CARB's Scoping Plan

In accordance with Assembly Bill 32 and SB 32 the CARB *2017 Climate Change Scoping Plan*[89] (Scoping Plan) outlines the State's strategy to achieve 1990 level emissions by year 2020 and a 40 percent reduction from 1990 emissions by year 2030. 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 latest Scoping Plan (2017) include implementing SB 350, which expands the Renewables Portfolio Standard to 50 percent by 2030 and doubles energy efficiency savings; expanding the Low Carbon Fuel Standard to 18 percent by 2030; implementing the *Mobile Source Strategy* to deploy zero-electric vehicle buses and trucks; implementation of the *Sustainable Freight Action Plan*; implementation of the *Short-Lived Climate Pollutant Reduction Strategy*, which reduces methane and hydrofluorocarbons 40 percent below 2013 levels by 2030 and black carbon emissions 50 percent below 2013 levels by 2030; 2030; continuing to implement SB 375with Statewide measures that have been adopted since AB 32 and SB 32 were adopted. For example, as utility companies comply with the State's renewable portfolio standards described above, individual developments, like the proposed project, that use the energy generated by the utility companies will be using energy sources that are in compliance with the renewable portfolio standards. Therefore, the impact would be *less than significant*.

Plan Bay Area

Plan Bay Area 2040, the Bay Area's RTP/SCS that identifies the sustainable vision for the Bay Area. As previously described in Chapter 3, Project Description, of this Initial Study, the project site is located in the Santa Clara Valley Transportation Authority City Cores, Corridors & Station Areas PDA. The proposed project is an infill development project that would result in an increase in land use intensity in a portion of the City that has access to existing infrastructure and services, including transit service. As discussed in Section XII, Population and Housing, growth associated with the proposed project is consistent with ABAG projections and would not exceed regional population and employment projects. Additionally, the proposed project would implement a Transportation Demand Management (TDM) program (see Section 3.2.2.3, Transportation Demand Management Program, in Chapter 3, Project Description, of this Initial Study), that would include a shuttle service for hotel employees and guests. Therefore, the proposed

[89] Note that the *2017 Climate Change Scoping Plan* is an update to the 2008 and 2014 Scoping Plans.

project would not conflict with the land use concept plan for the City of Cupertino identified in the *Plan Bay Area* 2040 and the impact would be *less than significant*.

Cupertino Climate Action Plan

The Cupertino 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 AB 32 and achieve the goals of CARB's *2008 Scoping Plan*. Since the adoption of the CAP in January of 2015, the Legislature adopted 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.

Qualified GHG Reduction Strategy

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 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 greenhouse gas emissions from activities covered by the plan would not be cumulatively considerable.
   - The City has established a goal 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 vehicle miles traveled 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.

6. Be adopted in a public process following environmental review.
   - The City's 2015 addendum to General Plan EIR90 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 2014.91

Based on the analysis above, the City's CAP is a qualified GHG reduction plan for the AB 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. The adopted GHG reduction measures applicable to the proposed project include the following:

- Measure C-E-1 Energy Use Data and Analysis: Increase resident and building owner/tenant/operator knowledge about how, when, and where building energy is used.
- Measure C-W-1 SB-X7-7: Implement water conservation policies contained within Cupertino's Urban Water Management Plan to achieve 20 percent per capita water reduction by 2020.
- Measure C-SW-1 Zero Waste Goal: Maximize solid waste diversion community-wide through preparation of a zero-waste strategic plan.

[90] City of Cupertino, approved General Plan Amendment, Housing Element Update, and Associated Rezoning EIR Final Addendum, State Clearinghouse Number 2014032007. October 2015.

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

- Measure C-SW-3 Construction & Demolition Waste Diversion Program: Continue to enforce diversion requirements in City's Construction & Demolition Debris Diversion and Green Building Ordinances.

As described in Chapter 3, Project Description, energy conservation measures would be used as part of interior lighting for the new building, such as employing automatic sensors to turn off lights when guests are not present in guest rooms and various glazing treatments on exterior facades. The project incorporates water conservation features for on-site irrigation. The irrigation water on the site would be dual-sourced recycled water and potable water as available from the LASD. Any lawn areas would use 100 percent recycled water. 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 project would also comply with CMC Chapter 16.72, Recycling and Diversion of Construction and Demolition Waste, and the City's Zero Waste Policy. Additionally, the proposed project would include a photovoltaic system that would offset GHG emissions from electricity generated by the project.

Development in the 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. Therefore, the impact would be *less than significant*.

VIII. HAZARDS AND HAZARDOUS MATERIALS

Would the proposed project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant	No Impact
a) Create a significant hazard to the public or the environment through the routine transport, use or disposal of hazardous materials?	❒	❒	■	❒
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	❒	❒	■	❒
c) Emit hazardous emissions or handle hazardous materials, substances or waste within one-quarter mile of an existing or proposed school?	❒	❒	❒	■
d) Be located on a site which is included on a list of hazardous material sites compiled pursuant to Government Code Section 65962.5 and, as a result, create a significant hazard to the public or the environment?	❒	❒	■	❒
e) For a project within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, result in a safety hazard or excessive noise for people residing or working in the project area?	❒	❒	❒	■

Would the proposed project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant	No Impact
f) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	❒	❒	■	❒
g) Expose people or structures, either directly or indirectly, to a significant risk of loss, injury, or death involving wildland fires?	❒	❒	❒	■

GENERAL PLAN EIR

Chapter 4.7, Hazards and Hazardous Materials, of the General Plan EIR, addressees the hazards- and hazardous materials-related impacts as a result of intensified development in Cupertino. Impacts are found to be less than significant and less than significant with mitigation measures to ensure that development on sites with known hazardous contamination would be less than significant. General Plan EIR Mitigation Measures HAZ-4a and HAZ-4b are required to be implemented for sites with known contamination and potential residual contamination. As discussed in Chapter 4.7, the project site is not listed as a site with known contamination or potential residual contamination; therefore, the identified mitigation measures in the General Plan EIR do not apply to the proposed project. The following is a summary of Section, 4.7.1.2, Existing Conditions, of Chapter 4.7.

EXISTING CONDITIONS

A Phase I Environmental Site Assessment (ESA) dated August 8, 2018 was prepared for the project site by AEI Consultants. [92] The purpose of the Phase I ESA was to identify potential Recognized Environmental Conditions (RECs) associated with the presence of hazardous substances or petroleum products in the vicinity of the project site. Note that the Phase I ESA also evaluated Controlled RECs, which are locations where the past release of hazardous materials has been addressed to the satisfaction of the applicable regulatory authority, with hazardous substances or petroleum products allowed to remain in place subject to the implementation of required controls, and Historical RECs, which are also satisfactorily addressed but are not subject to any required controls. The Phase I ESA

With respect to the UST, as part of the Phase II ESA, ARTI performed a geophysical survey within accessible areas of the site to evaluate the presence of the 200-gallon waste oil UST. The ground penetrating radar, also referred to as “GPR,” method used did not identify any anomalies or signatures from the scans that would suggest the presence of the UST.

The Phase II ESA included seven soil boring samples and two soil vapor samplings. The Phase II ESA determined that very low detectable concentrations of diesel, motor oil, Volatile Organic Compounds

[92] Applied Remedial Technologies, Inc. (ARTI), 2018, Limited Phase II Environmental Site Assessment Soil & Vapor Sampling Results, 10931 North De Anza Boulevard, Cupertino, California. October 26, 2018.

(VOCs), and PCB contaminants were reported in the seven soil borings. However, these soil concentrations were determined to be below the San Francisco Regional Quality Control Board (RWQCB) Tier 1 Environmental Screening Levels (ESLs). The soil vapor samplings indicated relatively low levels of VOCs, which are also below the San Francisco Bay RWQCB Tier 1 ESLs for soil gas. [93, 94]

The Nimitz and Louis E. Stocklmier Elementary Schools are located about 1 mile to the north, the Homestead High School and Cupertino Middle School are approximately 0.75 miles and 1.5 miles west, respectively and the Saint Joseph Cupertino School and William Faria Elementary School are located approximately 0.8 miles and 1.6 miles to the south, respectively. The nearest public airports are San Jose International Airport, approximately 6 miles to the northeast, and Palo Alto Airport, approximately 9.3 miles to the northwest. The nearest heliports are McCandless Towers Heliport, approximately 4.5 miles to the northeast, and County Medical Center Heliport, approximately 5.6 miles to the southeast. The project site is not located in within an airport land use plan. The site is not in a State Responsibility Area for wildfires, and there are no moderate, high, or very high fire hazard severity zones in the Local Responsibility Areas in the vicinity of the project site.[95]

DISCUSSION

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

Construction Impacts

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

[93] Tier 1 ESLs are used as a general screening guide to determine whether additional investigation, remedial actions, or risk assessment may be required. The Tier 1 ESLs are conservative, and are based on the lowest exposure pathway of concern, whether it is direct human exposure in residential land use, construction worker exposure, potential leaching of contaminants to shallow groundwater, open space terrestrial habitat, or other exposure pathways.

[94] Applied Remedial Technologies, Inc. (ARTI), 2018, Limited Phase II Environmental Site Assessment Soil & Vapor Sampling Results, 10931 North De Anza Boulevard, Cupertino, California. October 26, 2018.

[95] CAL FIRE, 2019, http://www.fire.ca.gov/firepreventionfee/sraviewer_launch, accessed on January 6, 2019, and Santa Clara County Very High Fire Hazard Severity Zones in Local Responsibility Area, http://frap.fire.ca.gov/webdata/maps/santa_clara/fhszl_map.43.pdf, accessed on August 31, 2018.

would ensure that all potentially hazardous materials are used and handled in an appropriate manner and would minimize the potential for safety impacts to occur. Consequently, associated impacts from construction of the proposed project would be *less than significant*.

Operational Impacts

The proposed hotel would not involve the routine transport or disposing of hazardous materials. Project operation would involve the use of small amounts of hazardous materials for cleaning and maintenance purposes, such as cleansers, degreasers, pesticides, and fertilizers. These potentially hazardous materials would not be of a type or be present in sufficient quantities to pose a significant hazard to public health and safety or the environment. Furthermore, such substances would be used, transported, stored, and disposed of in accordance with applicable federal, State, and local laws, policies, and regulations. Any businesses that transport, generate, use, and/or dispose of hazardous materials in Cupertino are subject to existing hazardous materials regulations, such as those implemented by Santa Clara County Department of Environmental Health Hazardous Materials Compliance Division and hazardous materials permits from the SCCFD. The SCCFD also conducts inspections for fire safety and hazardous materials management of businesses and multi-family dwellings, in accordance with the City of Cupertino Hazardous Materials Storage Ordinance in Title 9, Health and Sanitation, Chapter 9.12, Hazardous Materials Storage. Thus, associated impacts from the operational phase of the project would be *less than significant*.

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

As described in criterion (a) above, construction and operation of the proposed project would involve the storage and use of common cleaning substances, building maintenance products, paints, and solvents, as well as petroleum-based fuels for maintenance and construction equipment, and coatings used in construction. As described in the existing conditions, the existing building was developed in 1971 to 1972 and the Phase I ESA identified that, although all suspect ACMs and LBP are in good condition and do not currently pose a health or safety concern, the demolition of the building could release these hazardous materials. An impact could occur if construction and operation of the proposed project creates conditions where hazardous materials could contaminate surrounding soil, water, or air. The most likely scenarios would be demolition and rainwater runoff spreading contaminated materials. Stormwater runoff is discussed in Section IX, Hydrology and Water Quality, of this Initial Study and impacts were found to be less than significant.

Construction Impacts

The type of construction materials and equipment would be considered standard for this type of development. All spills or leakage of petroleum products during construction activities are required to be

immediately contained, the hazardous material identified, and the material remediated in compliance with applicable State and local regulations. All contaminated waste would be required to be collected and disposed of at an appropriately licensed disposal or treatment facility. Furthermore, strict adherence to all emergency response plan requirements set forth by the Santa Clara County Department of Environmental Health Hazardous Materials Compliance Division would be required through the duration of the construction of each individual development project.[96] As described in the existing conditions discussion above, the Phase II, identified very low detectable concentrations of diesel, motor oil, VOCs, and PCB contaminants, which were below the San Francisco Bay RWQCB Tier 1 ESLs and Soil Gas ESLs. Accordingly, no construction related impacts are anticipated from these sources. Furthermore, the geophysical survey, which applied the GDR method, did not identify any USTs.[97] However, due to the relatively small size (approximately 2 feet by 4 feet) of the 200-gallon waste oil UST there is the remote possibility that the geophysical survey could miss the single UST that EDR records show was installed at the project site in 1973, but has no record of its removal. In the unlikely event that the UST is encountered during site grading and excavation activities, it would be required to be removed in accordance with the existing standards and regulations of, and oversight by, the SCCFD, based on compliance authority granted through the California Code of Regulations, Title 23, Division 3, Chapter 16, Underground Tank Regulations. Under these regulations, soil samples from areas where USTs have been removed or where soil contamination is suspected would be required to be analyzed for hydrocarbons including gasoline and diesel in accordance with procedures set forth by SCCFD. If hydrocarbons are identified in the soil, the appropriate response/remedial measures would be required to be implemented as directed by SCCFD with support review from the San Francisco Bay RWQCB until all specified requirements are satisfied and a Tank Closure Letter is issued. Compliance requirements relative to the removal/closure of storage tanks are set forth through the California Health and Safety Code, Sections 25280 through 25299. It is important to note that although future soil samples could be required consistent with requirements if the UST is encountered, soil samples have already been tested and found to be below the San Francisco Bay RWQCB Tier 1 ESLs and Soil Gas ESLs.

The Phase I ESA revealed visible evidence that ACMs and LBPs in good condition are present on the project site. Removal these types of hazardous materials by contractors licensed to remove and handle these materials would be conducted in accordance with existing federal, State, and local regulations, including the United States Environmental Protection Agency's National Emission Standards for Hazardous Air Pollutants (Code of Federal Regulation Part 61), BAAQMD's Regulation 11, Title 8 of the California Codes of Regulations, the Unified Program, and the City's General Plan Health and Safety Element Policy HS-6.1, and would ensure that risks associates with the transport, storage, use, and disposal of such materials would be reduced to the maximum extent practical.

[96] Santa Clara County Ordinance Code, Division B11, Chapter XIII (Hazardous Materials Storage Ordinance), Chapter XIV (Toxic Gas Ordinance).

[97] Applied Remedial Technologies, Inc. (ARTI), 2018, Limited Phase II Environmental Site Assessment Soil & Vapor Sampling Results, 10931 North De Anza Boulevard, Cupertino, California. October 26, 2018.

Based on the findings of the Phase I and Phase II ESAs, and compliance with mandatory regulations, associated impacts from the demolition phase of the project would be *less than significant* and no mitigation measures are required.

Operational Impacts

The proposed hotel is not considered the type of project that would create a hazardous materials threat to the users of the site or the surrounding land uses. The Santa Clara County Department of Environmental Health Hazardous Materials Compliance Division is the Certified Unified Program Agency (CUPA) for Santa Clara County including the City of Cupertino and is responsible for enforcing Chapter 6.95 of the California Health and Safety Code. As the CUPA, Santa Clara County Department of Environmental Health Hazardous Materials Compliance Division is required to regulate hazardous materials business plans (HMBP) and chemical inventory, hazardous waste and tiered permitting, USTs, and risk-management plans. The HMBP is required to contain basic information on the location, type, quantity, and health risks of hazardous materials stored, used, or disposed of on development sites. The HMBP also contains an emergency-response plan, which describes the procedures for mitigating a hazardous release, procedures, and equipment for minimizing the potential damage of a hazardous materials release, and provisions for immediate notification of the California Emergency Management Agency and other emergency-response personnel, such as the SCCFD. Implementation of the emergency response plan facilitates rapid response in the event of an accidental spill or release, thereby reducing potential adverse impacts. Furthermore, Santa Clara County Department of Environmental Health Hazardous Materials Compliance Division is required to conduct ongoing routine inspections to ensure compliance with existing laws and regulations; to identify safety hazards that could cause or contribute to an accidental spill or release; and to suggest preventative measures to minimize the risk of a spill or release of hazardous substances. Mandatory compliance with these regulations would ensure that the risk of accidents and spills is minimized to the maximum extent practicable during the operation of the proposed project. Consequently, associated impacts would be *less than significant*.

c) *Would the project emit hazardous emissions or handle hazardous materials, substances or waste within one-quarter mile of an existing or proposed school?*

There are no existing or proposed schools within 0.25 miles of the project site. Thus, *no impact* would occur, and no mitigation measures would be required.

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

As stated in the existing conditions discussion above, the project site was not identified as being on a listed as a site pursuant to California Government Code Section 65952.5. The Phase I ESA prepared for the project site documents the past and present use of hazardous materials at the project site by the existing automotive service facility. The Phase II ESA concluded that all such materials were below the significance

thresholds and would not create a significant hazard to the public or the environment. Accordingly, impacts would be *less than significant*.

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

The project site is not within an airport land use plan or within 2 miles of a public use airport. Thus, there would be *no impact* related to public airport hazards.

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

The City of Cupertino Office of Emergency Services is responsible for coordinating agency response to disasters or other large-scale emergencies in the City of Cupertino with assistance from the Santa Clara County Office of Emergency Services and the SCCFD. The Cupertino Emergency Operations Plan (EOP)[98] establishes policy direction for emergency planning, mitigation, response, and recovery activities within the city. The Cupertino EOP addresses interagency coordination, procedures to maintain communications with county and State emergency response teams, and methods to assess the extent of damage and management of volunteers.

The proposed project would not block roads and would not impede emergency access to surrounding properties or neighborhoods. Emergency vehicle access would be provided at two points located on North De Anza Boulevard: one located at the northern end of the project site and one located at the southern end of the project site. 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 in the public right-of-way. A combination of on- and off-site parking facilities for construction workers would be identified during demolition, grading, and construction. The proposed project would not interfere with an adopted emergency response plan, or emergency evacuation plan; therefore, impacts would be *less than significant*.

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

The project site is fully developed and is surrounded by built-out urban use. The site is not in a State Responsibility Area for wildfires.[99] There are no very high fire hazard severity zones within the Local Responsibility Areas of Cupertino and there are no high or very high fire risk areas as shown on the City's

[98] City of Cupertino, Office of Emergency Services. *Emergency Operations Plan.* September 2005.
[99] CAL FIRE, 2019, http://www.fire.ca.gov/firepreventionfee/sraviewer_launch, accessed on January 6, 2019.

adopted Wildland Urban Interface Fire Area map.[100] The proposed project would not subject people or structures to wildfire hazards, and *no impact* would occur.

IX. HYDROLOGY AND WATER QUALITY

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

GENERAL PLAN EIR

Chapter 4.8, Hydrology and Water Quality, of the General Plan EIR, addresses the hydrology- and water quality-related impacts as a result of intensified development of the project site. These impacts are identified as less than significant in the General Plan EIR. The following is a summary of Section, 4.8.1.2, Existing Conditions, of Chapter 4.8.

[100] City of Cupertino Municipal Code, Title 16, Building and Construction, Chapter 16.74. Wildland Urban Interface Fire Area.

EXISTING CONDITIONS

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

The City of Cupertino Department of Public Works is responsible for the design, construction, and maintenance of City-owned facilities including public streets, sidewalks, curb, gutter, storm drains. The capacity of the storm drain facilities within the City of Cupertino was evaluated and documented in the 2018 Storm Drain Master Plan, which identifies the areas within the system that do not have the capacity to handle runoff during the 10-year storm event, which is the City's design standard. As described in the 2018 Strom Drain Master Plan, the project site is located in an area where the storm drains are deficient in conveying water from a 10-year storm. The lines on Homestead Road, from Sunnyvale East Channel to De Anza Boulevard are currently under capacity and designated as low priority for replacement.[101]

The project site, as well as the entire city, is within the Santa Clara Subbasin of the Santa Clara Valley Groundwater Basin. In 2012, approximately 40 percent of the water used in Santa Clara County was pumped from groundwater.[102] The depth of groundwater is estimated to be 125 feet below ground surface or deeper. [103] The rest of the water used in the County is purchased from the Santa Clara Valley Water District (SCVWD), which receives surface water from the State Water Project (SWP) and the Central Valley Project (CVP). Additional details on water usage and local water purveyors are provided in Section XVII, Utilities and Service Systems, of this Initial Study.

Santa Clara Valley streams do not receive discharges from industrial or municipal wastewater.[104] Industrial discharges are routed to municipal sanitary sewers and then to regional municipal wastewater treatment plants that discharge treated effluent to the tidal sloughs of San Francisco Bay. The National Pollutant Discharge Elimination System (NPDES) permit program was established by the federal Clean Water Act (CWA) to regulate municipal and industrial discharges to surface waters of the United States from their municipal separate storm sewer systems (MS4s). Municipal storm water discharges in the City of Cupertino are subject to the Waste Discharge Requirements of the new Municipal Regional Permit (MRP; Order Number R2-2015-0049) and NPDES Permit Number CAS612008, which became effective on January 1, 2016. Construction activities that disturb one or more acres of land that could impact hydrologic resources must comply with the requirements of the State Water Regional Water Control Board (SWRCB) Construction General Permit (2009-0009-DWQ) as amended by 2010-0014-DWQ and 2012-0006-DWQ. Under the terms of the permit, applicants must file Permit Registration Documents (PRDs) with the

[101] Schaaf & Wheeler Consulting Civil Engineers. 2018. Cupertino Storm Drain Master Plan.

[102] Santa Clara Valley Water District, 2012. Annual Groundwater Report for Calendar Year 2012.

[103] AEI Consultants, 2018, Phase I Environmental Site Assessment, 10931 North De Anza Boulevard, Cupertino, Santa Clara County, California. August 8, 2018.

[104] Santa Clara Basin Watershed Initiative, 2003. *Volume 1, Watershed Characteristics Report,* http://www.scbwmi.org/ accessed May 30, 2018.

SWRCB prior to the start of construction. The PRDs include a Notice of Intent (NOI), risk assessment, site map, Stormwater Pollution Prevention Plan (SWPPP), annual fee, and a signed certification statement. The PRDs are now submitted electronically to the SWRCB via the Stormwater Multiple Application and Report Tracking System (SMARTS) website.

The San Francisco Bay Regional Water Quality Control Board (RWQCB) monitors surface water quality through implementation of the Water Quality Control Plan for the San Francisco Bay Basin (Basin Plan) and designates beneficial uses for surface water bodies and groundwater within the Santa Clara Valley. The Basin Plan also contains water quality criteria for groundwater. Groundwater quality in the Santa Clara subbasin is generally considered to be good and water quality objectives are met in at least 95 percent of the County water supply wells without the use of treatment methods.[105]

The City of Cupertino is more than 8 miles south of San Francisco Bay and is more than 100 feet above mean sea level, which places the city at a distance that is considered too far to be affected by a tsunami.[106] There are no large bodies of water within the City of Cupertino or near the project site; thus, the project site would not be impacted by a seiche.

DISCUSSION

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

Because the project would disturb one or more acres during construction, the project applicant would be required to comply with State's Construction General Permit and submit PRDs to the SWRCB prior to the start of construction. The PRDs include a NOI and a site-specific construction SWPPP that describes the incorporation of best management practices to control sedimentation, erosion, and hazardous materials contamination of runoff during construction. New requirements by the SWRCB would also require the project applicant to prepare a construction SWPPP that includes post construction treatment measures aimed at minimizing storm water runoff. With implementation of these measures, water quality impacts during construction would be *less than significant*.

In addition, all new development or redevelopment projects that create and/or replace 10,000 square feet or more of impervious surfaces would be required to incorporate source control, site design, and stormwater treatment measures into the project, pursuant to the Santa Clara Valley Urban Runoff Pollution Prevention Program C.3 requirements. The requirements include minimization of impervious surfaces, measures to detain or infiltrate runoff from peak flows to match pre-development conditions, and agreements to ensure that the stormwater treatment and flow control facilities are maintained in perpetuity. The proposed project would provide several bioretention water treatment areas at ground

[105] Santa Clara Valley Water District, 2016. Santa Clara Valley Water District, 2016. *2016 Groundwater Management Plan.*

[106] Association of Bay Area Governments, 2014. *Interactive Tsunami Inundation Map.* http://gis.abag.ca.gov/website/Hazards/?hlyr=tsunami accessed May 30, 2018.

level, as raised flow-through planters, and drainage management areas throughout the project site. Implementation of this measures and compliance with the C.3 requirements of the MRP would ensure that post-development impacts to water quality would be *less than significant.*

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

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

The project would be connected to municipal water supplies and does not propose any groundwater wells on the property. Water is supplied to the project site by California Water Service Company (Cal Water), which obtains its water from groundwater production (35 percent) and purchases of surface water from the Santa Clara Valley Water District. The 2015 *Urban Water Management Plan* for the Los Altos Suburban District, which includes the area for the project site, states that there is sufficient water for their customers for normal, single-dry, and multiple-dry years and that additional groundwater can be pumped to meet demand through 2040.[107] Therefore, the project would not result in a depletion of groundwater supplies or result in a lowering of groundwater levels. Water supply is discussed in Section XVII, Utilities and Service Systems, below. Furthermore, due to the project's location, the development of the proposed project would not interfere with groundwater recharge that takes place in the McClellan Ponds recharge facility located within the City of Cupertino or the creeks and streams that run through the city. Therefore, the project would have a *less-than-significant* impact to groundwater recharge.

The proposed project would be located on a site that is already developed and currently has a high percentage of impervious surfaces. The proposed project would result in an increase in the amount of impervious surfaces from 38,380 square feet to 49,918 square feet. The project would install several bioretention areas, which would contribute to groundwater recharge by infiltration. The use of site design features required by provision C.3 of the Municipal Regional Permit (MRP) and compliance with the City of Cupertino General Plan policies would reduce the impact of increased impervious surfaces on groundwater recharge. Therefore, the proposed project would have a *less-than-significant* impact on groundwater supplies and groundwater recharge, and no mitigation measures are needed.

c) Would the project substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious

[107] California Water Service Company, 2015. *2015 Urban Water Management Plan, Los Altos Suburban District.*

surfaces, in a manner which would: result in substantial erosion, siltation, or flooding on- or off-site; substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site; create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or impede or redirect flood flows?

The proposed project would take place within the boundaries of a fully developed site that is currently connected to the City's storm drain system. The proposed redevelopment does not involve the alteration of any natural drainage channels or any watercourse.

As described in the 2018 Storm Drain Master Plan, the project site is located in an area where the storm drains are insufficient in size to convey water from a 10-year storm. The lines on Homestead Road, from Sunnyvale East Channel to De Anza Boulevard are currently under capacity and designated as low priority for replacement.[108] However, the proposed project would not exacerbate this existing condition. The proposed project would provide several bioretention and flow-through planter water treatment areas on the project site and would provide other detention facilities that would meter the peak runoff from the site for a 10-year storm event. These would collect runoff from roof areas, parking lots, sidewalks and streets for treatment and flow control prior to discharge into the on-site storm drain system, which connects to the City's storm drain system in North De Anza Boulevard. When combined, the on-site water treatment areas would meet the C.3 of the MRP required treatment areas of 1,997 square feet.

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

During construction, the project applicant would be subject to the NPDES construction permit requirements, including preparation of a SWPPP. The SWPPP includes erosion and sediment control measures to stabilize the site, protect slopes and channels, control the perimeter of the site, minimize the area and duration of exposed soils, and protect receiving waters adjacent to the site.

Once constructed, the requirements for new development or redevelopment projects, include source control measures and site design measures that address stormwater runoff, and would reduce the potential for erosion or siltation. In addition, Provision C.3 of the MRP would require the project to implement stormwater treatment measures to contain site runoff, using specific numeric sizing criteria based on volume and flow rate. With implementation of these erosion and sediment control measures and regulatory provisions to limit runoff for new development sites, the proposed project would not result

[108] Schaaf & Wheeler Consulting Civil Engineers. 2018. Cupertino Storm Drain Master Plan.

in significant increases in erosion and sedimentation or contribute to flooding on-site or off-site and impacts would be *less than significant*.

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

The project site is not located in close proximity to San Francisco Bay or the Pacific Ocean, and is not within a mapped tsunami inundation zone.[109] Because there are no large bodies of water, such as reservoirs or lakes, in the vicinity of the project site, there would be no potential for seiches to impact the project site. In addition, the site is in a relatively flat area of the City and is outside of the ABAG mapped zones for earthquake-induced landslides or debris flow source areas.[110] Therefore, *no impact* would occur with respect to the release of pollutants from these types of natural hazard events.

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

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

As required by storm water management guidelines discussed under criterion (a), best management practices and low impact development measures would be implemented across the project site during both construction and operation of the proposed project. These measures would control and prevent the release of sediment, debris, and other pollutants into the storm drain system. Implementation of best management practices during construction would be in accordance with the provisions of the SWPPP, which would minimize the release of sediment, soil, and other pollutants. Operational best management practices would be required to meet the C.3 provisions of the MRP. These best management practices include the incorporation of site design, source control, and treatment control measures to treat and control runoff before it enters the storm drain system. The proposed treatment measures would include the use of several bioretention areas to treat and detain runoff prior to discharge to the City's storm drain system. Additionally, as discussed in criterion (b), the project would be connected to municipal water supplies and does not propose any groundwater wells on the property. The depth of groundwater is estimated to be 125 feet below ground surface or deeper and the proposed project would not disturb groundwater during construction. With implementation of these best management practices and low impact development measures in accordance with City and MRP requirements, the potential impact on

[109] Association of Bay Area Governments, 2019. *Interactive Tsunami Inundation Map.* http://gis.abag.ca.gov/website/Hazards/?hlyr=tsunami accessed on January 6, 2019.

[110] Association of Bay Area Governments, 2019. *Rainfall-Induced Landslides, Debris Flow Source Areas and Earthquake* Induced Landslides. Accessed at http://resilience.abag.ca.gov/landslides/ on January 6, 2019.

water quality would be *less than significant*. Accordingly, the proposed project would not conflict with or obstruct the implementation of the Basin Plan.

X. LAND USE AND PLANNING

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

GENERAL PLAN EIR

As discussed in Chapter 4.9, Land Use and Planning, of the General Plan EIR, impacts are determined to be less than significant as a result of intensified development of the project site. The following is a summary of Section, 4.9.1.2, Existing Conditions, of Chapter 4.9.

EXISTING CONDITIONS

The General Plan land use designation for the project site is Commercial/Residential and the project site is within the General Commercial with special development regulations (CG-rg) Zoning District. A complete description of the Commercial/Residential land use designation and (CG-rg) Zoning District is presented in Section 3.1.4, Land Use Designation and Zoning, in Chapter 3 of this Initial Study.

DISCUSSION

a) Would the project physically divide an established community?

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

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

As previously described, a General Plan Amendment Authorization resolution was adopted by City Council that allows the project applicant to apply for a General Plan Amendment Plan to increase the hotel development allocation up to 156 rooms, increase the height, and reduce the building plane setback

requirements in the Homestead Special Area and North De Anza Gateway.[111] The proposed project is within the parameters evaluated in the General Plan EIR (145 feet compared to 88 feet at the highest point and 250 rooms compared to 156 rooms) and the General Plan EIR found land use impacts to be less than significant. The proposed hotel would be consistent with the types of development envisioned in the Homestead Special Area and North De Anza Gateway. Accordingly, the proposed project would also result in *less-than-significant* impacts with regard to conflicts with land use plans.

XI. NOISE

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

GENERAL PLAN EIR

Chapter 4.10, Noise, of the General Plan EIR, addresses the noise and vibration impacts associated with intensified development of the project site. The following is a summary of Section, 4.10.1.3, Existing Conditions, of Chapter 4.10.

EXISTING CONDITIONS

Noise is defined as unwanted sound and is known to have several adverse effects on people, including hearing loss, speech and sleep interference, physiological responses, and annoyance. Based on these known adverse effects of noise, the federal government, State of California, and City of Cupertino have established criteria to protect public health and safety and to prevent disruption of certain human activities. Noise-related terminology/descriptors, pertinent existing regulations and Cupertino General Plan Health and Safety Element guidelines, calculations for traffic noise levels, and calculations for construction noise and vibration levels can be found in Appendix C, Noise Data, of this Initial Study.

[111] City of Cupertino General Plan Amendment Authorization Number 2018-01, Resolution Number 19-010, Passed and Adopted at a Regular Meeting of the City Council of the City of Cupertino on January 15, 2019.

The principal noise sources affecting the project site are traffic noise from I-280, De Anza Boulevard, and Homestead Road. The nearest public airports are San Jose International Airport, approximately 6 miles to the northeast, and Palo Alto Airport, approximately 9.3 miles to the northwest. The nearest heliports are McCandless Towers Heliport, approximately 4.5 miles to the northeast, and County Medical Center Heliport, approximately 5.6 miles to the southeast. The nearest private airport is Moffett Federal Airfield, approximately 4.75 miles to the northwest. The nearest residences (Aviare Apartments) are located approximately 150 feet east of the project site across De Anza Boulevard. The Cupertino Hotel is adjacent to the project site to the south.

4.1.1.2 DISCUSSION

a) Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or in other applicable local, State, or federal standards?

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

With respect to projected-related increases, noise impacts can be placed into three categories. The first is "audible" impacts, which refer to increases in noise level that are perceptible to humans. Audible increases in general community noise levels generally refer to a change of 3 decibels (dB) or more since this level has been found to be the threshold of perceptibility in exterior environments. The second category, "potentially audible" impacts, refers to a change in noise level between 1 and 3 dB. The last category includes changes in noise level of less than 1 dB that are typically "inaudible" to the human ear except under quiet conditions in controlled environments. Only "audible" changes in noise levels at sensitive receptor locations (i.e., 3 dB or more) are considered potentially significant. Note that a doubling of traffic flows (i.e., 10,000 vehicles per day to 20,000 per day) would be needed to create a 3 dB increase in traffic-generated noise levels. An increase of 3 dB is often used as a threshold for a substantial increase.

Project-Related Construction Noise

In terms of the proposed construction activities, the demolition, grading, and site paving activities are expected to generate the highest noise levels, since they involve the largest and most powerful equipment. Construction equipment for the proposed project would include equipment such as concrete saws, graders, tractors, loaders, backhoes, paving equipment, forklifts, rollers, and a crane.

Two types of short-term noise impacts could occur during construction: (1) mobile-source noise from transport of workers, material deliveries, and debris and soil haul and (2) stationary-source noise from use of construction equipment. The following discusses construction noise impacts to the off-site sensitive receptors.

Construction Vehicles

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

Construction Equipment

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

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

The noise produced at each construction stage is determined by combining the L_{eq} contributions from each piece of equipment used at a given time, while accounting for the on-going time-variations of noise emissions (commonly referred to as the usage factor). Heavy equipment, such as a bulldozer, can have maximum, short-duration noise levels of up to 85 dBA at 50 feet. However, overall noise emissions vary considerably, depending on what specific activity is being performed at any given moment. Noise attenuation due to distance, the number and type of equipment, and the load and power requirements to accomplish tasks at each construction phase would result in different noise levels from construction activities at a given receptor. Since noise from construction equipment is intermittent and diminishes at a rate of at least 6 dB per doubling of distance (conservatively ignoring other attenuation effects from air absorption, ground effects, and/or shielding/scattering effects), the average noise levels at noise-sensitive receptors could vary considerably, because mobile construction equipment would move around the site with different loads and power requirements. Noise levels from project-related construction activities were calculated from the simultaneous use of all applicable construction equipment at spatially averaged distances (i.e., from the acoustical center of the general construction site) to the property line of the

nearest receptors. Although construction may occur across the entire phase area, the area around the center of construction activities best represents the potential average construction-related noise levels at the various sensitive receptors.

The expected construction equipment mix was estimated and categorized by construction activity using the Federal Highway Administration Roadway Construction Noise Model. The associated, aggregate sound levels—grouped by construction activity—are summarized in Table 4-7.

TABLE 4-7 PROJECT-RELATED CONSTRUCTION NOISE, ENERGY-AVERAGE (L_{EQ}) SOUND LEVELS, DBA

Construction Activity Phase	Sound Level at Various Distances from Construction Activities, dBA L_{eq}	
	Residences (East) 225 feet[a]	Cupertino Hotel (South) 150 feet[a]
Demolition	72.7	76.2
Site Preparation	70.5	74.0
Grading	72.7	76.2
Building Construction	69.1	72.6
Paving	72.4	75.9
Architectural Coating	60.6	64.1

Note:
[a] As measured from the acoustical center of the construction site to the nearest property line

Construction activities would increase noise levels at and near the proposed area of improvements. The highest expected construction-related noise levels—up to approximately 76 dBA L_{eq}—would occur at the Cupertino Hotel to the south during the paving, demolition, and grading phases, which would be less than the 80-dBA limit in the CMC. However, construction noise levels would create a substantial temporary increase in ambient noise levels in the vicinity of the project. This would be considered a potentially significant impact. With implementation of Mitigation Measure NOISE-1, project-related construction noise impacts to the surrounding hotel and residences would be *less than significant*.

Impact NOISE-1: The proposed project could result in the generation of a substantial temporary increase in ambient noise levels in the vicinity of the project during the construction phase that would be in excess of standards established in the local general plan or noise ordinance, or in other applicable local, State, or federal standards.

Mitigation Measure NOISE-1: The following shall be incorporated in all demolition, grading, and construction plans, as required by the Cupertino Municipal Code (CMC). Construction activities shall take place only during daytime hours of 7:00 a.m. and 8:00 p.m. on weekdays, and 9:00 a.m. to 6:00 p.m. on weekends. In addition, the construction crew shall adhere to the following best management practices shall be observed:

- At least 90 days prior to the start of any construction, demolition or grading activities, all offsite businesses and residents within 300 feet of the project site will be notified of the planned activities. The notification will include a brief description of the project, the activities that would occur, the hours when activity would occur, and the construction period's overall duration. The

notification should include the telephone numbers of the contractor's authorized representatives that are assigned to respond in the event of a noise or vibration complaint.

- The project applicant and contractors shall prepare and submit a Construction Noise Control Plan to the City's Building Department and Code Enforcement for review and approval prior to issuance of any grading, demolition, and/or building permits. The Construction Noise Plan shall demonstrate compliance with the 80-dBA limit in the CMC. The details of the Construction Noise Control Plan, including those details listed herein, shall be included as part of the permit application drawing set and as part of the construction drawing set, shall be implemented by the on-site Construction Manager, and shall include, but not be limited to, the following available controls to comply with the 80 dBA performance standard:
  - At least 10 days prior to the start of construction activities, a sign will be posted at the entrance(s) to the job site, clearly visible to the public, which includes permitted construction days and hours, as well as the telephone numbers of the City's and contractor's authorized representatives that are assigned to respond in the event of a noise or vibration complaint. If the authorized contractor's representative receives a complaint, he/she will investigate, take appropriate corrective action, and report the action to the City.
  - During the entire active construction period, equipment and trucks used for project construction will utilize the best available noise control techniques (e.g., improved mufflers, equipment re-design, use of intake silencers, ducts, engine enclosures, and acoustically attenuating shields or shrouds), wherever feasible.
  - Include noise control requirements for equipment and tools, including concrete saws, to the maximum extent feasible. Such requirements could include, but are not limited to, erecting temporary plywood noise barriers between areas where concrete saws will be used and nearby sensitive receptors; performing work in a manner that minimizes noise; and undertaking the noisiest activities during times of least disturbance to nearby sensitive receptors.
  - During the entire active construction period, stationary noise sources will be located as far from sensitive receptors as possible, and they will be muffled and enclosed within temporary sheds, or insulation barriers or other measures will be incorporated to the extent feasible.
  - During the entire active construction period, noisy operations will be conducted simultaneously to the degree feasible in order to reduce the time periods of these operations.
  - Select haul routes that avoid the greatest amount of sensitive use areas and submit to the City of Cupertino Public Works Department for approval prior to the start of the construction phase.
  - Signs will be posted at the job site entrance(s), within the on-site construction zones, and along queueing lanes (if any) to reinforce the prohibition of unnecessary engine idling. All other equipment will be turned off if not in use for more than 5 minutes.
  - During the entire active construction period and to the extent feasible, the use of noise producing signals, including horns, whistles, alarms, and bells will be for safety warning purposes only. The construction manager will use smart back-up alarms, which automatically

adjust the alarm level based on the background noise level or switch off back-up alarms and replace with human spotters in compliance with all safety requirements and laws.

Project-Related Operational Noise

Stationary Noise

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

The exterior mechanical and HVAC equipment associated with the proposed use are expected to be similar to the equipment at surrounding commercial, multi-family residential, and hotel uses. Typical HVAC units range from approximately 70 to 75 dBA L_{eq} at a distance of 3 feet. Future mechanical equipment associated with the proposed hotel would be located at least 215 feet from the nearest residential receptors (Aviare Apartments to the east). At this distance, the sound pressure level associated with a common central air conditioning unit would be reduced to approximately 38 dBA or less. Future mechanical equipment associated with the proposed hotel would be located at least 60 feet from the nearest non-residential receptor (commercial uses to the west). At this distance, the sound pressure level associated with a common central air conditioning unit would be reduced to approximately 49 dBA or less. Thus, the noise level associated with future central air conditioning units would be below the requirements of CMC Section 10.48.040, limiting nighttime noise to 50 dBA at nearby residential uses and to 55 dBA at non-residential commercial uses. In addition, the rooftop mechanical equipment would be within enclosures (see Figure 3-8), which would further attenuate the sound emanating from the mechanical equipment.

In addition, an emergency backup generator is proposed on the roof inside an enclosure. It is anticipated that the generator would be power rated at 275 kilowatt (kW) and would only be used during an emergency power outage or for routine testing (up to 50 hours per year per BAAQMD regulations). A typical 275 kW generator with a weatherproof enclosure would produce noise levels of approximately 84 dBA at a distance of 23 feet. With a Level II sound attenuation enclosure, a typical 275 kW generator would produce noise levels of approximately 75 dBA at a distance of 23 feet. The proposed six-foot metal rooftop panel, shown in Figure 3-8, would provide additional shielding, as might the roof itself depending upon the final design. However, to provide a conservative assessment of operational noise impacts, these project features were not factored into the estimated noise level at nearby receptors since the height of the exhaust/enclosure is unknown at this time. At the nearest non-residential receptor (commercial uses to the west), noise levels would be reduced to approximately 76 dBA with a weatherproof enclosure and

67 dBA with a Level II sound enclosure. In both cases, this would potentially exceed the CMC daytime noise limit of 65 dBA. The commercial uses to the west would not be any more sensitive during nighttime hours than daytime hours. At the nearest residential receptors (Aviare Apartments 150 feet to the east), noise levels would be reduced to approximately 65 dBA with a weatherproof enclosure and 56 dBA with a Level II sound enclosure. In both cases, this would potentially exceed the CMC nighttime noise limit of 50 dBA for residential receptors. Therefore, this impact would be potentially significant. With implementation of Mitigation Measure NOISE-2, project-related operational noise impacts would be *less than significant*.

Impact NOISE-2: The proposed project could result in the generation of a substantial permanent increase in ambient noise levels in the vicinity of the project during the operation phase that would be in excess of standards established in the local general plan or noise ordinance, or in other applicable local, State, or federal standards.

Mitigation Measure NOISE-2: Mechanical equipment shall be selected and designed to reduce impacts on surrounding uses to meet the Cupertino Municipal Code noise limits of 60 dBA and 50 dBA at residential uses during daytime and nighttime, respectively, and 65 dBA and 55 dBA at non-residential sensitive uses (i.e., the Cupertino Hotel) during daytime and nighttime, respectively. A qualified acoustical consultant shall be retained to review mechanical noise as these systems are selected to determine specific noise reduction measures necessary to reduce noise to comply with the City's noise level requirements. Mechanical equipment shall be selected and designed to reduce impacts on surrounding uses to meet the City's noise level requirements. Noise reduction measures could include, but are not limited to:

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

Traffic Noise

The peak hour traffic volumes along roadways in the project area were used to analyze traffic noise increases due to the proposed project. To determine the permanent traffic noise level increase, the Existing Plus Project peak hour traffic volumes were compared to the Existing traffic volumes. The permanent noise level increase was estimated to be 0.1 dBA on study roadway segments. To determine the cumulative traffic noise level increase, the Cumulative Plus Project traffic volumes[112] were compared to the Existing traffic volumes. The permanent noise level increase was estimated to be 2.0 dBA or less on study roadway segments. A noise level increase of 3 dBA Ldn/CNEL is considered barely perceptible in outdoor environments and would represent a potentially significant noise increase. Because the permanent noise level increase due to project-generated traffic increase at the surrounding noise-sensitive receptors would be less than 3 dBA, the proposed project would not cause a substantial

[112] Cumulative Plus Project traffic volumes were obtained from the *Vallco Special Area Specific Plan Transportation Impact Analysis*, May 22, 2018.

permanent noise level increase at the surrounding noise-sensitive receptors and would have a *less-than-significant* impact.

b) Would the project expose people to or generate excessive groundborne vibration or ground borne noise levels?

Operational Vibration

Operation of the proposed project would not generate substantial levels of vibration because there are no notable sources of vibrational energy associated with the project, such as industrial machinery or railroad operations. Thus, operation of the proposed project would not result in *less than significant* groundborne vibration impacts.

Construction Vibration

Construction activities generate varying degrees of ground vibration, depending on the construction procedures, construction equipment used, and proximity to vibration-sensitive uses. The generation of vibration can range from no perceptible effects at the lowest vibration levels, to low rumbling sounds and perceptible vibrations at moderate levels, to slight damage at the highest levels. Table 4-8 lists reference vibration levels for different types of commonly used construction equipment.

TABLE 4-8 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

Note:
Source: Federal Transit Administration (FTA), 2018.

Proposed construction would include grading, which would include equipment such as loaders. Paving activities may also generate high levels of construction vibration and would include equipment such as pavers and rollers. Using the vibration source level of construction equipment provided in Table 4-8 and the construction vibration assessment guidelines published by the Federal Transit Administration's (FTA), the vibration impacts associated with the proposed project were assessed in terms of potential architectural damage due to vibration.

The City does not have specific, vibration-related standards. Thus, project-related construction vibration was evaluated for its potential to cause minor architectural damage based on FTA's architectural damage criteria. The term 'architectural damage' is defined as minor surface cracks (in plaster, drywall, tile, or

stucco) or the sticking of doors and windows. This is below the severity of 'structural damage' which entails the compromising of structural soundness or the threatening the basic integrity of the building shell. Building damage is typically not a concern for most projects, with the occasional exception of blasting and pile driving during construction. No blasting, pile driving, or hard rock ripping/crushing activities would be required during project construction. Since vibration-induced architectural damage could result from an instantaneous vibration event, distances are measured from the receptor facade to the nearest location of potential construction activities.

Table 4-9 shows the vibration levels from typical earthmoving construction equipment at the nearest receptors. For reference, a peak particle velocity (PPV) of 0.2 inches/second (in/sec) is used as the threshold for "non-engineered timber and masonry buildings" (which would apply to the surrounding structures). Small construction equipment generates vibration levels less than 0.1 PPV in/sec at 25 feet away.

TABLE 4-9 ARCHITECTURAL DAMAGE VIBRATION LEVELS FROM CONSTRUCTION EQUIPMENT

	Peak Particle Velocity in inches per second		
Equipment	Residences (East) 160 feet	Commercial (West) 50 feet	Cupertino Inn (South) 75 feet
Vibratory Roller[a]	0.01	0.07	0.04
Large Bulldozer	0.01	0.03	0.02
Loaded Trucks	0.01	0.03	0.02
Jackhammer	<0.01	0.01	0.01
Small Bulldozer	<0.01	<0.01	<0.01

Notes: Distances are from the nearest portion of potential construction activity to the nearest receptor building within each land use type.
a. This analysis shows a "vibratory roller", which may be more vibration-intensive than the roller used during the paving phase
Source: Federal Transit Administration (FTA), *Transit Noise and Vibration Impact Assessment*, 2018.

Construction-generated vibration levels at the nearest receptors would be less than the 0.02 in/sec PPV vibration damage criteria for "non-engineered timber and masonry buildings," per FTA guidelines. Impacts related to architectural damage due to construction vibration would be less than significant and mitigation is not necessary.

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

The proposed project is not located within an airport land use plan or within 2 miles of an airport. The nearest aviation facility is the Moffett Federal Airfield, approximately 4.75 miles to the northwest. At this distance from the aviation facilities, the proposed project would not expose residents or patrons to

excessive noise levels from aircraft noise. No impacts related to noise from public or private airports or strips would occur and no mitigation measures are necessary.

XII. POPULATION AND HOUSING

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

GENERAL PLAN EIR

As discussed in Chapter 4.11, Population and Housing, of the General Plan EIR, impacts were determined to be less than significant as a result of intensified development of the project site. The General Plan would introduce approximately 16,855 new jobs[113] to Cupertino. These new jobs combined with existing conditions would result in 44,242 jobs at the 2040 buildout horizon. The proposed project is anticipated to be completed by 2022. As discussed in the General Plan EIR, according to the Association of Bay Area Governments (ABAG), Cupertino is projected to have 62,500 residents and 30,110 jobs by 2020 and 66,800 residents and 31,370 jobs by 2030.

EXISTING CONDITIONS

There is no population on-site, because the site is currently developed with commercial uses. The existing building is currently occupied with a Goodyear Tire, which provides new tires, tire repairs, oil changes, and other automotive care services and provides about 10 jobs.[114]

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

[114] Personal communication between PlaceWorks and Goodyear Auto Service Center on January 9, 2019.

DISCUSSION

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

The proposed project would construct a 156-room hotel and would not directly result in any additional new population growth or employment growth beyond what was accounted for in the General Plan. Persons staying temporarily in a place, such as the proposed hotel, are not considered permanent residents. Thus, the proposed project would not directly increase permanent population through guests at the hotel. In addition, the proposed project is not a regionally significant employer, and it is anticipated that future employees of the proposed project would come from Cupertino and the surrounding Bay Area communities. Therefore, the proposed project would not create any demand for housing built elsewhere resulting in a physical impact to the environment. The project would be required to contribute to the City's Below Market Rate (BMR) housing mitigation fee program, prior to issuance of construction permits.[115] The construction of any BMR housing would undergo its own environmental review and clearance through a separate process.

As described in Chapter 3, Project Description, of this Initial Study, the operation of the project is estimated to generate up to 78 employees on the project site. As described in the discussion of Existing Conditions, above, the existing automotive service center on the site has 10 employees, resulting in about 68 net new employees on the site. According to the ABAG, Cupertino is projected to have 30,110 jobs by 2020 and 31,370 jobs by 2030, which is about the time project would be completed (i.e., 2022). The estimated 68 net new jobs generated by project operation would be well within forecast employment increases in Cupertino. The proposed project's potential impact on growth from new employment would be *less than significant*.

In addition, the proposed project does not include the construction of infrastructure or roads which would indirectly induce additional population growth. Therefore, the project would have a *less-than-significant* impact due to inducement of unplanned growth. No mitigation measures would be required.

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

The project site does not contain any residential units and would not displace housing. Therefore, the project would have *no impact* associated with the displacement of substantial numbers of housing.

[115] City of Cupertino, Housing Division. 2015. City of Cupertino Below Market Rate (BMR) Housing Mitigation Program Procedural Manual.

XIII. PUBLIC SERVICES

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

GENERAL PLAN EIR

As discussed in Chapter 4.12, Public Services and Recreation, of the General Plan EIR, impacts were determined to be less than significant as a result of intensified development of the project site.

EXISTING CONDITIONS

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

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

A relevant discussion of the existing conditions for each of these service providers is provided in Chapter 4.12 of the General Plan EIR.

DISCUSSION

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

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

As discussed above in Section XII, Population and Housing, above, the proposed project would result in a 156-room hotel and no new permanent residents. The proposed project is within the 1,339-hotel-room maximum evaluated in the General Plan EIR and would not directly result in any additional new population growth or employment growth beyond what was accounted for in the General Plan EIR. Because impacts to public service providers were determined to be less than significant in the General Plan EIR and the proposed project is within the number of hotel rooms evaluated in the General Plan EIR, impacts to public services providers as a result of the proposed project would also be *less than significant*. No mitigation measures would be required. Furthermore, the property tax generated from the proposed hotel would support the City's public services funds that are used in part to maintain some City services. Likewise, and pursuant to SB 50,[116] the project applicant would be required to pay the school impact fees required for commercial development, and any impacts to the Cupertino Union School District would be *less than significant*.

XIV. PARKS AND RECREATION

Would the proposed project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant	No Impact
a) Increase the use of existing neighborhood and regional parks or other recreational facilities, such that substantial physical deterioration of the facility would occur or be accelerated?	❒	❒	■	❒

[116] SB 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.

Would the proposed project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant	No Impact
b) Result in substantial adverse physical impacts associated with the provision of new or physically altered park and recreational facilities, or result in the need for new or physically altered park and recreational facilities, the construction of which could cause significant environmental impacts?	❒	❒	■	❒

GENERAL PLAN EIR

As discussed in Chapter 4.12, Public Services and Recreation, of the General Plan EIR, impacts were determined to be less than significant as a result of intensified development of the project site. The General Plan EIR evaluates a project that is greater than that of the proposed project.

EXISTING CONDITIONS

The City of Cupertino Recreation and Community Services is responsible for the maintenance of the City's 16 parks, five special use sites, nine school sports fields, and 3 trail corridors.[117] The City of Cupertino has an adopted parkland dedication standard of three acres of parkland for every 1,000 residents. There is a total of approximately 224 acres of parkland in Cupertino, or approximately 3.8 acres per 1,000 residents, based on an existing population of 58,302. The closest neighborhood park is Franco Park approximately 0.5 miles to the west.

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

4.1.1.3 DISCUSSION

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

The proposed project would increase the number of persons and level of activity of the project site; however, no families with children or other permanent residents that are assumed to frequently use the existing neighborhood and regional parks would be introduced as a result of the proposed hotel. Accordingly, the project is not expected to significantly increase the use of any existing neighborhood and

[117] Draft City of Cupertino Parks and Recreation System Master Plan. 2019.

regional parks, or other recreational facilities and no new facilities would be required to meet the demand.

As described above in Section XII, Population and Housing, the estimated 78 employees would likely be residents of Cupertino or the surrounding Bay Area and would not relocate from other locations thereby generating new population to the city. The proposed project would construct a 156-room hotel, which is within the 1,339-hotel-room maximum evaluated in the General Plan EIR and would not directly result in any additional new population growth or employment growth beyond what was accounted for in the General Plan EIR. Because impacts to parks were determined to be less than significant in the General Plan EIR and the proposed project is within the number of hotel rooms evaluated in the General Plan EIR, impacts to parks and recreational services as a result of the proposed project would also be *less than significant*. No mitigation measures would be required. Furthermore, the Transient Occupancy Tax generated from the proposed hotel would support the City's public services funds that are used in part to maintain the City's recreational facilities.

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

As discussed in criterion (a) above, unlike permanent residents in Cupertino, future patrons of the hotel are not expected to use park and recreational facilities, therefore the proposed project would not result in substantial deterioration or cause the need for construction of new built facilities beyond the facilities accounted for in the long-range planning completed for the regional park facilities of the project site. The Transient Occupancy Tax generated from the proposed hotel would also support the City's public services funds that are used in part to maintain the City's recreational facilities. Because impacts to parks were determined to be less than significant in the General Plan EIR and the proposed project is within the number of hotel rooms evaluated in the General Plan EIR, impacts to parks and recreational services as a result of the proposed project would also be *less than significant*. No mitigation measures would be required.

XV. TRANSPORTATION

Would the proposed project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant	No Impact
a) Conflict with a program plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?	❒	❒	■	❒
b) Would the project conflict or be inconsistent with CEQA Guidelines Section 15064.3, subdivision (b)?	❒	❒	■	❒

Would the proposed project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant	No Impact
c) Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	❒	❒	❒	■
d) Result in inadequate emergency access?	❒	❒	❒	■

GENERAL PLAN EIR

As discussed in Chapter 4.13, Transportation and Circulation, of the General Plan EIR, traffic impacts were found to be significant and unavoidable. Implementation of General Plan EIR Mitigation Measure TRAF-1 requires the City to commit to preparing and implementing a Transportation Mitigation Fee Program to guarantee funding for roadway and infrastructure improvements that are necessary to mitigate impacts from future projects based on the then current City standards. General Plan EIR Mitigation Measure TRAF-1, which was previously adopted by the City and incorporated into the General Plan, will be implemented by the City.

METHODOLOGY

The following is based on the Transportation Impact Analysis (TIA) dated June 13, 2019 prepared for the proposed project. The TIA is included in Appendix D, Transportation Impact Analysis, of this Initial Study. The cumulative impacts of the project together with overall General Plan buildout through year 2040 were evaluated as part of the General Plan EIR. Accordingly, this Initial Study evaluates the project's near-term traffic impacts under the Background conditions when compared to Existing conditions.

The TIA was prepared to satisfy the requirements of CEQA and following the guidelines of the City of Cupertino and the Santa Clara Valley Transportation Authority (VTA), the congestion management agency for Santa Clara County. The VTA Congestion Management Program (CMP) TIA Guidelines (last updated in October 2014) are guidelines for assessing the transportation impacts of development projects and identifying whether improvements are needed to adjacent roadways, bike facilities, sidewalks, and transit services affected by the proposed project. The TIA guidelines have been adopted by local agencies within Santa Clara County, and are applied to analyze the regional transportation system. For projects that would generate fewer than 100 net new peak hour vehicle trips, a CMP analysis is not required. Based on trip generation rates recommended by the Institute of Transportation Engineers (ITE) *Trip Generation Manual, 10th Edition* (2017), it is estimated that the proposed project would generate 1,562 net new daily vehicle trips, with 73 net new trips occurring during the AM (morning) peak hour and 87 net new trips occurring during the PM (evening) peak hour. Accordingly, a CMP analysis is not required because the propose project would generate fewer than 100 net new peak hour trips.

Significant Impact Criteria

For the purposes of this Initial Study, the criteria used to determine significant impacts on signalized intersections are based on the City's level of service standards, also referred to as "LOS" when accompanied by a qualitative description of operating conditions ranging from LOS "A", or free-flow conditions with little or no delay, to LOS "F", or jammed conditions with excessive delays. Since the level of service standards for all signalized intersections within the City of Cupertino are more stringent than the CMP level of service standard, a separate CMP intersection analysis according to the CMP methodology was not necessary.

Definition of Significant Intersection Impacts

A project is said to create a significant adverse impact on traffic conditions at a signalized intersection in the city of Cupertino if for either AM or PM peak hour:

1. The level of service at the intersection under background conditions drops below its level of service standard when project traffic is added, or

2. The level of service at the intersection operates below its level of service standard under background conditions, and the addition of project traffic causes both the critical-movement delay at the intersection to increase by four (4) or more seconds *and* the volume-to-capacity ratio (V/C) to increase by one percent (0.01) or more.

An exception to this criterion 2 above applies when the addition of project traffic reduces the amount of average delay for critical movements (i.e., the change in average delay for critical movements is negative). In this case, the threshold of significance is an increase in the critical V/C value by 1 percent (0.01) or more.

Intersection Level of Service

Signalized Study Intersections

The City of Cupertino evaluates level of service at signalized intersections based on the *2000 Highway Capacity Manual* level of service methodology using TRAFFIX software. This method evaluates signalized intersection operations on the basis of average control delay time for all vehicles at the intersection. The correlation between average control delay and level of service at signalized intersections is shown in Table 4-10. The City of Cupertino's level of service standard for signalized intersections is LOS D or better. For the study intersection of De Anza Boulevard and Stevens Creek Boulevard, the level of service standard is LOS E+ or better.

TABLE 4-10 SIGNALIZED INTERSECTION LEVEL OF SERVICE DEFINITIONS BASED ON CONTROL DELAY

Level of Service	Description	Average Control Delay (seconds per vehicle)
A	Signal progression is extremely favorable. Most Vehicles are during the green phase and do not stop at all. Short cycle lengths may also contribute to the very low vehicle delay.	10.0 or less
B+	Operations characterized by good progression and/or short cycle lengths. More vehicles stop than with LOS A, causing higher levels of average vehicle delay.	10.1 to 12.0
B		12.1 to 18.0
B-		18.1 to 20.0
C+	Higher delays may result from fair progression and/or longer cycle lengths. Individual cycle failures may begin to appear at this level. The number of vehicles stopping is significant, though may still pass through the intersection without stopping.	20.1 to 23.0
C		23.1 to 32.0
C-		32.1 to 35.0
D+	The influence of congestion becomes more noticeable. Longer delays may result from some combination of unfavorable signal progression, long cycle lengths, or high volume-to-capacity ratios. Many vehicles stop and individual cycle failures are noticeable.	35.1 to 39.0
D		39.1 to 51.0
D-		51.1 to 55.0
E+	This is considered to be the limit of acceptable delay. These high delay values generally indicate poor signal progression, long cycle lengths, and high volume-to-capacity ratios. Individual cycle failures occur frequently.	55.1 to 60.0
E		60.1 to 75.0
E-		75.1 to 80.0
F	This level of delay is considered unacceptable to most drivers. This condition often occurs with oversaturation, that is, when arrival flow rates exceed the capacity of the intersection. Poor progression and long cycle lengths may also be major contribution causes of such delay levels.	greater than 80.0

Source: Transportation Research Board, 2000 Highway Capacity Manual (Washington, D.C., 2000) page 10 to 16. Santa Clara Valley Transportation Authority Traffic Level of Service Analysis Guidelines (June 2003), Table 2. See Table 1 of the Transportation Impact Analysis prepared for the proposed project by Hexagon Transportation Consultants.

CMP Intersections

The designated level of service methodology for the CMP is also the *2000 Highway Capacity Manual* operations method for signalized intersections, using TRAFFIX. The CMP level of service standard for signalized intersections is LOS E or better. However, the CMP level of service standard for signalized intersections within City of Cupertino for all signalized intersections, including CMP intersections, is LOS D or better. As previously state, the level-of-service standard for the study intersection of De Anza Boulevard and Stevens Creek Boulevard is LOS E+ or better.

Intersection Queuing

The analysis of intersection level of service was supplemented with an analysis of traffic operations for intersections where the project would add a significant number of left turns. The operations analysis is based on vehicle queuing for high demand left-turn movements at intersections. Vehicle queues were estimated using a Poisson probability distribution, which estimates the probability of the number of vehicles for a vehicle movement to determine the average number of vehicles in the queue per lane. The basis of the analysis is as follows: (1) the Poisson probability distribution is used to estimate the 95th

percentile maximum number of queued vehicles per signal cycle for a particular movement; (2) the estimated maximum number of vehicles in the queue is translated into a queue length, assuming 25 feet per vehicle; and (3) the estimated maximum queue length is compared to the existing or planned available storage capacity for the movement. This analysis thus provides a basis for estimating future turn pocket storage requirements at signalized intersections.

The 95th percentile queue length value indicates that during the peak hour, a queue of this length or less would occur on 95 percent of the signal cycles. Or, a queue length longer than the 95th percentile queue would only occur on 5 percent of the signal cycles (about 3 cycles during the peak hour for a signal with a 60-second cycle length). Therefore, left-turn storage pocket designs based on the 95th percentile queue length would ensure that storage space would be exceeded only 5 percent of the time. The 95th percentile queue length is also known as the "design queue length."

EXISTING WITHOUT PROJECT CONDITIONS

The existing conditions without the proposed project for intersections, pedestrian and bicycle facilities, as well as transit services are discussed below.

Existing without Project Intersection Operations

The results of the intersection level-of-service analysis show that all but one of the study intersections currently operate at LOS D or better during both the AM and PM peak hours of traffic. Therefore, all the study intersections are currently operating at acceptable levels of service. The results of the level-of-service analysis for Existing without Project Conditions are presented in Table 4-11.

TABLE 4-11 EXISTING WITHOUT PROJECT INTERSECTION LEVEL OF SERVICE

ID #	Intersection	Jurisdiction/ CMP[a]	LOS Threshold	Peak Hour[b]	Delay	LOS
1	North De Anza Boulevard / Homestead Road	Cupertino (CMP)	D	AM	37.2	D+
				PM	38.7	D+
2	North De Anza Boulevard /I-280 North Ramps	Cupertino (CMP)	D	AM	21.9	C+
				PM	35.5	D+
3	North De Anza Boulevard / I-280 South Ramps	Cupertino (CMP)	C	AM	22.4	C+
				PM	21.4	C+
4	North De Anza Boulevard /Mariani Avenue	Cupertino	D	AM	37.4	D+
				PM	39.0	D+
5	North De Anza Boulevard /Stevens Creek Boulevard	Cupertino (CMP)	E+	AM	35.5	D+
				PM	43.7	D

Notes: All of the study intersections are signalized.
a. Intersection jurisdiction and identification of CMP (Congestion Management Program) intersections.
b. AM = morning peak hour, PM = evening peak hour.
Source: See Table 3 of the Transportation Impact Analysis prepared for the proposed project by Hexagon Transportation Consultants, June 2019.

Existing without Project Pedestrian, Bicycle, and Transit Facilities

Pedestrian Facilities

Pedestrian facilities consist of sidewalks, crosswalks, and pedestrian signals at signalized intersections. In the vicinity of the project site, sidewalks exist along both sides of North De Anza Boulevard and Homestead Road, providing pedestrian access to and from the project site. The project site can be accessed via the parking lot of the adjacent Homestead Square Shopping Center. Marked crosswalks with pedestrian signal heads and push buttons are provided on all approaches of the signalized study intersections, except the south leg of the North De Anza Boulevard /I-280 northbound ramps intersection and the north leg of the North De Anza Boulevard /I-280 southbound ramps intersection.

Although some crosswalk connections are missing, the overall network of sidewalks and crosswalks in the study area has adequate connectivity and provides pedestrians with safe routes to transit services and other points of interest in the vicinity of the project site.

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

Bicycle Facilities

The bicycle facilities in the study area are Class II bicycle lanes. Class II Bikeways (Bike Lanes) are lanes for bicyclists generally adjacent to the outer vehicle travel lanes. These lanes have special lane markings, pavement legends, and signage. Bicycle lanes are generally 5 feet wide. Adjacent vehicle parking and vehicle/pedestrian crossflow are permitted. Bike lanes in the area include the following:

- North-south bicycle connections in the study area include striped bike lanes along North De Anza Boulevard between Stevens Creek Boulevard and Homestead Road, where they continue into Sunnyvale.
- East-west bicycle connections in the study area consist of striped bike lanes along Homestead Road between Lafayette Street and Foothill Expressway, Mariani Avenue east of North De Anza Road, and Stevens Creek Boulevard between Lawrence Expressway and California Oak Way.

In 2016, the City of Cupertino adopted its *Bicycle Transportation Master Plan* (Bike Plan), which is a citywide plan to encourage bicycling as a safe, practical and healthy alternative to the use of the family car. The Bike Plan illustrates Cupertino's current bicycle network, identifies gaps in the network, and

proposes improvement projects to address the identified gaps.[118] The Bike Plan includes standards for engineering, encouragement, education, and enforcement intended to improve the bicycle infrastructure in the city to enable people to bike to work and school, to utilize a bicycle to run errands, and to enjoy the health and environmental benefits that bicycling provides cyclists of every age.

The VTA adopted the Santa Clara Countywide Bicycle Plan (CBP). The CBP guides the development of major bicycle facilities in the County by identifying Cross County Bicycle Corridors and other bicycle projects of countywide or intercity significance. There are no Cross-County Bicycle Corridors in the project vicinity.

Public Transportation Facilities

Transit Service

Nearby transit services are described below, and Table 4-12 summarizes the destinations, closest stop to the project site, hours/days of operation, and service frequencies for transit services within walking distance.

TABLE 4-12 EXISTING TRANSIT SERVICE

				Weekdays	
Routes	From	To	Distance to Nearest Stop	Operating Hours[a]	Peak Headway[b]
VTA Local Bus Routes					
55	De Anza College	Great America Parkway	0.10 miles (500 feet)	5:38 am to 10:54 pm	15 to 35 minutes depending on the stop and direction
81	Moffett Field/Ames Center	San Jose State University	0.10 miles (500 feet)	6:06 am to 9:04 pm	25 to 35 minutes depending on the stop and direction

Notes: AM = morning commuter period; PM = evening commute period; VTA = Santa Clara Valley Transportation Authority
a. Operating hours consider earliest and latest stop at each bus lines closest stop to the project site.
b. Headways are defined as the time interval between two transit vehicles traveling in the same direction over the same route.
Source: Transportation Impact Analysis, Hexagon Transportation Consultants, Inc. June 2019.

[118] City of Cupertino, 2016 Bicycle Transportation Plan, Figure 3-7: Bikeway projects.

Commuter Rail Service

Caltrain is a commuter heavy rail service that runs from downtown San Francisco (4th and King Streets) to downtown San Jose (Diridon Station), with a limited number of commute period trains running farther south to Gilroy. During commute periods, Caltrain offers express service ("Baby Bullet") between downtown San Jose and San Francisco. Currently, Baby Bullet service is provided both in the northbound and southbound directions during the morning and evening commute periods at the Mountain View Caltrain station. Baby Bullet trains serve the Sunnyvale Caltrain station in the northbound direction during the morning peak and in the southbound direction during the evening peak.

The nearest station to the project site is the Lawrence Station, which is located on Lawrence Expressway approximately 4 miles northwest of the project site. During the weekdays, service in the northbound direction begins at 4:40 a.m. and ends at 10:40 p.m. In the southbound direction, service at this station begins at 6:14 a.m. and ends at 1:20 a.m. During the weekends, northbound service begins at 7:10 a.m. and ends at 10:40 p.m. Southbound service begins at 9:40 a.m. and ends at 1:26 a.m. For passengers arriving by bicycle, there are 18 bike racks and 24 bicycle lockers. Vehicle parking at this location includes 122 parking spaces.

BACKGROUND WITHOUT PROJECT CONDITIONS

This section describes the background traffic conditions without the proposed project. The background traffic conditions are defined as conditions just prior to completion of the proposed project. Traffic volumes for background conditions comprise volumes from existing traffic volumes plus traffic generated by other approved developments in the vicinity of the site. The transportation network under background conditions would be the same as the existing transportation network because there are no planned and funded transportation improvements at the study intersections. Background peak hour traffic volumes were estimated by adding to existing traffic volumes the trips generated by nearby approved but not yet completed or occupied projects in the cities of Cupertino and Sunnyvale. Trip generation estimates for the approved projects were based on their respective traffic studies, if available, and on Institute of Transportation Engineers (ITE) trip rates.

Background without Project Intersection Operations

As shown in Table 4-13, the results of the level-of-service analysis show that most of the study intersections would continue to operate at LOS D or better during both the AM and PM peak hours of traffic under Background without Project conditions. The intersection level-of-service calculation sheets are provided in Appendix D of the TIA, which is included in Appendix D of this Initial Study.

TABLE 4-13 BACKGROUND WITHOUT PROJECT INTERSECTION LEVEL OF SERVICE RESULTS

ID #	Intersection	Jurisdiction/ CMP[a]	LOS Threshold	Peak Hour[b]	Existing Conditions		Background Conditions	
					Delay	LOS	Delay	LOS
1	North De Anza Boulevard / Homestead Road	Cupertino (CMP)	D	AM	37.2	D+	37.8	D+
				PM	38.7	D+	39.5	D
2	North De Anza Boulevard /I-280 North Ramps	Cupertino (CMP)	D	AM	21.9	C+	21.9	C+
				PM	35.5	D+	36.1	D+
3	North De Anza Boulevard / I-280 South Ramps	Cupertino (CMP)	C	AM	22.4	C+	23.0	C+
				PM	21.4	C+	21.7	C+
4	North De Anza Boulevard /Mariani Avenue	Cupertino	D	AM	37.4	D+	37.4	D+
				PM	39.0	D+	39.0	D
5	North De Anza Boulevard /Stevens Creek Boulevard	Cupertino (CMP)	E+	AM	35.5	D+	35.9	D+
				PM	43.7	D	44.6	D

Notes: All of the study intersections are signalized.
a. Intersection jurisdiction and identification of CMP (Congestion Management Program) intersections.
b. AM = morning peak hour, PM = evening peak hour.
Source: See Table 4 of the Transportation Impact Analysis prepared for the proposed project by Hexagon Transportation Consultants, Inc., June 2019.

DISCUSSION

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

Roadways

After applying the ITE trip rates for hotels, appropriate trip reductions for being within walking distance of services at Homestead Square Shopping Center and implementation of a Transportation Demand Management (TDM) program with dedicated shuttle provisions as well as trip credits for the existing uses (Goodyear Tire), the proposed hotel project would generate 1,562 net new daily vehicle trips, with 73 new trips occurring during the AM peak hour and 87 new trips occurring during the PM peak hour. Using the inbound/outbound splits contained in the ITE *Trip Generation Manual*, the project would produce 42 new inbound and 31 new outbound trips during the AM peak hour, and 44 new inbound and 43 new outbound trips during the PM peak hour. A summary of the project's trip generation is shown in Table 4-14 below.

Project trips were assigned to the roadway network based on the estimated trip distribution patterns presented in Figure 8 of the TIA. The net project trip assignment at the study intersections is shown on Figure 9 of the TIA.

The impact criteria presented below focuses on roadway system operations and its effects on users, including drivers, pedestrians, bicyclists, transit passengers, and first responders in emergency access vehicles.

TABLE 4-14 PROJECT TRIP GENERATION ESTIMATES

	Daily		AM Peak Hour				PM Peak Hour			
Land Use	Rate	Trips	Rate	In	Out	Total	Rate	In	Out	Total
Proposed Uses										
Hotel with 156 rooms[a]	12.23	1,908	0.62	56	41	97	0.73	56	58	114
Hotel and Retail Internal Mixed-Use Reduction (10%)[b]		-191		-6	-4	-10		-6	-5	-11
TDM Reduction for Shuttle Program (3%)[c]		-57		-2	-1	-3		-2	-2	-4
Subtotal		*1,660*		*48*	*36*	*84*		*48*	*51*	*99*
Existing Uses										
Goodyear Tire (8,323 square feet)[c]		-98								
Net Project Trips		**1,562**		**42**	**31**	**73**		**44**	**43**	**87**

Notes: TDM = Transportation Demand Management
a. Trip generation based on average trip rates for Hotel (land use 310, Occupied Rooms) published in ITE's Trip Generation Manual, 10th Edition, 2017.
b. Trip reduction based on Standard Auto Trip Reduction Rates published in VTA's *Transportation Impact Analysis Guidelines,* 2014.
c. Trip credits base on PM peak hour count conducted on July 11, 2018. Daily trips are estimated based on the ratio of daily to total AM and PM peak hour trip rates for Tire Store (ITE Land Use 848).
Source: See Table 5 of the Transportation Impact Analysis prepared for the proposed project by Hexagon Transportation Consultants, Inc., June 2019.

The following analysis was performed to evaluate traffic conditions during the weekday morning (AM) and weekday evening (PM) peak hours for the following scenarios:

- *Existing Plus Project Conditions.* In addition to the Existing Without Project conditions discussed previously, the Existing Plus Project conditions were evaluated by adding traffic from the proposed project.
- *Background Plus Project Conditions.* In addition to the Background Without Project conditions discussed previously, the Background Plus Project conditions were evaluated by adding traffic from the other approved developments in the vicinity of the site.

Existing plus Project Conditions

Intersection levels of service were calculated with the new traffic added by the project to evaluate the operating conditions of the intersections and identify potential impacts to the roadway system. The results of the intersection level-of-service calculations for Existing plus Project conditions are presented in Table 4-15.

TABLE 4-15 EXISTING PLUS PROJECT INTERSECTION LEVEL OF SERVICE RESULTS

					Existing without Project		Existing plus Project			
ID	Intersection	Jurisdiction/ CMP	LOS Threshold[a]	Peak Hour[b]	Delay	LOS	Delay	LOS	Increment in Critical Delay	Increment in Critical V/C
1	North De Anza Boulevard/ Homestead Road	Cupertino (CMP)	D	AM	37.2	D+	37.5	D+	0.0	0.001
				PM	338.7	D+	39.3	D	1.3	0.010
2	North De Anza Boulevard/ I-280 North Ramps	Cupertino (CMP)	D	AM	21.9	C+	21.8	C+	0.0	0.004
				PM	35.5	D+	36.0	D+	1.1	0.008
3	North De Anza Boulevard/ I-280 South Ramps	Cupertino (CMP)	C	AM	22.4	C+	22.7	C+	0.5	0.007
				PM	21.4	C+	22.0	C+	1.4	0.012
4	North De Anza Boulevard/ Mariani Avenue	Cupertino	D	AM	37.4	D+	37.4	D+	0.0	0.001
				PM	39.0	D+	38.9	D+	0.0	0.001
5	North De Anza Boulevard/ Stevens Creek Boulevard	Cupertino (CMP)	E+	AM	35.5	D+	35.6	D+	0.1	0.003
				PM	43.7	D	43.7	D	0.2	0.001

a. LOS Threshold is the lowest acceptable LOS (the threshold between acceptable and unacceptable level of service).
b. AM = morning peak hour, PM = evening peak hour.
Source: See Table 6 of the Transportation Impact Analysis prepared for the proposed project by Hexagon Transportation Consultants, Inc., June 2019.

As shown on Table 4-15 the level-of-service analysis show that all the study intersections would operate at an acceptable LOS D during both the AM and PM peak hours of traffic if the proposed project were completed and operating today. However, because it would take approximately 2 years to complete the construction of the project and begin operating the hotel, the proposed project would not have any effect on the existing conditions. For this reason, impact conclusions are not drawn from the Existing plus Project scenario. The criteria that define a significant project impact at a signalized intersection in the city of Cupertino are based on comparing Background plus Project conditions to Background without Project conditions that would be in effect at the time the proposed project would operating, which is discussed below.

Background plus Project Conditions

The level-of-service analysis results from the Background plus Project conditions are summarized in Table 4-16.

TABLE 4-16 BACKGROUND PLUS PROJECT INTERSECTION LEVEL OF SERVICE RESULTS

					Background without Project Conditions		Background plus Project Conditions			
ID #	Intersection	Jurisdiction/ CMP	LOS Threshold[a]	Peak Hour[b]	Delay	LOS	Delay	LOS	Increment in Critical Delay	Increment in Critical V/C
1	North De Anza Boulevard / Homestead Road	Cupertino (CMP)	D	AM	37.8	D+	38.2	D+	0.0	0.001
				PM	39.5	D	40.2	D	1.4	0.010
2	North De Anza Boulevard /I-280 North Ramps	Cupertino (CMP)	D	AM	21.9	C+	21.8	C+	0.0	0.004
				PM	36.1	D+	36.6	D+	1.2	0.008
3	North De Anza Boulevard / I-280 South Ramps	Cupertino (CMP)	C	AM	23.0	C+	23.3	C	0.5	0.007
				PM	21.7	C+	22.2	C+	1.5	0.012
4	North De Anza Boulevard /Mariani Avenue	Cupertino	D	AM	37.4	D+	37.4	D+	0.0	0.001
				PM	39.0	D	39.0	D+	0.0	0.001
5	North De Anza Boulevard /Stevens Creek Boulevard	Cupertino (CMP)	E+	AM	35.9	D+	35.9	D+	0.1	0.003
				PM	44.6	D	44.6	D	0.0	0.001

Notes: All of the study intersections are signalized.
a. LOS Threshold is the lowest acceptable LOS (the threshold between acceptable and unacceptable level of service).
b. AM = morning peak hour, PM = evening peak hour.
Source: See Table 7 of the Transportation Impact Analysis prepared for the proposed project by Hexagon Transportation Consultants, Inc., June 2019.

The results presented in Table 4-16 show that all of the study intersections would continue to operate at an acceptable LOS D or better for all intersections during both the AM and PM peak hours of traffic under Background plus Project conditions. The proposed project would not cause the critical-movement delay at a CMP intersection to increase by 4 or more seconds and the V/C to increase by 1 percent (0.01) or more compared to Background plus Project conditions. Therefore, the project's impact at all intersections is considered *less than significant*.

Construction Traffic

Demolition and construction would take place over a 2-year period, which is anticipated to begin in August 2020 and end in 2022, subject to regulatory approval. During this period, the project would generate changes to the existing transportation conditions. New traffic would be generated by construction employees and construction activities, including haul trucks. Construction traffic is temporary and would generate fewer trips than the projected trips during project operation. As discussed above, the project would not result in a significant impact at any study intersection.

Pedestrian Facilities

The project is expected to increase the number of pedestrians using the existing sidewalks and crosswalks in the area. The project site and surrounding uses would continue to use the existing sidewalks along both sides of North De Anza Boulevard and Homestead Road. Pedestrian access via the parking lot of the adjacent Homestead Square Shopping Center would not be interrupted. The project would construct new

sidewalks along the north and south sides of the hotel building, connecting to the existing sidewalk along North De Anza Boulevard. The site plan shows the existing sidewalk along North De Anza Boulevard to remain 5 feet wide. The newly constructed sidewalks around the building would measure between approximately 5 feet wide and 10 feet wide. The overall network of sidewalks and crosswalks in the study area has adequate connectivity and provides pedestrians with safe routes to transit services and other points of interest in the vicinity of the project site. The project would not eliminate or impede any existing pedestrian facilities, nor would it conflict with any of the goals and policies in the City's Pedestrian Plan.

Bicycle Facilities

There are existing bicycle facilities in the immediate vicinity of the project site. There are also planned bicycle facilities in the study area, including buffered bike lanes along Homestead Road and North De Anza Boulevard. The project would not remove any bicycle facilities, nor would it conflict with any adopted plans or policies for new bicycle facilities. The vehicular access to the project site would remain similar to the existing conditions and would not eliminate or impede the existing bicycle facilities.

The proposed project would provide Class 1 bicycle parking spaces (bicycle lockers or secure rooms) in the subterranean parking levels. Class 2 bicycle parking spaces (publicly accessible bicycle racks) would be available for guests and employees near the main entrance. Therefore, the proposed project would not obstruct or hinder the implementation of the City's Bike Plan and would support the use of bicycling by providing adequate bike facilities for guests and employees.

Transit

The project site is served by existing VTA bus routes. The closest bus stops are located within a two-minute walk (about 500 feet) to and from the project site, providing access to local bus routes 55 and 81. The VTA has not established policies or significance criteria related to transit vehicle delay. The new transit trips generated by the project are not expected to create demand in excess of the transit service that is currently provided.

In summary, the proposed project would not exceed the City's level-of-service standards for vehicular transportation, and there would be adequate availability of alternative modes of travel including pedestrian, bicycle, and transit in the project area. The proposed project would not displace modify or interfere with any transit stop, sidewalk, or bicycle lanes. In addition, the project would not generate a demand for transit that would exceed the capacity of the system. Therefore, the project would not conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities. Accordingly, impacts would be *less than significant*.

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

CEQA Guidelines Section 15064.3 was added to the updated CEQA Guidelines on December 28, 2018. Section 15064.3 describes specific considerations for evaluating a project's transportation impacts. As

stated in Section 15064.3(a), vehicle-miles traveled or VMT is the most appropriate measure of transportation impacts evaluated pursuant to Section 15064.3(b).

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

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

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

While the updated CEQA Guidelines were approved on December 28, 2018, cities and other agencies have an opt-in period until July 1, 2020 when CEQA VMT analysis becomes mandatory Statewide. At that time, impacts on auto delay or level of service, as described in criterion (a), will no longer be considered a significant impact under CEQA.

As discussed in the General Plan EIR, the VMT per capita is projected to increase from 10.5 to 10.9 under General Plan buildout conditions. The proposed project would construct a 156-room hotel, which is consistent with the land use evaluated in the General Plan EIR and would not directly result in any additional new population growth or employment growth beyond what was accounted for in the General Plan EIR. Accordingly, implementation of the project would be consistent with and would have no effect on the VMT estimates presented in the General Plan EIR.

For the reasons describe above, the proposed project would not conflict or be inconsistent with CEQA Guidelines Section 15064.3(b) and impacts would be *less than significant*.

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

Driveway Design

As shown on Figure 3-4 in Chapter 3 of this Initial Study, vehicular and bicycle access to the project site would be provided from two limited-access (right-turn only) driveways located on North De Anza Boulevard: one located at the northern end of the project site and one located at the southern end of the project site. Both driveways would provide access to the passenger drop-off/pick-up area adjacent to the

hotel lobby entrance on the south side of the proposed hotel, as well as to the underground parking garage. Both project driveways would also continue to serve the existing Homestead Square Shopping Center. The driveway widths would be 30 feet wide at the south access point, a reduction from the existing 34-foot driveway, and 32 feet and 4 inches wide at the north access point, a reduction from the existing 40-foot driveway. As proposed, both driveways would adequately serve two-way traffic as intended and are consistent with the CG-rg zoning district which requires driveways to be wide enough to accommodate the width of three cars (e.g., 30 feet wide).

The project-generated trips that are estimated to use the two driveways are a combined 48 inbound and 36 outbound trips during the AM peak hour, and 48 inbound and 51 outbound trips during the PM peak hour. Although North De Anza Boulevard has high traffic volumes in the southbound direction, based on observed traffic conditions, outbound vehicle queues should rarely exceed 2 or 3 vehicles in length during the peak hours, and no queuing issues are expected to occur.

North De Anza Boulevard has a raised median between Homestead Road and the I-280 northbound ramps. The project driveways would provide limited access, allowing only inbound and outbound right turns to and from North De Anza Boulevard. Consequently, outbound vehicles seeking to travel north on North De Anza Boulevard must make a U-turn at the I-280 southbound ramps, while inbound vehicles approaching from the south must make a U-turn at Homestead Road to access the project driveways. Based on the project trip distribution pattern, it is estimated that 12 vehicles during the AM peak hour and 17 vehicles during the PM peak hour would be making a U-turn at the I-280 southbound ramps, while 26 vehicles during the AM peak hour and 25 vehicles during the PM peak hour would be making a U-turn at Homestead Road.

Sight Distance

There are some existing trees along the project frontage on North De Anza Boulevard; however, the trees do not conflict with a driver's ability to locate gaps in traffic given their high canopies. The project driveways are free and clear of visual obstructions, thereby ensuring exiting vehicles can see pedestrians on the sidewalks and vehicles and bicycles traveling on North De Anza Boulevard. Any proposed additional landscaping and/or signage would be required to be located in such a way to ensure an unobstructed view for drivers exiting the site.

Adequate sight distance (sight distance triangles) should be provided at the driveways on De Anza Boulevard providing access to the project site in accordance with Caltrans standards, as described in the Highway Design Manual (July 2, 2018). Sight distance triangles should be measured approximately 10 feet back from the traveled way. Providing the appropriate sight distance reduces the likelihood of a collision at an intersection or driveway and provides drivers with the ability to locate sufficient gaps in traffic. The minimum acceptable sight distance is often considered the Caltrans stopping sight distance. Sight distance requirements vary depending on the roadway speeds. Given that De Anza Boulevard has a posted speed limit of 40 miles per hour (mph), the Caltrans stopping sight distance is 360 feet (based on a design speed of 45 mph). Thus, a driver must be able to see 360 feet in both directions along De Anza Boulevard in

order to stop and avoid a collision. Based on existing observations and the project site plan, both driveways on De Anza Boulevard meet the Caltrans stopping sight distance standard.

Queuing Analysis

An analysis of the left-turn pocket queuing and storage lengths for the southbound left-turn movement at the North De Anza Boulevard/I-280 southbound ramps intersection and the northbound left-turn movement at the North De Anza Boulevard/Homestead Road intersection was prepared in the TIA for the proposed project.

At the North De Anza Boulevard/Homestead Road intersection, the storage pockets for the westbound left-turn movement consists of two lanes, one approximately 225 feet and the other 425 feet in length, for a total capacity of approximately 650 feet. For analysis purposes, this was averaged to 325 feet per lane, which equates to an available storage of 13 vehicles per lane. The queuing analysis indicates that adequate vehicle storage capacity currently exists to accommodate the 95th percentile vehicle queues that occur during the AM and PM peak hours of traffic. The additional traffic from approved projects in the area is estimated to increase the 95th percentile queue to 350 feet per lane, or 14 vehicles per lane, during the AM peak hour. Thus, the estimated queue length would exceed the available storage by one vehicle per lane under background conditions during the AM peak hour. The addition of project traffic would not increase the 95th percentile vehicle queue during either the AM or PM peak hours. Because the project would only add a small amount of traffic to the westbound left-turn movement at the North De Anza Boulevard/Homestead Road intersection and would have no effect on the queue length of this turn movement, the project is expected to have a minimal effect on traffic operations at this location.

Truck Access and Circulation

Truck activities (e.g., deliveries and garbage collection) for the project are not expected to occur within the garage due to height and access limitations. The majority of loading and unloading is expected to occur within the proposed freight loading zone at the northwest corner of the hotel building adjacent to the north elevator. The designated loading zone is shown to be 40 feet long by 9 feet wide and would be adequate to serve the hotel. Small delivery vehicles could also access the porte-cochere to make hotel office deliveries.

The project plans show the trash room would be located at the northwest corner of the hotel building. Garbage collection activities would occur on-site at this location outside the building. It is assumed that garbage trucks could enter the site from either project driveway on De Anza Boulevard. On-site garbage collection activities would involve rolling the trash bins out of the trash enclosure, collecting the waste material, and returning the bins to the enclosure. Since the bins would be stored in outside trash enclosures, adequate overhead clearance would be available to empty the dumpsters over the truck.

The project site plan was reviewed for truck access using truck turning-movement templates for a SU-30 (single-unit) truck type, which represents small- to medium-sized emergency vehicles, garbage trucks,

delivery trucks and moving trucks. Based on the current site plan configuration, SU-30 trucks would have adequate access at both project driveways. As proposed, the 30-foot wide southern project driveway would provide adequate space for trucks (including emergency vehicles) to enter the driveway and vehicles to exit the driveway simultaneously. Figure 16 in the TIA shows the anticipated clockwise truck circulation pattern based on the proposed site layout. On-site truck circulation would be adequate.

Bike and Pedestrian On-site Circulation

The site plan shows adequate pedestrian circulation throughout the site, as well as between the site and the surrounding pedestrian facilities. The project would construct a continuous sidewalk around the perimeter of the hotel building, except along the west side of the hotel building where landscaping is being proposed. Project plans also show pedestrian access between the parking structure and the on-site uses would be provided via elevators and a stairway on each parking level. The elevators would be centrally located, as well as situated along the north end of the building/garage. The stairways would be located adjacent to the north elevator and in the southwest corner of the building, providing direct access to either the hotel's main lobby or to an exit corridor.

Class 2 (publicly accessible bicycle racks) bicycle parking spaces would be located adjacent to the main hotel drive aisle at the southwest corner of the building. This would allow bicyclists to enter/leave the project site using the project driveways and connect to the bike lanes on North De Anza Boulevard. Providing convenient bike parking will help create a pedestrian- and bicycle-friendly environment and encourage bicycling by guests and employees. In addition, the inclusion of convenient bike parking complements the bicycle facilities in the vicinity of the project site.

The proposed hotel would be compatible with the surrounding commercial land uses and would not result in a design that would substantially increase hazards in the area. Accordingly, impacts would be *less than significant*.

d) Would the project result in inadequate emergency access?

Access to the proposed project would generally be the same as under existing conditions. As described in criterion (c) above, no hazardous driving conditions due to a design feature would occur. Emergency vehicles would continue to access the site in much the same way as it is accessed today. While the SCCFD and City of Cupertino Building Division would coordinate the review of building permits for precise final measurements, the preliminary plans have been designed to meet the turning radius requirements for emergency vehicles. Project plans include approved fire and emergency access through all phases of construction and operation. Compliance with the provisions of the Cupertino Fire Code and Cupertino Building Code would ensure that adequate access would be provided. Therefore, the proposed project would not result in inadequate emergency access, *no impacts* would occur, and no mitigation measures would be required.

XVI. TRIBAL CULTURAL RESOURCES

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

GENERAL PLAN EIR

As described above in Section VI, Cultural Resources, the General Plan EIR addressed impacts to cultural resources associated with intensified development of the project site and impacts were less than significant. The cultural resources study prepared for the General Plan EIR consists of archival research at the Northwest Information Center at Sonoma State University, examination of the library and files, field inspection, and contact with the Native American community. The cultural resources study addressed impacts associated with archeological resources, including those of Native Americans. As shown in Table 4.4-2, *Cultural Resources in the Project Study Area and Vicinity*, and on Figure 4.4-1, *Cultural Resources*, of the General Plan EIR, there are no identified cultural resources including those affiliated with Native Americans are present on the project site.

EXISTING CONDITIONS

Assembly Bill (AB) 52 amended CEQA to add standards of significance that relate to Native American consultation and added "tribal cultural resources" to the specific cultural resources protected under CEQA.[119] AB 52 requires the CEQA lead agency to begin consultation with any California Native American

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

Tribe that is traditionally and culturally affiliated with the geographic area of a proposed project if the Tribe requests in writing, to be informed by the lead agency through formal notification of the proposed projects in the area. The consultation is required before the determination of whether a negative declaration, mitigated negative declaration, or EIR is required. In addition, AB 52 includes time limits for certain responses regarding consultation. Pursuant to CEQA Section 21084.3 public agencies shall, when feasible, avoid damaging effects to any tribal cultural resources. Information shared by tribes as a result of AB 52 consultation shall be documented in a confidential file, as necessary, and made part of a lead agency's administrative record. The City of Cupertino has not received a request from any Tribes in the geographic area with which it is traditionally and culturally affiliated with or otherwise to be notified about projects in the city.

CEQA Section 21074.3(a) defines a tribal cultural resource as a site, feature, place, cultural landscape that is geographically defined in terms of size and scope, sacred place, and object with cultural value to a California Native American tribe that are either included or eligible for inclusion in the California Register of Historic Resources or included a local register of historical resources, or if the City, acting as the lead agency, supported by substantial evidence, chooses at its discretion to treat the resource as a tribal cultural resource.

DISCUSSION

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

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

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

The discussion in Section VI, Cultural Resources, is applicable to impacts to tribal cultural resources. As discussed under criteria (b) and (c) in Section IV, no known archeological resources, ethnographic sites or Native American remains are located on the project site. As discussed in Section VI, Cultural Resources under criterion (b), above, implementation of Mitigation Measure CULT-1 would reduce impacts to unknown archaeological deposits, including tribal cultural resources, to a less-than-significant level. As discussed in Section VI, Cultural Resources under criterion (c), above, compliance with State and federal regulations would reduce the likelihood of disturbing or discovering human remains, including those of Native Americans, that may be discovered during project ground-disturbing activities. Therefore, implementation of Mitigation Measure CULT-1 and compliance with State and federal regulations related

to the protection of human remains would reduce impacts to tribal cultural resources to a *less-than-significant* level.

Impact TRC-1: The proposed project could cause a substantial adverse impact to an unknown Tribal Cultural Resource.

Mitigation Measure TCR-1: Implement Mitigation Measure CULT-1.

XVII. UTILITIES AND SERVICE SYSTEMS

Would the proposed project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant	No Impact
a) Require or result in the relocation or construction of new or expanded water, wastewater treatment or stormwater drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?	❒	❒	■	❒
b) Have insufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?	❒	❒	■	❒
c) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	❒	❒	■	❒
d) Generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?				
e) Comply with federal, State, and local management and reduction statutes and regulations related to solid waste?	❒	❒	■	❒

GENERAL PLAN EIR

Chapter 4.14, Utilities and Services Systems, of the General Plan EIR, includes an analysis of impacts related to water supply, wastewater, and solid waste. Impacts were found to be less than significant and less than significant with mitigation. The City is required to implement General Plan Mitigation Measures UTIL-6a through UTIL-6c, and UTIL-8 to ensure impacts related to wastewater and solid waste are less than significant. General Plan Mitigation Measures UTIL-6a through UTIL-6c require the City to work with the Cupertino Sanitary District (CSD) to increase the available citywide treatment and transmission capacity, identify appropriate and current wastewater generation rates that are approved by CSD and establish a monitoring and tracking system for wastewater generation to better understand the City's need for potential capacity upgrades from CSD. General Plan Mitigation Measure UTIL-8 requires the City to continue current recycling and zero-waste practices, monitor solid waste generation and seek new landfill sites to replace the Altamont and Newby Island landfills, at such time that these landfills are

closed. These mitigation measures, which were previously adopted by the City and incorporated into the General Plan, will be implemented by the City.

EXISTING CONDITIONS

The existing conditions for each of the utility providers listed below:

- The Santa Clara Valley Water District (SCVWD) is the primary water resources agency for Santa Clara County. The project site is located within the California Water Service (Cal Water) Los Altos Suburban District (LASD) service area, and Cal Water would supply water for the project. Water supply for the LASD is a combination of groundwater from wells in the LASD and treated water purchased from SCVWD.
- Cupertino Sanitary District (CSD) provides sanitary sewer services for the project site. Wastewater would be treated at the San Jose/Santa Clara Water Pollution Control Plant (SJ/SCWPCP).
- Recology South Bay (Recology) would provide curbside recycling, garbage, and compost and yard waste service to the residents of the project. The City has a contract with Newby Island Sanitary Landfill until 2023, which, according to CalRecycle, had a remaining capacity of 21,200,000 cubic yards and daily disposal capacity is 4,000 tons per day as of October 31, 2014.[120]
- Gas and electricity would be supplied to the project site by Pacific Gas & Electric (PG&E).
- Telephone service would be provided by AT&T and other providers. Cable television service would be available from a number of providers, including Comcast.

DISCUSSION

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

Wastewater Treatment Facilities

The CSD sewer collection system directs wastewater to the SJ/SCWPCP, which is jointly owned by the cities of San José and Santa Clara. Municipal storm water discharges in the City of Cupertino are subject to the Waste Discharge Requirements of the new Municipal Regional Permit (MRP; Order Number R2-2015-0049) and NPDES Permit Number CAS612008, which became effective on January 1, 2016. The MRP currently allows dry weather discharges of up to 167 million gallons per day (mgd) with full tertiary treatment, and wet weather discharges of up to 271 mgd with full tertiary treatment. As discussed below in criterion (c), future demands from the proposed project would not exceed the design or permitted capacity of the SJ/SCWPCP that serves the project site. Future water treatment demand was assessed in

[120] Calrecycle website, http://www.calrecycle.ca.gov/SWFacilities/Directory/43-AN-0003/Detail/, accessed March 1, 2019.

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.*

Stormwater Drainage

As previously discussed in Section IX, Hydrology and Water Quality, the proposed project does not exceed the capacity of stormwater drainage system that serves the project site. All new development that, like the proposed project, creates or replaces 10,000 square feet or more of impervious surface would be subject to Provision C.3 guidelines for stormwater control. Through C.3 compliance, the proposed project would involve actions to minimize runoff from the project site as described in Section IX, Hydrology and Water Quality, above. Additionally, the project would comply with CMC Chapter 9.18 described above in Section 3.1.4.2, Zoning, which is intended to provide regulations and give legal effect to certain requirements of the NPDES permit issued to the City.

The project site is located in an area where the storm drains are deficient in conveying the water from a 10-year storm based on the 2018 Storm Drain Master Plan. The lines on Homestead Road, from Sunnyvale East Channel to De Anza Boulevard are currently under capacity and designated as low priority for replacement.[121] However, the proposed project would not exacerbate this existing condition. The proposed project would provide several bioretention water treatment areas, raised planters and drainage management areas throughout the project site. These would collect runoff from roof areas, parking lots, sidewalks and streets for treatment and flow control prior to discharge into the internal storm drain system, which connects to the City's storm drain system in North De Anza Boulevard. When combined, the on-site water treatment areas would meet the required treatment areas of 1,997 square feet. Consequently, the proposed project would not require the expansion of existing stormwater facilities or the construction of new facilities, the construction of which could otherwise have significant impacts. Therefore, impacts would be *less than significant,* and no mitigation measures would be required.

Other Utility Facilities

Other utility facilities that serve the project site include electric power, natural gas, and telecommunications facilities. Pacific Gas & Electric (PG&E) would supply natural gas and electricity to the project site. AT&T and other providers would provide telephone service. Cable television service would be available from a number of providers, including Comcast. 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, which was accounted for in the General Plan EIR. The project would include appropriate on-site infrastructure to connect to the existing PG&E and telecommunication

[121] Schaaf & Wheeler Consulting Civil Engineers. 2018. Cupertino Storm Drain Master Plan.

systems and would not require new off-site facilities and distribution infrastructure or capacity enhancing alterations to any existing facilities. Accordingly, impacts would be *less than significant.*

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

As shown in the General Plan EIR in Chapter 4.14, the water supply at project buildout year 2020 would be 13,078-acre feet[122] 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 Cal Water under normal year conditions or during single-dry year and multiple-dry years, with the proposed and existing water conservation regulations and measures in place. The water supply evaluation prepared for the General Plan EIR included new development in the City at a greater number of hotel rooms at the project site than proposed under the project (250 rooms compared to 156 rooms); therefore, water supply impacts were adequately addressed in the General Plan EIR. The applicable water use generation rate for hotel rooms and banquet areas, such as the proposed project, would be 0.50 gallons per day per square foot (gpd/sf). Therefore, the estimated water demand is 156 hotel rooms x 390 square foot per room x 0.50 gpd/sf for a total of 30,420 gpd or 34 afy. The Water Supply Evaluation prepared for the General Plan EIR estimated a total of 1,339 hotel rooms (1,000 new rooms plus 339 existing rooms) would generate water demand of 261,100 gpd or 293 afy. Accordingly, the proposed project's water demand would not exceed the available water supply in 2020 at project buildout or by the General Plan buildout year (2040). Accordingly, impacts to water supply under the proposed project would be *less than significant*.

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

Based on the May 2007 *City of Santa Clara Sewer Capacity Assessment*, the estimated wastewater generation rate for hotel uses is 100 gpd per room. Applying this generation rate, the proposed 156-room hotel would generate up to 15,600 gpd or approximately 0.0156 mgd of wastewater.

The SJ/SCWPCP's current total capacity of 450 mgd. Combined, the proposed project's wastewater generation (0.0156 mgd) and the existing wastewater generated (105 mgd) would not exceed the SJ/SCWPCP's current total capacity of 450 mgd.

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.[123]

[122] 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.

[123] 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.

Combined, the existing wastewater flow (5.3 mgd) plus the proposed project (0.0156 mgd) would not exceed the City's contractual allocation limits (7.85 mgd). Furthermore, the proposed 156-room hotel is within the 1,339-hotel-room limit 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 13.8 mgd during peak wet weather flows. The existing CSD peak wet weather flow into the Santa Clara system is 13.29 mgd.[124] However, the estimated wastewater generation from the proposed project and from other potential projects as established by the General Plan and other approved projects, the total capacity needed to serve these projects is approximately 14.02 mgd.[125] 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.

CSD performed smoke testing of a portion of the sewer system in 2018. The results of the smoke testing showed that certain portions of their system are being impacted by inflow from illegal connections to the system. These illegal connections include area drains, catch basins and roof rainwater leaders from both public and private facilities within the City of Cupertino and the City of Saratoga jurisdictions. These illegal connections collect storm water and direct the flow to the sewer system. Calculating the flows from these illegal connections, using the Manning's flow equation and the size of the areas that flow to these connections, there is an addition of approximately 0.4 mgd to the sanitary sewer peak wet weather flow. Disconnecting these illegal connections and redirecting these storm water flows to the public storm drain system would result in a reduction of the sewer peak wet weather from 14.02 mgd to 13.62 mgd, which is below the City of Santa Clara contractual limit.

Construction and operation of the proposed hotel would exceed the 13.8 mgd contractual limit through the City of Santa Clara and this significant impact would be reduced to *less than significant* with implementation of Mitigation Measure UTIL-1.

Impact UTIL-1: The proposed project may result in a determination by the wastewater treatment provider which serves or may serve the project that it does not have adequate capacity to serve the project's projected demand in addition to the provider's existing commitments.

> Mitigation Measure UTIL-1: No building permits shall be issued by the City for the proposed De Anza Hotel Project that would result in exceeding the permitted peak wet weather flow capacity of 13.8

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

[125] Mark Thomas. Cupertino Sanitary District Flow Modeling Analysis Homestead Flume Outfall to City of Santa Clara. February 20, 2019Sewage coefficients use to calculate the sewer generation rates for the various uses in the project and the General Plan buildout were taken from the San Jose - Santa Clara Water Pollution Control Plant Specific Use Code & Sewer Coefficient table and from the City of Santa Clara Sanitary Sewer Capacity Assessment, May 2007.

mgd through the Santa Clara sanitary sewer system. The project applicant may demonstrate, to the satisfaction of the City of Cupertino and Cupertino Sanitary District (CSD), that the proposed hotel 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 *San Jose-Santa Clara Water Pollution Control Plant Specific Use Code & Sewer Coefficient* table in the May 2007, *City of Santa Clara Sanitary Sewer Capacity Assessment*,[126] and *California Green Building Standards*, 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.

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, then Mitigation Measure UTIL-1 would no longer be required to be implemented.

Implementation of the Mitigation Measure UTIL-1 would guarantee that no development on the project site could occur that would exceed 13.8 mgd peak wet weather flow contractual limit through the City of Santa Clara and CSD by ensuring that no building permit would be issued for any structures or units that result in the contractual limit being exceeded until: (1) additional capacity is available through the City of Santa Clara's sewer system; (2) improvements would be made to the CSD sewer system that reduce the peak wet weather flows that enter the City of Santa Clara system; (3) improvements would be made on the project site that ensure the contractual limit is not exceed; or (4) the completion of any combination of these approaches that adequately addresses potential capacity issues. Accordingly, impacts would be *less than significant with mitigation.*

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

The City contracts with Recology to provide solid waste collection services to residents and businesses in the city. The City has a contract with Newby Island Sanitary Landfill until 2023 and has not secured a new

[126] Mark Thomas and Associates. Email communication with Cupertino Public Works. July 19, 2018.

landfill contract. 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.[127] The City, therefore, has options for landfill service once the City's existing contract with NISL ends in 2023. In addition to the Newby Island Landfill, solid waste generated in Cupertino can also be disposed of at the Altamont Landfill and Resource Recovery facility, the Corinda Los Trancos Landfill, Forward Landfill Inc., Guadalupe Sanitary Landfill, Kirby Canyon Recycling and Disposal Facility, the Monterey Peninsula Landfill, Recology Hay Road, the Vasco Road Sanitary Landfill, the Zanker Material Processing Facility, and the Zanker Road Class III Landfill.

Waste management for the proposed project would focus on waste, recycling, and composting. Solid waste generated by construction of the proposed project would largely consist of demolition waste from the existing buildings as well as construction debris. The project would be required to comply with CMC Chapter 16.72, Recycling and Diversion of Construction and Demolition Waste, and the City's Zero Waste Policy, which requires the recycling or diversion at least 65 percent of all generated construction and demolition (C&D) waste by salvage or by transfer to an approved facility.[128,129] Prior to the issuance of any demolition, grading, and/or building permits, the applicant is required to submit a properly completed Waste Management Plan. The Waste Management Plan shall do the following:

- Identify the materials to be diverted from disposal by recycling, reused on the project, or salvaged for future use or sale.
- Specify if materials would be sorted on-site or mixed for transportation to a diversion facility.
- Identify the diversion facility where the material collected will be taken.
- Identify construction methods employed to reduce the amount of waste generated.
- Specify that the amount of materials diverted shall be calculated by weight or volume, but not by both.

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

The operation of the project is estimated to generate approximately 78 employees on the site. In 2016, the city of Cupertino's actual disposal rate for employees was 4.5 PPD, a much lower disposal rate than the estimated target disposal rate of 8.1 PPD.[130] The city of Cupertino's disposal rates for employees have been below target rates and steadily decreasing since 2007, with the exception of 2014, when the rate

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

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

[129] City of Cupertino, Public Works, Garbage & Recycling, https://www.cupertino.org/our-city/departments/environment-sustainability/waste, accessed October 4, 2018.

[130] CalRecycle, "Jurisdiction per Capita Disposal Trends: Cupertino," http://www.calrecycle.ca.gov/, accessed June 10, 2018.

(9.8 PPD) exceeded the target (8.10 PPD).[131] The project would also include temporary residents at the hotel. According to CalRecycle, the disposal rate of hotels is estimated to be 2 PPD for each room.[132] Applying these disposal rates, the project would generate approximately 944 PPD or 0.5 tons per day of new waste,[133] which is well within the Newby Island Sanitary Landfill permitted daily disposal capacity of 4,000 tons per day. Anticipated rates of solid waste disposal would have a less-than-significant impact with regard to staying within the target disposal rates, and the project would comply with the City's current recycling ordinances and zero-waste policies, which would further reduce solid waste disposed of in the landfill. Thus, operation-related impacts on landfill capacity would be *less than significant.*

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

The City's per capita disposal rate for 2017 was 3.6 PPD, which is below the 4.3 PPD target rate established by CalRecycle.[134] As part of the *Countywide Integrated Waste Management Plan* to address waste management conditions within Santa Clara County, Cupertino adopted a Source Reduction and Recycling Element (SRRE)[135] and Household Hazardous Waste Element (HHWE)[136] in compliance with the California Integrated Waste Management Act.[137] The City has gone beyond the SRRE by implementing several programs, including the City's and Recology's organics or food waste collection program, and Environmental Recycling Day events offered to residents three times per year by Recology. Implementation of the referenced strategies, programs and plans, as well as the Cupertino CAP that was adopted in January 2015, will enable the city to meet the 75 percent solid waste diversion rate by the year 2020. Additionally, in December 2017, the City adopted a Zero Waste Policy.[138] According to the Zero Waste Policy, the City will require, through the City's waste hauling franchise agreement, steadfast and ongoing efforts by the City's franchisee to maintain a minimum residential and commercial waste diversion rate of 75 percent with a goal of reaching and maintaining 80 percent by 2025.These programs will be sufficient to ensure that future development in Cupertino, including the proposed project, would not compromise the ability to meet or perform better than the State mandated target. Additionally, construction and any demolition debris associated with the project would be subject to CMC Chapter 16.72, requiring that a minimum of 65 percent of C&D debris be diverted from landfill.[139] Additionally, the

[131] CalRecycle, "Jurisdiction per Capita Disposal Trends: Cupertino," http://www.calrecycle.ca.gov/, accessed June 10, 2018.

[132] CalRecycle, "Estimated Solid Waste Generation Rate," https://www2.calrecycle.ca.gov/WasteCharacterization/General/Rates, accessed June 10, 2018.

[133] (8.1 PPD x 78 net new employees = 631.8 PPD) + (2 PPD x 156 rooms = 312 PPD) = 943.8 PPD

[134] CalRecycle. 2017. Disposal Rate Calculator. https://www2.calrecycle.ca.gov/LGCentral/AnnualReporting /DisposalRate Calculator, accessed March 18, 2019.

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

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

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

[138] City of Cupertino, Public Works, Garbage & Recycling, https://www.cupertino.org/our-city/departments/environment-sustainability/waste, accessed October 4, 2018.

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

City's Zero Waste Policy also requires that all private construction projects that come through the City's permitting process, and all City projects (through contract requirements), to recover and divert at least 65 percent of the construction waste generated by the project. Compliance with applicable statutes and regulations would ensure that the impact would be *less than significant,* and no mitigation measures would be required.

XVIII. WILDFIRE

If located in or near State responsibility areas or lands classified as very high fire hazard severity zones, would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant	No Impact
a) Substantially impair an adopted emergency response plan or emergency evacuation plan?	❒	❒	❒	■
b) Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?	❒	❒	❒	■
c) Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?	❒	❒	❒	■
d) Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?	❒	❒	❒	■

GENERAL PLAN EIR

Chapter 4.7, Hazards and Hazardous Materials, of the General Plan EIR, addressed wildfire hazard and impacts are found to be less than significant. Note this section of the Initial Study addresses additional questions regarding wildfire related impacts pursuant to the news CEQA Guidelines that were adopted in December 2018.

EXISTING CONDITIONS

Wildland fire protection in California is the responsibility of either the State, local government, or the federal government. State Responsibility Areas (SRA) are the areas in the State where the State of California has the primary financial responsibility for the prevention and suppression of wildland fires. The SRA forms one large area over 31 million acres to which the State Department of Forestry and Fire Protection (CAL FIRE) provides a basic level of wildland fire prevention and protection services.

Local Responsibility Areas (LRA) include incorporated cities, cultivated agriculture lands, and portions of the desert. LRA fire protection is typically provided by city fire departments, fire protection districts,

counties, and by CAL FIRE under contract to local government.[140] CAL FIRE uses an extension of the SRA Fire Hazard Severity Zone model as the basis for evaluating fire hazard in LRA. The LRA hazard rating reflects flame and ember intrusion from adjacent wildlands and from flammable vegetation in the urban area. The SCCFD currently provides fire protection and emergency medical services to the city.

Fire Hazard Severity Zones (FHSZ) are identified by Moderate, High and Very High in an SRA, and Very High in a LRA. The nearest FHSZ in the SRA and the LRA is a VHFHSZ about 5 miles south where the Fremont Older Open Space Preserve interfaces with the urban edge.[141] Land between the edge of the FHSZ and the project site is dense urban development.

DISCUSSION

The project site is not located in or near SRAs or lands classified as high fire hazard severity zones; therefore, *no impact* would occur.

See Section VIII, Hazards and Hazardous Materials, for a discussion of the project's potential to conflict with an adopted emergency response plan or emergency evacuation plan, and expose people and structures to a significant loss, injury or death involving wildfires.

See Section IX, Hydrology and Water Quality, for additional discussion on the project's potential to alter the existing drainage pattern.

XIX. MANDATORY FINDINGS OF SIGNIFICANCE

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant	No Impact
a) Does the project have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	❒	❒	■	❒

[140] California Department of Forestry and Fire Prevention (CAL FIRE). Frequently Asked Questions. http://www.fire.ca.gov/firepreventionfee/sra_faqs, accessed January 6, 2019.

[141] California Department of Forestry and Fire Prevention (CAL FIRE). The Fire and Resource Assessment Program (FRAP). Very High Fire Hazard Severity Zones (FHSZ) in SRA and LRA. FHSZ Viewer. http://www.fire.ca.gov/fire_prevention/fire_prevention_wildland_zones_maps

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant	No Impact
b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?	❒	■	❒	❒
c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	❒	❒	■	❒

DISCUSSION

a) Does the project have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?

The project site is in an urbanized and extensively developed area of Cupertino, which is almost entirely built out with commercial and residential development, and associated surface parking. The project site is currently developed with an 8,323 square-foot building that is one story (approximately 18 feet) tall and is occupied with a Goodyear Tire, with a few green spaces and trees within and surrounding the on-site building. There are no identified sensitive natural communities, no areas of sensitive habitat, and no areas of critical habitat on the project site. Additionally, there are no buildings currently listed or eligible for listing on the California Register of Historical Resources, no recorded archaeological sites, and no known paleontological resources located on the project site. The implementation of Mitigation Measures AQ-1, GHG-1, BIO-1, CULT-1, TCR-1, and UTIL-1 would serve to protect the quality of the air, nesting birds, and unknown cultural and tribal resources, as well as ensure adequate services are provided and that no additional physical impacts would occur elsewhere. Therefore, implementation of the proposed project would result in a *less-than-significant* impact to the quality of the environment, wildlife, and major periods of California history or prehistory.

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

CEQA Guidelines Section 15355 defines cumulative impacts as two or more individual effects which, when considered together, are considerable or which compound or increase other environmental impacts. Cumulative impacts may result from individually minor, but collectively significant projects taking place

over a period of time. CEQA Guidelines Section 15130(b) advises that a discussion of cumulative impacts should reflect both the severity of the impacts and the likelihood of their occurrence. To accomplish these two objectives, CEQA Guidelines Section 15130 permits two different methodologies for completion of a cumulative impact analysis and allows for a reasonable combination of the two approaches:

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

Table 4-17 shows the other reasonably foreseeable projects in Cupertino and how they relate to the maximum buildout potential evaluated in the General Plan EIR.

TABLE 4-17 REASONABLY FORESEEABLE DEVELOPMENT PROJECTS IN CUPERTINO

	Hotel	Residential	Commercial	Office
General Plan EIR: Maximum Development Potential	1,339	4,421	1,343,679	4,040,231
Reasonably Foreseeable Projects				
Marina Plaza[a]	*122*	*188*	*23,000*	
The Hamptons Redevelopment[a]		*600*		
The Forum[a]		*23*		
Westport Cupertino[b]		*242*	*20,000*	
The Village Hotel[b]	*185*			
Canyon Crossings[b]		*18*	*4,536*	
Vallco[c]	*339*	*2,923*	*600,000*	*1,810,000*
Total Foreseeable Development	*646*	*3,994*	*643,000*	*1,810,000*
General Plan EIR: Remaining Development Potential	693	427	700,679	2,230,231

Notes:
a. The project has been approved.
b. The project is under review.
c. The buildout numbers are a worst-case sum of the greatest buildout potential for this site for each land use category, and are derived from the amounts of development in the previously approved Vallco Special Area Specific Plan and EIR (339 hotel rooms, 2,923 units, 1,750,000 square feet commercial, and 600,000 square feet commercial) and Vallco SB 35 Application (0 hotel rooms, 2,402 units, 1,810,000 square feet commercial, and 400,000 square feet commercial).
Source: City of Cupertino, 2019.

The General Plan EIR evaluated the cumulative effects of the General Plan Amendments, Housing Element Update, and Associated Rezoning using the summary of projections approach provided for in CEQA

Guidelines Section 15130(b)(1)(B). The General Plan EIR took into account growth from the General Plan within the Cupertino city boundary and Sphere of Influence (SOI), in combination with projected growth in the rest of Santa Clara County and the surrounding region, as forecast by ABAG.

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

The General Plan EIR included an assessment of the redevelopment of the project site with mixed-use, hotel, retail, and residential projects. The hotel assumptions included an evaluation of up to 250 hotel rooms, which is greater than the proposed 156-room De Anza Hotel. Therefore, as shown in Table 4-17, the project when combined with the other reasonably foreseeable projects in Cupertino would not exceed the maximum buildout potential evaluated in the General Plan EIR. The impact discussions in Section I through Section XVI above describes the proposed projects relationship to and consistency with the scope of development, land use designations, population projections, and cumulative impacts analyses contained in the General Plan EIR. As shown, the project's cumulative impacts were determined to be less than significant or less than significant with mitigation in the cumulative context.

Since the certification of the General Plan EIR, the City has considered new development at the Vallco project site. While, as shown in Table 4-17, this development at the Vallco site is consistent with the maximum buildout potential in the General Plan EIR for citywide cumulative discussions (e.g., population and housing, water supply, etc.), the General Plan EIR did not evaluate localized cumulative impacts, such as traffic, traffic related noise, and utilities infrastructure, for the vicinity of the project site. Due to the distance between the proposed De Anza Hotel and the projects listed in Table 4-17, no localized cumulative impacts related traffic, noise, or utilities would occur.

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

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

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

5. Mitigation Monitoring and Reporting Program

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

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

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

MITIGATION MONITORING AND REPORTING PROGRAM

TABLE 5-1 MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measures	Party Responsible for Implementation	Implementation Timing	Agency Responsible for Monitoring	Monitoring Action	Monitoring Frequency
AIR QUALITY					
Mitigation Measure AQ-1: The project's construction contractor shall comply with the following best management practices for reducing construction emissions of fugitive dust (PM_{10} and $PM_{2.5}$) as required by the Bay Area Air Quality Management District Revised California Environmental Quality Act Air Quality Guidelines: ▪ Water all active construction areas at least twice daily, or as often as needed to control dust emissions. Watering should be sufficient to prevent airborne dust from leaving the site. Increased watering frequency may be necessary whenever wind speeds exceed 15 miles per hour. Reclaimed water should be used whenever possible. ▪ Pave, apply water twice daily or as often as necessary to control dust, or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas, and staging areas at construction sites. ▪ Cover all trucks hauling soil, sand, and other loose materials or require all trucks to maintain at least 2 feet of freeboard (i.e., the minimum required space between the top of the load and the top of the trailer). ▪ Sweep daily (with water sweepers using reclaimed water if possible) or as often as needed all paved access roads, parking areas and staging areas at the construction site to control dust. ▪ Sweep public streets daily (with water sweepers using reclaimed water if possible) in the vicinity of the project site, or as often as needed, to keep streets free of visible soil material. ▪ Hydroseed or apply non-toxic soil stabilizers to inactive construction areas. ▪ Enclose, cover, water twice daily, or apply non-toxic soil binders to exposed stockpiles (dirt/sand). ▪ Limit vehicle traffic speeds on unpaved roads to 15 miles per hour. ▪ Replant vegetation in disturbed areas as quickly as possible. ▪ Install sandbags or other erosion control measures to prevent silt runoff from public roadways.	Applicant	During construction	City of Cupertino Public Works Department And Building Department	Plan Review and Approval	During scheduled construction site inspections

TABLE 5-1 MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measures	Party Responsible for Implementation	Implementation Timing	Agency Responsible for Monitoring	Monitoring Action	Monitoring Frequency
Mitigation Measure AQ-2: During construction, the construction contractor(s) shall: ▪ Use construction equipment fitted with Level 3 Diesel Particulate Filters (DPF) for all equipment of 50 horsepower or more. ▪ Prior to issuance of any construction permit, ensure that all construction plans submitted to the City of Cupertino Planning Department and/or Building Division clearly show the requirement for Level 3 DPF emissions standards for construction equipment over 50 horsepower. ▪ Maintain a list of all operating equipment in use on the project site for verification by the City of Cupertino Building Division official or his/her designee. The construction equipment list shall state the makes, models, and number of construction equipment on-site. ▪ Ensure that all equipment shall be properly serviced and maintained in accordance with manufacturer recommendations. ▪ Communicate with all sub-contractors in contracts and construction documents that all nonessential idling of construction equipment is restricted to 5 minutes or less in compliance with California Air Resources Board Rule 2449 and is responsible for ensuring that this requirement is met.	Applicant	During construction	City of Cupertino Public Works Planning & Building Department	Plan Review and Approval	During scheduled construction site inspections
BIOLOGICAL RESOURCES					
Mitigation Measure BIO-1: Nests of raptors and other birds shall be protected when in active use, as required by the federal Migratory Bird Treaty Act and the California Fish and Game Code. If construction activities and any required tree removal are proposed to occur during the breeding season (February 1 and August 31), the construction contractor shall indicate, on all construction plans, that preconstruction surveys shall: ▪ Be conducted by a qualified biologist prior to tree removal or grading, demolition, or construction activities. Note that preconstruction surveys are not required for tree removal or construction, grading, or demolition activities outside the nesting period.	Applicant	Prior to construction During construction	Qualifying biologist in consultation with California Department of Fish and Wildlife as needed	Preconstruction Survey	Once for survey; ongoing if nesting birds identified and until they have left the nest

MITIGATION MONITORING AND REPORTING PROGRAM

TABLE 5-1 MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measures	Party Responsible for Implementation	Implementation Timing	Agency Responsible for Monitoring	Monitoring Action	Monitoring Frequency
▪ Be conducted no more than 14 days prior to the start of tree removal or construction. ▪ Be repeated at 14-day intervals until construction has been initiated in the area after which surveys can be stopped. ▪ Document locations of active nests containing viable eggs or young birds. Protective measures for active nests containing viable eggs or young birds shall be implemented under the direction of the qualified biologist until the nests no longer contain eggs or young birds. Protective measures shall include: ▪ Establishment of clearly delineated exclusion zones (i.e., demarcated by identifiable fencing, such as orange construction fencing or equivalent) around each nest location as determined by the qualified biologist, taking into account the species of birds nesting, their tolerance for disturbance and proximity to existing development. In general, exclusion zones shall be a minimum of 300 feet for raptors and 75 feet for passerines and other birds. ▪ Monitoring active nests within an exclusion zone on a weekly basis throughout the nesting season to identify signs of disturbance and confirm nesting status. ▪ An increase in the radius of an exclusion zone by the qualified biologist if project activities are determined to be adversely affecting the nesting birds. Exclusion zones may be reduced by the qualified biologist only in consultation with California Department of Fish and Wildlife. ▪ The protection measures shall remain in effect until the young have left the nest and are foraging independently or the nest is no longer active.					
CULTURAL RESOURCES					
Mitigation Measure CULT-1: If any prehistoric or historic subsurface cultural resources are discovered during ground-disturbing (including grading, demolition and/or construction) activities:	Applicant	During construction	Consulting archeologist and City of Cupertino	Plan Review and Approval	As needed if resources are unearthed

TABLE 5-1 MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measures	Party Responsible for Implementation	Implementation Timing	Agency Responsible for Monitoring	Monitoring Action	Monitoring Frequency
▪ All work within 50 feet of the resources shall be halted, the City shall be notified, and a qualified archaeologist shall be consulted. The contractor shall cooperate in the recovery of the materials. Work may proceed on other parts of the project site while mitigation for tribal cultural resources, historical resources or unique archaeological resources is being carried out. ▪ The qualified archaeologist shall prepare a report for the evaluation of the resource to the California Register of Historical Places and the City Building Department. The report shall also include appropriate recommendations regarding the significance of the find and appropriate mitigations as follows: • If the resource is a non-tribal resource, the archaeologist shall assess the significance of the find according to CEQA Guidelines Section 15064.5. • If the resource is a tribal resource – whether historic or prehistoric – the consulting archaeologist shall consult with the appropriate tribe(s) to evaluate the significance of the resource and to recommend appropriate and feasible avoidance, testing, preservation or mitigation measures, in light of factors such as the significance of the find, proposed project design, costs, and other considerations. If avoidance is infeasible, other appropriate measures (e.g., data recovery) may be implemented. ▪ All significant non-tribal cultural materials recovered shall be, as necessary, and at the discretion of the consulting archaeologist, subject to scientific analysis, professional museum curation, and documentation according to current professional standards.			Public Works & Building Department		
GEOLOGY AND SOILS					
Mitigation Measure GEO-1: The construction contractor shall incorporate the following in all grading, demolition, and construction plans:	Applicant	During construction	City of Cupertino Public Works & Building Department	Plan Review and Approval	During scheduled construction site inspections

MITIGATION MONITORING AND REPORTING PROGRAM

TABLE 5-1 MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measures	Party Responsible for Implementation	Implementation Timing	Agency Responsible for Monitoring	Monitoring Action	Monitoring Frequency
▪ In the event that fossils or fossil-bearing deposits are discovered during grading, demolition, or building, excavations within 50 feet of the find shall be temporarily halted or diverted. ▪ The contractor shall notify the City of Cupertino Building Department and a City-approved qualified paleontologist to examine the discovery. ▪ The paleontologist shall document the discovery as needed, in accordance with Society of Vertebrate Paleontology standards (Society of Vertebrate Paleontology 1995), evaluate the potential resource, and assess the significance of the finding under the criteria set forth in CEQA Guidelines Section 15064.5. ▪ The paleontologist shall notify the appropriate agencies to determine procedures that would be followed before construction is allowed to resume at the location of the find. ▪ If the project applicant determines that avoidance is not feasible, the paleontologist shall prepare an excavation plan for mitigating the effect of the project based on the qualities that make the resource important. The excavation plan shall be submitted to the City for review and approval prior to implementation.					
GREENHOUSE GAS EMISSIONS					
Mitigation Measure GHG-1: The project applicant shall offset a minimum of 173 metric tons metric tons of carbon dioxide-equivalent ($MTCO_2e$) emissions per year for a period of 30 years (5,190 $MTCO_2e$) through the purchase of voluntary carbon offsets (i.e., not compliance offsets) from the California Air Resources Board (CARB) approved Offset Project Registries (i.e., Climate Action Reserve, Verra, American Carbon Registry) or forecasted mitigation units (FMUs) (GHG Mitigation Credits) from the Climate Action Reserve's Climate Forward program. The voluntary carbon offsets or FMUs must be real, additional, permanent, confirmable, and enforceable. The order of preference for purchase of voluntary carbon offsets or FMUs shall be as follows: 1) within the City; 2) within the San Francisco Bay Area Air Basin; 3) within the State of California; then 4) elsewhere in the United States. Evidence of payments, and funding of an escrow-type account or endowment	Applicant	During construction	City of Cupertino Planning and Building Department	Plan Review and Approval	During scheduled construction site inspections

TABLE 5-1 MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measures	Party Responsible for Implementation	Implementation Timing	Agency Responsible for Monitoring	Monitoring Action	Monitoring Frequency
fund shall be submitted to the City by the project applicant. Prior to issuance of the certificate of occupancy, the project applicant shall submit to the City of Cupertino Building Division official or his/her designee, the necessary documentation to verify the agreement to purchase the necessary voluntary carbon offsets or FMUs to offset project emissions to below 1,100 $MTCO_2e$ per year.					
NOISE					
Mitigation Measure NOISE-1: Mitigation Measure NOISE-1: The following shall be incorporated in all demolition, grading, and construction plans, as required by the Cupertino Municipal Code (CMC). Construction activities shall take place only during daytime hours of 7:00 a.m. and 8:00 p.m. on weekdays, and 9:00 a.m. to 6:00 p.m. on weekends. In addition, the construction crew shall adhere to the following best management practices shall be observed: ▪ At least 90 days prior to the start of any construction, demolition or grading activities, all offsite businesses and residents within 300 feet of the project site will be notified of the planned activities. The notification will include a brief description of the project, the activities that would occur, the hours when activity would occur, and the construction period's overall duration. The notification should include the telephone numbers of the contractor's authorized representatives that are assigned to respond in the event of a noise or vibration complaint. ▪ The project applicant and contractors shall prepare and submit a Construction Noise Control Plan to the City's Building Department and Code Enforcement for review and approval prior to issuance of any grading, demolition, and/or building permits. The Construction Noise Plan shall demonstrate compliance with the 80 dBA limit in the CMC. The details of the Construction Noise Control Plan, including those details listed herein, shall be included as part of the permit application drawing set and as part of the construction drawing set, shall be implemented by the on-site Construction Manager, and shall include, but not be limited	Applicant	Prior to and During construction	City of Cupertino Planning and Building Department	Plan Review and Approval	As needed if resources are unearthed

MITIGATION MONITORING AND REPORTING PROGRAM

TABLE 5-1 MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measures	Party Responsible for Implementation	Implementation Timing	Agency Responsible for Monitoring	Monitoring Action	Monitoring Frequency
to, the following available controls to comply with the 80 dBA performance standard: • At least 10 days prior to the start of construction activities, a sign will be posted at the entrance(s) to the job site, clearly visible to the public, which includes permitted construction days and hours, as well as the telephone numbers of the City's and contractor's authorized representatives that are assigned to respond in the event of a noise or vibration complaint. If the authorized contractor's representative receives a complaint, he/she will investigate, take appropriate corrective action, and report the action to the City. • During the entire active construction period, equipment and trucks used for project construction will utilize the best available noise control techniques (e.g., improved mufflers, equipment re-design, use of intake silencers, ducts, engine enclosures, and acoustically attenuating shields or shrouds), wherever feasible. • Include noise control requirements for equipment and tools, including concrete saws, to the maximum extent feasible. Such requirements could include, but are not limited to, erecting temporary plywood noise barriers between areas where concrete saws will be used and nearby sensitive receptors; performing work in a manner that minimizes noise; and undertaking the noisiest activities during times of least disturbance to nearby sensitive receptors. • During the entire active construction period, stationary noise sources will be located as far from sensitive receptors as possible, and they will be muffled and enclosed within temporary sheds, or insulation barriers or other measures will be incorporated to the extent feasible. • During the entire active construction period, noisy operations will be conducted simultaneously to the degree feasible in order to reduce the time periods of these operations. • Select haul routes that avoid the greatest amount of sensitive use areas and submit to the City of Cupertino Public Works					

TABLE 5-1 MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measures	Party Responsible for Implementation	Implementation Timing	Agency Responsible for Monitoring	Monitoring Action	Monitoring Frequency
Department for approval prior to the start of the construction phase. • Signs will be posted at the job site entrance(s), within the on-site construction zones, and along queueing lanes (if any) to reinforce the prohibition of unnecessary engine idling. All other equipment will be turned off if not in use for more than 5 minutes. • During the entire active construction period and to the extent feasible, the use of noise producing signals, including horns, whistles, alarms, and bells will be for safety warning purposes only. The construction manager will use smart back-up alarms, which automatically adjust the alarm level based on the background noise level, or switch off back-up alarms and replace with human spotters in compliance with all safety requirements and laws					
Mitigation Measure NOISE-2: Mechanical equipment shall be selected and designed to reduce impacts on surrounding uses to meet the Cupertino Municipal Code noise limits of 60 dBA and 50 dBA at residential uses during daytime and nighttime, respectively, and 65 dBA and 55 dBA at non-residential sensitive uses (i.e., the Cupertino Hotel) during daytime and nighttime, respectively. A qualified acoustical consultant shall be retained to review mechanical noise as these systems are selected to determine specific noise reduction measures necessary to reduce noise to comply with the City's noise level requirements. Mechanical equipment shall be selected and designed to reduce impacts on surrounding uses to meet the City's noise level requirements. Noise reduction measures could include, but are not limited to: ▪ Selection of equipment that emits low noise levels; ▪ Installation of noise dampening techniques, such as enclosures and parapet walls, to block the line-of-sight between the noise source and the nearest receptors; ▪ Locating equipment in less noise-sensitive areas, where feasible.	Applicant	Prior to and During construction	City of Cupertino Public Works, and Planning and Building Department	Plan Review and Approval	As needed if resources are unearthed

MITIGATION MONITORING AND REPORTING PROGRAM

TABLE 5-1 MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measures	Party Responsible for Implementation	Implementation Timing	Agency Responsible for Monitoring	Monitoring Action	Monitoring Frequency
TRIBAL CULTURAL RESOURCES					
Mitigation Measure TCR-1: Implement Mitigation Measure CULT-1.	Applicant	During construction	Consulting archeologist and City of Cupertino Public Works Department	Plan Review and Approval	As needed if resources are unearthed
UTILITIES AND SERVICE SYSTEMS					
Mitigation Measure UTIL-1: No building permits shall be issued by the City for the proposed De Anza Hotel 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 may demonstrate, to the satisfaction of the City of Cupertino and Cupertino Sanitary District (CSD), that the proposed hotel 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 *San Jose-Santa Clara Water Pollution Control Plant Specific Use Code & Sewer Coefficient* table in the May 2007, *City of Santa Clara Sanitary Sewer Capacity Assessment*,[142] and *California Green Building Standards*, unless alternative	Applicant	Prior to construction	Cupertino Sanitary District, City of Cupertino Public Works and Building Departments	Plan Review and Approval	During scheduled construction site inspections

[142] Mark Thomas and Associates. Email communication with Cupertino Public Works. July 19, 2018.

TABLE 5-1 MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measures	Party Responsible for Implementation	Implementation Timing	Agency Responsible for Monitoring	Monitoring Action	Monitoring Frequency
(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.					

MITIGATION MONITORING AND REPORTING PROGRAM

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6. Organizations and Persons Consulted

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

6.1.1 LEAD AGENCY

6.1.1.1 CITY OF CUPERTINO

Benjamin Fu, Assistant Community Development Director
Piu Ghosh, Principal Planner
Gian Martire, Associate Planner
Chad Mosley, City Engineer
Winnie Pagan, Senior Civil Engineer
David Stillman, Senior Civil Engineer

6.1.2 REPORT PREPARERS

6.1.2.1 LEAD CONSULTANT

PlaceWorks
Terri McCracken, Principal-in-Charge
Jacqueline Protsman, Project Planner
Torina Wilson, Planner
Nicole Vermilion, Associate Principal, Air Quality and Greenhouse Gas
Josh Carman, Senior Associate, Noise Specialist
Steve Bush, Senior Engineer
Grant Reddy, Graphics Specialist

6.1.2.2 TRANSPORTATION CONSULTANT

Hexagon Transportation Consultants, Inc.

Brian Jackson, Senior Associate

ORGANIZATIONS AND PERSONS CONSULTED

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CITY OF CUPERTINO
RECOMMENDATION OF ENVIRONMENTAL REVIEW COMMITTEE
August 1, 2019

As provided by the Environmental Assessment Procedure, adopted by the City Council of the City of Cupertino on May 27, 1983, as amended, the following described project was reviewed by the Environmental Review Committee of the City of Cupertino on August 1, 2019.

PROJECT DESCRIPTION AND LOCATION

Application No(s): EA-2018-03 (GPA-2018-01, DP-2018-01, DA-2018-01, ASA-2018-02, U-2018-02)
Applicant(s): Sherly Kwok (De Anza Properties)
Location: 10931 N De Anza Blvd. APN #326-10-061

DISCRETIONARY ACTION REQUEST

Development and Use Permits to allow the construction of a 155-room hotel, Architectural and Site approval for a 155-room hotel, Development Agreement and General Plan Amendment for hotel allocation, height and setbacks. A Mitigated Negative Declaration is proposed.

FINDINGS OF THE ENVIRONMENTAL REVIEW COMMITTEE

The Environmental Review Committee recommends the granting of a Mitigated Negative Declaration finding that the project is consistent with the General Plan and is determined to be insignificant.

Ben Fu
Director of Community Development

g/erc/REC ea21803