

APPENDIX A:
INITIAL STUDY





The Forum Senior Community Update Initial Study Checklist

INTRODUCTION

The Forum Senior Community Update Project is a “project” under the California Environmental Quality Act (CEQA). This Initial Study was prepared by PlaceWorks for the City of Cupertino (City), Community Development Department. This Initial Study was prepared pursuant to the CEQA (Public Resources Code Sections 21000 et seq.), CEQA Guidelines (Title 14, Section 15000 et seq. of the California Code of Regulations).

1. **Title:** The Forum Senior Community Update Project
2. **Lead Agency Name and Address:** City of Cupertino Community Development Department
10300 Torre Avenue
Cupertino, CA 95014
3. **Contact Person and Phone Number:** Catarina Kidd, Senior Planner, (408) 777-3214
4. **Location:** 23500 Cristo Rey Drive
Cupertino, CA 95014
5. **Applicant’s Name and Address:** Mary Elizabeth O’Connor
The Forum at Rancho San Antonio
23500 Cristo Rey Drive
Cupertino, CA 95014
6. **General Plan Land Use Designations:** Quasi-Public/Institutional
7. **Zoning:** Planned Development - P(Institutional)
8. **Description of Project:** See page 16 of this Initial Study.
9. **Surrounding Land Uses and Setting:** See page 5 of this Initial Study.
10. **Other Required Approvals:** See page 31 of this Initial Study.
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, has consultation begun?:** The City has not received any 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 Cupertino.

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ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED

The environmental factors listed below would be affected by the proposed project, involving at least one impact that is a Potentially Significant Impact, as indicated by the checklist on the following pages.

- | | | |
|---|---|--|
| <input type="checkbox"/> Aesthetics | <input type="checkbox"/> Agriculture & Forestry Resources | <input type="checkbox"/> Air Quality |
| <input type="checkbox"/> Biological Resources | <input type="checkbox"/> Cultural Resources | <input type="checkbox"/> Tribal Cultural Resources |
| <input type="checkbox"/> Geology & Soils | <input type="checkbox"/> Greenhouse Gas Emissions | <input type="checkbox"/> Hazards & Hazardous Materials |
| <input type="checkbox"/> Hydrology & Water Quality | <input type="checkbox"/> Land Use | <input type="checkbox"/> Mineral Resources |
| <input type="checkbox"/> Noise | <input type="checkbox"/> Population & Housing | <input type="checkbox"/> Public Services |
| <input type="checkbox"/> Parks & Recreation | <input type="checkbox"/> Transportation & Circulation | <input type="checkbox"/> Utilities & Service Systems |
| <input type="checkbox"/> Mandatory Findings of Significance | | |

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 City. 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 (EIR) will be prepared.
- 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.

Signature

Date

Benjamin Fu

Assistant Director, Community Development

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OVERVIEW AND BACKGROUND

The Forum Senior Community (The Forum) is a Continuing Care Retirement Community (CCRC) that offers a variety of services within one community that guarantees lifetime housing, social activities, and increased levels of care as needs change. Part independent living, part assisted living, and part skilled nursing home, CCRCs offer a tiered approach to the aging process, accommodating residents' changing needs.

This Initial Study checklist was prepared to assess the environmental effects of The Forum Senior Community Update Project (proposed project). Development at the project site, also referred to as The Forum, began in 1991. In order to remain a viable and responsive continuing care retirement community, the proposed project includes renovations and additions to the existing facilities as well as new buildings. In addition, the proposed project also includes new independent residential units that will allow it to remain competitive with other similar facilities.

This Initial Study consists of a depiction of the existing environmental setting and the project description followed by a discussion of various environmental effects that may result from construction and operation of the proposed project. This Initial Study is a stand-alone document and in no way relies on any previously approved environmental review prepared for The Forum. While no significant impacts are anticipated from the construction and operation of the proposed project as demonstrated in the Environmental Analysis section, to be conservative an Environmental Impact Report will be prepared for some topic areas.

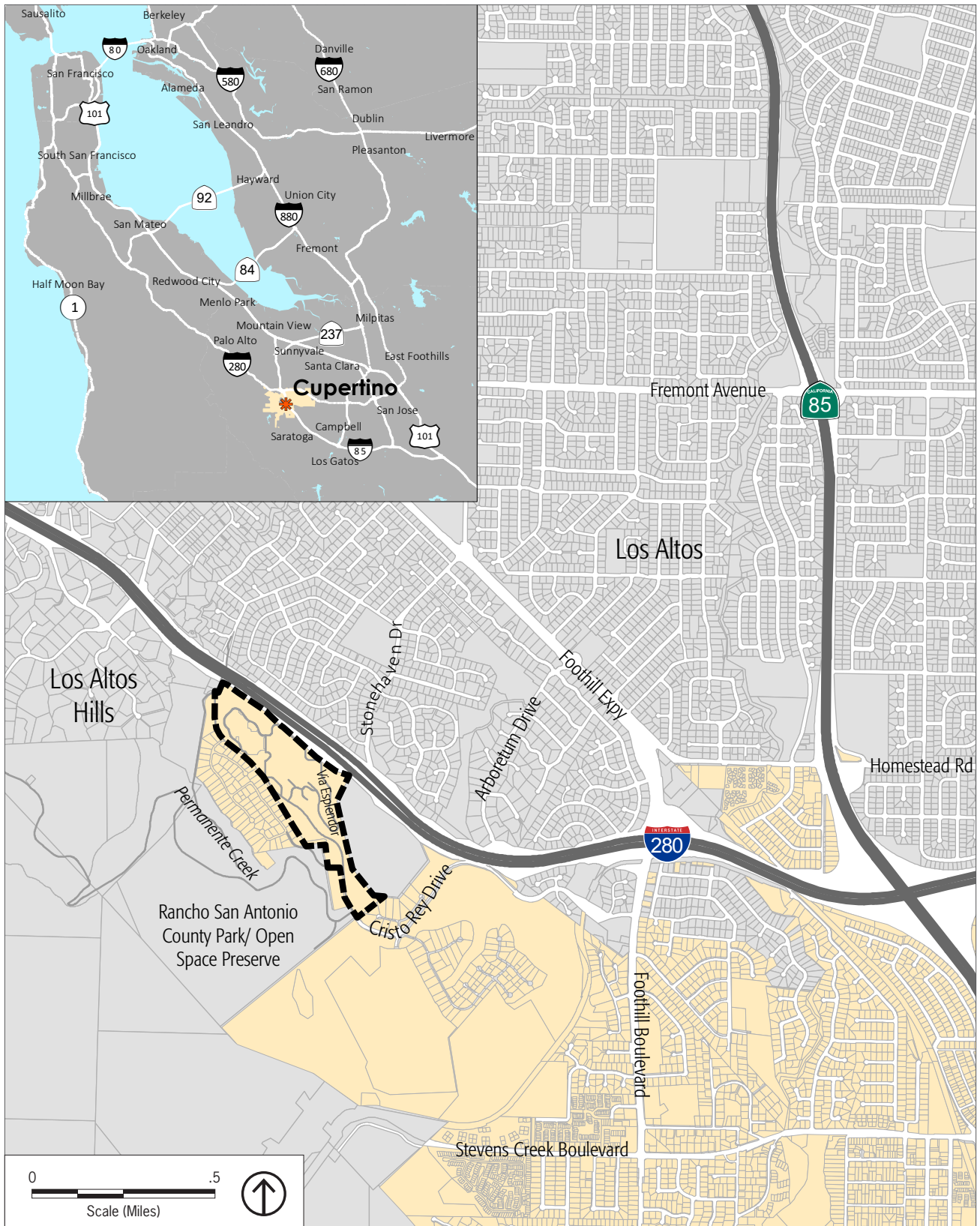
LOCATION AND SETTING

REGIONAL LOCATION

Figure 1 shows the relationship of the project site to Cupertino and the greater San Francisco Bay area (Bay Area). The project site is located in the far northwestern portion of Cupertino. Cupertino is approximately 46 miles southeast of San Francisco, and is one of the cities that make up the area commonly known as the Silicon Valley. Cupertino is generally located north of the City of Saratoga, east of unincorporated Santa Clara County, south of the City of Sunnyvale, and west of the City of San Jose. Cupertino also shares a boundary with the City of Los Altos to the north and the City of Los Altos Hills to the northwest.

Regional access to the project site is provided by Interstate 280 (I-280), Foothill Boulevard, the Santa Clara Valley Transportation Authority (VTA) bus service, and by Caltrain via the Mountain View, Sunnyvale, Lawrence, and Santa Clara Caltrain Stations. Caltrain is operated by the Peninsula Corridor Joint Powers Board.

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Source: PlaceWorks, 2017.

 Project Site  City of Cupertino

Figure 1
Regional and Vicinity Map

LOCAL SETTING

The project site is located at 23500 Cristo Rey Drive and is assigned Assessor's Parcel Number (APN) 342-54-999.¹ As shown on Figure 2, the project site is bounded by I-280 to the north, Maryknoll religious institute to the east, one- and two-story, single-family housing to the south and southwest, and the Rancho San Antonio County Park/Open Space Preserve to the southwest and west.

The project site is accessible from Foothill Boulevard via Cristo Rey Drive. The closest VTA bus stop (Line 81) is located at the Grant Road/Grant Avenue intersection, approximately 1.3 miles to the northeast. The nearest Caltrain station to the project site is the Mountain View station, which is located approximately 7 miles to north of the project site.

The nearest public airports are San Jose International Airport, approximately 11.5 miles to the northeast, and Palo Alto Airport, approximately 10.5 miles to the northwest. The nearest heliports are Mc Candless Towers Heliport, approximately 10 miles to the northeast, and County Medical Center Heliport, approximately 9 miles to the southeast. The nearest private airport is Moffett Federal Airfield, approximately 8.6 miles to the northwest.

Public Service Providers

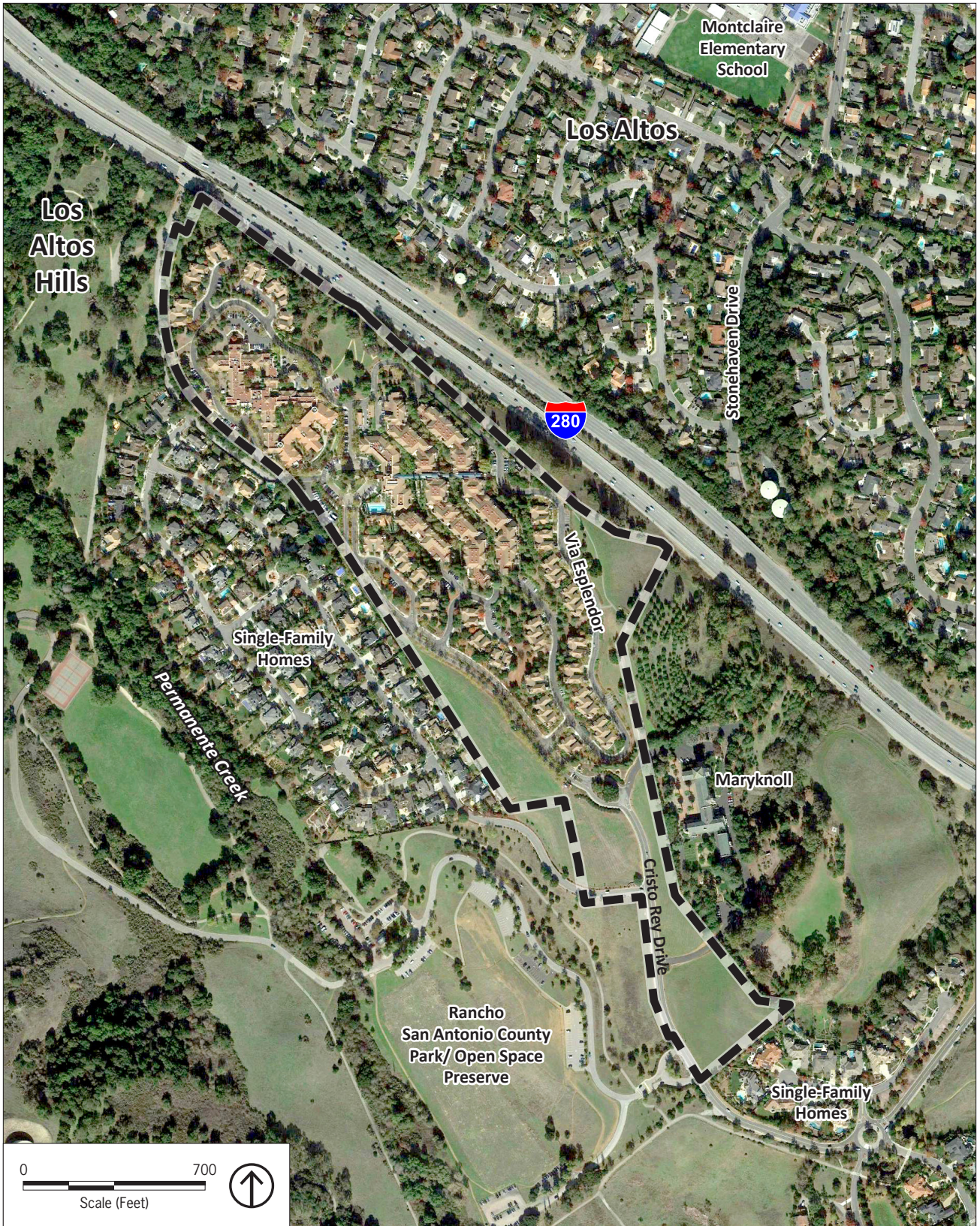
The following public service providers would serve the proposed project:

- Santa Clara County Fire District (SCCFD) for fire protection, emergency, medical, and hazardous materials services
- Santa Clara County Sheriff's Office (Sheriff's Office) and West Valley Patrol Division for police protection services
- The Woodland Branch Library located at 1975 Grant Road in Cupertino, approximately 1.5 miles to the northeast of the project site, is the closest library and is operated by Santa Clara County Library District (SCCLD)
- City parks, which are maintained by the City of Cupertino Recreation and Community Services, that are nearest to the project site are Canyon Park, located approximately 1 mile to the southeast; Little Rancho Park, located approximately 0.5 mile to the southeast; and Monta Vista Park, which is located approximately 2 miles to the southeast of the site²
- The Rancho San Antonio County Park, which is a regional park within the Santa Clara County Parks system, and the Midpeninsula Regional Open Space District (MROSD) Rancho San Antonio Open Space Preserve, are managed by the Midpeninsula Regional Open Space District MROSD and both share a portion of the project site's southern and western borders

¹ The on-site health care center uses the address 23600 Via Esplendor. Individual buildings on the project site are assigned Assessor's Parcel Numbers (APNs) as follows: 342-53-001 through 259 (apartments in Buildings 1 to 5); 342-54-001 through 008 (Villas 1 to 8); 342-54-009 through 015 (Villas 9 to 15); 342-55-001 through 045 (Villas 16 to 60); and 342-54-016 (Health Care Center).

² City of Cupertino, Recreation and Community Services Department, City Park Finder, <http://gis.cupertino.org/parkfinder>, accessed February 24, 2017.

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Source: Google Earth Professional, 2017; PlaceWorks, 2017.



Figure 2
Aerial View of Project Site

Public Utility Providers

The following public utility providers would serve the proposed project:

- Cupertino Sanitary District (CSD) for sanitary sewer services
- San Jose/Santa Clara Water Pollution Control Plant (SJ/SCWPCP) for wastewater treatment
- San Jose Water Company (SJWC) for water services
- Recology South Bay (Recology) for curbside recycling, garbage, and compost and yard waste services
- Newby Island Sanitary Landfill until 2023
- Pacific Gas & Electric (PG&E) for electricity and gas

EXISTING SITE CHARACTER

The 51.5-acre project site is currently developed. As of 1991 the project site includes 656,590 square feet of gross building area, including 60 one- and two-story single and duplex villas with 319 independent living units totaling 402,640 square feet and garage space totaling 130,400 square feet, which are located throughout the site; a 72,750 square feet healthcare center with 40 rooms for assisted living support, 18 rooms for memory care, and a 48-bed skilled nursing facility for a total of 106 beds; and a 40,000 square feet commons building with administrative/emergency room, community/commons room, and fitness center. See Figure 3 for a map of the existing development on the project site. The project site also includes 808,063 square feet of paved area, which includes associated parking, consisting of 529 standard-size and 24 accessible parking stalls,³ and native and non-native landscaping.

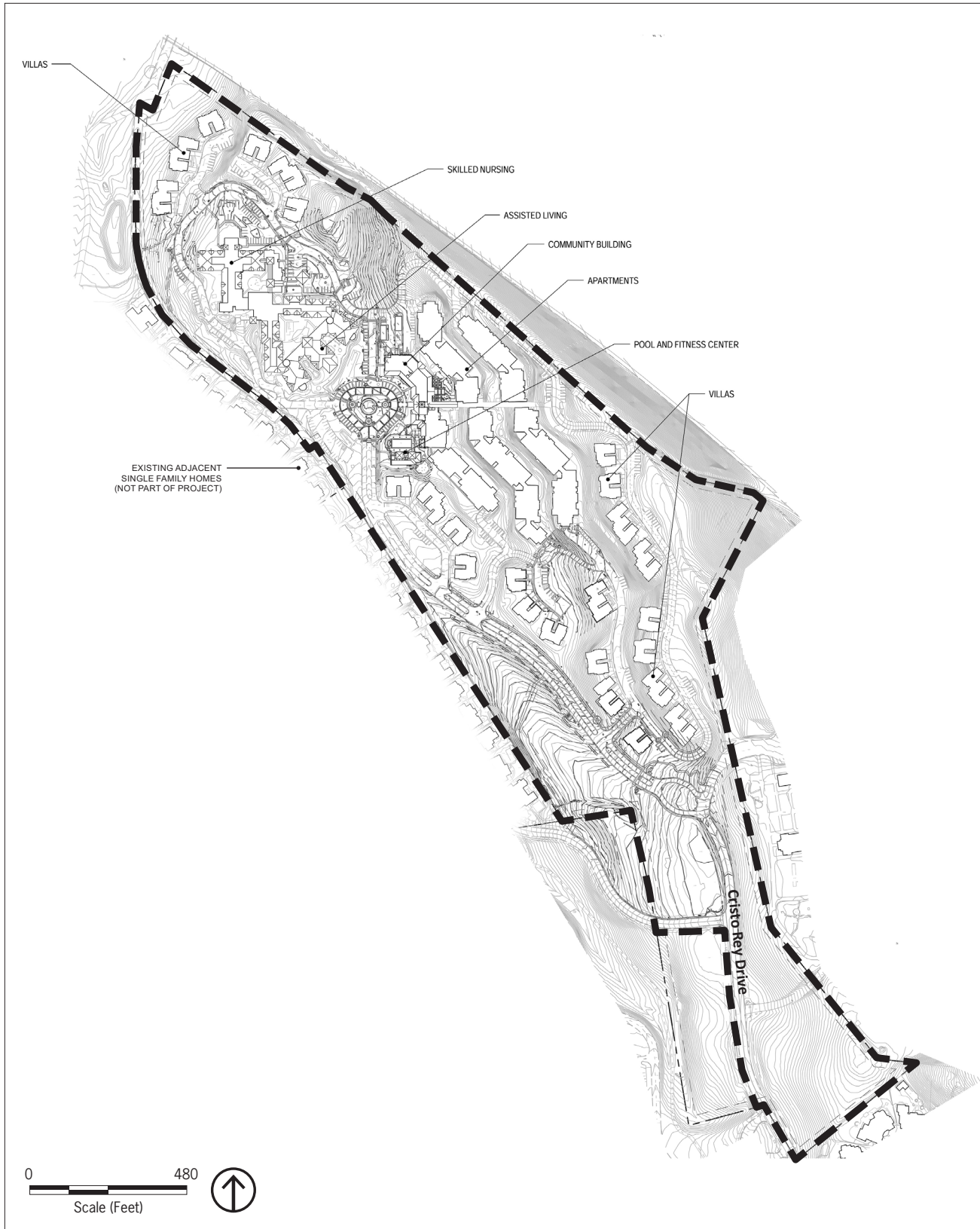
As shown on Figure 4, the data from the Classification and Assessment with Landsat of Visible Ecological Groupings habitat mapping program, shows the majority of the site is classified as an “urban” but some smaller portions are classified as “annual grass”.⁴ The urban area classification areas tends 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. Areas classified as “annual grass,” are characterized as open grasslands composed primarily of annual plant species that occur mostly on flat plains to gently rolling foothills.⁵ As shown on Figure 5, the project site includes suitable habitat for a type of shrub commonly known as the western leatherwood, which is a special-status plant species.

³ City of Cupertino Municipal Code, Chapter 19.124 Parking Regulations, Table 19.124.040(A), Parking Space Dimension Chart.

⁴ 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.

⁵ California Wildlife Habitat Relationships System, California Department of Fish and Game, California Interagency Wildlife Task Group, Annual Grassland, Updated by CWHR Staff, April 2005, <https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=67384>, accessed on February 14, 2017.

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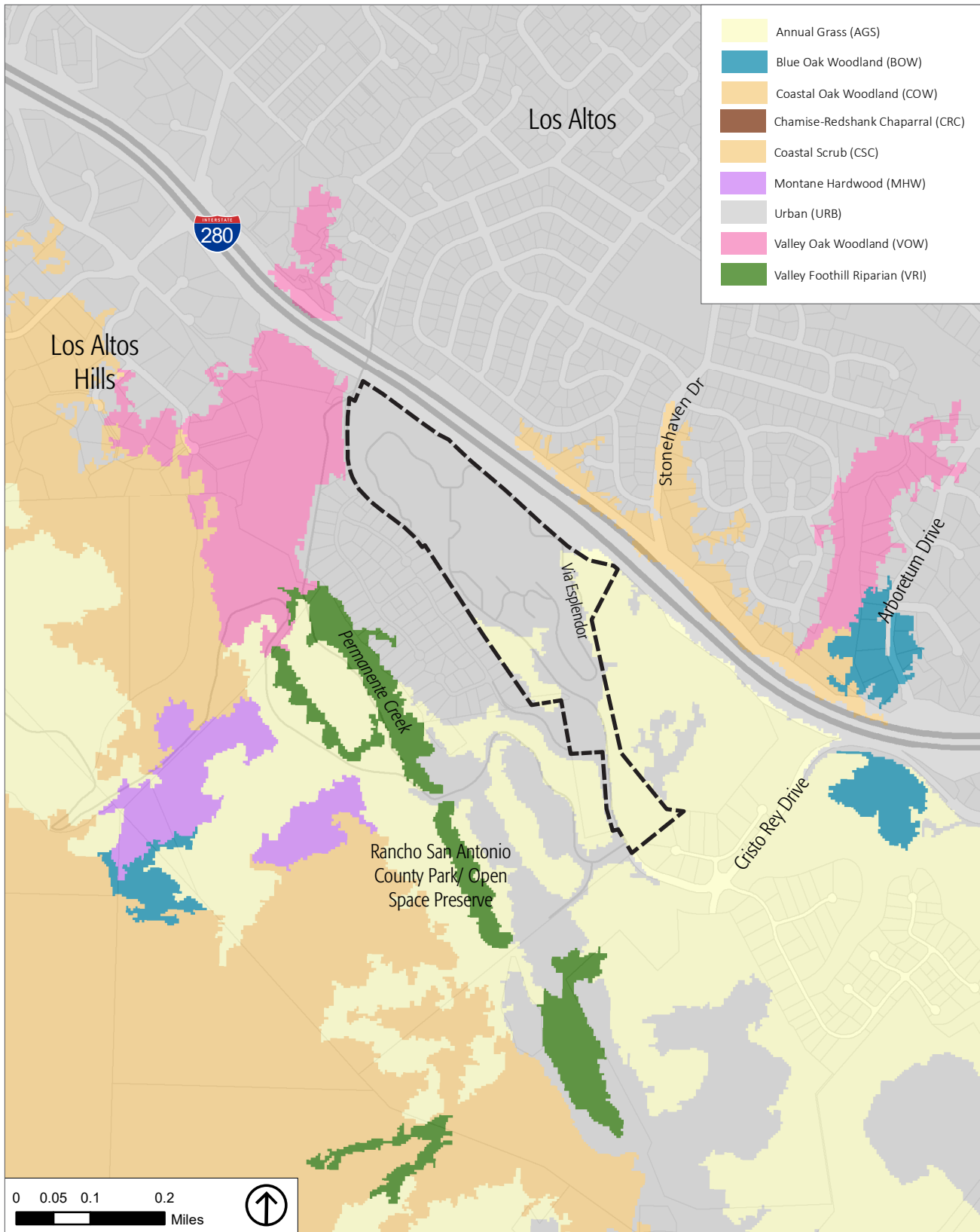


Source: SmithGroupJJR, 2016; PlaceWorks, 2017.

 Project Site

Figure 3
Existing Conditions

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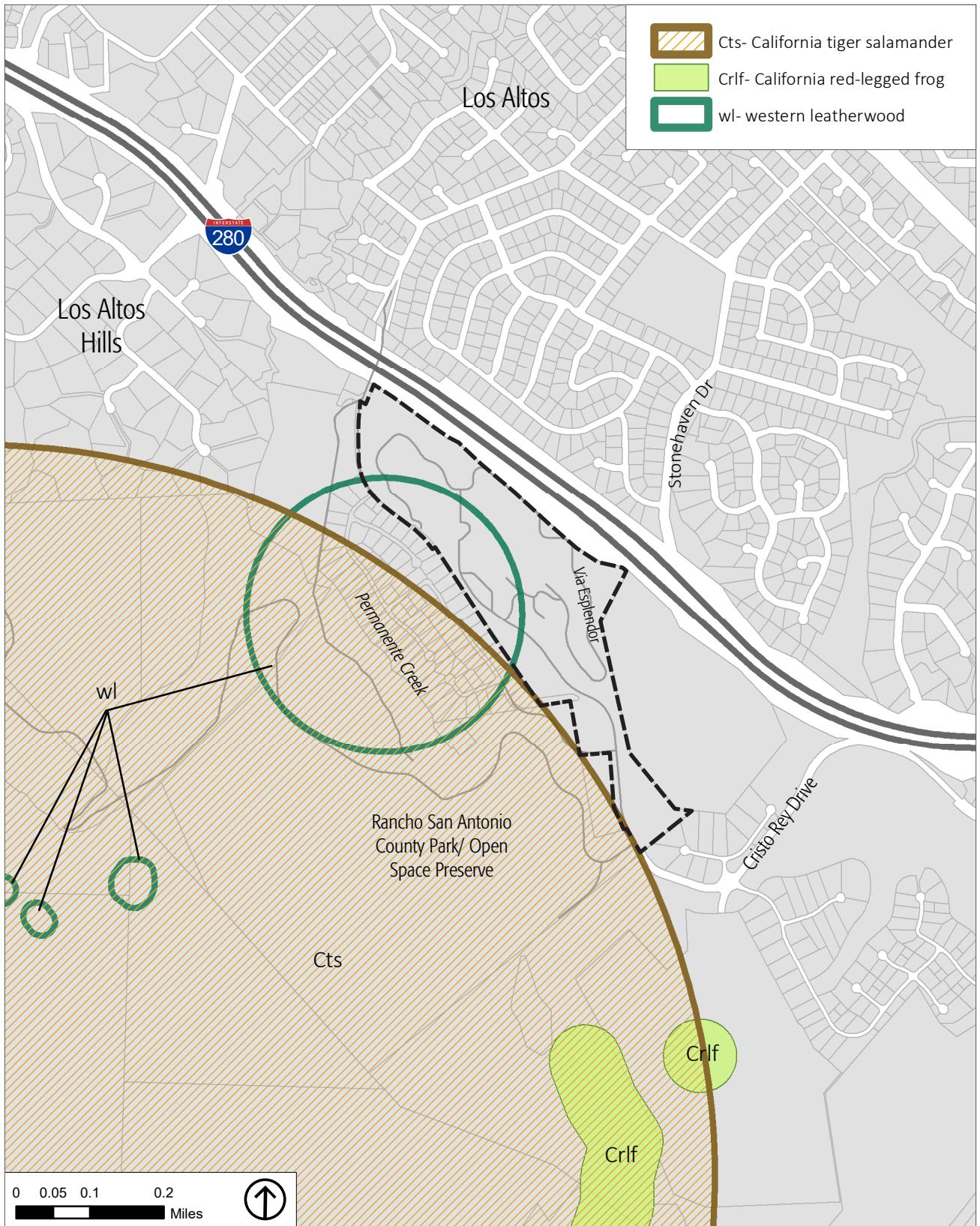


Source: CALVEG, 2013; PlaceWorks, 2017.

 Project Site

Figure 4
Vegetation Habitat Types

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Source: California Natural Diversity Database, 2016; PlaceWorks, 2017.

Project Site

Figure 5
Special-Status Plant and Animal Species

The project site is also adjacent to habitat for the California tiger salamander and near habitat for the California red-legged frog, which are special-status animal species.⁶

Project site elevations range from approximately 320 feet above mean sea level (amsl) on the northwest portion of the site to approximately 440 feet amsl on the southeast portion of the site. Several gentle to moderate slopes are present throughout the site. Site topography varies, but generally slopes downward to the west or northwest towards Permanente Creek. 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. Ground water likely flows to the west or northwest, generally following surface topography. The surficial geology is described as young, unconsolidated Quaternary Valley Floor Alluvium.⁷

GENERAL PLAN LAND USE AND ZONING

LAND USE DESIGNATION

The project site is designated as Quasi-Public/Institutional on the 2015 General Plan Land Use Map.⁸ The Quasi-Public/Institutional land use designation applies to privately owned land involving activities such as a private utility, a profit or non-profit facility giving continuous patient care, an educational facility or a religious facility. As shown on the General Plan Land Use Map, the project site is subject to 5- to 20-acre slope/density (S/D) formula for residential development, which is intended to protect environmentally sensitive areas from extensive development and human life from hazards related to flood, fire and unstable terrain. This designation includes a permitted density of 5 to 20 dwelling units per acre (du/ac).

ZONING ORDINANCE

Zoning District

The project site is zoned P(Institutional) (P(I)) on the City's Zoning Map.⁹ Per the Cupertino Municipal Code (CMC) Section 19.80.030(B), all planned development districts are identified on the zoning map with the letter coding "P" followed by a specific reference to the general type of use allowed in the particular

⁶ Special-status species are plants and animals that are legally protected under the Endangered Species Act/California Endangered Species Act (ESA/CESA) or other regulations, as well as other species that are considered rare enough by the scientific community and trustee agencies to warrant special consideration, particularly with regard to protection of isolated populations, nesting or denning locations, communal roosts, and other essential habitat

⁷ City of Cupertino General Plan EIR, Chapter 4.5 Geology, Soils, Seismicity, Figure 4.5-1 Geologic Map, Cupertino, California.

⁸ A small portion (0.34 acres) has a General Plan Land Use designation of Parks and Open Space, which is a clerical error and the City is currently processing an amendment to change this to Quasi-Public/Institutional. This is a clean-up amendment to reflect the original intent of the City.

⁹ A small portion (0.34 acres) is zoned OS/PR (Open Space/Public Park/Recreational Zone), which is a clerical error and the City is currently processing an amendment to change this to P(Institutional). This is a clean-up amendment to reflect the original intent of the City.

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planning development zoning district.¹⁰ The general type of use allowed on the project site is Institutional.

As described in CMC Section 19.80.010, the planned development zoning district is intended to provide a means of guiding land development or redevelopment of the city that is uniquely suited for planned coordination of land uses.¹¹ Development in “P” zoning district provides for a greater flexibility of land use intensity and design because of accessibility, ownership patterns, topographical considerations, and community design objectives. This zoning district is intended to accomplish the following:

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

Per CMC Chapter 19.76,¹² the Quasi-Public Building (BQ) (i.e., Institutional or “I”) zoning district is intended to accommodate governmental, public utility, educational, religious, community service, transportation, or recreational facilities in the city. The residential care facility is considered a conditional (CUP-PC) use, requiring a conditional use permit issued by the Planning Commission. As such, the height of buildings is regulated by the development plan. Further, minimum setbacks to provide adequate light, air, visibility at intersections, and general conformity with adjacent and nearby zones and lots, as well as adequate screening to limit noise, reduce glare of lights, and prevent obnoxious emissions, shall be provided when deemed appropriate by the Planning Commission.¹³

Parking

Pursuant to CMC Section 19.124.040, sanitariums and rest homes are required to provide one parking space per doctor, one parking space per three employees, and one parking space per six beds for vehicular parking. There are no requirements for bicycle parking.¹⁴

¹⁰ Cupertino Municipal Code, Title 19, Zoning, Chapter 19.80, Planned Development, Section 19.80.030, Establishment of Districts-Permitted and Conditional Uses.

¹¹ Cupertino Municipal Code, Title 19, Zoning, Chapter 19.80, Planned Development, Section 19.80.010, Purpose.

¹² Cupertino Municipal Code, Title 19, Zoning, Chapter 19.76, Quasi-Public Building (BQ) Zone.

¹³ Cupertino Municipal Code Title 19, Zoning, Chapter 19.76, Quasi-Public Building (BQ), Site Development Regulations.

¹⁴ Cupertino Municipal Code, Title 19, Zoning, Chapter 19.124, Parking Regulations, Section 19.124.040, Regulations For Off-Street Parking, Table 19.124.040(A).

Public Art

CMC Chapter 19.148, Required Artwork In Public and Private Developments, requires public art to enhance community character and identity; provide attractive public arts to residents and visitors alike; and stimulate opportunities for the arts through cooperative relations between local business and the City. Under Section 19.148.020, any development of 50,000 square feet or larger involving construction of new buildings and/or the expansion of existing buildings shall be subject to the requirements of this chapter.

MUNICIPAL CODE

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 projects that involve more than 2,500 square feet of landscape area are required to submit a Landscape Project Submittal to the Director of Community Development for approval. Existing and established landscapes over 1 acre, including cemeteries, are required to submit water budget calculations and audits of established landscapes.

Protected Tree Ordinance

CMC Chapter 14.18, Protected Trees, 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 R-1 zoning districts.

Utilities

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 [CCR]) to apply to the planning, design, operation, construction, use, and occupancy of every newly constructed building or 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 and requires new buildings to reduce water consumption by 20 percent, material conservation, and internal air contaminants.¹⁵

Section 4.408, Construction Waste Reduction Disposal and Recycling, mandates that, in the absence of a more stringent local ordinance, a minimum of 50 percent of non-hazardous construction and demolition

¹⁵ The green building standards became mandatory in the 2010 edition of the California Code of Regulations.

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debris must be recycled or salvaged.¹⁶ CALGreen requires that all applicants have a waste management plan for on-site sorting of construction debris.

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 will 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

CMC Chapter 16.58, Green Building Ordinance, 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. 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 Section 16.58.220, single-family and multi-family homes greater than nine homes and buildings larger than 50,000 square feet are required to be Leadership in Energy & Environmental Design (LEED) Certified and buildings from 25,000 to 50,000 square feet to be LEED Silver certified.¹⁷ Section 16.58.230 permits applicants to apply an alternate green building standard for a project in lieu of the minimum standards outlined in Section 16.58.220 that meet the same intent of conserving resources and reducing solid waste. The building efficiency standards are enforced through the local building permit process.

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 of Cupertino. This chapter also ensures ongoing compliance with the most recent version of the City of Cupertino'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 lying within the city. The code contains permit requirements for construction projects and new development or redevelopment projects to minimize the discharge of storm water runoff.

¹⁶ Cupertino Municipal Code Chapter 16.72 addresses construction debris recycling and mandates applicants for any covered project are required to recycle or divert at least 60 percent of all generated debris from demolition projects to an approved facility or by salvage.

¹⁷ 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.

PROJECT DESCRIPTION

The proposed project would allow for the construction and operation associated with the renovation and addition of existing buildings, and the construction of new buildings and their associated parking, infrastructure and landscaped areas. The proposed development, population and employment projections and the required permits and approvals are described in detail below. A complete set of conceptual site plans is included on the City’s website at <http://www.cupertino.org/index.aspx?page=1624>.

PROPOSED DEVELOPMENT

As shown on Figure 6, the proposed project is comprised of health care buildings, commons facilities, independent living villas, and associated landscape and hardscape areas. The buildout projections for the proposed renovation, additions, and new buildings are summarized in Table 1 and described below.

Health Care Buildings

The proposed project’s healthcare center component consists of a skilled nursing facility renovation with a Rehabilitation Center addition, assisted living renovation, and a new memory care building. A description of each of these buildings is provided below.

TABLE 1 2022 BUILDOUT PROJECTIONS BY BUILDING TYPE

Project Component		Continuum of Care			Building Area (square feet)		
		Units	Bedrooms	Beds	Renovation	Addition ^d	New Building ^d
Independent Living Villas	Single - 1A	3	6	-	-	-	4,890
	Single - 2A	2	4	-	-	-	3,260
	Single - 2B	2	4	-	-	-	3,260
	Duplex - Courtyard	6	12	-	-	-	9,780
	Duplex - Side Entry	10	20	-	-	-	16,600
	Duplex - Sereno (2 story)	2	4	-	-	-	1,890
	Attached Garage Per Unit						17,286
<i>Subtotal</i>		25	50	-	-	-	57,166
Healthcare Center	Skilled Nursing Facility ^a	-	-	10	24,685	21,101	-
	Assisted Living Renovation	-	-	-	10,400	-	-
	Memory Care Building ^b	-	24	26	-	-	38,170
<i>Subtotal</i>		-	24	36	35,085	21,101	38,170
Commons Facility	Dining Facility Renovation	-	-	-	2,940	-	-
	Fitness Facility Renovation	-	-	-	1,730	1,412	-
	Multi-Purpose Room Building ^c	-	-	-	-	20,504	-
<i>Subtotal</i>		-	-	-	4,670	21,916	-

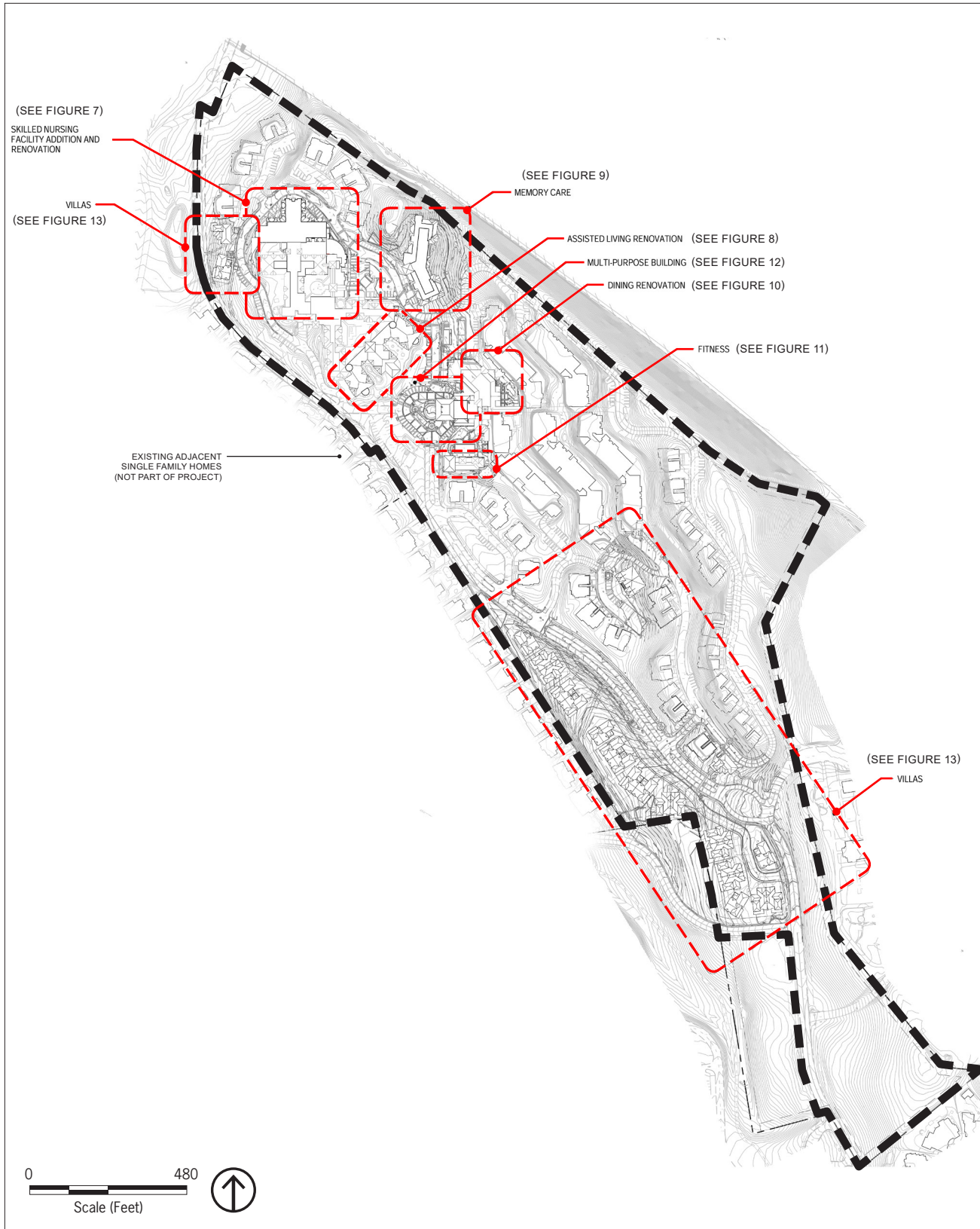
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	TOTAL	25	74	36	39,755	43,017	95,336
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Notes:

- a. The skilled nursing facility would accommodate 13 semi-private rooms and two private rooms for a total of 15 bedrooms and 10 new beds.
 - b. The memory care includes 22 private rooms and 2 semi-private rooms for a total of 24 bedrooms and 26 beds.
 - c. The multi-purpose building addition is comprised of 920 square feet community/commons, 2,584 square feet administrative/emergency, and 17,000 square feet multi-purpose room addition for a total of 20,504 square feet.
 - d. Addition Areas include the new addition (43,017 square feet) and the new buildings (95,336 square feet), for a combined total of 138,353 square feet.
- Source: Applicant plan set, submitted April 28, 2017.

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Source: SmithGroupJJR, 2016; PlaceWorks, 2017.



Project Site

Figure 6
Site Plan

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Skilled Nursing Facility

The skilled nursing facility provides long-term intensive care for permanent residents similar to a nursing home. The proposed project would include renovations and new space to the existing skilled nursing facility, which is centrally located on the northern portion of the project site. This facility is bounded by Via Esplendor to the north, east, and south, surface parking to the east, and the assisted living facility to the south. The conceptual site plan and extent of work for this project component is shown on Figure 7. The new additions would accommodate 13 semi-private rooms and two private rooms for a total of 10 new beds and associated medical support uses. The new addition would also include a new state-licensed kitchen, a multi-purpose area/second dining area, and a new Rehabilitation Center. Renovation activities would consist of converting the existing, semi-private resident rooms to private rooms with larger bathrooms that would allow for in-room showers; upgrading the existing administration, dining and support areas. The architectural design of the addition would be consistent with the character, scale, mass and height of the existing buildings on site. The existing skilled nursing facility accommodates 48 beds for up to 48 residents. The proposed project would result in 58 beds for up to 58 residents.

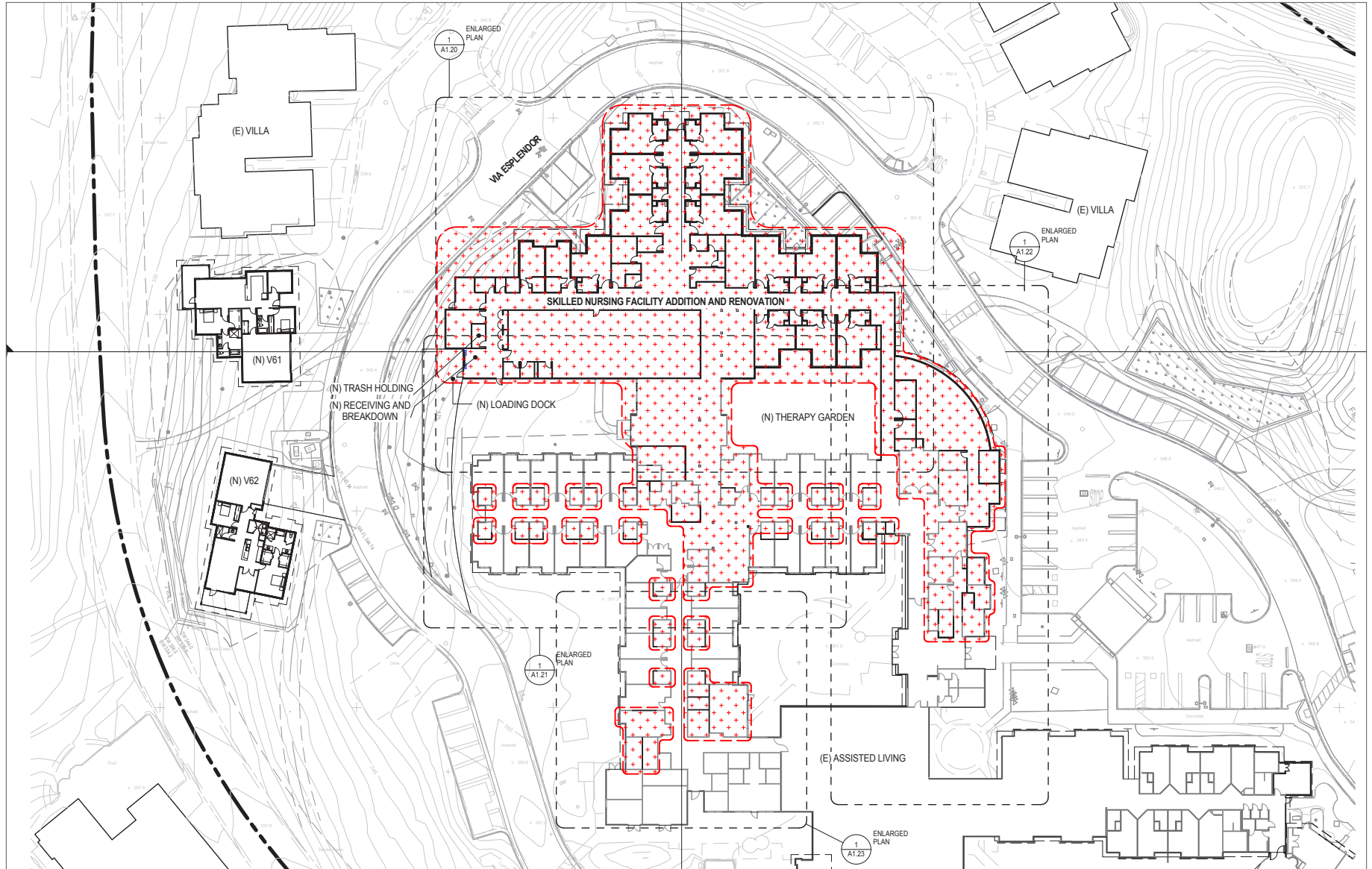
Assisted Living Facility

The assisted living facility includes housing for older adults who require some assistance, but do not require the intensive medical and nursing care provided in the skilled nursing facility. The proposed project would include renovations to the existing assisted living facility, which is centrally located on the northern portion of the project site. This facility is bound by Via Esplendor to the north, south and west, the skilled nursing facility to the north, and Cristo Rey Drive to the east and south. The conceptual site plan and extent of work for this project component is shown on Figure 8. The renovation would include repurposing selected existing spaces into new dedicated spaces providing functions such as exercise, multi-purpose, social gathering and alternative food service venues. The renovation plan also includes a modified kitchen, which currently serves the existing skilled nursing facility. This facility would continue to accommodate 40 beds for 40 residents.

Memory Care Building

The memory care building accommodates residents with varying degrees of dementia or Alzheimer's in a structured environment with safety features and programs designed to cultivate cognitive skills. The proposed project's memory care building component would be a new two-story building with associated surface parking located near the northern border in the northern portion of the project site. The new memory care building would be bounded by I-280 and on-site open space to the north, northeast, and northwest, and Via Esplendor to the south. Due to the topography, the parking area would be cut into the hillside. The conceptual site plan and extent of work for this project component is shown on Figure 9. The support areas (e.g., administrative, nursing, storage, meeting, and staff uses) would be on the first story. The second story would include private and semi-private resident rooms, along with two common rooms for group activity and dining purposes. This level is divided up into two areas referred to as "neighborhoods" that would house 13 residents in each neighborhood (i.e., 11 private resident rooms and 1 semi-private room) for a total of 26 total residents. Each neighborhood would open directly to a common garden and patio area designed specifically to memory care resident needs. Other proposed resident amenities would include a secure meditation garden and quiet room. The architectural character of the building would be consistent with the surrounding buildings.

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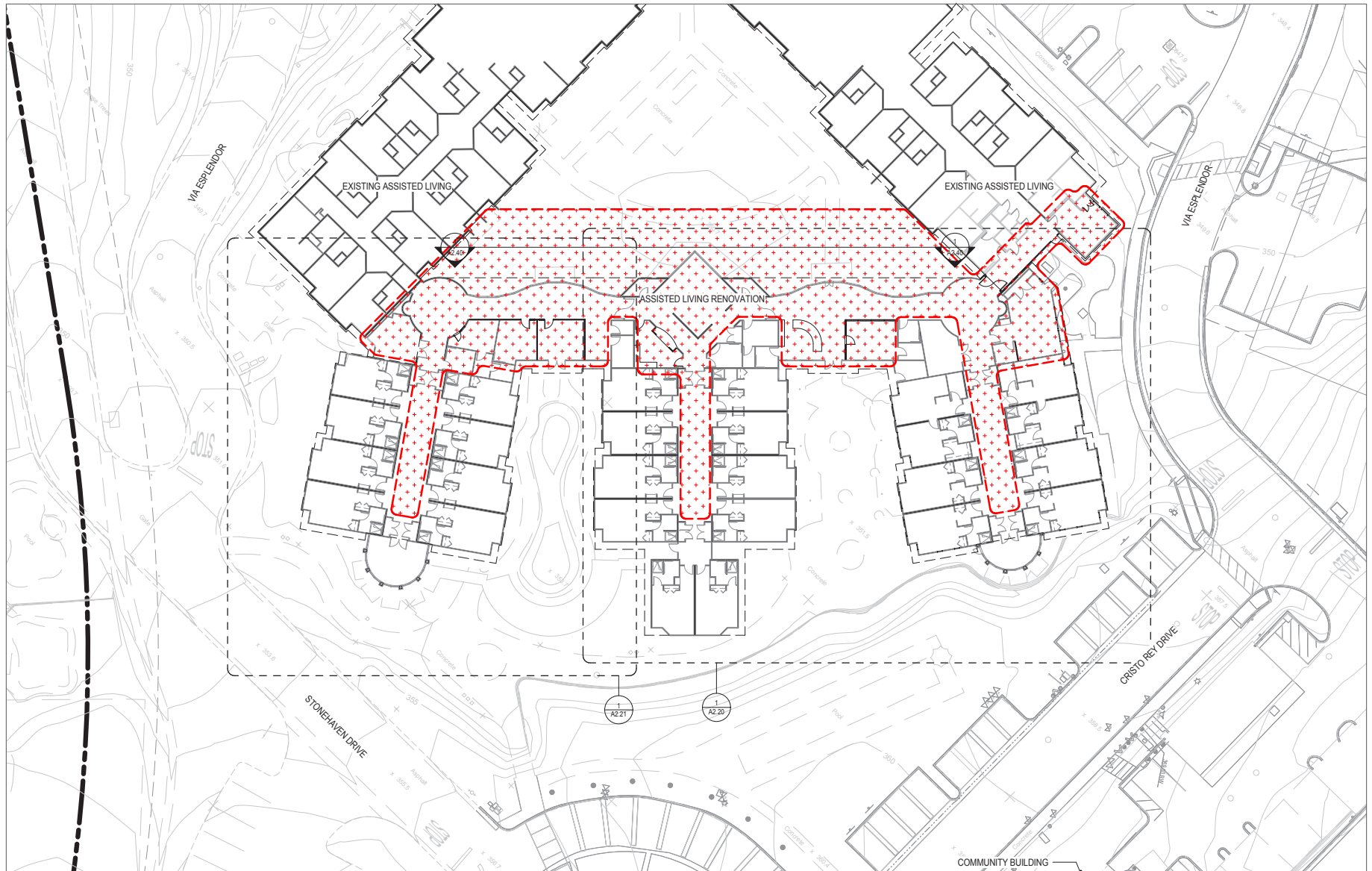


Source: SmithGroupJJR, 2016; PlaceWorks, 2017.



Figure 7
Skilled Nursing Facility Addition and Renovation

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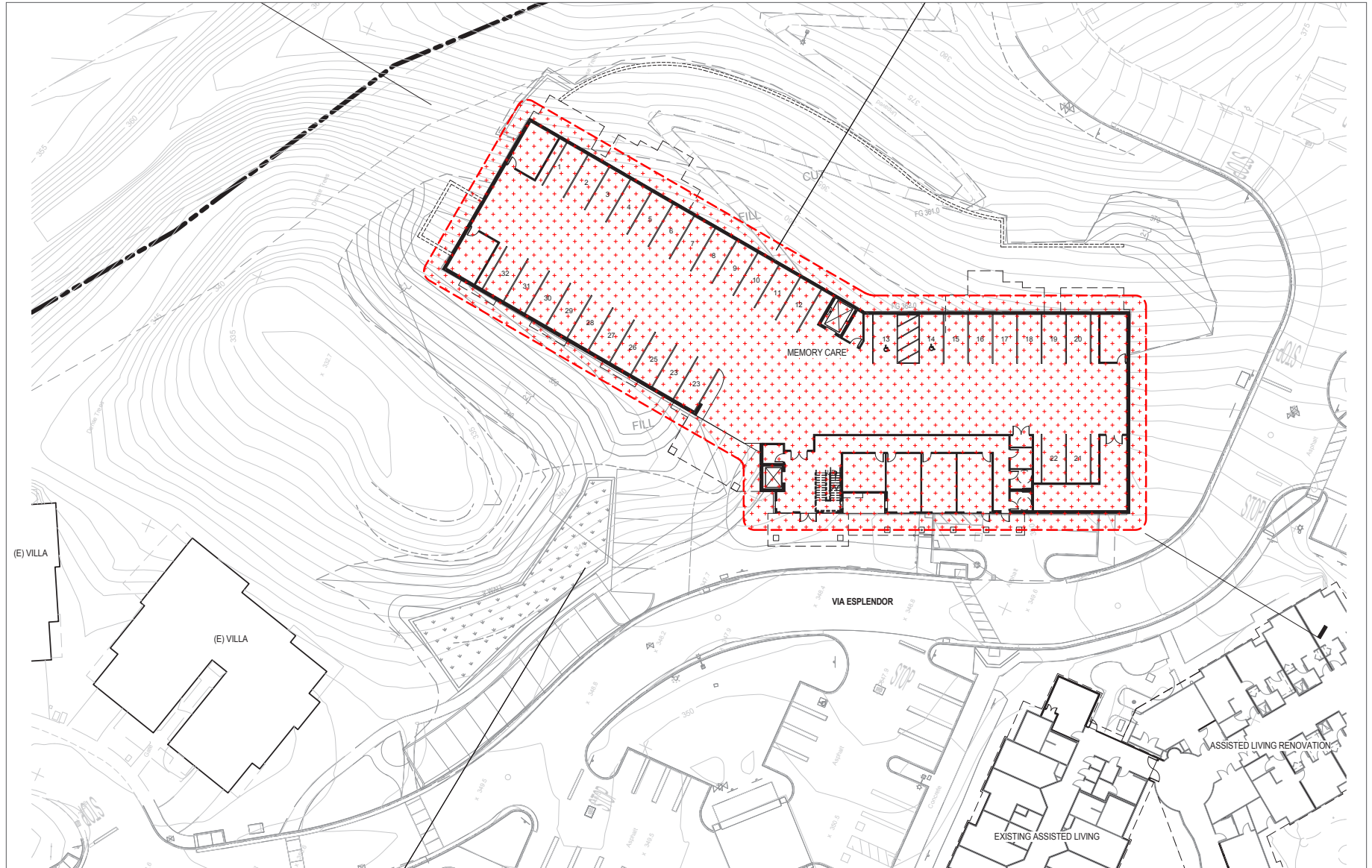
Source: SmithGroupJJR, 2016; PlaceWorks, 2017.



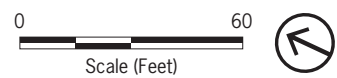
PLACEWORKS

Figure 8
Assisted Living Facility Renovation

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Source: SmithGroupJJR, 2016; PlaceWorks, 2017.



PLACEWORKS

Figure 9
New Memory Care Building

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Commons Facilities

The proposed commons facilities component would consist of renovations and additional space to accommodate residential support and leisure activities. The commons facilities include a dining facility, a fitness facility, and a multi-purpose room building. The conceptual site plan and extent of work for these facilities are shown on Figure 10, Figure 11, and Figure 12, respectively. The commons facilities are centrally located on the project site and are bound by the assisted living facility and independent living villas to the north, independent living villas to the east and south, and Cristo Rey Drive to the west. Renovation activities would include administrative office upgrades to create additional areas for wellness programs, a new physician office, and full service spa located on the first floor; upgrades to the dining and kitchen areas, and patio located on the second floor; and upgrades to the existing fitness facility locker and shower areas and new aerobics room located at the swimming pool area. Construction activities would include new space at the commons building for emergency services on the first floor, a new emergency generator at the rear of the commons building, and a new two-story addition to the front of the existing building that would include a multi-purpose room with marketing suite, theatre, relocated reception and dining areas, and related amenity space.

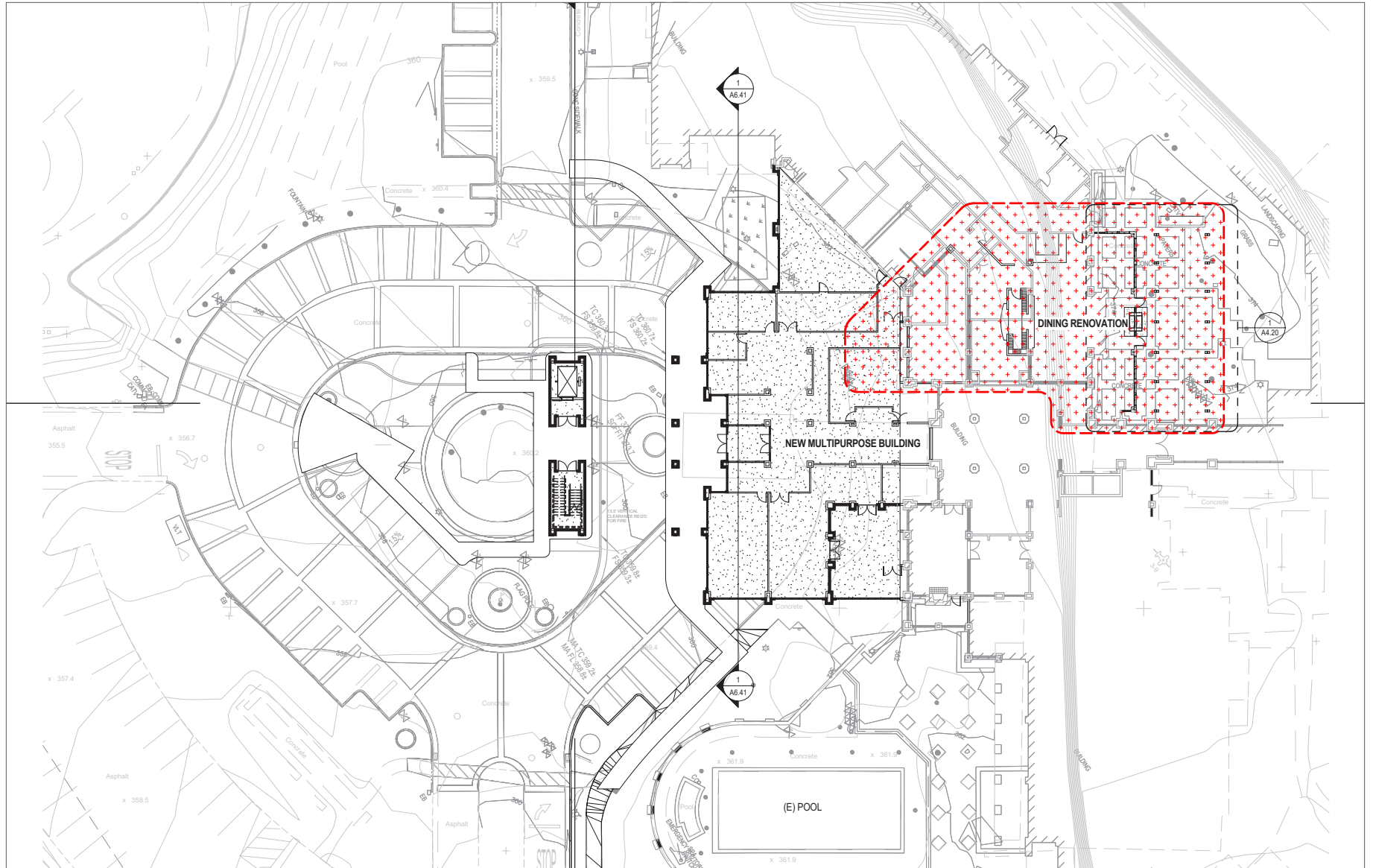
Independent Living Villas

The proposed project's independent living villas component consists of 23 new one-story villas and 2 new two-story villas, which total 25 dwelling units with a total of 50 bedrooms. As shown in Table 1, the villas range in size from 1,630 to 1,890 square feet and each include an attached garage, for a total area of 57,166 square feet. As shown on Figure 13, the villas would be located in the following locations:

- **Via Esplendor Villas:** These two single villas would be located on the south border of the project site near the skilled nursing facility. These villas would be bounded by Via Esplendor to the north, on-site open space to the east, Stonehaven Drive to the south, and an existing villa to the west. The off-site uses near these villas include open space and a single-family home to the south.
- **Serano Court Villas:** This duplex unit would include two villas that would be located off of Serano Court, which is centrally located on the project site and surrounded by other existing villas. This villa would be bounded by Serano Way to the north and west, an existing villa to the east, and Serano Court to the south.
- **Via Esplendor/Capilla Way Villa:** This single villa would be located near the entrance to the project site. This villa would be bounded by Via Esplendor to the north, open space to the east, Cristo Rey Drive to the south and an existing villa to the west. This villa would be accessed via Capilla Way.
- **Cristo Rey Drive Villas:** These 20 units, made up of four single villas and 16 duplex villas, would be located near the entrance to the project site. This villa would be bounded by Cristo Rey Drive to the north and west, Oak Valley Road to the east and south, existing off-site single-family homes. Per CMC development regulations, these villas would be setback approximately 25 feet or greater from the property line between the proposed villas and the existing, off-site, single-family homes.¹⁸

¹⁸ Cupertino Municipal Code, Title 19, Zoning, Chapter 19.76, Quasi-Public Building (BQ), Site Development Regulations.

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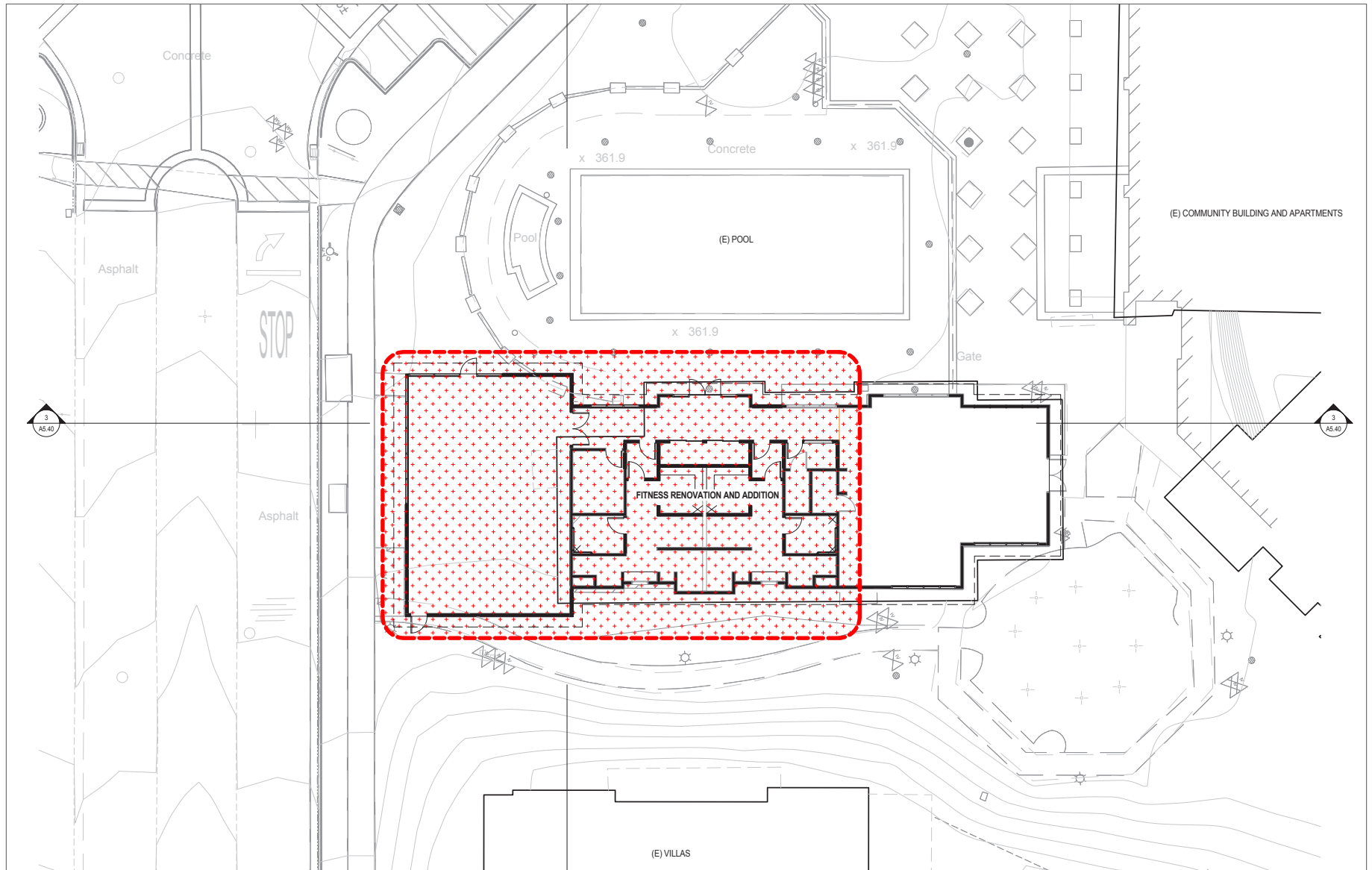


Source: SmithGroupJJR, 2016; PlaceWorks, 2017.



Figure 10
Dining Facility Renovation

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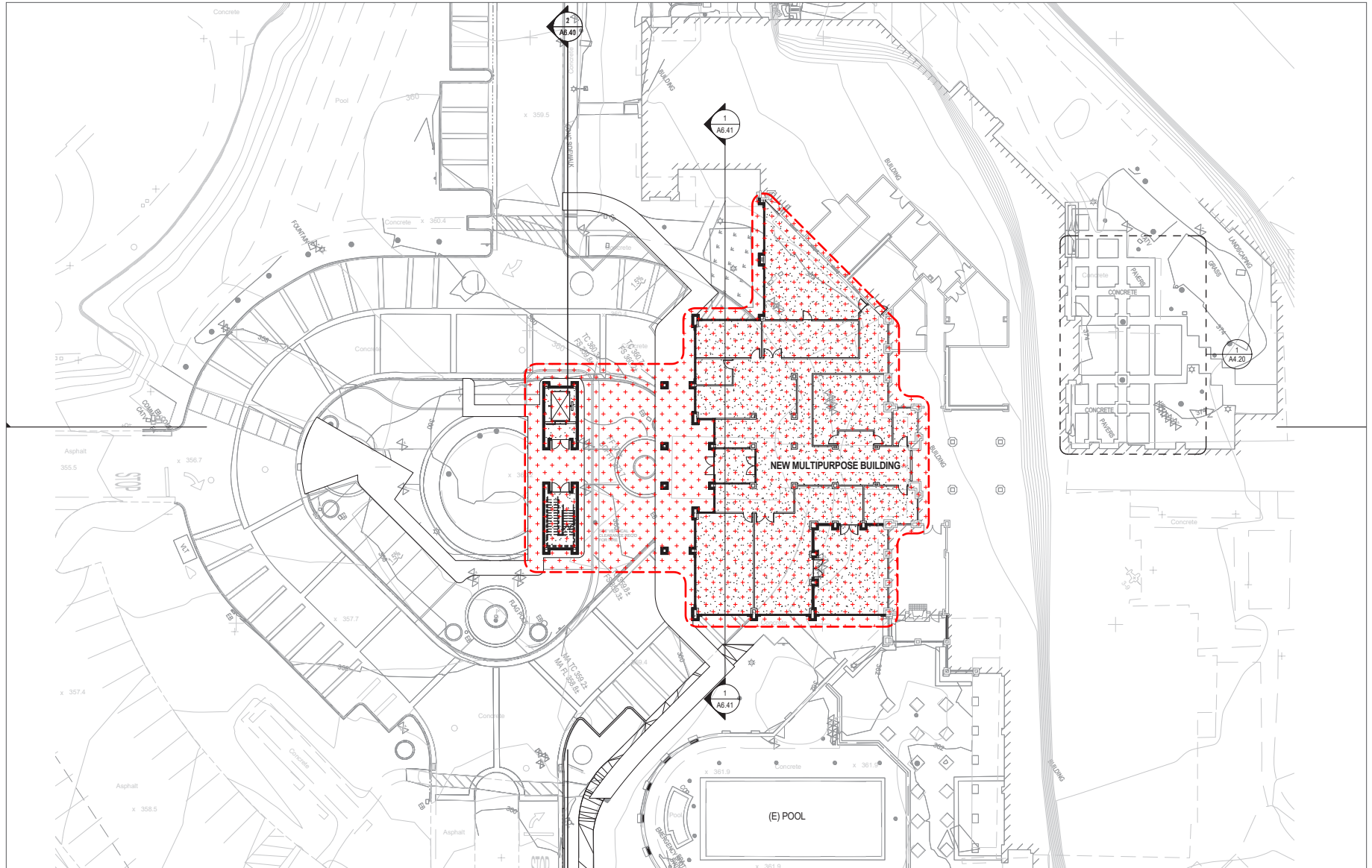


Source: SmithGroupJJR, 2016; PlaceWorks, 2017.



Figure 11
Fitness Facility Renovation and Addition

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Source: SmithGroupJJR, 2016; PlaceWorks, 2017.



PLACEWORKS

Figure 12
New Multipurpose Room Building

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Source: SmithGroupJJR, 2016; PlaceWorks, 2017.

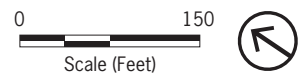


Figure 13
New Independent Living Villas

Landscaping

The project site includes landscaping throughout the project site's interior and the surrounding perimeter (see Figure 2). The proposed project would result in 185,303 square feet of pervious landscaped surfaces and would comply with City's Landscape Ordinance (Section 14.15.000). The proposed landscaping would be consistent with the surrounding Northern California landscape and would include native and/or adaptive, and drought resistant plant materials of similar water use grouped by hydrozones. The majority of plantings would be drought tolerant grasses, shrubs, and trees that, once established, would be adapted to a dry summer and intermittent rain in the winter season. Landscaping would be specifically designed around the independent living villas to provide privacy between the adjacent land uses.

Because the proposed project would include a total of 176,312 square feet of impervious surfaces,¹⁹ the proposed project would be required to include 7,052 square feet of bioretention areas.²⁰ However, the proposed project includes 9,363 square feet of bioretention areas, which is 2,311 square feet over the required amount. The bioretention areas would be incorporated into the landscaped areas throughout the project site.

Lighting

The source, intensity, and type of exterior lighting for the project site would be typical for orientation and safety needs. All on-site lighting would be low-level illumination and shielded to reduce light spill or glare. In landscaped and paved areas, light sources would be concealed and not visible from a public viewpoint. All exterior surface and above-ground mounted fixtures would be sympathetic and complementary to the architectural theme.

Parking and Access

The proposed project would include one new access point off of Cristo Rey Drive for the proposed new villas near the main entrance point, all other components of the proposed project would continue to be accessed from the main entryway off of Cristo Rey Drive. See Figure 13. The proposed project would include the removal of 53 parking stalls (46 standard and 7 accessible). Per CMC Section 19.24.040,²¹ the proposed project includes the addition of 182 parking stalls (169 standard and 13 accessible) for a net new total 129 parking stalls (123 standard and 6 accessible). Each independent living villa would include a private driveway and garage. The healthcare center and commons facilities would include surface parking lots for residents, guests, and employees.

¹⁹ The 8,596 square feet of added impervious surface is untreated and is offset by treating 9,972 sf of existing impervious surface.

²⁰ Santa Clara Valley Water District Municipal Regional Stormwater NPDES Permit C.3 requires 4 percent of the proposed impervious surface be treated to control the flow of stormwater and stormwater pollutants from new development, http://www.scvurppp-w2k.com/pdfs/1516/c3_handbook_2016/SCVURPPP_C.3_Technical_Guidance_Handbook_2016_Chapters.pdf, accessed on April 14, 2017.

²¹ Cupertino Municipal Code, Section 19.24.040, Table 19.124.040(A).

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Construction, Demolition, and Site Preparation

Development of the proposed project would occur over a 5-year period and is anticipated to be completed by the year 2022. The proposed project would involve some demolition of existing structures and parking stalls, and the removal of some of the existing landscaping on site. Site preparation would include 22,800 cubic yards (cy) of cut and 7,500 cy of fill. No soil import would occur, but 15,300 cy of export would be required.

POPULATION AND EMPLOYMENT PROJECTIONS

As previously described, The Forum is a CCRC that offers a tiered approach to the aging process by providing a variety of residential and healthcare services within one community. Because the CCRC allows for transitions to meet residents' changing needs, an average 5 percent vacancy rate is typical for the independent living accommodations and a 7 to 10 percent vacancy rate is typical for the healthcare center accommodations. For a conservative evaluation of environmental impacts no vacancy rates have been applied. As shown in Table 2, there are 481 residents at the existing site and 542 residents are expected at full buildout of the proposed project which would introduce up to 61 new residents.

TABLE 2 EXISTING AND PROPOSED POPULATION PROJECTIONS

Facility Type	Existing Population ^a	Existing Units/Beds	Proposed Units/Beds	Buildout Units/Beds	Proposed Population Buildout
Independent Living					
Independent Living Villas	96	60 villas	25 villas	85 villas	136
Apartments	282	259 units	0 units	259 units	282
<i>Subtotal</i>	<i>378</i>				<i>418</i>
Healthcare Center					
Skilled Nursing Facility	45	48 beds	10 beds	58 beds	58
Assisted Living Renovation	40	40 beds	0 beds	40 beds	40
Memory Care Building	18	18 beds	26 beds	26 beds	26
<i>Subtotal</i>	<i>103</i>				<i>124</i>
Total	481				542

Notes:

a. Current population as of April 10, 2017.

Source: The Forum, April 2017.

As a CCRC that provides a variety of health and residential care and services to its residents 24 hours a day and 7 days a week, The Forum is regulated by the State of California Department of Health Service (DHS) and Office of Statewide Health Planning and Development (OSHPD). Under current conditions, The Forum has approximately 300 part-time and full-time employees in total; however, not all workers are on-site at the same time. As shown in Table 3, under current conditions up to 189 employees come and go from the

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project site over a 24-hour period. Most employees work a variety of 8-hour shifts of which most occur outside of AM and PM peak commute times (i.e., AM [7:00 to 10:00 a.m.] and PM [4:00 to 7:00 p.m.]).

TABLE 3 FORUM EMPLOYEE POPULATION AND SHIFT SCHEDULE

24-hour Cycle of Shifts	Current Employees	Proposed Employees	Proposed Employee Buildout
5:00 am to 1:00 pm	2	5.6	7.6
6:00 am to 2:00 pm	11	3.4	14.4
6:15 am to 2:15 pm	4	2	6
6:30 am to 2:30 pm	2	0	2
6:45 am to 2:45 pm	3	0	3
7:00 am to 2:00 pm	2	0	2
7:00 am to 3:00 pm	17	10	27
7:00 am to 3:30 pm	4	2	6
7:30 am to 4:30 pm	1	0	1
8:00 am to 4:00 pm	24	1	25
8:00 am to 4:30 pm	7	0	7
8:00 am to 5:00 pm	13	0	13
8:30 am to 4:30 pm	3	0	3
9:00 am to 5:00 pm	16	6	22
9:00 am to 5:30 pm	3	0	3
10:00 am to 6:00 pm	0	1	1
10:30 am to 6:30 pm	1	0	1
11:00 am to 7:00 pm	6	5.9	11.9
11:00 am to 8:00 pm	2	0	2
11:15 am to 7:15 pm	4	0	4
12:00 pm to 8:00 pm	11	0	11
1:00 pm to 9:00 pm	2	0	2
2:00 pm to 8:00 pm	1	0	1
2:00 pm to 10:00 pm	4	0	4
2:30 pm to 10:00 pm	1	0	1
2:30 pm to 11:00 pm	0	0	0
2:45 pm to 10:45 pm	3	0	3
3:00 pm to 11:00 pm	22	7.6	29.6
3:30 pm to 7:30 pm	4	0	4
4:00 pm to 9:00 pm	7	0	7
10:45 pm to 7:45 am	1	0	1
11:00 pm to 7:00 am	7	3.8	10.8
11:30 pm to 7:30 am	1	0	1
Total	189	48	237

Notes:

Bold text in shaded cells indicate peak hour commute shifts with peak hours being 7:00 to 10:00 a.m. and 4:00 to 7:00 p.m.

Source: The Forum, April 2017.

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As shown in Table 3, the proposed project would generate approximately 48 additional employees, totaling 237 employees, representing both part and full time workers who are on-site during the 24-hour continuum of care service provided at the site.

REQUIRED PERMITS AND APPROVALS

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

- Development Permit
- Architectural and Site Approval Permit
- Tree Removal Permit

In addition, permits for demolition, grading and building, and the certificate of occupancy would also be required from the City. Other agency approvals, such as the San Francisco Regional Water Quality Control Board (RWQCB) for permits related to water quality, may also be required.

ENVIRONMENTAL ANALYSIS

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

- **Air Quality:** Would the project expose sensitive receptors to existing substantial pollutant concentrations?
- **Geology and Soils:** Would the project expose people or structures to 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?
- **Hazards and Hazardous Materials:** Would the project expose people or structures to a significant risk of loss, injury, or death involving wildland fires, including where wildland are adjacent to urbanized areas or where residences are intermixed with wildlands?
- **Hydrology and Water Quality:** Would the project place housing within a 100-year flood hazard area as mapped on a Federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map; expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam; or be located in an area that would be inundated by seiche, tsunami, or mudflow?

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- **Noise:** Would the project expose people to existing noise levels in excess of standards established in the local general plan or noise ordinance, or other applicable standards including excessive groundborne vibration or ground borne noise levels?

I. AESTHETICS

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)	Substantially degrade the existing visual character or quality of the site and its surroundings?	■	□	□	□
d)	Create a new source of substantial light or glare that would adversely affect day or nighttime views in the area?	□	□	■	□

EXISTING CONDITIONS

The project site is located in a developed area on the fringe of Cupertino that is adjacent to open space. The site is immediately bordered by I-280 to the north; Maryknoll religious institute to the east; one- and two-story single-family housing to the south and southwest; and the Rancho San Antonio County Park/Open Space Preserve, to the southwest and west. While some portions of the project site are not developed, most of the project site is currently developed with residential and non-residential facilities. The developed area includes one- to three-story healthcare and common area buildings and one- and two-story residential villas with two-car garage parking. These existing buildings are built into the natural hilly topography of the site and generally surrounded by mature trees ranging in height from 15 to 80 feet. As shown on Figure 4, the undeveloped area consists of urban habitat as well as annual grassland habitat located on the northeast, southeast, and south portions of the project site.

The segment of I-280 from the Santa Clara County line on the west to I-880 on the east in Cupertino is not an officially designated State Scenic Highway, but is considered to be eligible to be designated as a State Scenic Highway.²²

DISCUSSION

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

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

²² California Department of Transportation website, Officially Designated State Scenic Highways, <http://www.dot.ca.gov/hq/LandArch/scenic/schwy.htm>, accessed February 15, 2017.

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vistas. Potential effects could include blocking views of a scenic vista/corridor from specific publically 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 designate any areas in Cupertino as 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 proposed project would not increase the height of any building from that of the existing buildings currently on the project site. Some of the existing buildings would be removed and replaced by the proposed buildings that would consist of one- to two-story buildings and would be 26 feet tall at the highest point. A new building for the memory care component of the project would be constructed on the northern portion of the project site. This building would be integrated into the hillside so that only one of the two stories would extend above the hillside. This portion of the building would be within the existing tree canopy. Additionally, some of the existing trees would be removed from the site, but would be replaced to accommodate the new configuration of buildings both internally and along the perimeter of the site. For these reasons, the project would not obstruct the long-range views of the Santa Cruz Mountain Range and foothills.

While the proposed project would not involve any height increases from what is currently on the project site and existing conditions currently limit views of scenic resources, the project site is adjacent to the Rancho San Antonio County Park/Open Space Preserve, which is a public destination viewing location for scenic resources.²³ Therefore, the impacts under this criterion could be *potentially significant* impact. This issue will be discussed further in the EIR.

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?*

A segment of I-280, which is considered to be eligible to be designated as a State Scenic Highway,²⁴ is located approximately 200 feet to the north of the project site and approximately 41 feet below the project site. Any existing scenic views of the surrounding mountains from this segment of I-280 adjacent to the project site are currently impeded by the natural topography and landscaping along I-280. Similar to the discussion under criterion (a), the proposed project would not involve any height increases from what is currently on the project site and would therefore not obstruct the long-range views of the Santa

²³ Santa Clara County Parks, Rancho San Antonio Park Map, https://www.sccgov.org/sites/parks/parkfinder/Documents/pr_rancho_san_antonio.pdf, accessed February 16, 2017.

²⁴ California Department of Transportation website, Officially Designated State Scenic Highways, <http://www.dot.ca.gov/hq/LandArch/scenic/schwy.htm>, accessed February 15, 2017.

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Cruz Mountain Range and foothills from I-280. Therefore, *no impact* would result under this criterion and the issue will not be discussed in the EIR.

c) *Would the proposed project substantially degrade the existing visual character or quality of the site and its surroundings?*

As discussed in criterion (a) above, implementation of the proposed project could result in a substantial change to the existing visual character of the site or its surroundings. The project would construct new one- and two-story residential villas on the undeveloped land located on the southeast portion of the site; however, the uses surrounding the site primarily consist of single-family residential and open space uses. Therefore, impacts under this criterion could be *potentially significant* until the need and nature of any required mitigation has been identified as part of the EIR.

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. The project site and surrounding areas contain sources of nighttime illumination, including from street and parking area lights, security lighting, and exterior lighting on existing residential buildings. Overall, interior and exterior lighting provided by the project would be consistent with the surrounding residential context of the project site and would not be considered substantial. The interior and the perimeter of the project site would be planted with trees. The perimeter trees would further screen the buildings and reduce light and glare to any off site receptors. Overall the proposed project would not contribute to substantially increased light and glare and the impact would be *less than significant*. This issue will not be discussed further in the EIR.

II. AGRICULTURE AND FORESTRY RESOURCES

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

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Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less-Than-Significant Impact	No Impact
e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of farmland to non-agricultural use or of conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

a) *Convert Prime Farmland, Unique Farmland or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?*

The project site is currently designated in the Cupertino General Plan for Quasi-Public/Institutional (Q-P/I) uses and is currently developed with an institutional use, and is classified as Urban and Built-Up Land by the Department of Conservation's Farmland Mapping and Monitoring Program.²⁵ Therefore, *no impact* would result under this criterion and this issue will not be discussed in the EIR.

b) *Conflict with existing zoning for agricultural use, or a Williamson Act contract?*

Neither the project site, the adjoining parcels, nor the immediately surrounding area features agricultural zoning designations or properties subject to Williamson Act contracts.²⁶ Therefore, *no impact* would result in this respect and this issue will not be discussed in the EIR.

c) *Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code Section 51104(g))?*

Neither the project site, adjoining parcels, nor the immediately surrounding areas feature zoning designations for forest land, timberland, or timber production. Additionally, there are currently no lands within the city of Cupertino zoned for or currently featuring timberland or timber production.²⁷ Therefore, *no impact* would result under this criterion and this issue will not be discussed in the EIR.

d) *Result in the loss of forest land or conversion of forest land to non-forest use?*

There is no forest land on the project site or in close proximity to the project site. The project site and surrounding areas currently feature developed, urbanized land uses. Therefore, *no impact* would result under this criterion and this issue will not be discussed in the EIR.

²⁵ State of California Department of Conservation, Important Farmland Finder, <http://maps.conservation.ca.gov/ciff/ciff.html>, accessed February 16, 2017.

²⁶ State of California Department of Conservation, Santa Clara County Williamson Act FY 2015/2016 Map, ftp://ftp.consrv.ca.gov/pub/dlrp/wa/SantaClara_15_16_WA.pdf, accessed February 16, 2017.

²⁷ City of Cupertino, Zoning Map, <http://www.cupertino.org/index.aspx?page=291>, accessed February 16, 2017.

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e) *Involve other changes in the existing environment which, due to their location or nature, could result in conversion of farmland to non-agricultural use or of conversion of forest land to non-forest use?*

As detailed above, the project site and surrounding areas do not include any zoning, land use designations, or existing land uses relating to forest land, timber production, or agriculture. The project is to renovate an existing mixed use development and construct new independent living villas and associated support structures in an urbanized area, and thus would not impact any agricultural or forest lands. Therefore, *no impact* would result and this issue will not be discussed in the EIR.

III. 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) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	■	□	□	□
c) 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 (including releasing emissions which exceed quantitative Standards for ozone precursors or other pollutants)?	■	□	□	□
d) Expose sensitive receptors to substantial pollutant concentrations?	■	□	□	□
e) Create objectionable odors affecting a substantial number of people?	□	□	□	■

EXISTING CONDITIONS

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 (SO₂), coarse inhalable particulate matter (PM₁₀), 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

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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 the release of TACs. The California Health and Safety Code define 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 (CalEPA), 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?*

The proposed project would involve the construction and subsequent occupancy of new residential units and healthcare rooms as well as new construction, renovation or additions of non-residential facilities. Therefore, the impacts under this criterion could be *potentially significant* until the need and nature of any required mitigation has been identified as part of the EIR.

b) *Would the project violate any air quality standard or contribute substantially to an existing or projected air quality violation?*

BAAQMD has identified thresholds of significance for criteria pollutant emissions and criteria air pollutant precursors, including ROG, NO_x, PM₁₀, and PM_{2.5}. As discussed in criterion (a), the proposed project would involve the construction and subsequent occupancy of new residential units and rooms as well as new construction, renovation or additions of non-residential facilities. Therefore, the impacts under this criterion could be *potentially significant* until the need and nature of any required mitigation has been identified as part of the EIR.

c) *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 (including releasing emissions which exceed quantitative Standards for ozone precursors or other pollutants)?*

The San Francisco Bay Area Air Basin (SFBAAB) is currently designated as a nonattainment area for California and National ambient air quality standards (AAQS) for ozone (O₃) and for PM_{2.5}, and a nonattainment area under the California AAQS for PM₁₀.²⁸ Any project that does not exceed or can be

²⁸ California Air Resources Board (CARB), 2014, Area Designations: Activities and Maps, <https://www.arb.ca.gov/desig/desig.htm>, accessed February 27, 2017.

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mitigated to less than the BAAQMD significance levels, used as the threshold for determining major projects, does not add significantly to a cumulative impact.²⁹

As discussed in criterion (a), the proposed project would involve the construction and subsequent occupancy of new residential units and healthcare rooms as well as new construction, renovation or additions of non-residential facilities. Therefore, the impacts under this criterion could be *potentially significant* until the need and nature of any required mitigation has been identified as part of the EIR.

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

The project site includes a CCRC development and is adjacent to residential development and the Rancho San Antonio County Park/Open Space Preserve to the south, and therefore, project construction emissions could potentially impact these on-site and adjacent sensitive receptors. Accordingly, the impacts under this criterion could be *potentially* until the need and nature of any required mitigation has been identified as part of the EIR to protect sensitive receptors from risks associated with the levels of pollution associated with construction on the project site.

e) *Would the project create objectionable odors affecting a substantial number of people?*

Construction and operation of residential developments such as the proposed project would not generate substantial odors or be subject to 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. Residential uses are not associated with foul odors that constitute a public nuisance. Therefore, *no impact* would occur under this criterion and this issue will not be discussed in the EIR.

IV. BIOLOGICAL RESOURCES

Would the proposed project:		Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant	No Impact
a)	Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?	■	□	□	□
b)	Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Wildlife or US Fish and Wildlife Service?	□	□	■	□

²⁹ Bay Area Air Quality Management District (BAAQMD), 2011 Revised, California Environmental Quality Act Air Quality Guidelines.

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Would the proposed project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant	No Impact
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Conflict with any local ordinances or policies protecting biological resources, such as a tree preservation policy or ordinance?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
f) Conflict with an adopted Habitat Conservation Plan, Natural Community Conservation Plan or other approved local, regional, or State habitat conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

EXISTING CONDITIONS

The project site and surrounding area supports an urbanized environment with roadways, structures, other impervious surfaces, areas of turf, and ornamental landscaping. Remnant native trees are scattered throughout these urbanized areas, together with non-native trees, shrubs, and groundcovers. As shown on Figure 5, and using data from the Classification and Assessment with Landsat of Visible Ecological Groupings (CALVEG)³⁰ habitat mapping program, most of the site is classified as an “urban area” characterized by having low to poor wildlife habitat value due to replacement of natural communities, fragmentation of remaining open space areas and parks, and intensive human disturbance. In addition, the northeast, southeast and south portions of the project site contain land classified as “annual grass” characterized by having optimum habitat for a range of species. The diversity of urban wildlife depends on the extent and type of landscaping and remaining open space, as well as the proximity to natural habitat. Trees and shrubs used for landscaping provide nest sites and cover for wildlife adapted to developed areas. Typical native bird species include the mourning dove, scrub jay, northern mockingbird, American robin, brown towhee, American crow, and Anna’s hummingbird, among others. Introduced species include the rock dove, European starling, house finch, and house sparrow. Urban areas can also provide habitat for several species of native mammals such as the California ground squirrel and striped skunk, as well as the introduced eastern fox squirrel and eastern red fox. Introduced pest species such as the Norway rat, house mouse, and opossum are also abundant in developed areas.

³⁰ 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.

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As described in Chapter 4.3, Biological Resources, and presented on Figure 4.3-1, Vegetation and Habitat Types, of the General Plan EIR, 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. However, the project site does not encompass these creek corridors or contain other regulated waters.³¹ The closest source of fresh water to the project site is Permanente Creek, which is located approximately 0.20 miles (1,000 feet) to the south.

Using data from the California Natural Diversity Database (CNDDDB), the project site includes suitable habitat for a type of shrub commonly known as the western leatherwood, which is a special-status plant species. The project site is also adjacent to habitat for the California tiger salamander and near habitat for the California red-legged frog, which are special-status animal species.³² See Figure 5. Additionally, 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 California Department of Fish and Game (CDFG) Code could nest on the project site. These include both the Cooper's hawk (*Accipiter cooperi*) and white-tailed kite (*Elanus leucurus*), which have reported CNDDDB occurrences within the city boundary, but not on the site, 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 CDFG Code when their nests are in active use.

DISCUSSION

a) *Would the project have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?*

As stated above in the existing conditions discussion and shown on Figure 5, the project site contains special status plant and animal species that consist of western leatherwood and California tiger salamander. Additionally, there is a possibility that birds that are protected by the MBTA could nest in trees and other landscaping on the project site. Therefore, the impacts under this criterion could be *potentially significant* until the need and nature of any required mitigation has been identified as part of the EIR.

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

The project site is developed with residences, healthcare buildings, and landscaping, and riparian habitat and other sensitive natural community types are absent. As discussed in the existing conditions above and

³¹ City Of Cupertino General Plan Amendment, Housing Element Update, and Associated Rezoning Project, Chapter 4.3, Biological Resources.

³² Special-status species are plants and animals that are legally protected under the Endangered Species Act/California Endangered Species Act (ESA/CESA) or other regulations, as well as other species that are considered rare enough by the scientific community and trustee agencies to warrant special consideration, particularly with regard to protection of isolated populations, nesting or denning locations, communal roosts, and other essential habitat

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shown on Figure 4, the majority of the site is classified as an “urban” but some smaller portions are classified as “annual grass”.³³ The project site does not include any wetlands or jurisdictional waters including creek corridors and associated riparian areas.³⁴ Therefore, impacts on sensitive natural communities would be *less than significant*.

- c) *Would the project have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?*

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

Stormwater management features that were created in dry land are typically considered to be exempt from regulation under Section 404 of the Clean Water Act based on the definition of “waters of the United States in 33 Code of Federal Regulations Section 328.3, which states that “*Waste treatment systems, including treatment ponds or lagoons designed to meet the requirements of CWA...are not water of the U.S.*” (33 CFR 328). Based on a review of available aerial photography, it appears that the stormwater retention feature was created on otherwise dry land when the Forum was originally constructed. Stormwater management features are areas constructed to collect water to comply with stormwater management provisions of the Clean Water Act, and are within the scope of this exemption. Based on this exclusion, the stormwater retention basin on the project site should be considered exempt from the Clean Water Act.

The closest source of fresh water to the project site is Permanente Creek, which is located approximately 0.20 miles (1,000 feet) to the south. 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 could be largely avoided through effective implementation of Best Management Practices (BMP) during construction and compliance with water quality controls. As discussed in Section VII, Hydrology and Water Quality, of this Initial Study, water quality in stormwater runoff is regulated locally by the Santa Clara Valley Urban Runoff Pollution Prevention Program (SCVURPPP), which includes Provision C.3 of the Municipal Regional Storm Water 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 (LID) practices such as the use of onsite infiltration that reduce pollutant loading. Incorporation of these measures can even improve on existing conditions. In addition, future development would be required to

³³ 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.

³⁴ City of Cupertino General Plan Amendment, Housing Element Update, and Associated Rezoning Project, Chapter 4.3, Biological Resources.

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comply with the 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 BMPs to control sedimentation, erosion, and hazardous materials contamination of runoff during construction. The indirect water quality-related issues are discussed further in Section VII, 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 this issue will not be discussed further in the EIR.

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

The project site is located in an urbanized area, bordered by existing roadways and other urban uses which preclude the presence of any important wildlife movement corridors across the site. The site contains no creeks or aquatic habitat that would support fish, and proposed development would not interfere substantially with the movement of any native resident or migratory fish or wildlife species, or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nurseries. Wildlife species common in urban habitat would continue to move through the area, both during and after construction. Some species common in open grasslands and suburban habitats would most likely be displaced with the elimination of some of the existing non-native grassland cover, scattered trees, and ornamental landscape trees and shrubs on the site, but these are species that are relatively abundant in urban areas, and their loss or displacement would not be considered a significant impact. Therefore, this would be considered a *less-than-significant* impact on wildlife movement and this issue will not be discussed in the EIR.

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

The proposed project in general would not conflict with any relevant goals and policies in the City of Cupertino General Plan related to protection of biological and wetland resources. However, the City of Cupertino has Protected Tree Ordinance (CMC Chapter 14.12), which 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 R-1 zoning districts. The site contains a number of native oaks and ornamental tree species, many of which qualify as regulated trees under the City's Tree Preservation regulations that could be affected by the proposed project. While several thousand trees exist on the project site, in accordance City practices, the Arborist Report³⁵ prepared for the project site included a survey of trees in the areas proposed for development, as trees in the areas outside the development area would not be impacted. Out of the trees in the development area, 279 trees representing 23 species were evaluated. The Arborist Report identified 115 trees that would be directly impacted by development and require removal. Of these, 15 trees had low suitability for

³⁵ Arborist Report, The Forum at Rancho San Antonio, April 20, 2017, HortScience, Inc.

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preservation, 63 were moderate, and 37 were high. Twenty-three (23) trees qualified as *Specimen* trees per the Protected Tree Ordinance. One hundred sixty-four (164) trees were identified for preservation, most of which are outside the development area. Therefore, an assessment of potential impacts on tree resources and the need and nature of any required mitigation will be identified as part of the EIR.

- 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 Plans encompass the city or the project site. Therefore, *no impact* would result under this criterion and this issue will not be discussed in the EIR.

V. 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 as defined in Section 15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Disturb any human remains, including those interred outside of formal cemeteries?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

EXISTING CONDITIONS

Development at the project site began in 1991 and no historical architectural resources are located on the project site. Accordingly, the buildings on the project site do not fall within the over 45-year age limits established for historical resources that should be included in the California Department of Historic Preservation (OHP) filing system.³⁶

A review of the University of California’s Museum of Paleontology’s (UCMP) fossil locality database was conducted for the City of Cupertino during the recent General Plan Update process. No paleontological resources have been identified on the project site; however, the presence of Pleistocene deposits that are known to contain fossils indicates that overall the city could contain paleontological resources.

Chapter 4.4, Cultural Resources, of the General Plan EIR, addresses the impacts to cultural resources associated with intensified development of the project site. 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 conclusion is based on the cultural resources

³⁶ Office of Historic Preservation, 1995. Instructions For Recording Historical Resources, page 2.

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.

DISCUSSION

a) *Would the project cause a substantial adverse change in the significance of a historical resource as defined in Section 15064.5?*

Under CEQA, both prehistoric and historic-period archaeological sites may qualify as historical resources.³⁷ Archaeological resources are addressed in criterion (b), and human remains are addressed below in criterion (d), below.

The project site currently includes a residential complex that was developed starting in 1991. As described in the existing conditions above, the existing buildings do not fall within the over 45-year age limits established for historical resources that should be included in the OHP filing system the California Register of Historical Resources.³⁸ Therefore, *no impact* would result under this criterion and this issue will not be discussed in the EIR.

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

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

Because the project site includes an undeveloped area the site could 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. Accordingly, impacts under this criterion could be *potentially significant* until the need and nature of any required mitigation has been identified as part of the EIR.

³⁷ California Code of Regulations, Title 14, Chapter 3, Section 15064.5(c), Determining the Significance of Impacts on Historical and Unique Archeological Resources.

³⁸ Office of Historic Preservation, 1995. Instructions for Recording Historical Resources, page 2.

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c) *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 within 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. Accordingly, impacts under this criterion could be *potentially significant* until the need and nature of any required mitigation has been identified as part of the EIR.

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

Similar to the discussions under criteria (b) and (c), there are no known human remains of the project site; however, the potential to unearth unknown remains during ground disturbing activities associated with the construction of the project could occur. Accordingly, impacts under this criterion could be *potentially significant* until the need and nature of any required mitigation has been identified as part of the EIR.

VI. TRIBAL CULTURAL RESOURCES

Would the proposed project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less-Than-Significant Impact	No Impact
<p>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:</p> <p>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</p> <p>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.</p>	■	□	□	□

EXISTING CONDITIONS

Assembly Bill 52 (AB 52), which took effect on July 1, 2015, amends CEQA and adds standards of significance that relate to Native American consultation and certain types of cultural resources. Projects subject to AB 52 are those that file a notice of preparation for an EIR or notice of intent to adopt a negative or mitigated negative declaration on or after July 1, 2015. As of July 1, 2016, the Governor's Office of Planning and Research (OPR) developed guidelines and the Native American Heritage Commission (NAHC) informed tribes which agencies are in their traditional area. In response to these guidelines, this Section V, Tribal Cultural Resources, has been added as a stand-alone section to this Initial Study.

AB 52 requires the CEQA lead agency to begin consultation with a California Native American Tribe that is traditionally and culturally affiliated with the geographic area of the proposed project if the Tribe requests in writing, to be informed by the lead agency through formal notification of the proposed projects in the area. The consultation is required before the determination of whether a negative declaration, mitigated negative declaration, or EIR is required. In addition, AB 52 includes time limits for certain responses regarding consultation. AB 52 also adds "tribal cultural resources" (TCR) to the specific cultural resources protected under CEQA.³⁹ CEQA Section 21084.3 has been added, which states that "public agencies shall, when feasible, avoid damaging effects to any tribal cultural resources." Information shared by tribes as a result of AB 52 consultation shall be documented in a confidential file, as necessary, and made part of a lead agencies administrative record. In response to AB 52, the City of Cupertino has not received any 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.

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

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:*

³⁹ California Environmental Quality Act Statute, Section 21074.

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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?

As discussed under Criteria (b) and (d) in Section V, Cultural Resources, no known archeological resources, ethnographic sites or Native American remains are located on the project site. As discussed under criterion (b) in Section V, Cultural Resources, because the project site includes an undeveloped area the site could contain subsurface archaeological deposits, including unrecorded Native American prehistoric archaeological materials, the impact may be potentially significant, and the criterion will be address in the EIR. As discussed under criterion (d) in Section V, Cultural Resources, there are no known human remains of the project site; however, the potential to unearth unknown remains during ground disturbing activities associated with the construction of the project could occur. As a result, impacts under criterion (d) could be *potentially significant*. Therefore, the impacts under this criterion could be *potentially significant* until the need and nature of any required mitigation has been identified as part of the EIR.

VII. GEOLOGY AND SOILS

Would the proposed project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant	No Impact
a) Expose people or structures to 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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
ii) Strong seismic ground shaking?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
iii) Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
iv) Landslides, mudslides or other similar hazards?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Result in substantial soil erosion or the loss of topsoil?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Be located on expansive soil, creating substantial risks to life or property?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

EXISTING CONDITIONS

This section is based in part on the site specific information from the geotechnical investigation dated April 14, 2017 that was prepared for the project by Cornerstone Earth Group.⁴⁰

The project site is located in the foothills between the northeastern edge of the Santa Cruz Mountains and the Santa Clara Valley Alluvial plain, which is in the Coast Ranges geomorphic province. Project site elevations range from approximately 320 feet above mean sea level (amsl) on the northwest portion of the site to approximately 440 feet amsl on the southeast portion of the site. Several gentle to moderate slopes are present throughout the site. Site topography varies, but generally slopes downward to the west or northwest towards Permanente Creek approximately 0.20 miles (1,000 feet) to the south. The site vicinity is underlain, at depth, by the Jurassic- and Cretaceous-age Franciscan Complex, consisting of greywacke sandstone, greenstone, chert, limestone and serpentinite. The Franciscan rocks are overlain by folded and faulted Tertiary-age sedimentary rocks which include the Monterey and Santa Clara Formations in the site vicinity. Locally, Quaternary-age stream terrace deposits overlie the bedrock formations. Portions of the existing site are underlain by man-made fills constructed as part of the original site development. Landslides are present in the steep mountain area, but are not present on the property. Ground water was encountered in our sample borings at depths ranging from approximately 15- to 26.5-feet below current grades; however, it should be anticipated that ground water may be perched in other areas of the site. California Geological Survey (CGS) historic high ground water maps indicate that free ground water may be at depths greater than 50 feet.

DISCUSSION

- a) *Would the project expose people or structures to 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?*

Development on the project site is subject to compliance with State and City building requirements. Compliance with the California Building Code (CBC) requirements would help ensure that the proposed structures would be able to: (1) resist minor earthquakes without damage; (2) resist moderate earthquakes without structural damage, but with some non-structural damage; and (3) resist major earthquakes without collapse, but with some structural as well as non-structural damage. The CBC has been adopted by the City of Cupertino in CMC Title 16, Buildings and Construction.

Development on the project site would not cause or exacerbate 1) the rupture of a known earthquake fault; 2) strong seismic ground shaking; 3) seismic-related ground failure, including liquefaction; or 4) earthquake triggered landslides, mudslides or other similar hazards. Therefore, consistent with the CBIA v. BAAQMD 2015 Supreme Court decision, *no impact* would occur and earthquake related conditions will not be discussed further in the EIR.

⁴⁰ Cornerstone Earth Group, 2017. Geotechnical and Geologic Hazard Investigation, The Forum Senior Community Update, Cupertino, California, dated April 14, 2017.

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

Construction of the proposed project would include significant grading and building demolition. Such activities invariably carry some potential for soil erosion and/or loss of topsoil. Therefore, the impacts under this criterion could be *potentially significant* until the need and nature of any required mitigation has been identified as part of the EIR.

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?*

The site-specific geotechnical investigation included a reviewed previously collected geological/geotechnical data for the site and collected additional information by drilling, logging, and testing exploratory borings. The investigation concluded that the potential for landslides, lateral spreading, liquefaction as well as subsidence and collapse is very low at the project site. However, the project is located on hilly terrain and involves substantial grading. Therefore, the recommendations of the geotechnical report will be evaluated in detail in the EIR.

d) *Would the project be located on expansive soil, creating substantial 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. Per the project site-specific geotechnical report, moderately to highly expansive surficial soils were encountered in the surficial soils that blanket the site. Therefore, impacts related to expansive soils will be evaluated in detail in the EIR.

e) *Would the project 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?*

The development of the proposed project would not require the construction or use of septic tanks or alternative wastewater disposal systems. Wastewater generated by the proposed project would be conveyed to the existing municipal sanitary sewer system in Cupertino, where multiple connections would be made at Stonehaven Drive and Cristo Rey Drive. For more discussion on wastewater, see Section XVIII, Utilities and Service Systems, below. Therefore, *no impact* would result under this criterion and this issue will not be discussed in the EIR.

VIII. 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?	■	□	□	□

EXISTING CONDITIONS

Scientists have concluded that human activities are contributing to global climate change by adding large amounts of heat-trapping gases, known as greenhouse gases (GHGs), into the atmosphere. The primary source of these GHGs is fossil fuel use. The Intergovernmental Panel on Climate Change (IPCC) has identified four major GHGs—water vapor, carbon dioxide (CO₂), methane (CH₄), and ozone (O₃)—that are the likely cause of an increase in global average temperatures observed within the 20th and 21st centuries. Other GHGs identified by the IPCC that contribute to global warming to a lesser extent include nitrous oxide (N₂O), sulfur hexafluoride (SF₆), hydrofluorocarbons, perfluorocarbons, and chlorofluorocarbons.^{41,42}

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. 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 and wastewater generation, and solid waste generation. In addition, construction activities would generate a short-term increase in GHG emissions. Therefore, the impacts under this criterion could be *potentially significant* until the need and nature of any required mitigation has been identified as part of the EIR.

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?*

As discussed in criterion (a) above, the proposed project would contribute to global climate change through direct and indirect emissions of GHG from transportation sources, energy (natural gas and

⁴¹ Intergovernmental Panel on Climate Change, 2001, Third Assessment Report: Climate Change 2001, New York: Cambridge University Press.

⁴² Water vapor (H₂O) is the strongest GHG and the most variable in its phases (vapor, cloud droplets, ice crystals). However, water vapor is not considered a pollutant.

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purchased energy), water use and wastewater generation, and solid waste generation. In addition, construction activities would generate a short-term increase in GHG emissions. Therefore, the impacts under this criterion could be *potentially significant* until the need and nature of any required mitigation has been identified as part of the EIR.

IX. 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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Emit hazardous emissions or handle hazardous materials, substances or waste within one-quarter mile of an existing or proposed school?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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, result in a safety hazard for people living or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) For a project within the vicinity of a private airstrip, result in a safety hazard for people living or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h) Expose people or structures to a significant risk of loss, injury, or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

EXISTING CONDITIONS

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

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The project site is located within the General Plan land use designation Quasi-Public/Institutional and Zoning District P(Institutional), and is currently developed with 656,590 square feet of gross building area, including CCRC facilities and associated parking and infrastructure. Development of the project site began in 1991 and therefore, does not contain any asbestos-containing materials (ACM) or lead-based paint (LBP), which have been regulated in construction since the early 1970s.

The project site is served by the Cupertino Union School District (CUSD). The nearest public school is Montclair Elementary School, which is located at 1160 St. Joseph Avenue, approximately 1 mile north of the project site. A private school, Waldorf School of the Peninsula, is located at 11311 Mora Drive, approximately 0.5 miles northwest of the project site. Pre-schools in the vicinity include the CCLC Pre-school in Los Altos located at 92310 Homestead Road East, approximately 1 mile east of the project site, and the Petits Confettis French Immersion Pre-school located at 1575 Holt Avenue, approximately 1 mile north of the project site.

As shown in the General Plan EIR (see Table 4.7-2, *Hazardous Materials and LUST* [leaking underground storage tanks] and Figure 4.7-1, *Hazardous Material Sites*) the project site is not included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5. Furthermore, the project-specific Phase I ESA prepared by Cornerstone Earth Group dated April 13, 2017 did not find documentation or physical evidence of soil, groundwater, or soil gas impairments associated with the use or past use of the project site.⁴³ However, because the project site was historically used for agricultural purposes, there is a potential that residual pesticides could remain in on-site soils.⁴⁴

The nearest public airports are San Jose International Airport, approximately 11.5 miles to the northeast, and Palo Alto Airport, approximately 10.5 miles to the northwest. The nearest heliports are Mc Candless Towers Heliport, approximately 10 miles to the northeast, and County Medical Center Heliport, approximately 9 miles to the southeast. The nearest private airport is Moffett Federal Airfield, approximately 8.6 miles to the northwest.

The California Department of Forestry and Fire Protection (CalFire) has mapped the relative fire risk in areas of significant population, based on development density and proximate fire threat. Levels of risk are indicated as "Little or No Threat," "Moderate," "High," "Very High," and "Extreme." The project site is not located in an area designated by CalFire as Extreme or Very High threat to people from wildland fire. The project site is within the Non-Very High Fire Hazard Severity Zones (Non-VHFHSZ) in Local Responsibility Area (LRA).⁴⁵ Additionally, there are no moderate, high, or very high fire hazard severity zones in the State Responsibility Areas in the vicinity of the project site.

⁴³ Cornerstone Earth Group, 2017. Phase 1 Environmental Site Assessment, The Forum at Rancho San Antonio, Cupertino, California, dated April 13, 2017.

⁴⁴ Cornerstone Earth Group, 2017. Phase 1 Environmental Site Assessment, The Forum at Rancho San Antonio, Cupertino, California, dated April 13, 2017.

⁴⁵ California Department of Forestry and Fire Protection, 2008, Very High Fire Hazard Severity Zones in LRA, http://www.fire.ca.gov/fire_prevention/fhsz_maps/FHSZ/santa_clara/Cupertino.pdf, accessed February 28, 2017.

INITIAL STUDY

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?*

The proposed project, a continuing care retirement community, 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 (DEH) Hazardous Materials Compliance Division (HMCD), and hazardous materials permits from the Santa Clara Fire Department (SCCFD). The SCCFD also conducts inspections for fire safety and hazardous materials management of businesses and multi-family dwellings, in accordance with the City of Cupertino Hazardous Materials Storage Ordinance 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* and no mitigation measures would be required.

While a short-term phase, construction activities at the project site would also involve the use of hazardous materials, 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 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* and no mitigation measures would be required.

- 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 under criterion (a) above, operation and construction of the proposed project would involve the storage and use of common cleaning substances, building maintenance products, paints, and solvents, as well as petroleum-based fuels for maintenance and construction equipment, and coatings used in construction. Also, as described in the existing conditions, all of the existing buildings on the project site were developed beginning in 1991; thus, the buildings would not contain ACM and LBP. An impact could occur if construction and operation of the proposed project creates conditions where hazardous materials could easily contaminate surrounding soil, water, or air. The most likely scenarios would be from rainwater runoff spreading contaminated waste. Stormwater runoff is discussed in Section VIII, Hydrology and Water Quality, of this Initial Study and impacts were found to be less than significant.

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

Similar to the operation of the proposed project, 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 HMCD would be required through the duration of the construction of each individual development project. Therefore, substantial hazards to the public or the environment arising from the routine use of hazardous materials during project construction would not occur. However, because the project site was historically used for agricultural purposes, there is a potential that residual pesticides could remain in on-site soils which could expose on-site and adjacent residents to hazardous materials during construction.⁴⁶ For this reason, impacts associated with the release of residual pesticide concentrations from past historic agricultural use on the project site could be *potentially significant* during construction until the need and nature of any required mitigation has been identified as part of the EIR.

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 schools within one-quarter mile of the project site. Therefore, *no impact* would result under this criterion and this issue will not be discussed in the EIR.

⁴⁶ Cornerstone Earth Group, 2017. Phase 1 Environmental Site Assessment, The Forum at Rancho San Antonio, Cupertino, California, dated April 13, 2017.

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- 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 described in the Existing Conditions section above, the project site is not included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5. Therefore, *no impact* would result under this criterion and this issue will not be discussed in the EIR.

- 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 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. Therefore, *no impact* would result under this criterion and this issue will not be discussed in the EIR.

- f) *For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people living or working in the project area?*

There are no private use airstrips or airports within 2 miles of the project site. Therefore, *no impact* would result under this criterion and this issue will not be discussed in the EIR.

- g) *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)⁴⁷ establishes policy direction for emergency planning, mitigation, response, and recovery activities within the city. The Cupertino EOP addresses interagency coordination, procedures to maintain communications with county and State emergency response teams, and methods to assess the extent of damage and management of volunteers.

The proposed project would not block roads and would not impede emergency access to surrounding properties or neighborhoods. As described in the project description section above, emergency vehicle access would be provided at two points; one located on Via Esplendor and the other at one new access point off of Cristo Rey Drive near the main entrance point. All other components of the proposed project would continue to be accessed from the main entryway off of Cristo Rey Drive. Emergency vehicle access would be maintained and provided at the existing main access point and the new access point, as well as the existing emergency-vehicle-only access point connecting Stonehaven Drive to Via Esplendor on the southwest portion of the 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

⁴⁷ City of Cupertino, Office of Emergency Services. *Emergency Operations Plan*. September 2005.

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* and this issue will not be discussed in the EIR.

h) *Would the project expose people or structures to a significant risk of loss, injury, or death involving wildland fires, including where wildland are adjacent to urbanized areas or where residences are intermixed with wildlands?*

The project site is located in a developed area near the fringe of Cupertino that is adjacent to open space. Further, the site is not located in a very high fire hazard severity zone within the Local Responsibility Areas of Cupertino and there are no high or very high fire risk areas as shown on the City’s adopted Wildland Urban Interface Fire Area map.^{48,49} Therefore, *no impact* would result under this criterion and this issue will not be discussed in the EIR.

X. 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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (the production rate of pre-existing nearby wells would drop to a level that would not support existing land uses or planned uses for which permits have been granted).	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion, siltation, or flooding on- or off-site.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Create or contribute runoff water that would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) Otherwise substantially degrade water quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

⁴⁸ Santa Clara County, Very High Fire Hazard Severity Zones in LRA, http://www.fire.ca.gov/fire_prevention/fire_prevention_wildland_zones, accessed on April 13, 2017.

⁴⁹ City of Cupertino, Wildland-Urban Interface Fire Areas, Fire Area Noticing with Map, <http://www.cupertino.org/index.aspx?recordid=62&page=26>, accessed on April 13, 2017.

INITIAL STUDY

Would the proposed project:		Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant	No Impact
f)	Place housing within a 100-year flood hazard area as mapped on a Federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map or place structures that would impede or redirect flood flows within a 100-year flood hazard area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g)	Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h)	Potentially be inundated by seiche, tsunami, or mudflow?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

EXISTING CONDITIONS

The project site lies within the Permanente Creek watershed. No creeks are present on the project site. In addition to the natural drainage system, a network of storm drains collects runoff from city streets and carries it to the creeks and San Francisco Bay.⁵⁰

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, and storm drains. The capacity of the storm drain facilities within the city of Cupertino were evaluated and documented in the 1993 Storm Drain Master Plan, which identifies the areas within the system that do not have the capacity to handle runoff during the 10-year storm event, which is the City's design standard. The project site is not located in an area where the storm drains are potentially deficient in conveying the 10-year storm.⁵¹

The project site lies within the Santa Clara Subbasin of the Santa Clara Valley Groundwater Basin. In 2015, approximately 30 percent of the water used in Santa Clara County was pumped from groundwater.⁵² 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 XVIII, Utilities and Service Systems, of this Initial Study.

Santa Clara Valley streams do not receive discharges from industrial or municipal wastewater.⁵³ Industrial discharges are routed to municipal sanitary sewers and then to regional municipal wastewater treatment plants that discharge treated effluent to the tidal sloughs of San Francisco Bay. The NPDES permit program

⁵⁰ City of Cupertino General Plan Amendment, Housing Element Update, Associated Rezoning Project EIR, Figure 4.8-1, Watersheds.

⁵¹ City of Cupertino General Plan Amendment, Housing Element Update, Associated Rezoning Project EIR, Table 4.8-3, *Under Capacity Storm Drainage Infrastructure*.

⁵² Santa Clara Valley Water District, 2016. Santa Clara Valley Water District, 2016. *2016 Groundwater Management Plan*.

⁵³ Santa Clara Basin Watershed Initiative, 2003. *Volume 1, Watershed Characteristics Report*, <http://www.scbwmi.org/> accessed February 23, 2017.

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.

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.⁵⁴

Currently, drainage for the proposed project site is primarily via overland (sheet) flow, with catch basins and storm drains located along Cristo Rey Drive and Via Esplendor. Proposed drainage includes an internal storm drain network that connects to the City's storm drain system along Via Esplendor, Serrano Court, and Cristo Rey Drive. In addition, green roofs, bio-retention areas, and raised flow-through planters will be installed throughout the site.

The project site is not located in a FEMA-designated 100-year floodplain or Special Flood Hazard Area (SFHA).⁵⁵ The project site is not within a dam inundation zone. The project site is approximately 8 miles south of San Francisco Bay and is more than 100 feet amsl, which places the city at a distance that is considered too far to be affected by a tsunami.⁵⁶ 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?*

Because the project would disturb 1 or more acres during construction, the project applicant would be required to comply with the NPDES Permit and submit Permit Registration Documents (PRDs) to the SWRCB prior to the start of construction. The PRDs include a Notice of Intent (NOI) and a site-specific construction Stormwater Pollution Prevention Plan (SWPPP). The SWPPP describes the incorporation of Best Management Practices (BMPs) 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* and this issue will not be discussed further in the EIR.

⁵⁴ Santa Clara Valley Water District, 2016. Santa Clara Valley Water District, 2016. *2016 Groundwater Management Plan*.

⁵⁵ City of Cupertino General Plan Amendment, Housing Element Update, Associated Rezoning Project EIR, Figure 4.8-4, FEMA Floodplains.

⁵⁶ Association of Bay Area Governments (ABAG), 2014. *Interactive Tsunami Inundation Map*, <http://gis.abag.ca.gov/website/Tsunami/index.html>, accessed February 27, 2017.

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

- Site Design Measures: minimize amount of disturbed land, minimize impervious surfaces, minimum impact street and parking lot design, cluster structures/pavement, include self-retaining areas
- Source Control Measures: drain to sanitary sewer; covered dumpster area, drain to sanitary sewer; sanitary sewer connection or accessible cleanout for swimming pool/spa; beneficial landscaping (minimize irrigation, runoff, pesticides and fertilizers); regular maintenance including pavement sweeping, catch basin cleaning, and good housekeeping
- Treatment Systems: bioretention areas throughout the property totaling 9,363 square feet, which is 2,311 square feet over the required amount

Implementation of these measures and compliance with the C.3 requirements of the MRP would ensure that post-development impacts to water quality would be *less than significant* and this issue will not be discussed further in the EIR.

Adherence to applicable water quality regulations, preparation of a SWPPP, implementation of BMPs 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* and this issue will not be discussed further in the EIR.

b) *Would the project substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (the production rate of pre-existing nearby wells would drop to a level that would not support existing land uses or planned uses for which permits have been granted)?*

The project would be connected to municipal water supplies and does not propose any groundwater wells on the property. The project site is supplied by San José Water Company, which obtains its water from groundwater production (40 percent), purchases of surface water from the SCVWD (50 percent), and from local mountain surface water (10 percent).⁵⁷ The 2015 *Urban Water Management Plan* for the SCVWD, 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 until 2025. The SCVWD identifies actions within the water

⁵⁷ San José Water Company, For Your Information, Education and Safety, Water Supply, https://www.sjwater.com/for_your_information/education_safety/water_supply, accessed on April 14, 2017.

shortage contingency plan that would ensure water demand is met through 2040.⁵⁸ 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 XV, Utilities and Service Systems, below. Therefore, the project would have a *less-than-significant* impact to groundwater recharge and this issue will not be discussed further in the EIR.

The proposed project would be located on a site that is highly developed and currently has a high percentage of impervious surfaces. Because the proposed project would include a total of 176,312 square feet of impervious surfaces,⁵⁹ the proposed project would be required to include 7,052 square feet of bioretention areas.⁶⁰ However, the proposed project includes 9,363 square feet of bioretention areas, which is 2,311 square feet over the required amount. The bioretention areas would be incorporated into the landscaped areas throughout the project site and would contribute to groundwater recharge by infiltration. Therefore, the project would have a *less-than-significant* impact on groundwater supplies and groundwater recharge and this issue will not be discussed further in the EIR.

- 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, in a manner which would result in substantial erosion, siltation, or flooding on- or off-site?*

The project site is largely developed and is currently connected to the City's storm drain system. The proposed additions, renovations and new construction would not involve the alteration of any natural drainage channels or any watercourse. As discussed in criterion (b) above, the proposed project would provide bioretention water treatment areas throughout the project site in excess of the requirements. 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 Cristo Rey Drive and Via Esplendor.

The project applicant would be required, pursuant to the C.3 provisions of the MRP, to implement construction phase BMPs, post-construction design measures that encourage infiltration in pervious areas, and post-construction source control measures to help keep pollutants out of stormwater. In addition, post-construction stormwater treatment measures would be required 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, project applicants are subject to the NPDES construction permit requirements, including preparation of a SWPPP. The SWPPP includes erosion and sediment control measures to stabilize

⁵⁸ Santa Clara Valley Water District, *2015 Urban Water Management Plan*, http://www.valleywater.org/uploadedFiles/Services/CleanReliableWater/WaterSupplyPlanning/Urban_Water_Managment_Plan/SCVWD%202015%20UWMP-Report%20Only.pdf, accessed on April 14, 2017.

⁵⁹ The 8,596 square feet of added impervious surface is untreated and is offset by treating 9,972 sf of existing impervious surface.

⁶⁰ Santa Clara Valley Water District Municipal Regional Stormwater NPDES Permit C.3 requires 4 percent of the proposed impervious surface be treated to control the flow of stormwater and stormwater pollutants from new development, http://www.scvurppp-w2k.com/pdfs/1516/c3_handbook_2016/SCVURPPP_C.3_Technical_Guidance_Handbook_2016_Chapters.pdf, accessed on April 14, 2017.

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the site, protect slopes and channels, control the perimeter of the site, minimize the area and duration of exposed soils, and protect receiving waters adjacent to the site.

Once constructed, the requirements for new development or redevelopment projects include source control measures and site design measures that address stormwater runoff and would reduce the potential for erosion or siltation. In addition, Provision C.3 of the MRP would require the project to implement stormwater treatment measures to contain site runoff, using specific numeric sizing criteria based on volume and flow rate.

With implementation of these erosion and sediment control measures and regulatory provisions to limit runoff for new development sites, the proposed project would not result in significant increases in erosion and sedimentation or contribute to flooding on-site or off-site. However, the proposed project may have a *potentially significant* impact until the need and nature of any required mitigation has been identified as part of the EIR.

d) *Would the project create or contribute runoff water that would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff?*

There are two potential impacts to stormwater runoff hydrology with urban development. Impervious surfaces, such as roads, sidewalks, and buildings prevent the natural infiltration of stormwater into the soil and thus create higher runoff volumes. In addition, more rapid transport of runoff over impermeable surfaces combined with higher runoff volumes result in elevated peak flows. This increase in flows could adversely impact stormwater drainage systems.

As stated above in criterion (b), the proposed project involves construction and operation of a CCRC development on an existing developed property with similar uses that are currently connected to the City's storm drain system. Because the proposed project would include a total of 176,312 square feet of impervious surfaces,⁶¹ the proposed project would be required to include 7,052 square feet of bioretention areas.⁶² However, the proposed project includes 9,363 square feet of bioretention areas, which is 2,311 square feet over the required amount. For these reasons, the proposed project would not result in a significant change in the volume of stormwater runoff in a manner that would exceed the capacity of the storm drain system. The bioretention areas would provide both treatment of site runoff, reduction in peak flow rates, and flow control prior to discharge to the City's storm drain system. As stated above in the existing conditions section, the project site is not located in an area where the storm drains are potentially deficient in conveying the 10-year storm. The existing storm drain system would be able to handle the stormwater flow from the site and the impact to stormwater drainage systems would be less than significant. In addition, with the implementation of stormwater treatment measures, the project would not provide substantial additional sources of polluted runoff. However, the proposed project may

⁶¹ The 8,596 square feet of added impervious surface is untreated and is offset by treating 9,972 square feet of existing impervious surface.

⁶² Santa Clara Valley Water District Municipal Regional Stormwater NPDES Permit C.3 requires 4 percent of the proposed impervious surface be treated to control the flow of stormwater and stormwater pollutants from new development, http://www.scvurppp-w2k.com/pdfs/1516/c3_handbook_2016/SCVURPPP_C.3_Technical_Guidance_Handbook_2016_Chapters.pdf, accessed on April 14, 2017.

have a *potentially significant* impact until the need and nature of any required mitigation has been identified as part of the EIR.

e) *Would the project otherwise substantially degrade water quality?*

As required by storm water management guidelines discussed under criterion (a), BMPs and LID 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 BMPs during construction would be in accordance with the provisions of the SWPPP, which would minimize the release of sediment, soil, and other pollutants. Operational BMPs would be required to meet the C.3 provisions of the MRP and these requirements 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 bioretention areas to treat and detain runoff prior to discharge to the City's storm drain system. With implementation of these BMPs and LID measures in accordance with City and MRP requirements, the potential impact on water quality would be *less than significant*; thus, this topic will not be evaluated further in the EIR.

f) *Would the project place housing within a 100-year flood hazard area as mapped on a Federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map or place structures that would impede or redirect flood flows within a 100-year flood hazard area?*

The proposed project would not result in the development of residential structures in a FEMA-designated 100-year floodplain or Special Flood Hazard Area (SFHA). Therefore, *no impact* would result under this criterion and this issue will not be discussed in the EIR.

g) *Would the project expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?*

The proposed project site is not in a dam inundation zone or in close proximity to any levees. Therefore, *no impact* would result under this criterion and this issue will not be discussed in the EIR.

h) *Would the project potentially be inundated by seiche, tsunami, or mudflow?*

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.⁶³ 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.⁶⁴ Therefore, *no impact* would result under this criterion and this issue will not be discussed in the EIR.

⁶³ Association of Bay Area Governments (ABAG), 2016, *Interactive Tsunami Inundation Map*, <http://gis.abag.ca.gov/website/Hazards/?hlyr=tsunami>, accessed February 23, 2017.

⁶⁴ Association of Bay Area Governments (ABAG), 2016, *Rainfall-Induced Landslides, Debris Flow Source Areas and Earthquake Induced Landslides*, accessed February 23, 2017.

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XI. 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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b)	Conflict with any applicable land use plan, policy or regulation of an agency with jurisdiction over the project (including, but not limited to, the general plan, specific plan, local coastal program or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c)	Conflict with any applicable habitat conservation plan or natural community conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

EXISTING CONDITIONS

General Plan

The project site is designated as Quasi-Public/Institutional on the 2015 General Plan Land Use Map.⁶⁵ The Quasi-Public/Institutional land use designation applies to privately owned land involving activities such as a private utility, a profit or non-profit facility giving continuous patient care, an educational facility or a religious facility. As shown on the General Plan Land Use Map, the project site is subject to 5- to 20-acre slope/density (S/D) formula for residential development, which is intended to protect environmentally sensitive areas from extensive development and to protect human life from hazards related to flood, fire, and unstable terrain. This designation includes a permitted density of 5 to 20 (du/ac).

The project is located within the Oak Valley Neighborhood.⁶⁶ As described in Chapter 2, Planning Areas, of the General Plan, the Oak Valley neighborhood is fully developed, and characterized by a natural hillside transition consisting of predominately single-family homes, with access to open space. The Oak Valley neighborhood includes single-family residential homes, the PG&E Monta Vista Electrical Substation, and Gate of Heaven Cemetery. The Oak Valley neighborhood is envisioned to remain primarily a detached, single-family residential area, but with limited growth at the project site and the Gate of Heaven site and future bike and pedestrian-friendly improvements along Foothill Boulevard and its key intersections.⁶⁷

Zoning

The project site is zoned P(Institutional) (P(I)) on the City's Zoning Map.⁶⁸ Per the CMC Section 19.80.030(B), all planned development districts are identified on the zoning map with the letter coding

⁶⁵ A small portion (0.34 acres) has a General Plan Land Use designation of Parks and Open Space, which is a clerical error and the City is currently processing an amendment to change this to Quasi-Public/Institutional.

⁶⁶ City of Cupertino General Plan Amendment, Housing Element Update, Associated Rezoning Project EIR, Figure 3-2, Project Study Area.

⁶⁷ City of Cupertino General Plan, Chapter 2, Planning Areas, pages PA-20 and PA-21.

⁶⁸ A small portion (0.34 acres) is zoned OS/PR (Open Space/Public Park/Recreational Zone), which is a clerical error and the City is currently processing an amendment to change this to P(Institutional).

"P" followed by a specific reference to the general type of use allowed in the particular planning development zoning district.⁶⁹ The general type of use allowed on the project site is Institutional.

As described in CMC Section 19.80.010, the planned development zoning district is intended to provide a means of guiding land development or redevelopment of the city that is uniquely suited for planned coordination of land uses.⁷⁰ Development in "P" zoning district provides for a greater flexibility of land use intensity and design because of accessibility, ownership patterns, topographical considerations, and community design objectives. This zoning district is intended to accomplish the following:

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

Per CMC Chapter 19.76,⁷¹ the Quasi-Public Building (BQ) (i.e., Institutional or "I") zoning district is intended to accommodate governmental, public utility, educational, religious, community service, transportation, or recreational facilities in the city. The residential care facility is considered a conditional (CUP-PC) use, requiring a conditional use permit issued by the Planning Commission. As such, the height of buildings is regulated by the development plan. Further, minimum setbacks to provide adequate light, air, visibility at intersections, and general conformity with adjacent and nearby zones and lots, as well as adequate screening to limit noise, reduce glare of lights, and prevent obnoxious emissions, shall be provided when deemed appropriate by the Planning Commission.⁷²

Setbacks

Per CMC Section 19.76.060, there are no required minimum setbacks for the project site; however, the Planning Commission may establish minimum setbacks on a site-by-site basis in order to provide adequate light, air and visibility at intersections, conformance with adjacent and nearby land uses, or to promote the general excellence of the development.⁷³

⁶⁹ Cupertino Municipal Code, Title 19, Zoning, Chapter 19.80, Planned Development, Section 19.80.030, Establishment of Districts-Permitted and Conditional Uses.

⁷⁰ Cupertino Municipal Code, Title 19, Zoning, Chapter 19.80, Planned Development, Section 19.80.010, Purpose.

⁷¹ Cupertino Municipal Code, Title 19, Zoning, Chapter 19.76, Quasi-Public Building (BQ) Zone.

⁷² Cupertino Municipal Code, Title 19, Zoning, Chapter 19.76, Quasi-Public Building (BQ), Site Development Regulations.

⁷³ Cupertino Municipal Code, Title 19, Zoning, Chapter 19.76, Public Building (BA), Quasi-Public Building (BQ) and Transportation (T) Zones, Section 19.76.060, Site Development Regulations.

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Parking

Pursuant to CMC Section 19.124.040, sanitariums and rest homes are required to provide one parking space per doctor, one parking space per three employees, and one parking space per six beds for vehicular parking. There are no requirements for bicycle parking.⁷⁴

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 result under this criterion and this issue will not be discussed in the EIR.

b) *Would the project conflict with any applicable land use plan, policy or regulation of an agency with jurisdiction over the project (including, but not limited to, the general plan, specific plan, local coastal program or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?*

Construction of the proposed project would have a significant environmental impact if it would conflict with community goals as expressed in adopted plans, policies, or regulations adopted for the purpose of avoiding or mitigating an environmental effect. The proposed project would continue the existing development pattern on the project site through renovating, making additions to existing buildings and constructing a new memory care building and independent villas. This type of additional growth on the project site was envisioned in the General Plan.⁷⁵ The addition of 25 new villas and 36 new beds in the skilled nursing facility and memory care building for a total of 259 apartments, 85 villas, and 142 beds would not exceed the 5- to 20-du/ac density requirements on the 51.5-acre site.^{76,77} The proposed project would comply with the 5 to 20-acre S/D formula, which is intended to protect environmentally sensitive areas from extensive development and to protect human life from hazards related to flood, fire, and unstable terrain. Per CMC Section 19.24.040,⁷⁸ the proposed project includes the addition of 182 parking stalls (169 standard and 13 accessible) for a net new total 129 parking stalls (123 standard and 6 accessible). Each independent living villa would include a private driveway and garage. The healthcare center and commons facilities would include surface parking lots for residents, guests, and employees. The proposed project would not require any amendments to the Cupertino General Plan or Zoning Ordinance, but would require approval of a Development Permit. Therefore, impacts would be *less than significant* and this issue will not be discussed further in the EIR.

⁷⁴ Cupertino Municipal Code, Title 19, Zoning, Chapter 19.124, Parking Regulations, Section 19.124.040, Regulations For Off-Street Parking, Table 19.124.040(A).

⁷⁵ City of Cupertino General Plan, Chapter 2, Planning Areas, pages PA-20 and PA-21.

⁷⁶ 106 existing beds (40 assisted living, 18 memory care, and a 48 skilled nursing facility) + 36 proposed beds (26 memory care and 10 skilled nursing facility) = up to 142 beds at buildout

⁷⁷ This conservatively assumes that each apartment, villa and bed counts as a dwelling unit. (259 apartments + 85 villas + 142 beds = 486 total units)/51.5 acres = 9.44 du/ac

⁷⁸ Cupertino Municipal Code, Section 19.24.040, Table 19.124.040(A).

c) *Conflict with any applicable habitat conservation plan or natural community conservation plan?*

As discussed in Section IV, Biological Resources, Cupertino is located outside the boundaries of the Santa Clara Valley Habitat Plan. The city is not located within any other habitat conservation plan or natural community conservation plan and would not conflict with any such plan. Therefore, *no impact* would result under this criterion and this issue will not be discussed in the EIR.

XII. MINERAL RESOURCES

Would the proposed project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less-Than-Significant Impact	No Impact
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

EXISTING CONDITIONS

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.⁷⁹ Because the site has been developed it is not considered suitable for protection or conservation.

DISCUSSION

a) *Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?*

The California Department of Conservation, Geological Survey (CGS) classifies lands into Aggregate and Mineral Resource Zones (MRZs) based on guidelines adopted by the California State Mining and Geology Board, as mandated by the Surface Mining and Reclamation Act of 1974. These MRZs identify whether known or inferred significant mineral resources are present in areas. Lead agencies are required to incorporate identified MRZs resource areas delineated by the State into their General Plans.⁸⁰ The project site has been developed and is not considered suitable for protection or conservation. Therefore, *no impact* would result under this criterion and this issue will not be discussed in the EIR.

⁷⁹ City of Cupertino, General Plan (Community Vision 2015–2040, Chapter 6, Environmental Resources and Sustainability, Figure ES-2, Mineral Resources.

⁸⁰ Public Resources Code Section 2762(a)(1).

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- b) *Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?*

As discussed under criterion (a), the project site has been developed and is not considered suitable for protection or conservation. Therefore, *no impact* would result under this criterion and this issue will not be discussed in the EIR.

XIII. NOISE

Would the proposed project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant	No Impact
a) Expose people to or generate noise levels in excess of standards established in the local general plan or noise ordinance, or other applicable standards?	■	□	□	□
b) Expose people to or generate excessive groundborne vibration or groundborne noise levels?	■	□	□	□
c) Create a substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	■	□	□	□
d) Create a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	■	□	□	□
e) For a project located 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 expose people residing or working in the project area to excessive noise levels?	□	□	□	■
f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?	□	□	□	■

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.

The proposed project is located on an elevated section of land between I-280 to the north and Stonehaven Drive, the backs of single-family homes, and Oak Valley Road to the south. The surrounding land uses are mostly residential and open space. The single-family homes on the project's southern border are the closest sensitive receivers of noise generated by the construction and operation of the proposed project.

The principal noise sources in the project area are traffic noise from I-280. The nearest public airports are San Jose International Airport, approximately 11.5 miles to the northeast, and Palo Alto Airport,

approximately 10.5 miles to the northwest. The nearest heliports are Mc Candless Towers Heliport, approximately 10 miles to the northeast, and County Medical Center Heliport, approximately 9 miles to the southeast. The nearest private airport is Moffett Federal Airfield, approximately 8.6 miles to the northwest.

DISCUSSION

a) *Would the project expose people to or generate noise levels in excess of standards established in the local general plan or noise ordinance, or other applicable standards?*

The types of uses associated with the operation of the proposed project are not typically considered to generate excessive noise. However, due to the close proximity of the proposed development to the adjacent residences to the south, noise impacts are considered to be *potentially significant* until the need and nature of any required mitigation has been identified as part of the EIR.

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

Institutional uses, such as what is proposed by the project, are not typically associated with the ongoing generation of excessive levels of vibration or groundborne noise from operations. Furthermore, construction activities would not require pile driving or the use of other vibration causing equipment during construction that may be perceptible at nearby sensitive receptors. However, due to the close proximity of the proposed development to the adjacent residences to the south, vibration impacts may be *potentially significant* until the need and nature of any required mitigation has been identified as part of the EIR.

c) *Would the project create a substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?*

Institutional uses, such as those proposed by the project, are not typically associated with excessive, ongoing operations-related noise that would lead to substantial permanent increases in ambient noise levels. Furthermore, the proposed project would generate minimal increases in traffic flows along Cristo Rey Drive in comparison to the existing conditions and noise from the project would generally be same as the current conditions. However, because there is the potential for the project to increase traffic flows on Cristo Rey Drive, impacts under this criterion may be *potentially significant* until the need and nature of any required mitigation has been identified as part of the EIR.

d) *Would the project create a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?*

Institutional uses, such as those proposed by the project, are not typically associated with excessive operations-related noise that would lead to substantial temporary or periodic increases in ambient noise levels. Nevertheless, construction associated with development of the project could lead to short-lived generation of excessive noise levels that could result in temporary or periodic increases to ambient noise levels. Therefore, the impacts under this criterion may be *potentially significant* until the need and nature of any required mitigation has been identified as part of the EIR.

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- e) For a project located 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 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 public airports are Palo Alto Airport, approximately 10.5 miles to the northwest, and San Jose International Airport, approximately 11.5 miles to the northeast. Given the distance from the project site to the nearest airport, future residents at the site would not be exposed to excessive noise from aircraft using a public use airport. Therefore, *no impact* would result under this criterion and this issue will not be discussed in the EIR.

- f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?

The proposed project is not located within the immediate vicinity of a private airstrip or heliport. The nearest heliports are County Medical Center Heliport, approximately 9 miles to the southeast, and Mc Candles Towers Heliport, approximately 10 miles to the northeast. The nearest private airport is Moffett Federal Airfield, approximately 8.6 miles to the northwest. At these relatively long distances from the aircraft facilities, the proposed project would not expose residents to excessive noise levels from private airstrip or heliport noise. Therefore, *no impact* would result under this criterion and this issue will not be discussed in the EIR.

XIV. POPULATION AND HOUSING

Would the proposed project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant	No Impact
a) Induce substantial unexpected 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)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Displace substantial numbers of existing housing units, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

EXISTING CONDITIONS

The project is anticipated to be completed by 2022. According to the Association of Bay Area Governments (ABAG), Cupertino would have 66,800 residents and 22,890 jobs by 2030.⁸¹

⁸¹ City of Cupertino General Plan Amendment, Housing Element Update, Associated Rezoning Project EIR, Table 4.11.-1, Population, Household, and Employment Projections.

DISCUSSION

- a) *Would the project induce substantial unexpected 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 result in a substantial and unplanned level of growth if estimated development exceeds local or regional growth projections. As described in Section XI, Land Use and Planning, the proposed project would not require any General Plan or Zoning Amendments. As shown in Table 2 in the Project Description section of this Initial Study, the proposed project has the potential to introduce up to 61 new residents. Given the nature of the project, a CCRC for seniors, it is likely that many of the residents will come from Cupertino and the surrounding area. Conservatively assuming all 61 new residents would move to Cupertino, they would represent about 0.1 percent of the General Plan's residential buildout projections by 2030.⁸² Accordingly, this level of growth would not exceed population or growth projections in Cupertino or the greater Bay area. Also, as described in Section XI, Land Use and Planning, the proposed growth at the project site was considered in the General Plan. Furthermore, the developable area at the project site and the surrounding the area is already developed or protected open space and is well served by utility and transportation infrastructure. The proposed project would be infill development with the boundaries of the existing CCRC development and while the proposed project may require on-site infrastructure improvements, these would be made to accommodate the proposed new development and would not accommodate additional growth beyond that need. Therefore, associated impacts would be *less than significant* and this issue will not be discussed in the EIR.

- b) *Would the project displace substantial numbers of existing housing units, necessitating the construction of replacement housing elsewhere?*

The proposed project would introduce new housing and healthcare facilities on the existing CCRC development. Since the project would result in a net increase in housing units on the site, the proposed project would not result in the displacement of a substantial number of existing housing units and there would be a *less-than-significant* impact in this respect. This issue will not be discussed in the EIR.

- c) *Would the project displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?*

The proposed project would introduce new housing and healthcare facilities on the existing CCRC development that could accommodate up to 61 new residents and would not reduce the number of available units or beds on the site. Therefore, implementation of the proposed project would not necessitate the construction of housing elsewhere and a *less-than-significant* impact would result in this respect. This issue will not be discussed in the EIR.

⁸² 61 new residents/66,800 projected residents = 0.09 percent.

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XV. 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:				
Fire protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Police protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Libraries?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

EXISTING CONDITIONS

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

- Santa Clara County Fire District (SCCFD) for fire protection, emergency, medical, and hazardous materials services
- Santa Clara County Sheriff's Office (Sheriff's Office) and West Valley Patrol Division for police protection services
- The Woodland Branch Library located at 1975 Grant Road in Cupertino, approximately 1.5 miles to the northeast of the project site, is the closest library and is operated by Santa Clara County Library District (SCCLD)

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 a public services impact analysis is to examine the impacts associated with physical improvements to public service facilities required to maintain acceptable service ratios, response times or other performance objectives. Public service facilities need improvements (i.e., construction, renovation or expansion) as demand for services increase. Increased demand is typically driven by increases in population. The proposed project would have a significant environmental impact if it would exceed the ability of public service providers to adequately serve residents, thereby requiring construction of new facilities or modification of existing facilities. As discussed in Section XIV, Population and Housing, above, the proposed project would result in a net increase of 61 residents at the project site. Given the proposed project would represent about 0.1 percent of the expected increase in population foreseen in

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city and regional planning efforts, it is unlikely the proposed project would warrant new construction of or expansion of an existing fire, police or library facility that would serve the project site. As a CCRC development, the proposed project provides full on-site medical services and would not rely solely on the emergency services of the police and fire departments. The project site is approximately 1.5 miles to the northeast of the Woodland Branch Library, a full service library that is physically accessible and offers online access to several other libraries in Santa Clara County. Furthermore, the SCCLD Strategic Plan and Cupertino General Plan include policies and strategies to ensure that the City maintains an adequate level of library services to serve the new residents. Additionally, given that the project is a CCRC for older residents, the future residents of the proposed project would not generate school-age children that could attend the Cupertino Union School District (CUSD). Therefore, there would not be an increase in demand for school services. For these reasons, *no impact* would result under this criterion and this issue will not be discussed in the EIR.

XVI. 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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

EXISTING CONDITIONS

The following recreational and park facilities would serve future residents of the project site:

- City parks, which are maintained by the City of Cupertino Recreation and Community Services, that are nearest to the project site are Canyon Park, located approximately 1 mile to the southeast; Little Rancho Park, located approximately 0.5 miles to the southeast; and Monta Vista Park, which is located approximately 2 miles to the southeast of the site.⁸³
- The Rancho San Antonio County Park, which is a regional park within the Santa Clara County Parks system, and the MROSD’s Rancho San Antonio Open Space Preserve, are managed by the Midpeninsula Regional Open Space District (MROSD) and both share a portion of the project site’s southern and western borders.

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. The City has an adopted parkland dedication

⁸³ City of Cupertino, Recreation and Community Services Department, City Park Finder, <http://gis.cupertino.org/parkfinder>, accessed February 24, 2017.

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standard of three acres of parkland for every 1,000 residents. There is a total of approximately 156 acres of parkland in Cupertino, or approximately 2.7 acres per 1,000 residents, based on an existing population of 58,302.

DISCUSSION

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

As discussed in the project description section above, the proposed project would offer passive and active recreation facilities for its residents, including a theatre, fitness center, full service spa, outdoor swimming pool and outdoor landscaped common areas. In addition to these facilities, new residents of the proposed project would also use existing local and regional parks and recreational facilities, including the Rancho San Antonio County Park /Open Space area. As discussed in Section XIV, Population and Housing, above, the proposed project would result in up to 61 new residents at the project site. To meet the City's parkland-to-resident ratio of three acres of parkland for every 1,000 residents, the proposed project would be required to provide 0.183 acres of parkland.⁸⁴ Although the proposed project would not provide on-site parkland, the proposed project's payment of City-required impact fees would contribute to the City's parks and recreation fund. The proposed project would be required to comply with CMC Chapter 14.05, Park Maintenance Fee, and Chapter 18.24, Dedications and Reservations, which require the payment of impact fees to maintain existing parks and recreation facilities and offset their fair share of impacts to parklands. Therefore, considering the proposed project's provision of on-site recreational amenities in conjunction with the collection of impact fees that support the City's parks and recreation fund, the project's impacts on the City's recreational facilities would be *less than significant* and this issue will not be discussed further in the EIR.

Additionally, new residents of the project site would also be expected to occasionally use the regional park facilities operated by the MROSD and the Santa Clara County Parks; however, given the vast size of the regional park facilities and the relatively infrequent usage that future residents would make of them, the proposed project would not result in their substantial deterioration. The modest increase in usage that could potentially result from the proposed project is not likely to trigger the construction of new built facilities over and above that already foreseen in the long-range planning completed for these regional park facilities in the vicinity of the project site. Therefore, a *less-than-significant* impact to regional parks would occur and this issue will not be discussed further in the EIR.

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

As discussed in criterion (a) above, the proposed project's recreational and open space features combined with the impact fees that support the City's parks and recreation fund would render the project's impact on the City's recreational facilities less than significant. The project does not propose the construction of a park or any physical alterations to an existing park or recreational facilities; however, the payment of

⁸⁴ 61 residents x 0.003 (3 acres of parkland per 1,000 residents) = 0.183 acres.

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

XVII. TRANSPORTATION AND CIRCULATION

Would the proposed project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant	No Impact
a) Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?	■	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?	■	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	■
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	<input type="checkbox"/>	<input type="checkbox"/>	■	<input type="checkbox"/>
e) Result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	■
f) Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?	<input type="checkbox"/>	<input type="checkbox"/>	■	<input type="checkbox"/>

EXISTING CONDITIONS

The project site is located along Cristo Rey Drive, which can be accessed from Foothill Boulevard. Foothill Boulevard is a four-lane road that provides access to I-280 and SR 85. While providing on-site medical care and recreational options, the project site also includes residential serving land uses, such as a hair salon, country store, and cafe/bistro. Under existing conditions, The Forum also includes scheduled transportation that offers door-to-door service to special events, medical appointments and shopping

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centers, as well as other locations. Together the on-site amenities and transportation services both serve to reduce vehicular trips and demand to public transit services.

Existing Pedestrian, Bicycle, and Transit Facilities

Pedestrian Facilities

Pedestrian facilities consist of sidewalks, crosswalks, and pedestrian signals. Pedestrian connectivity immediately surrounding the project site is provided by a mostly complete network of sidewalks and crosswalks. Sidewalks are provided along the frontage of the project site, located on the eastern side of Cristo Rey Drive. The sidewalks along Cristo Rey Drive have park strips, which act as an additional buffer between vehicles and pedestrians. Pedestrian signals and high visibility crosswalks are provided at the three roundabouts located on Cristo Rey Drive: at the southern entrance of the project site, at the existing commons building in the middle of the project site, and at Via Esplendor in the northern entrance of the project site. Pedestrians are able to cross the street in both the north to south and east to west directions at these locations.

Bicycle Facilities

Bicycle facilities near the project site are comprised of Class I and II bicycle lanes, as well as Class III bicycle routes, as described below:

- **Class I Bikeways (Bike Paths)** are paths that provide for bicycle and pedestrian travel on a paved right-of-way completely separated from streets or highways. Near the project site, bike paths (Class I) are provided on Stevens Creek Trail from Stevens Creek Boulevard to McClellan Road.
- **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 five (5) feet wide. Adjacent vehicle parking and vehicle/pedestrian cross-flow are permitted. Near the project site, bicycle lanes (Class II) are provided on Foothill Boulevard, and Cristo Rey Drive east of Cristo Rey Place. Stevens Creek Boulevard is also a Class II facility that transitions to a Class III facility with bike lanes east of Henry Creek.
- **Class III Bikeway (Bike Route)** are designated by signs or pavement markings for shared use with pedestrians or motor vehicles, but have no separated bike right-of-way or lane striping. Bike routes serve either to: a) provide continuity to other bicycle facilities, or b) designate preferred routes through high demand corridors. Class III bike route exists on Stevens Creek Boulevard east of Henry Creek.⁸⁵

In 2016, the City of Cupertino adopted its *Bicycle Transportation Master Plan* (Draft Bike Plan), which illustrates Cupertino's current bicycle network, identifies gaps in the network, and proposes improvement projects to address the identified gaps.⁸⁶ This Draft Bike Plan includes a proposed designation of a bike path connecting the project site to Henry Creek, and a bike lane on Cristo Rey Drive in the vicinity of the project site. The project applicant would be required to contribute to implementing the recommended pedestrian and bike striping improvements in the project area.

⁸⁵ City of Cupertino, 2016 Bicycle Transportation Plan, Figure 1-4: Activity generators and existing bicycle network.

⁸⁶ City of Cupertino, 2016 Bicycle Transportation Plan, Figure 3-7: Bikeway projects.

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 near the project site.

Transit Facilities

Public transit service in Cupertino is provided by Valley Transportation Authority (VTA)-operated bus service, and Caltrain-operated commuter heavy rail service. The nearest bus route to the project site is local route 81, with a stop at Grant Road and Arboretum Drive (Stop 60672), which is located approximately 1.3 miles northeast of the project site in the City of Los Altos. The nearest Caltrain station to the project site is the Mountain View station, which is located approximately 7 miles to north of the project site.

Existing Trip Generation

In order to review the number of trips that occur on a typical day on the existing project site, 24-hour roadway (traffic) counts were taken by IDAX Data Solutions at one on-site location, Cristo Rey Drive south of Capilla Way (17072 Cristo Rey Drive) on March 23, 2017. Table 4 below verifies that trip generation based on rates from the *Institution of Transportation Engineers (ITE) Trip Generation Manual* are comparable to actual traffic generated at the project site by comparing the 24-hour traffic counts collected to the calculated number of estimated trips.

TABLE 4 EXISTING SITE TRAFFIC

Land Use	Units	Trip Generation						
		Daily	AM Peak Hour			PM Peak Hour		
			In	Out	Total	In	Out	Total
Senior Adult Housing – Independent Living ^a	319 DU	1,174	25	46	71	53	34	87
Senior Adult Housing – Assisted Living ^b	106 Beds	282	10	5	15	10	13	23
Total Estimated Existing Trips Based on ITE Rates		1,456	35	51	86	63	47	110
Total Trips Based on Traffic Counts^c		1,432	68	38	106	30	74	104
<i>Difference^d</i>		24	-33	13	-20	33	-27	6

Notes: DU = dwelling units

- Trip generation for peak hour of adjacent streets based on trip generation rates in the ITE Trip Generation Manual 9th Edition, which applies 3.68 daily trips per du for detached senior housing (Code 251) and 3.44 daily trips per du for attached senior housing (Code 252). This analysis conservatively estimates trips using 3.68 daily trips for all 319 independent living du (60 villas and 259 apartments).
- Trip generation for peak hour of adjacent streets based on trip generation rates in the ITE Trip Generation Manual 9th Edition, which applies 2.66 daily trips per bed for assisted living facilities (Code 254), 2.02 daily trips per du in congregate care facilities (Code 253), and 2.40 daily trips per du in Continuing Care Retirement Communities (CCRCs). This analysis conservatively estimates trips using 2.66 daily trips for all 106 existing beds (48 Skilled Nursing Beds, 40 Assisted Living beds, and 18 Memory Care beds).
- Driveway counts taken over a 24-hour period on Cristo Rey Drive south of Capilla Way on March 23, 2017.
- Difference between (trip generation from existing uses based on estimates applying the ITE rates) minus (existing traffic counts).

DISCUSSION

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- a) *Would the project conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?*

The proposed project would increase the number of independent living units and associated senior living facility uses and as such would increase then number of trips to and from the project site. As shown in Table 5, PlaceWorks estimated the number of project trips based on: 1) trip rates provided in the ITE Trip Generation Manual and 2) traffic counts completed on March 23, 2017. A growth factor was applied, proportional to the projected increase in the number of beds and units that the project would provide. According to the results in Table 5, the project would generate no more than 15 peak hour trips.

TABLE 5 PROJECT TRIP GENERATION

LAND USE	UNITS	DAILY	TRIP GENERATION					
			AM PEAK HOUR			PM PEAK HOUR		
			IN	OUT	TOTAL	IN	OUT	TOTAL
Senior Adult Housing – Independent Living ¹	25 DU	92	2	4	6	4	3	7
Senior Adult Housing - Assisted Living ²	36 Beds	96	3	2	5	3	4	7
Total Estimated Project Trips Based on ITE Rates		188	5	6	11	7	7	14
Total Project Trips Based on Counts³		206	10	5	15	4	11	15
<i>Difference⁴</i>		<i>-18</i>	<i>-5</i>	<i>1</i>	<i>-4</i>	<i>3</i>	<i>-4</i>	<i>-1</i>

Notes: DU = dwelling units

- 1 Trip generation for peak hour of adjacent streets based on trip generation rates in the ITE Trip Generation Manual 9th Edition, which applies 3.68 daily trips per du for detached senior housing (Code 251) and 3.44 daily trips per du for attached senior housing (Code 252). This analysis conservatively estimates trips using 3.68 daily trips for the proposed 25 independent living du.
- 2 Trip generation for peak hour of adjacent streets based on trip generation rates in the ITE Trip Generation Manual 9th Edition, which applies 2.66 daily trips per bed for assisted living facilities (Code 254), 2.02 daily trips per du in congregate care facilities (Code 253), and 2.40 daily trips per du in Continuing Care Retirement Communities (CCRCs). This analysis conservatively estimates trips using 2.66 daily trips for the proposed 36 beds (10 Skilled Nursing beds, 0 Assisted Living beds, and 26 Memory Care beds). Note the project currently has 18 beds for memory care, so applying 26 new beds in the new memory care facility also projects a conservative estimate.
- 3 Traffic counts proportional to the number of beds and units based on the driveway counts taken over a 24-hour period on Cristo Rey Drive south of Capilla Way on March 23, 2017.
- 4 Difference between (trip generation for proposed uses based on ITE rates) minus (estimates based on traffic counts proportional to the number of beds and units increase).

The traffic impact analysis (TIA) methodology is based on the guidelines of the City of Cupertino and 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) present 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. Per the TIA Guidelines, a TIA must be completed for Congestion Management Plan purposes for projects that meet or exceed the trip threshold of generating 100 or more net new weekday AM and PM peak commute times (i.e., AM [7:00 to 10:00 a.m.] and PM [4:00 to 7:00 p.m.]) or weekend peak hour trips, including both inbound and outbound trips. As shown in Table 5, the proposed project would not generate more than 15 trips under both AM and PM peak hour conditions and does not meet or exceed the VTA's TIA threshold and no off-site intersection level of service (LOS) calculations are required.

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Potential impacts to the roundabout, the Foothill/Cristo Rey intersection and Foothill/Stevens Creek intersection will be evaluated in the EIR to ensure that adequate internal circulation and site access is provided for existing plus project conditions. In addition, non-motorized transportation in the vicinity of the project will be documented in the EIR.

b) *Would the project conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?*

As discussed under criterion (a) above, the increase in area residents could result in changes to traffic volumes. Therefore, the impacts under this criterion will be discussed further in the EIR.

c) *Would the project result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?*

The nearest public airports are San Jose International Airport, approximately 11.5 miles to the northeast, and Palo Alto Airport, approximately 10.5 miles to the northwest. The nearest heliports are Mc Candless Towers Heliport, approximately 10 miles to the northeast, and County Medical Center Heliport, approximately 9 miles to the southeast. The nearest private airport is Moffett Federal Airfield, approximately 8.6 miles to the northwest. Because the project would not be located in close proximity to any facilities used by aircraft and since it would not be of sufficient height to interfere with typical aircraft operations, the project would not result in changes to aircraft patterns in terms of location. The project would not itself generate air traffic, and the resulting increase in area residents would be insufficient to result in substantial changes to the volume of aircraft in the proximity of the project site; therefore, *no impact* would occur and this criterion will not be discussed in the EIR.

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

The proposed project would be accessed by the existing main access point off of Cristo Rey Drive at the southeastern portion of the project site. The main circulation patterns within the project site would remain the same with the exception of one new roadway. The new roadway would also be accessed from Cristo Rey Drive and would be provided to access the new villas on the southeastern portion of the project site (see Figure 6). The secondary access off Stonehaven Drive at the southwestern portion of the project site would remain as an access point for emergency vehicles only in the event of an emergency. This is discussed below in criterion (e). The proposed project would not modify any design features to a public road or introduce a potentially unsafe feature that would increase hazards. *No impacts* would occur and this topic will not be discussed further in the EIR.

e) *Would the project result in inadequate emergency access?*

Emergency response vehicles would access the project site from the primary entrance off Cristo Rey Drive, the new roadway to access the new villas at the southeastern portion of the site, and off Stonehaven Drive at the existing access point that is restricted to emergency vehicles only. There are no changes proposed to the primary existing circulation pattern on the project site which allows emergency vehicles full access to all internal streets off of Via Esplendor. The SCCFD and City of Cupertino Building Division coordinate the review of building permits. All access driveways would be designed in accordance with City

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of Cupertino standards and would have to be reviewed and approved by SCCFD prior to construction. The proposed project plans would include approved fire and emergency access through all phases of construction and operation per the provisions of the City's Fire Code,⁸⁷ which regulates emergency access. Therefore, the proposed project would not result in inadequate emergency access and *no impacts* would occur. This topic will not be discussed further in the EIR.

- f) *Would the project conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?*

The proposed project includes minor changes to the internal sidewalk and bicycle network and would not result in changes to any off-site facilities. The increased population at the project site would not create an increase in demand than the existing off-site infrastructure could accommodate. The project site would continue to be accessible to pedestrians from Cristo Rey Drive and on-site paths would provide pedestrian and bicycle circulation within the project site. While the project does not propose any new bicycle lanes or routes, the site would continue to be accessible from the bike lanes on Cristo Rey Drive and from Foothill Boulevard, which are designated bike lanes near the project site per the Cupertino Bicycle Transportation Master Plan. While future residents may use public transit, the project includes scheduled transportation that offers door-to-door service to special events, medical appointments and shopping centers, as well as other locations, which serves to reduce demand to other public transit services. In summary, there would be adequate availability of alternative modes of travel including pedestrian, bicycle and transit. 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 and associated impacts would be *less than significant*. This topic will not be discussed further in the EIR.

XVIII. UTILITIES AND SERVICE SYSTEMS

Would the proposed project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant	No Impact
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Require or result in the construction of new stormwater drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

⁸⁷ Cupertino Municipal Code, Title 16, Buildings and Construction, Chapter 16.40, Fire Code.

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Would the proposed project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant	No Impact
d) Have insufficient water supplies available to serve the project from existing and identified entitlements and resources?	■	□	□	□
e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project’s projected demand in addition to the provider’s existing commitments?	■	□	□	□
f) Not be served by a landfill with sufficient permitted capacity to accommodate the buildout of the project’s solid waste disposal needs?	□	□	■	□
g) Comply with federal, state, and local statutes and regulations related to solid waste?	□	□	■	□
h) Result in a substantial increase in natural gas and electrical service demands requiring new energy supply facilities and distribution infrastructure or capacity enhancing alterations to existing facilities?	□	□	■	□

EXISTING CONDITIONS

The following utility providers would serve the proposed project:

- 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).
- San Jose Water Company (SJWC) for water services
- 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.
- Pacific Gas & Electric (PG&E) for electricity and gas

Wastewater

The CSD maintains approximately 194.5 miles of sewer mains including the infrastructure in the vicinity of the project site.⁸⁸ The collected wastewater from the CSD service area is conveyed to the San Jose/Santa Clara Water Pollution Control Plant (SJ/SCWPCP) through mains and interceptor lines shared with both the cities of San Jose and Santa Clara. The CSD is one of five tributary agencies that have a contractual treatment allocation agreement with the SJ/SCWPCP of 35 million gallons per day (mgd) on average. In

⁸⁸ Cupertino Sanitary District, Sewer Management Plan, May 18, 2016, page 23.

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2015, the contributing influent from the five tributary agencies averaged 22 mgd during peak week flow.⁸⁹ The SJ/SCWPCP has the capacity and permit to discharge up to 167 mgd average dry weather flow.⁹⁰ In 2016, the average dry weather influent flow was 101.1 mgd and the average dry weather effluent flow was 73 mgd.⁹¹

Water Supply

The SJWC provides groundwater, imported treated water, and local surface water for an area of approximately 139 square miles including San Jose, Cupertino, Campbell, Monte Sereno, Saratoga, Los Gatos, and unincorporated areas within Santa Clara County. Most of SJWC's customers are residential or commercial.⁹² The SJWC also provides water to industrial, municipal, private fire services, and public fire protection services. The SJWC sources water from the Santa Clara Valley Water District (SCVWD), the Santa Clara Subbasin, and the Los Gatos Creek and local watersheds from the Santa Cruz Mountains.⁹³ According to the SJWC 2015 Urban Water Management Plan, the 2015 water use target was estimated at 140 gallons per capita per day (gpcd) and the actual water use was 96 gpcd. The projected water use target for 2020 is 127 gpcd, the SJWC is on track to meet this demand.⁹⁴ In 2015, the SJWC's actual water supply was 35,369 acre feet (af)⁹⁵ and the projected water supply for 2020 is 47,444 af.⁹⁶

Solid Waste

Recology provides curbside recycling, garbage, and compost and yard waste service to the residents of Cupertino.⁹⁷ All non-hazardous waste is collected under the Recology contract is hauled to the Newby Island Landfill for processing. The City of Cupertino has a contract with the Newby Island Resources Recovery Park and Sanitary Landfill until 2023.⁹⁸ The Newby Island Resources Recovery Park and Sanitary Landfill is permitted to receive 4,000 tons of waste per day. CalRecycle lists the expected closure date of the landfill to be January 1, 2041. The landfill has a total capacity of 57.5 million cubic yards and a remaining capacity of 21.2 million cubic yards.⁹⁹

⁸⁹ City of San Jose, Cities of San Jose and Santa Clara's Response to Administrative Claim, <https://www.sanjoseca.gov/ArchiveCenter/ViewFile/Item/2816>, page 5, accessed March 24, 2017.

⁹⁰ San Francisco Bay Regional Water Quality Control Board, San Jose/Santa Clara Water Pollution Control Plant, Order No. R-2-2014-0034, National Pollutant Discharge Elimination System No. CA0037842, http://www.waterboards.ca.gov/sanfranciscobay/board_decisions/adopted_orders/2014/R2-2014-0034.pdf, page F-3, accessed March 22, 2017.

⁹¹ San Jose-Santa Clara Regional Wastewater Facility, 2016 Annual Self-Monitoring Report, page 4.

⁹² San Jose Water Company, 2016 Urban Water Management Plan, Chapter 3, System Description, page 3-1.

⁹³ San Jose Water Company, 2016 Urban Water Management Plan, Chapter 6, System Supplies, pages 6-1 and 6-2.

⁹⁴ San Jose Water Company, 2016 Urban Water Management Plan, Chapter 5, Baselines and Targets, page 5-2.

⁹⁵ There are 325,851 gallons in 1 acre-foot.

⁹⁶ San Jose Water Company, 2016 Urban Water Management Plan, Chapter 6, System Supplies, pages 6-10.

⁹⁷ City of Cupertino, Environmental Services, Garbage and Recycling, <http://www.recyclestuff.org/Guides/CityGuideCupertino.pdf>, accessed March 23, 2017.

⁹⁸ City of Cupertino, Garbage and Recycling Services Fact Sheet, <http://www.recyclestuff.org/Guides/CityGuideCupertino.pdf>, accessed March 23, 2017.

⁹⁹ California Integrated Waste Management Board, <http://www.calrecycle.ca.gov/SWFacilities/Directory/43-AN-0003/Detail/>, accessed March 23, 2017.

Energy

The PG&E was incorporated in California in 1905 and provides natural gas and electric to approximately 15 million people throughout a 70,000-square-mile service area in northern and central California. The project site is currently served by existing PG&E distribution systems that would provide natural gas and electricity. PG&E produces or buys its energy from a mix of conventional systems to reach their customers.

DISCUSSION

a) *Would the project exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?*

The CSD sewer collection system directs wastewater to the SJ/SCWPCP, which is jointly owned by the cities of San José and Santa Clara. The San Francisco RWQCB established wastewater treatment requirements for the SJ/SCWPCP in an NPDES Permit (Order No. R2-2014-0034), adopted September 10, 2014 and effective October 31, 2019.¹⁰⁰ The NPDES Order sets out a framework for compliance and enforcement applicable to operation of the SJ/SCWPCP and its effluent, as well as those contributing influent to the SJ/SCWPCP. This NPDES Order 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.

The proposed project would have a significant environmental impact if it would result in a violation of the sanitary wastewater treatment requirements established in the NPDES Permit issued by the RWQCB. The SJ/SCWPCP, serving as the Discharger, has an approved pretreatment program, which includes approved local limits as required by prior permits. The previous permit required the Discharger to evaluate its local limits—such as those established by the CSD—to ensure compliance with updated effluent limits. These local limits are approved as part of the pretreatment program required by this permit. The SJ/SCWPCP is required to monitor the permitted discharges in order to evaluate compliance with permit conditions.

The proposed CCRC project does not involve industrial uses or other uses likely to substantially increase pollutant loading levels in the sanitary sewer system and no construction of new facilities is required. Therefore, the proposed project is not expected to exceed treatment standards established by the RWQCB and impacts to sanitary wastewater quality would be *less than significant*. This issue will not be discussed further in the EIR.

b) *Would the project require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?*

The proposed project would result in a significant impact if it would result in the construction of new wastewater treatment facilities or the expansion of existing facilities, the construction of which would have a significant effect on the environment. As discussed in criterion (a) above, future wastewater

¹⁰⁰ San Francisco Bay Regional Water Quality Control Board, San Jose/Santa Clara Water Pollution Control Plant, Order No. R-2-2014-0034, National Pollutant Discharge Elimination System No. CA0037842, http://www.waterboards.ca.gov/sanfranciscobay/board_decisions/adopted_orders/2014/R2-2014-0034.pdf, page F-3, accessed March 22, 2017.

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demands from the proposed project would not exceed the design or permitted capacity of the SJ/SCWPCP that serves the project site. As discussed in criterion (e), future water demand and subsequently future water treatment demand under this criterion will be discussed in the EIR.

- c) *Would the project require or result in the construction of new stormwater drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?*

As discussed under criterion (d) in Section VIII, Hydrology and Water Quality, above, the proposed project would not require the expansion of existing storm drain facilities due to the installation of adequate bioretention areas throughout the site. All new development, like the proposed project, that creates or replaces 10,000 square feet or more of impervious surface would be subject to Provision C.3 of the MRP guidelines for stormwater control, as described above. Through C.3 compliance, the proposed project would involve actions to minimize runoff from the project site as described in Section VIII, Hydrology and Water Quality, above. 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 this topic will not be discussed in the EIR.

- d) *Would the project have insufficient water supplies available to serve the project from existing and identified entitlements and resources?*

As shown in the General Plan EIR in Chapter 4.14, buildout of the General Plan would not result in insufficient water supplies from SJWC under normal year conditions or during single-dry year and multiple-dry years, with the proposed and existing water conservation regulations and measures in place. As discussed in Section XI, Land Use and Planning, the proposed project is consistent with the General Plan and the Zoning for the project site. While it is anticipated that there will be adequate water supply for the project in conjunction with the SJWC growth projections, this topic will be discussed further in the EIR.

- e) *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?*

The proposed project would have a significant impact if project demand exceeds the wastewater service capacity of the SJ/SCWPCP or the CSD collection systems. Wastewater generation is determined by estimating the flow per unit for residential uses. Using a conservative demand factor of 263.2 gpd per multi-family unit for the 25 new villas and 36 beds, the estimated wastewater generation based on buildout of the project would be 16,055.2 gpd (or approximately 0.016 mgd). A discussion of this demand in conjunction to the existing average demand and the potential for this total to exceed the SJ/SCWPCP current total capacity will be included in the EIR.

- f) *Would the project be served by a landfill with sufficient permitted capacity to accommodate the buildout of the project's solid waste disposal needs?*

As discussed in the existing conditions, above, 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. In addition to the Newby Island Landfill, solid waste generated in Cupertino

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can also be disposed of at the Altamont Landfill and Resource Recovery facility, the Corinda Los Trancos Landfill, Forward Landfill, 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.

Solid waste generated by construction of the proposed project would largely consist of demolition waste from the existing buildings slated for renovation 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, which requires the recycling or diversion at least 60 percent of all generated construction and demolition (C&D) waste by salvage or by transfer to an approved facility. Prior to the permit issuance, the applicant is required to submit a properly completed Waste Management Plan, which includes the estimated maximum amount of C&D waste that can feasibly be diverted, which facility would handle the waste, and the total amount of C&D waste that would be landfilled. Compliance with CMC Chapter 16.72 would reduce solid waste and construction-related impacts on the landfill capacity would be *less than significant*.

The proposed waste management for the proposed project would continue to focus on waste, recycling, and composting. Based on the population and employment generation discussed in the project description section above, it is assumed the proposed project would introduce 61 new residents for a total of 542 residents at buildout. The project would also include 48 new employees, totaling 237 full-time and part-time employees that rotate through a 24-hour shift cycle. As discussed in the General Plan EIR, in 2012, Cupertino's actual disposal rate for residents was 2.6 pounds per person per day (PPD) with the target of 4.3 PPD. For employees, the disposal rate was 4.3 PPD with the target rate of 8.1 PPD.¹⁰¹ The City's disposal rates for both residents and employees have been below target rates and steadily decreasing since 2007.¹⁰² Applying these disposal rates, the project would generate approximately 360 PPD or 0.15 tons per day (TPD) of new waste,¹⁰³ which is well within the Newby Island Sanitary Landfill permitted daily disposal capacity of 4,000 TPD. Thus, impacts on landfill capacity would be *less than significant* and this topic will not be discussed further in the EIR.

g) Would the project comply with federal, state, and local statutes and regulations related to solid waste?

The proposed project would have a significant environmental impact if it would conflict with standards relating to solid waste or litter control. The City's per capita disposal rate is below the target rate established by CalRecycle. Cupertino adopted a Source Reduction and Recycling Element (SRRE) and a Household Hazardous Waste Element (HHWE) in compliance with the California Integrated Waste Management Act. 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,

¹⁰¹ CalRecycle, "Jurisdiction per Capita Disposal Trends: Cupertino," <http://www.calrecycle.ca.gov/>, accessed February 28, 2017.

¹⁰² CalRecycle, "Jurisdiction per Capita Disposal Trends: Cupertino," <http://www.calrecycle.ca.gov/>, accessed February 28, 2017.

¹⁰³ (61 residents x 2.6 pounds per day (PPD) = 158.6 PPD) + (47 employees x 4.3 PPD = 202.1 PPD) = 306.7 PPD or 0.15 tons per day

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programs and plans, as well as the Climate Action Plan that launched in May 2014, will enable the city to meet the 75 percent solid waste diversion rate by the year 2020. 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 the CMC Chapter 16.72, requiring that a minimum of 50 percent of C&D debris be diverted from landfill. Compliance with applicable statutes and regulations would ensure that the impact would be *less than significant*. Thus, this topic will not be discussed further in the EIR.

h) Would the project result in a substantial increase in natural gas and electrical service demands requiring new energy supply facilities and distribution infrastructure or capacity enhancing alterations to existing facilities?

The proposed project includes the construction and operation associated with the renovation and addition of existing buildings, and the construction of new buildings that would meet the current Building and Energy Efficiency Standards. The 2013 Building and Energy Efficiency Standards became effective July 1, 2014. The 2013 Standards are 25 percent more energy efficient than the 2008 standards for residential buildings and 30 percent more energy efficient for non-residential buildings. The project provides connectivity to existing transit, bicycle and pedestrian facilities and locates senior housing and healthcare facilities within and existing CCRC which includes existing residential-serving, healthcare and recreational land uses.

The project site is currently served by existing PG&E distribution systems that would provide natural gas and electricity. As described in Section IX, Land Use, above, the proposed project complies with the General Plan land use designation requirements as well as the Zoning district requirements. As discussed in Section XIV, Population and Housing, the project would not result in new growth potential from what was considered both Cupertino and regional (ABAG) planning. The project would include appropriate on-site infrastructure to connect to the existing PG&E systems and would not require new off-site energy supply facilities and distribution infrastructure or capacity enhancing alterations to existing facilities. Accordingly, impacts would be *less than significant* and this topic will not be discussed further in the EIR.

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

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	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)?	■	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	■	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

DISCUSSION

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

As discussed in Section IV, Biological Resources, Section V, Cultural Resources, and Section VI, Tribal Cultural Resources, implementation of the proposed project may result in a *potentially significant* impact to the migratory birds protected under the MBTA and to unknown cultural resources that could be unearthed during the grading and construction phase until the need and nature of any required mitigation has been identified as part of the EIR.

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)?*

As described in the environmental checklist, the impacts of the proposed project may be *potentially significant* until the need and nature of any required mitigation has been identified as part of the EIR. Therefore, the proposed project could contribute to significant cumulative impacts when considered along with other reasonably foreseeable projects in the area. This will be discussed in the EIR.

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 may have a *potentially significant* impact on the environment until the need and nature of any required mitigation has been identified as part of the EIR.

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