August 2014

Hyatt House Hotel at Vallco Park Project Initial Study

for the City of Cupertino

PLACEWORKS

August 2014

Hyatt House Hotel at Vallco Park Project Initial Study

for the City of Cupertino

Prepared By:

PLACEWORKS

1625 Shattuck Avenue, Suite 300
Berkeley, California 94709
510.848.3815
510.848.4315 (f)

In Association With:

Hexagon Transportation Consultants
Tom Origer & Associates

COMMUNITY DEVELOPMENT DEPARTMENT
CITY HALL
10300 TORRE AVENUE • CUPERTINO, CA 95014-3255
TELEPHONE: (408) 777-3308 www.cupertino.org

NOTICE OF INTENT TO ADOPT A MITIGATED NEGATIVE DECLARATION HYATT HOUSE HOTEL AT VALLCO PARK

TO: Interested Individuals; Responsible Agencies; and Santa Clara County Clerk-Recorder

FROM: City of Cupertino, Community Development Department
10300 Torre Avenue
Cupertino, CA 95014
Contact: George Schroeder, Associate Planner (408-777-7601 or georges@cupertino.org)

The City of Cupertino (the City) is intending to adopt a Mitigated Negative Declaration for the Hyatt House Hotel at Vallco Park in accordance with the California Environmental Quality Act.

SUMMARY PROJECT DESCRIPTION: The project proposes a 148-room, 5-story Hyatt House Hotel adjacent to the intersection of North Wolfe Road and Interstate 280. Additionally, a full service 2,500 square-foot restaurant, 2,160 square-foot meeting room, and 320 square-foot boardroom would also be included. Parking would be provided by a surface parking lot and a one-level underground parking garage providing 156 parking spaces. In total, the project would be approximately 102,200 square feet above ground and 35,400 square-feet underground.

LOCATION OF PROJECT: 10380 Perimeter Road [Southeast quadrant of Wolfe Road and Interstate 280 (I-280)]. APN: 316-20-092

FINDING: On the basis of the Initial Study, the City has determined that with the incorporation of the mitigation measures proposed in the Initial Study, the proposed project would not have a significant adverse effect on the environment.

PUBLIC REVIEW PERIOD: The Initial Study and Proposed Mitigated Negative Declaration are available for public review at the following locations:

Cupertino City Hall, 10300 Torre Avenue, Cupertino, CA
Online at http://www.cupertino.org/index.aspx?page=1258

The Initial Study and Proposed Mitigated Negative Declaration are available for a 30-day review period beginning August 20, 2014 and ending September 18, 2014. Comments on the Mitigated Negative Declaration must be submitted in writing within the 30-day review period and sent by mail or fax to:

City of Cupertino
Planning Division
Attn: George Schroeder, Associate Planner
10300 Torre Avenue
Cupertino, CA 95014
Fax: (408) 777 3333
E-mail: georges@cupertino.org

PUBLIC MEETINGS: Meetings at which actions would be undertaken are listed below. The Cupertino City Council is the decision-making body responsible for adopting the proposed Mitigated Negative Declaration and approving the proposed project.

Environmental Review Committee
Thursday, August 21, 2014, 9:30 a.m.
City Hall, Conference Room C
10300 Torre Avenue
Cupertino, CA 95014

Planning Commission Hearing
Tuesday, August 26, 2014, 6:45 p.m.
Cupertino Community Hall
10350 Torre Avenue
Cupertino, CA 95014

City Council Hearing
Tuesday, October 21, 2014, 6:45 p.m.
Cupertino Community Hall
10350 Torre Avenue
Cupertino, CA 95014

Please contact George Schroeder, Associate Planner, at (408) 777-7601 or georges@cupertino.org if you have questions regarding this Notice.

CITY OF CUPERTINO
INITIAL STUDY CHECKLIST

1. **Project Title:** Hyatt House Hotel at Vallco Park Project

2. **Lead Agency Name and Address:** City of Cupertino, 10300 Torre Avenue, Cupertino, CA 95014

3. **Contact Person and Phone Number:** George Schroeder, 408-777-7601

4. **Project Sponsor's Name and Address:** Cupertino Property Development II, LLC, 19620 Stevens Creek Boulevard, Suite 200, Cupertino, CA 95014

5. **Project Location:** 10380 Perimeter Road (southeast quadrant of Wolfe Road and Interstate 280 [I-280]), APN: 316-20-092.

6. **Existing General Plan Land Use Designation:** Commercial/Residential

7. **Existing Zoning:** P (Regional Shopping)

8. **Background and Description of Project:**

This Initial Study was prepared in accordance with the California Environmental Quality Act (CEQA) Guidelines to review the Hyatt House Hotel development project (the Project). The Project includes construction of a 148-room, 5-story Hyatt House Hotel adjacent to the intersection of North Wolfe Road and Interstate 280 (I-280) in the City of Cupertino. The Project would be served by a surface parking lot and a one-level underground parking garage providing a total of 156 parking spaces. In addition to the hotel use, the Project would include development of a full service restaurant, bar, and meeting space. The cumulative size of the Project would be approximately 102,200 square feet above ground and 35,400 square feet underground. Currently, the Project site is a parking lot at the northern edge of the adjacent Vallco Shopping Mall. A weekly farmers market is held on the lot on Fridays. This environmental review document provides an assessment of the potential impacts caused by the physical changes resulting from development of the Project.

A. Project Components

1. Hotel

The main entrance and drop-off area would be located on the south side of the proposed building, facing Perimeter Road. The ground floor would contain 12 guest rooms, a lobby, office, boardroom, business center, meeting room, storage room, restrooms, fitness center, kitchen for staff, and a dining area. Below the ground floor, a subterranean parking garage would be accessible by the hotel's two elevator shafts and one of two staircases. Adjacent to the main entrance and drop-off area that leads to hotel's entry corridor, a pool and lounge area would be provided. An outdoor dining terrace would be located west of the pool. Additionally, hotel guests would have access to a 770-square-foot fitness center on the ground floor, adjacent to the pool.

The second through fifth floors of the proposed building would be each contain 34 guest rooms per floor, and would be accessed through the hotel's two elevator shafts and two staircases. The site plan and ground floor are shown in Figure 2, and the typical floor plan for levels 2 through 5 is shown on Figure 3.

Building elevations are shown on Figure 4 through 6. As shown, in Figure 7, the proposed building height would be approximately 60 feet above sidewalk grade on Perimeter Road. It is estimated that at the hotel's peak hour 9 employees would be on-site.

a. Restaurant and Bar

The western portion of the hotel's ground floor, adjacent to the front lobby, would be occupied by a full-service 2,500-square-foot restaurant, including a bar and outdoor dining terrace. The northwestern portion of the ground floor would be occupied by a kitchen, preparation area, and break room to accommodate hotel and restaurant staff. It is estimated that at the restaurant's peak hour 3 employees would be on-site.

b. Meeting Space

The Project would include a 2,160-square-foot meeting room, and 320-square-foot boardroom on the ground floor.

2. Circulation and Access

Vehicular access, pedestrian access, and parking are described below.

a. Vehicular and Pedestrian Access

Vehicular access to the Project site would be available from two entry points along Perimeter Road, along the southern boundary of the Project site. Pedestrian access to the Project site would be provided by two walkways from Perimeter Road, including a proposed sidewalk on JC Penney's property along the southern portion of Perimeter Road. Improvements would also include a 15-foot path connection onsite on the west side and southwest corner for access to a future trail along the north side of the property.

The Project would include the use of an airport shuttle service for hotel guests running approximately 42 times per week, to provide access to the San Jose International Airport. In addition, the Project would include the use of a local shuttle for hotel guests (limited to within 5-mile radius of the Project site) that would run approximately 14 times per week.

b. Parking

The Project would provide 73 surface parking spaces and 83 spaces in the subterranean garage, for a total of 156 parking spaces. Access to the underground parking garage would be available from the west side of the building, near Perimeter Road. The parking level site plan is shown on Figure 8.

3. Landscaping

The Project proposes planting approximately 116 replacement trees within the Project site. The new trees would be located near the main entrance to the Project site, and along the perimeter of the site between parking spaces. A total of 115 trees are proposed for removal. All trees along west side would be removed to accommodate the pathway to the future trail.

The Project proposes to maintain many of the existing, healthy trees located along the northern boundary of the Project site. In some cases, individual trees may be removed (after securing necessary City of Cupertino permits), due to poor health and the potential for injury or property damage. Figure 9 shows the Conceptual landscape Site plan.

4. Water Supply

The Project site is served by California Water Service. The Project would connect to existing potable water lines.

5. Sanitary Sewer Service

Cupertino Sanitary District provides wastewater collection and conveyance services to the Project site, and the Project would connect to existing sanitary sewer lines. Wastewater generated within the Cupertino Sanitary District is treated at the San Jose-Santa Clara Regional Wastewater Facility in northern San Jose.

6. Signage

The Project may include Hyatt House signs on each façade, as shown in Figures 4 through 6. The Project does not propose any changes to the existing "Vallco Fashion Park" pylon sign adjacent to I-280. The final location and design of exterior signage will be reviewed and approved on a separate ministerial sign permit.

7. Utilities

Electricity and natural gas would be provided to the Project site by Pacific Gas & Electric (PG&E). Solid waste and recycling from the Project site is collected by Recology South Bay. Figure 10 shows the Utility Plan for the proposed Project.

B. Construction Activities

Construction of the proposed Project would occur in one phase lasting approximately 17 months.

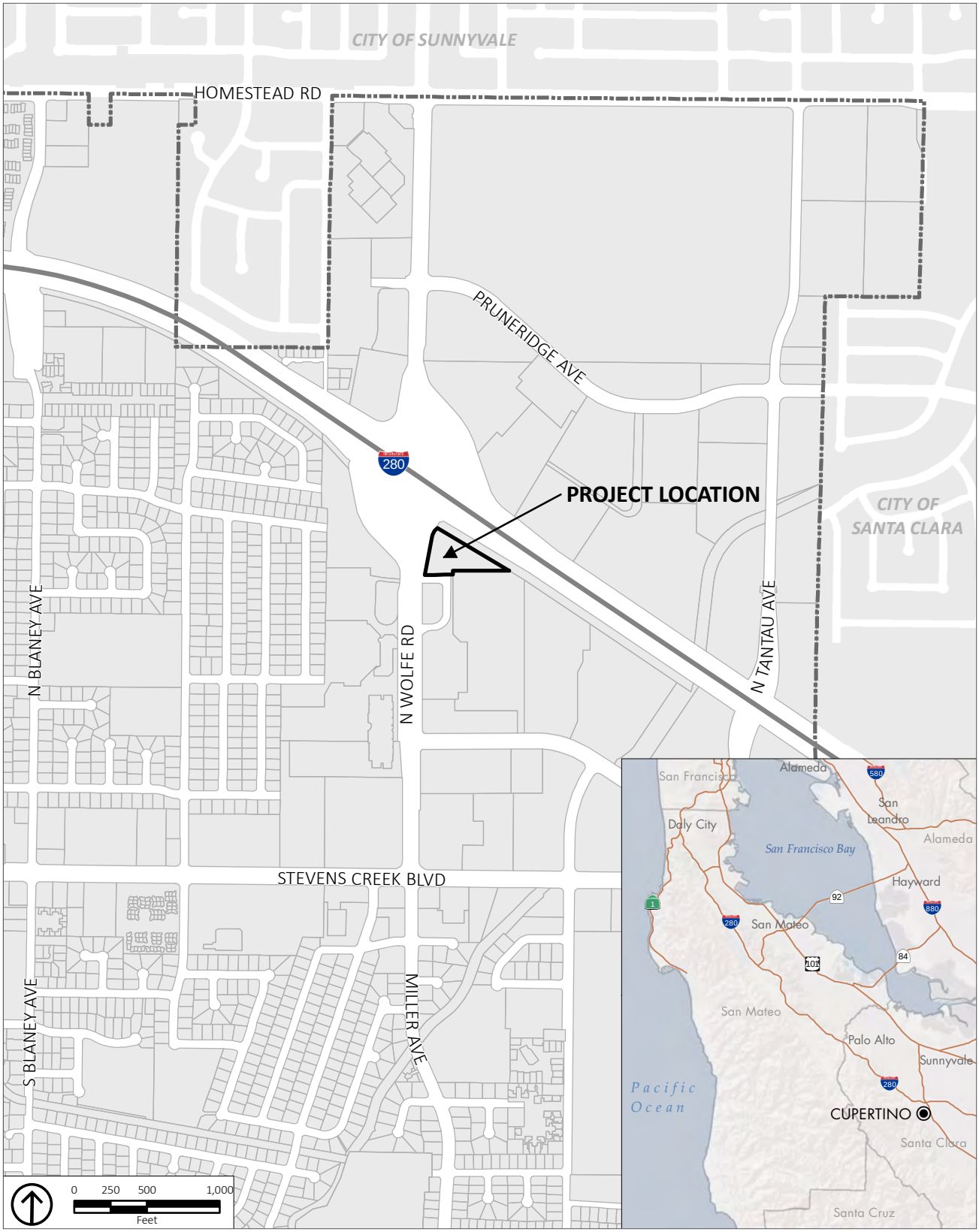
9. Surrounding Land Uses and Setting.

Regional and local Setting

The Project site is located in Cupertino, which is in the northwestern portion of Santa Clara County. The Project site occupies Assessor's Parcel Number (APN) 316-20-092, in the northeastern portion of the City, near Cupertino's borders with the cities of Sunnyvale and Santa Clara. Cupertino is roughly 45 miles south of San Francisco and 10 miles west of downtown San Jose, as shown in Figure 1. Figure 1 also shows where the Project site is situated within the City of Cupertino and provides context for the site and its surroundings.

Existing Site Character

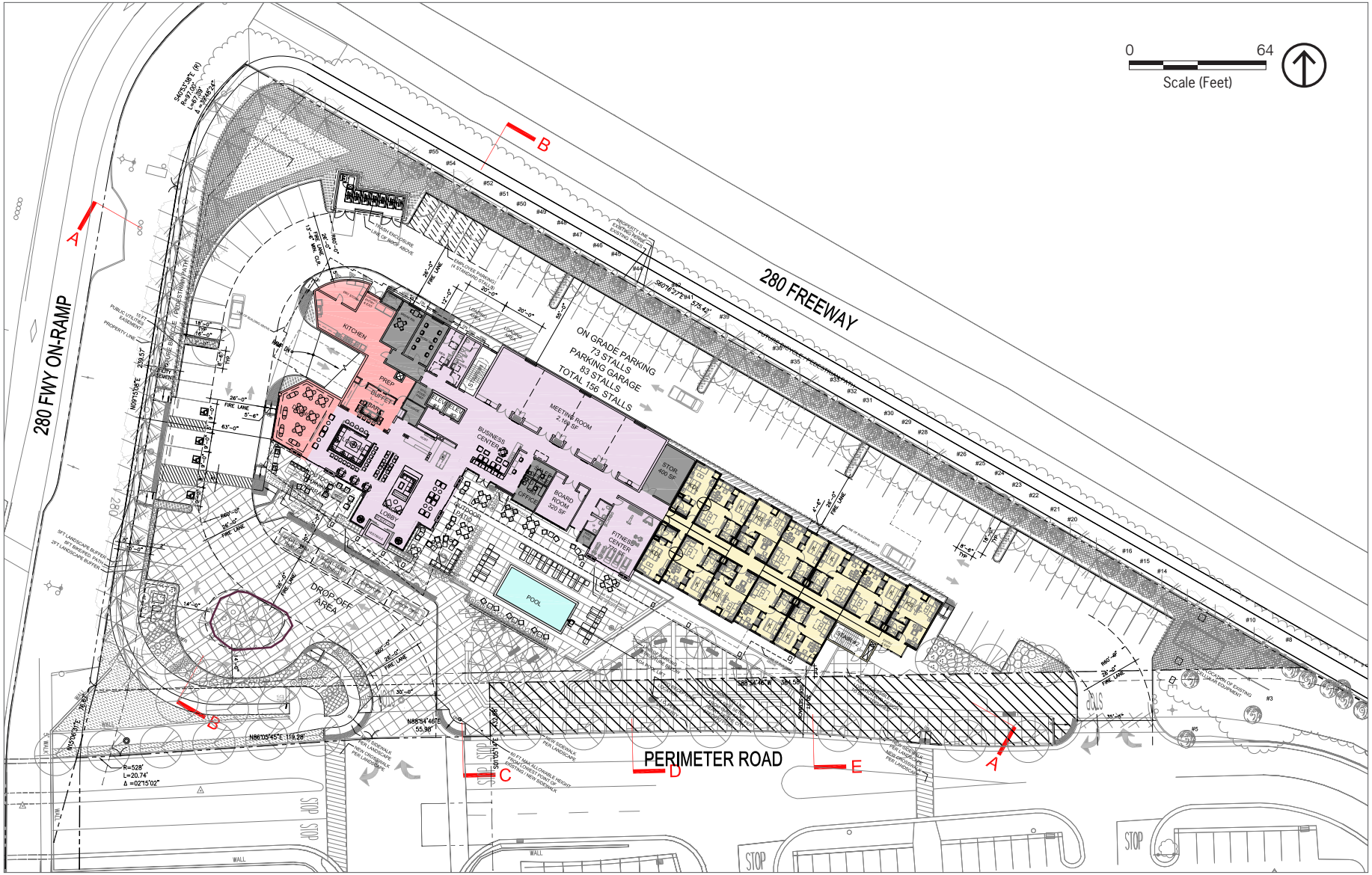
As discussed above, the Project site is currently a large surface parking lot in the southeast quadrant of Wolfe Road and I-280. While generally flat, the site slopes downward in a south-to-north direction. The Project site contains several landscaped areas and a pedestrian path along the southern boundary of the Project site, but is mostly occupied by paved surfaces. The "Vallco Fashion Park" pylon sign visible from I-280 is located within the Project site. An existing cellular phone communications station, as well as an abandoned children's play area are located at the base of the pylon sign. Between the Project site and I-280, a vegetated culvert owned by the Santa Clara Valley Water District (SCVWD) separates the Project site from the freeway. Mature redwood trees line the western and northern borders of the Project site and serve to further screen the site from view from the onramp to I-280 and North Wolfe Road. The site contains a public utilities easement, which was established in 1964.



Source: City of Cupertino, 2013; PlaceWorks, 2014.

Figure 1
Regional Location and Project Vicinity

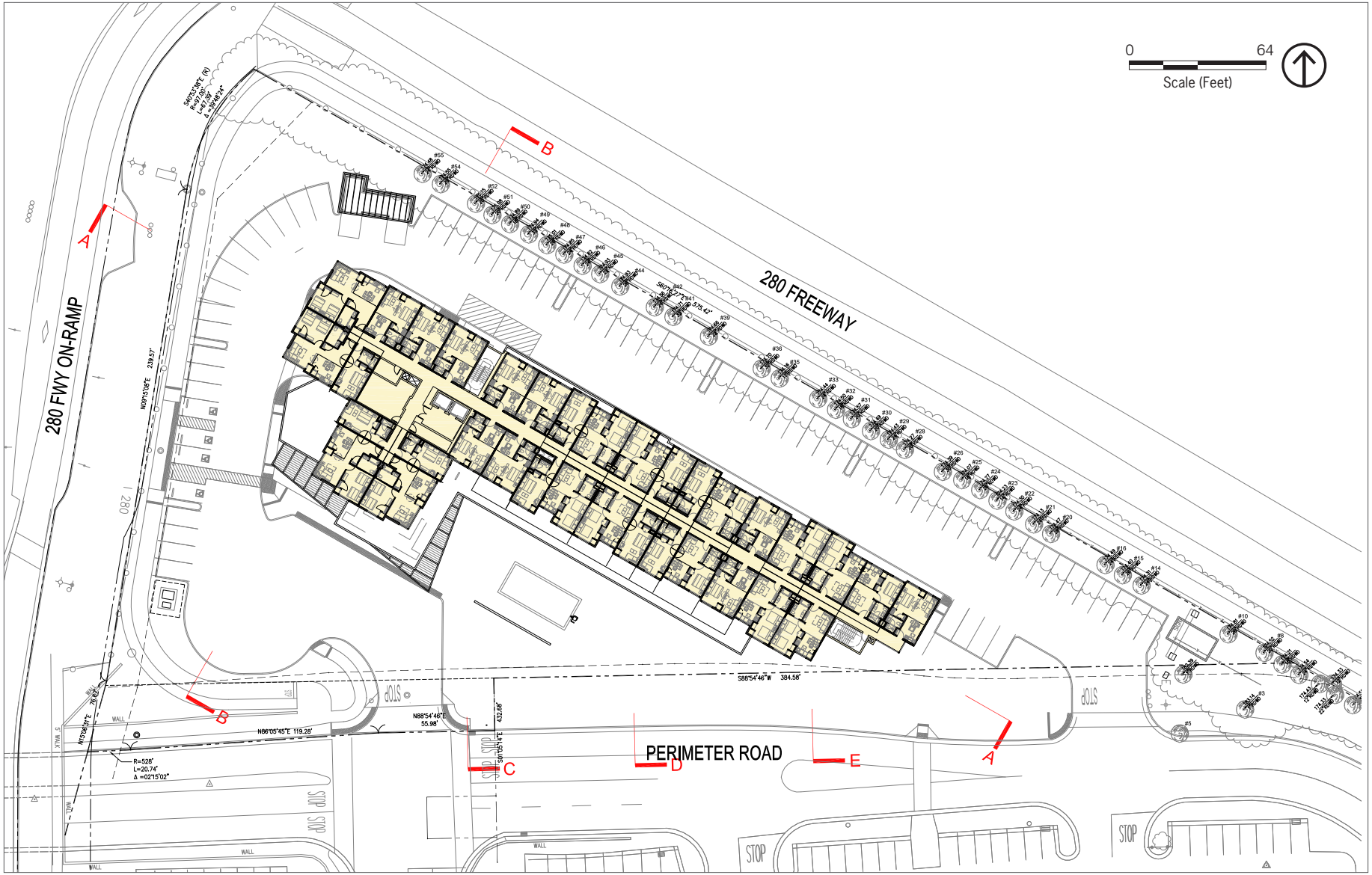
PLACEWORKS



Source: Gene Fong Associates, 2014.

Figure 2
Site Plan and Ground Floor

PLACEWORKS



Source: Gene Fong Associates, 2014.

Figure 3
Typical Floor Plan

PRELIMINARY
EXTERIOR FINISH SCHEDULE

NO.	MATERIAL	FINISH	COLOR	GRAPHIC	MANUFACTURER/ REMARKS
S-1	EXT. CEMENT PLASTER	SMOOTH, INTEGRAL COLOR	"TAPERING LIGHT"		COLOR TO MATCH DUNN EDWARDS DE-5497
S-2	EXT. CEMENT PLASTER	SMOOTH, INTEGRAL COLOR	"FLOATING LILY PAD"		COLOR TO MATCH DUNN EDWARDS DE-5493
S-3	EXT. CEMENT PLASTER	SMOOTH, INTEGRAL COLOR	"MESA TAN"		COLOR TO MATCH DUNN EDWARDS DE-714
F-1	EXT. FIBER CEMENT PANEL SYSTEM	SMOOTH PANEL W/EXPOSED FASTENERS	"COOL WATER"		COLOR TO MATCH DUNN EDWARDS DE-6316
ST-1	MANUFACTURED STONE CLADDING SYSTEM	"FRENCH LIMESTONE"	"COUNTRY BEIGE"		CORONADO STONE OR SIMILAR
ST-2	MANUFACTURED STONE, WAINSCOT / SILL CAP	CHISELED	BROWNSTONE		CORONADO STONE OR SIMILAR
M-1	METAL PANEL SYSTEM, WINDOW FRAME (STOREFRONT)	FACTORY FINISH	"SILVER -STORM"		–
M-2	METAL PANEL SYSTEM	FACTORY FINISH	"MEDIUM GRAY"		–
M-3	WINDOW FRAME (NAILFIN)	FACTORY FINISH	"SILVER -STORM"		–
M-4	METAL GRILL	FACTORY FINISH	"SILVER -STORM"		–
G-1	CLEAR GLAZING	FACTORY FINISH	CLEAR		–
G-2	SPANDREL GLAZING	FACTORY FINISH	60% OPACITY		–
L-1	GREENWALL LANDSCAPE SYSTEM	FACTORY FINISH	–		–

Source: Gene Fong Associates, 2014.

Figure 4
South Elevation

PLACEWORKS

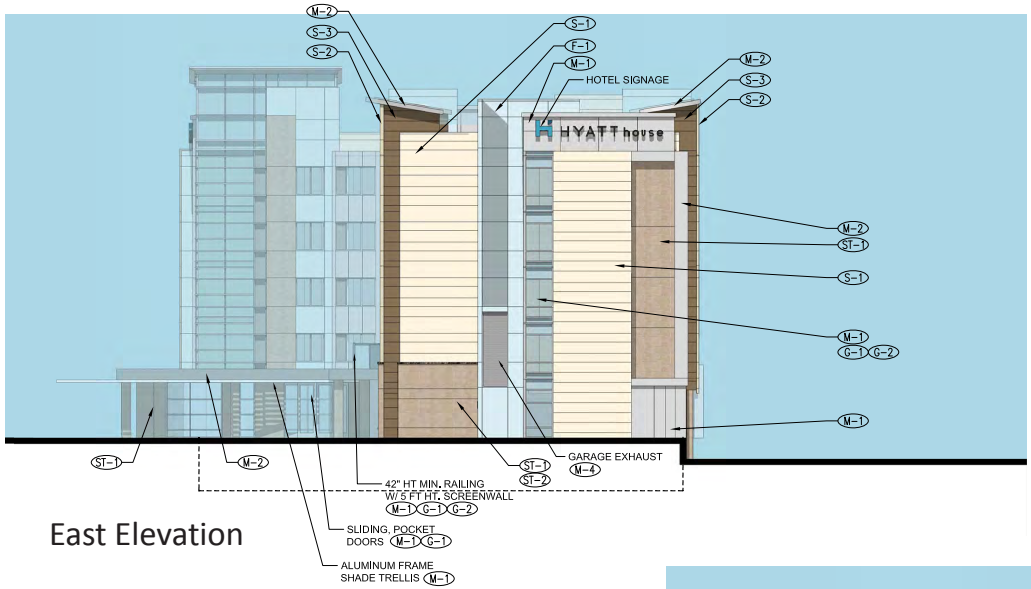
PRELIMINARY
EXTERIOR FINISH SCHEDULE

NO.	MATERIAL	FINISH	COLOR	GRAPHIC	MANUFACTURER/ REMARKS
S-1	EXT. CEMENT PLASTER	SMOOTH, INTEGRAL COLOR	"TAPERING LIGHT"		COLOR TO MATCH DUNN EDWARDS DE-5497
S-2	EXT. CEMENT PLASTER	SMOOTH, INTEGRAL COLOR	"FLOATING LILY PAD"		COLOR TO MATCH DUNN EDWARDS DE-5493
S-3	EXT. CEMENT PLASTER	SMOOTH, INTEGRAL COLOR	"MESA TAN"		COLOR TO MATCH DUNN EDWARDS DE-714
F-1	EXT. FIBER CEMENT PANEL SYSTEM	SMOOTH PANEL W/EXPOSED FASTENERS	"COOL WATER"		COLOR TO MATCH DUNN EDWARDS DE-6316
ST-1	MANUFACTURED STONE CLADDING SYSTEM	"FRENCH LIMESTONE "	"COUNTRY BEIGE"		CORONADO STONE OR SIMILAR
ST-2	MANUFACTURED STONE, WAINSCOT / SILL CAP	CHISELED	BROWNSTONE		CORONADO STONE OR SIMILAR
M-1	METAL PANEL SYSTEM, WINDOW FRAME (STOREFRONT)	FACTORY FINISH	"SILVER -STORM"		–
M-2	METAL PANEL SYSTEM	FACTORY FINISH	"MEDIUM GRAY"		–
M-3	WINDOW FRAME (NAILFIN)	FACTORY FINISH	"SILVER -STORM"		–
M-4	METAL GRILL	FACTORY FINISH	"SILVER -STORM"		–
G-1	CLEAR GLAZING	FACTORY FINISH	CLEAR		–
G-2	SPANDREL GLAZING	FACTORY FINISH	60% OPACITY		–
L-1	GREENWALL LANDSCAPE SYSTEM	FACTORY FINISH	–		–

Source: Gene Fong Associates, 2014.

Figure 5
North Elevation

PLACEWORKS

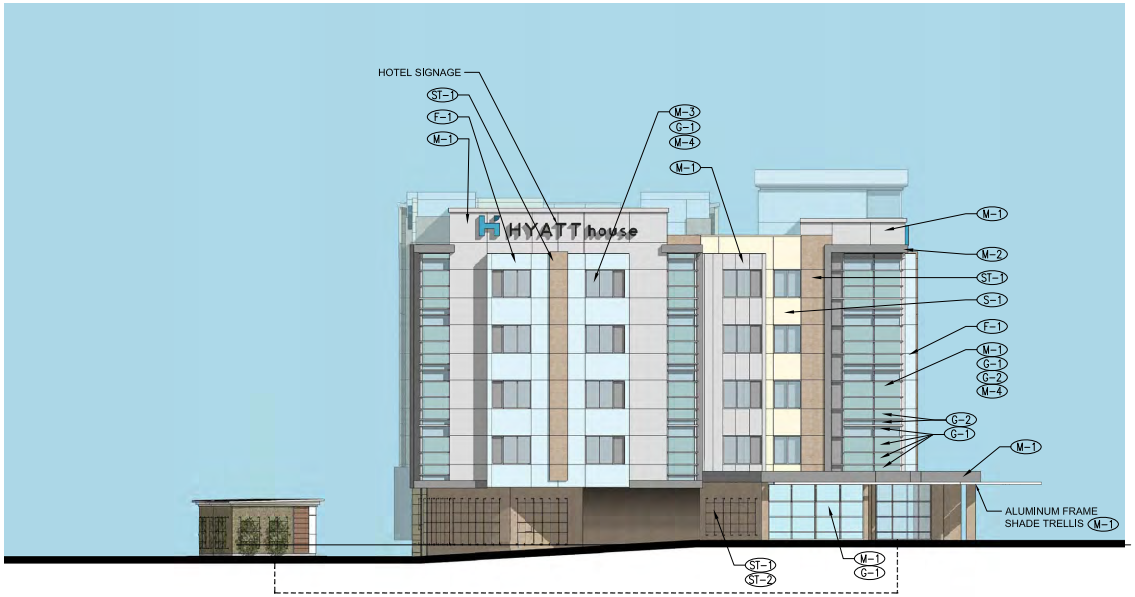


East Elevation

PRELIMINARY
EXTERIOR FINISH SCHEDULE

NO.	MATERIAL	FINISH	COLOR	GRAPHIC	MANUFACTURER/ REMARKS
S-1	EXT. CEMENT PLASTER	SMOOTH, INTEGRAL COLOR	"TAPERING LIGHT"		COLOR TO MATCH DUNN EDWARDS DE-5497
S-2	EXT. CEMENT PLASTER	SMOOTH, INTEGRAL COLOR	"FLOATING LILY PAD"		COLOR TO MATCH DUNN EDWARDS DE-5493
S-3	EXT. CEMENT PLASTER	SMOOTH, INTEGRAL COLOR	"MESA TAN"		COLOR TO MATCH DUNN EDWARDS DE-714
F-1	EXT. FIBER CEMENT PANEL SYSTEM	SMOOTH PANEL W/EXPOSED FASTENERS	"COOL WATER"		COLOR TO MATCH DUNN EDWARDS DE-6316
ST-1	MANUFACTURED STONE CLADDING SYSTEM	"FRENCH LIMESTONE"	"COUNTRY BEIGE"		CORONADO STONE OR SIMILAR
ST-2	MANUFACTURED STONE, WAINSCOT / SILL CAP	CHISELED	BROWNSTONE		CORONADO STONE OR SIMILAR
M-1	METAL PANEL SYSTEM, WINDOW FRAME (STOREFRONT)	FACTORY FINISH	"SILVER -STORM"		-
M-2	METAL PANEL SYSTEM	FACTORY FINISH	"MEDIUM GRAY"		-
M-3	WINDOW FRAME (NAILFIN)	FACTORY FINISH	"SILVER -STORM"		-
M-4	METAL GRILL	FACTORY FINISH	"SILVER -STORM"		-
G-1	CLEAR GLAZING	FACTORY FINISH	CLEAR		-
G-2	SPANDREL GLAZING	FACTORY FINISH	60% OPACITY		-
L-1	GREENWALL LANDSCAPE SYSTEM	FACTORY FINISH	--		-

West Elevation

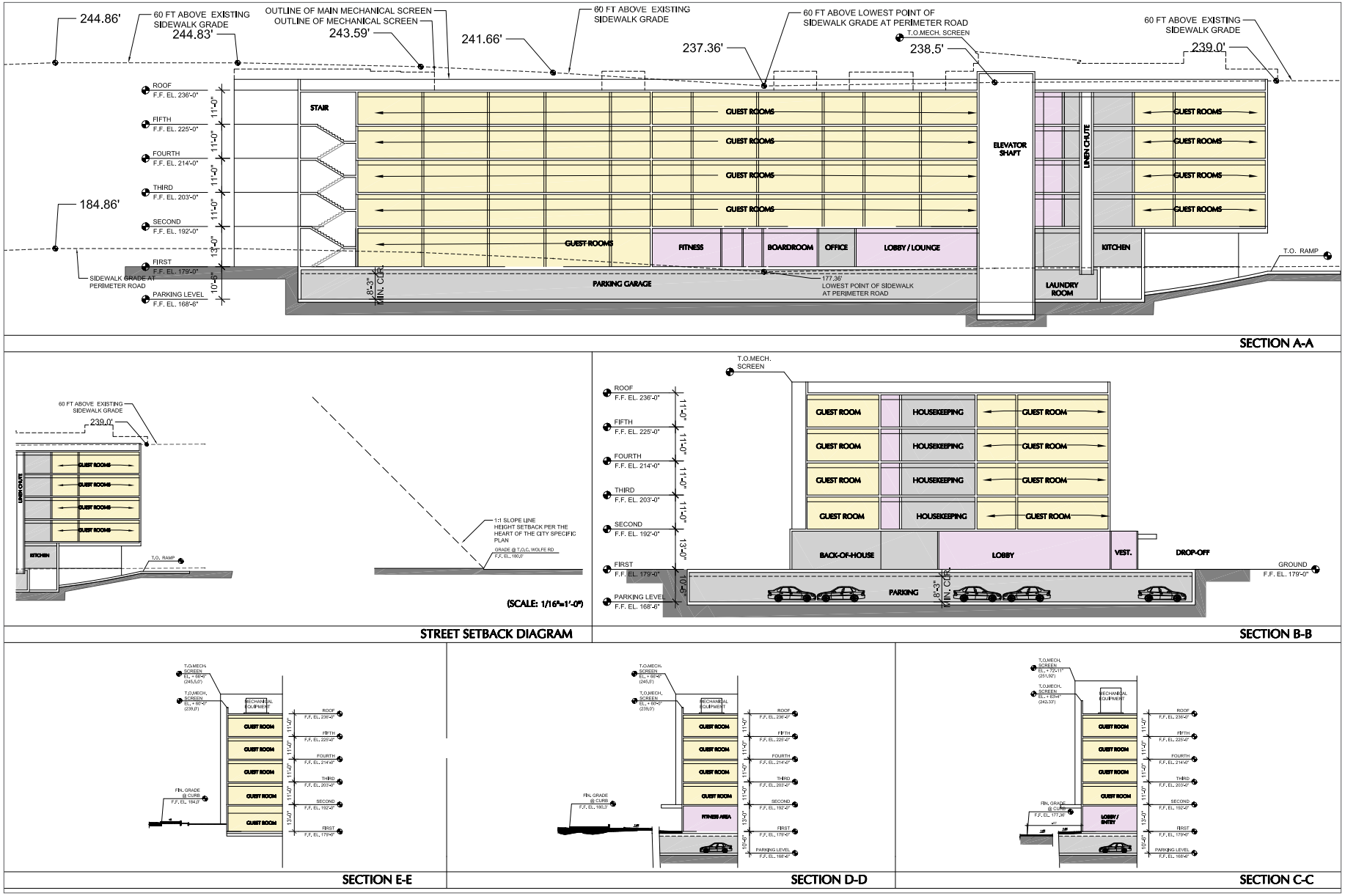


0 32
Scale (Feet)

Source: Gene Fong Associates, 2014.

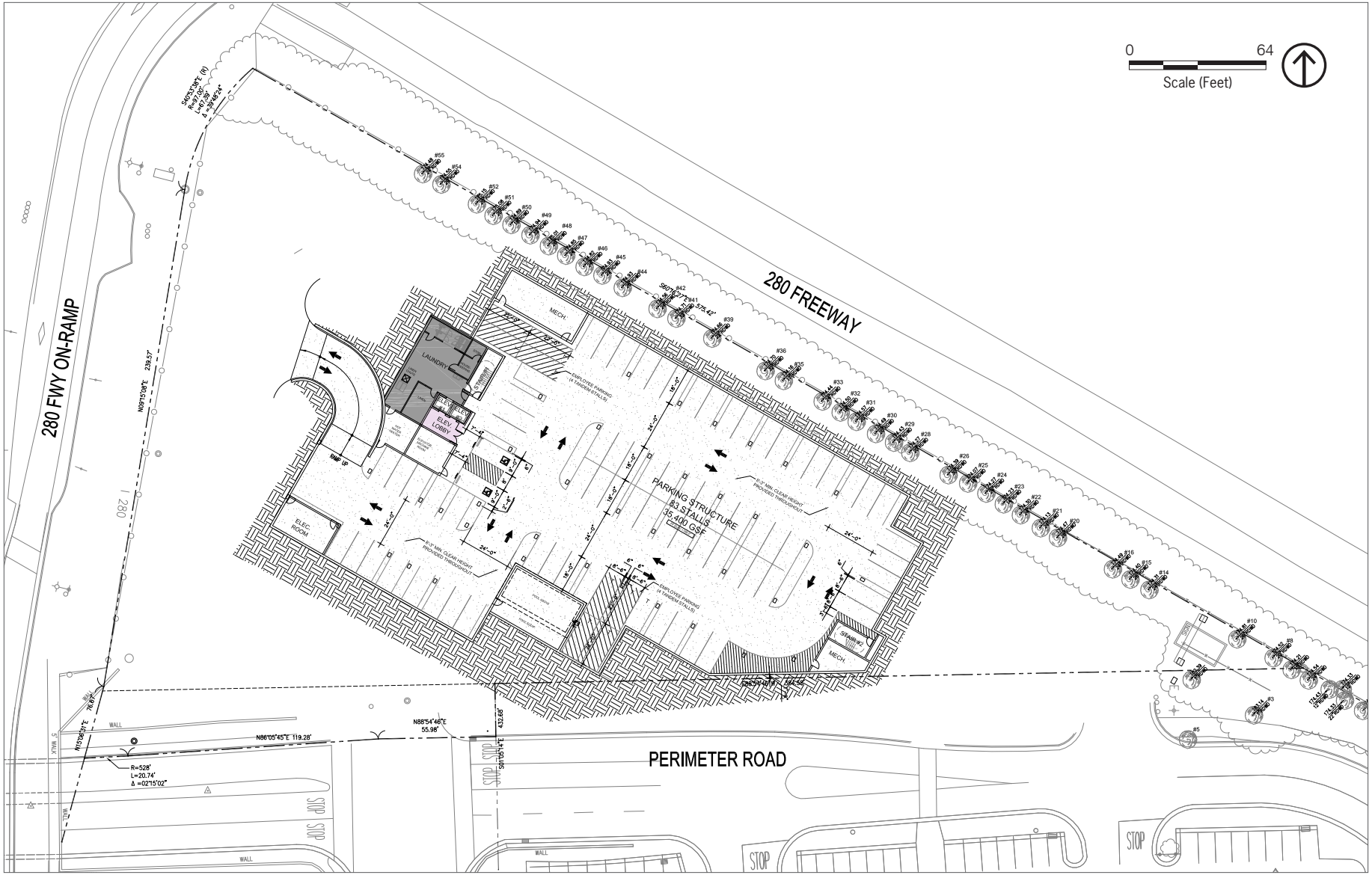
Figure 6
East and West Elevation

PLACEWORKS



Source: Gene Fong Associates, 2014.

Figure 7
Section Elevations



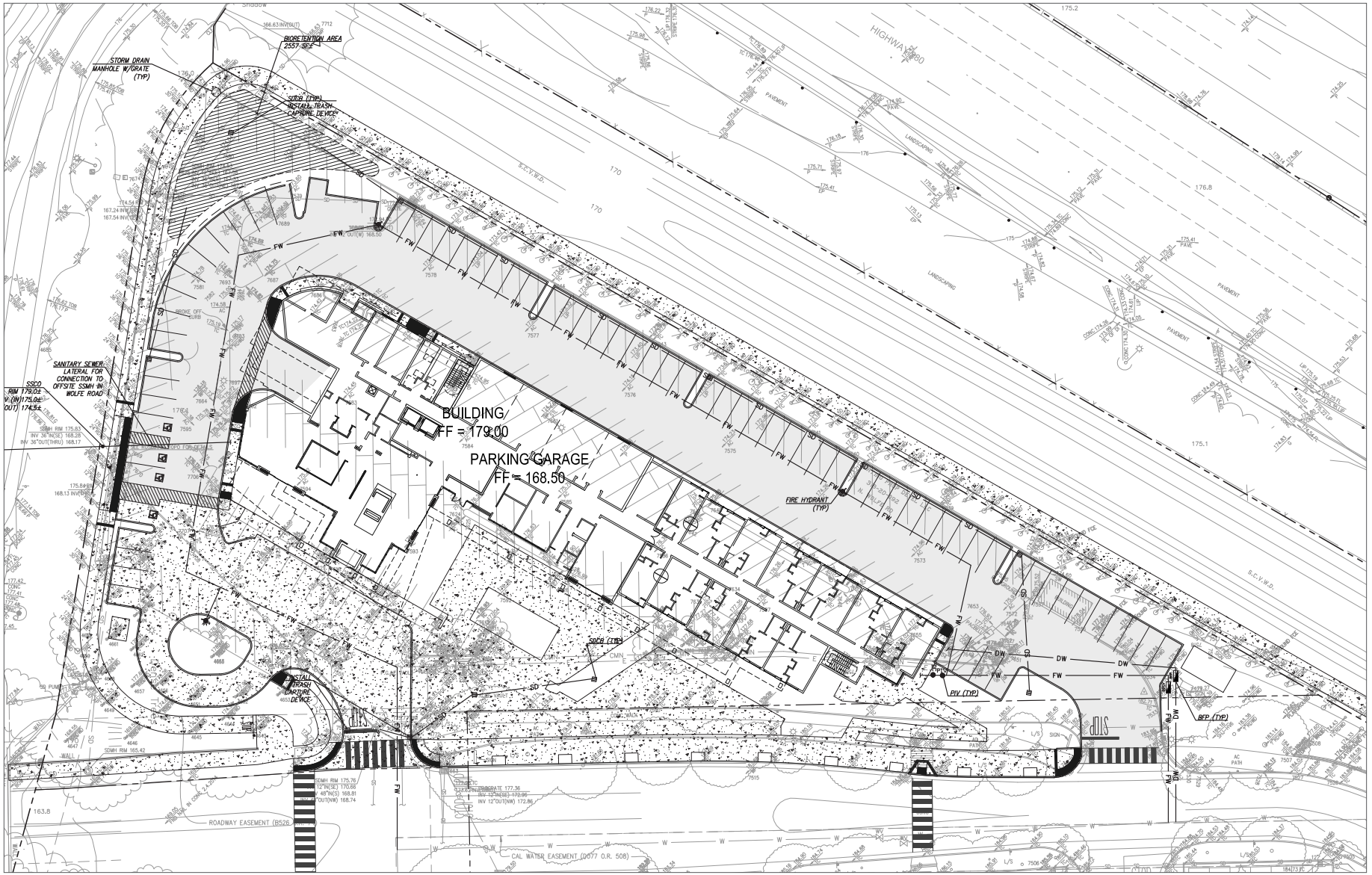
Source: Gene Fong Associates, 2014.

Figure 8
Site Plan - Parking Level

PLACEWORKS

Source: Gene Fong Associates, 2014.

Figure 9
Conceptual Landscape Site Plan



Source: Gene Fong Associates, 2014.

0 60
Scale (Feet)

Figure 10
Utility Plan

10. **Required Permits and Approvals.** The following is a list of permits and approvals required by the City of Cupertino.

- Building Permit
- Grading Permit
- Sign Permit
- Development Permit to demolish an existing parking lot and construct a 5-story, 148-room hotel of approximately 102,200 square feet that includes a restaurant, bar, lounge, and conference rooms built over a 35,400-square-foot underground parking garage that contains tandem parking.
- Architectural and Site Approval of a new 5-story, 148-room hotel and associated site and off-site improvements.
- Tree Removal Permit to allow the removal and replacement of 96 trees to facilitate the construction of a new hotel (project site).
- Tree Removal Permit to allow the removal and replacement of 19 trees to facilitate the off-site improvements involved with the construction of a new hotel (JC Penney site).
- Use Permit to allow a 24-hour hotel, including a restaurant with interior bar.
- Parking Exception to allow tandem parking and 156 parking stalls when 184 stalls are required.

Environmental Factors Potentially Affected: The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a Potentially Significant Impact, as indicated by the checklist on the following pages.

__ Aesthetics	__ Agriculture/Forestry Resources	x Air Quality
x Biological Resources	x Cultural Resources	x Geology/Soils
__ Greenhouse Gas Emissions	x Hazards/Hazardous Materials	__ Hydrology and Water Quality
__ Land Use and Planning	__ Mineral Resources	x Noise
__ Parks and Recreation	__ Population and Housing	__ Public Services
__ Transportation and Traffic	__ Utilities and Service Systems	__ 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.

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

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

__ I find that the proposed project **MAY** have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been ad-dressed 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.

Staff Evaluator: _____ Date: _____

ERC Chairperson: _____ Date: _____

ISSUES				
I. AESTHETICS. Would the project:	**Potentially Significant**	**Less Than Significant With Mitigation**	**Less Than Significant**	**No Impact**
a) Have a substantial adverse effect on a scenic vista?				**X**
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?				**X**
c) Substantially degrade the existing visual character or quality of the site and its surroundings?			**X**	
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?			**X**	

DISCUSSION:

As described above, the Project site is currently a large surface parking lot. While generally flat, the site slopes downward in a south-to-north direction. The site contains several landscaped areas and a pedestrian path along the southern boundary of the Project site, but is mostly occupied by paved surfaces. Between the Project site and I-280, a vegetated culvert owned by the Santa Clara Valley Water District (SCVWD) separates the Project site from the freeway.

The Project site is located at the northern edge of the adjacent Vallco Shopping Mall, in the southeast quadrant of the Wolfe Road and I-280 interchange. I-280 is located directly northeast of the Project site, Wolfe Road is located to the west, and Perimeter Road is located to the south. A parking lot and an Alexander's Steakhouse restaurant, part of the Vallco Shopping Mall, are located across Perimeter Road to the south.

The visual character of the area surrounding the Project site is characterized by the developed, urban, commercial nature of the area. The "Vallco Fashion Park" pylon sign visible from I-280 is located within the Project site. An existing cellular phone communications station, as well as an abandoned children's play area are located at the base of the pylon sign.

a) The proposed Project would have no impact on visual resources in the South Vallco planning area. The City of Cupertino is currently in the process of amending its 2000–2020 General Plan. Under the existing 2000–2020 General Plan, the South Vallco Master Plan outlines policies for the South Vallco planning area, which includes the Project site. Objective B, Aesthetics, of the South Vallco Master Plan, calls for the area to be cohesive in terms of "look and feel." The Vallco Shopping Mall is already developed, and implementation of the proposed Project would result in development that is similar to what currently exists.

Strategy 6, View Preservation, of Policy 2-14, Attractive Building and Site Design, of the current General Plan, directs the City to devise and implement a policy to encourage developers to limit building heights in order to preserve hillside views throughout the City. The view of the hills from I-280 is already obstructed by the trees in the vegetated culvert that separates the Project site from the freeway. As a result, the proposed Project would have *no impact* on scenic vistas.

b) As stated above, the Project site is located directly southeast of I-280, which is an eligible State scenic highway,

but is not officially designated as such. The closest State designated scenic highway is the portion of State Route (SR) 9 from SR 35 in Saratoga to SR 17 in Los Gatos.[1] The Project site is not visible from this portion of the highway; therefore, *no impact* would result in respect to this issue.

c) As discussed above, the proposed Project is consistent with the South Vallco Master Plan, the area is already developed, and implementation of the proposed Project would result in development that is similar to the surrounding area. The design of the proposed Project would result in consistent development in the area, which would not degrade the area's visual character. Therefore, a *less-than-significant* impact would occur.

d) The construction of a five-story hotel is anticipated to increase the level of lighting on the site from sources including, but not limited to, rooms, signage, parking lot luminaires, bollard lights, and outdoor amenities. However, the area is already developed as a shopping center, and there are other similarly sized hotels on the other side of I-280 on the west side of North Wolfe Road. Because of the area's current setting, it is unlikely that the anticipated increase in light or glare from development of the proposed Project would be substantial. As a result, the proposed Project would result in a *less-than-significant* impact.

II. AGRICULTURE AND FORESTRY RESOURCES. In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board. Would the project:	**Potentially Significant**	**Less Than Significant With Mitigation**	**Less Than Significant**	**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?				**X**
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?				**X**
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				**X**

[1] Caltrans California Scenic Highway Mapping System – Santa Clara County, http://www.dot.ca.gov/hq/LandArch/scenic_highways/, accessed on July 24, 2014.

timberland zoned Timberland Production (as defined by Government Code section 51104(g))?				
d) Result in the loss of forest land or conversion of forest land to non-forest use?				**X**
e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?				**X**

DISCUSSION:

a) The Project site does not contain any farmland and is classified as Urban and Built-Up Land by the Department of Conservation's Farmland Mapping and Monitoring Program.[2] Therefore, there would be *no impact* to important farmland.

b) As discussed in response to criterion a), the Project site does not contain any farmland or land for agricultural use. The Project site is zoned P (Regional Shopping), and is not within an area affected by a Williamson Act contract. Therefore, *no impact* would result.

c) The Project site is zoned P (Regional Shopping). The Project site would not be rezoned as a result of the proposed Project. Therefore, *no impact* would result.

d) According to mapping data from the California Department of Forestry and Fire Protection (Cal Fire), the Project site does not contain woodland or forest land cover, and is described as urban.[3] Therefore, the proposed Project would have *no impact* with respect to the loss of forest land or conversion of forest land to non-forest use.

e) As discussed above, the Project site does not contain any agricultural or forest lands on-site, nor is it surrounded by lands which contain agricultural or forest lands. Therefore, the Project would have *no impact*.

III. AIR QUALITY. Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:	**Potentially Significant**	**Less Than Significant With Mitigation**	**Less Than Significant**	**No Impact**
a) Conflict with or obstruct implementation of the applicable air quality plan?			**X**	
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?		**X**		
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?			**X**	

[2] California Department of Conservation, Division of Land Resource Protection, Farmland Mapping and Monitoring Program, 2010, Santa Clara County Important Farmland 2010.

[3] The State of California, Fire Resources and Assessment Program, The Management Landscape, http://frap.fire.ca.gov/data/frapgismaps/pdfs/landscapesmap.pdf, accessed June 6, 2014.

d) Expose sensitive receptors to substantial pollutant concentrations?			**X**	
e) Create objectionable odors affecting a substantial number of people?			**X**	

DISCUSSION:

This section addresses the impacts of the proposed Project on ambient air quality and the exposure of people, especially sensitive individuals, to unhealthful pollutant concentrations. A background discussion on the air quality regulatory setting, meteorological conditions, existing ambient air quality in the vicinity of the Project site, and air quality modeling can be found in Appendix A.

Air Pollutants of Concern

Criteria Air Pollutants

The pollutants emitted into the ambient air by stationary and mobile sources are regulated by federal and State law under the federal and California Clean Air Acts, respectively. The primary air pollutants of concern for which ambient air quality standards (AAQS) have been established are ozone (O_3), carbon monoxide (CO), coarse inhalable particulate matter (PM_{10}), fine inhalable particulate matter ($PM_{2.5}$), sulfur dioxide (SO_2), nitrogen dioxides (NO_2), and lead (Pb). The federal 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 occasional exposure to air pollutant concentrations considerably above these minimum standards before adverse effects are observed. Areas are classified under the federal and California Clean Air Acts as in either attainment or nonattainment for each criteria pollutant based on whether the AAQS have been achieved. The San Francisco Bay Area Air Basin (SFBAAB), which is managed by the Bay Area Air Quality Management District (BAAQMD), is designated as nonattainment for O_3 and $PM_{2.5}$ under the California and federal AAQS, and nonattainment for PM_{10} under the California AAQS.[4]

Toxic Air Contaminants

In addition to criteria air pollutants, both the State and federal government regulate the release of Toxic Air Contaminants (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 §7412[b]) is a toxic air contaminant. Under State law, the California Environmental Protection Agency (Cal/EPA), 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 may be relied upon to make the following CEQA determinations.

a) Large projects that exceed regional employment, population, and housing planning projections have the potential to be inconsistent with the regional inventory compiled as part of BAAQMD's 2010 Bay Area Clean Air Plan. The Project is not considered a regionally significant project that would affect regional vehicle miles traveled and warrant Intergovernmental Review by Metropolitan Transportation Commission (MTC) pursuant to the CEQA Guidelines (CEQA Guidelines Section 15206). In addition, the proposed Project would not exceed the level of population or housing foreseen in City or regional planning efforts and, therefore, would not have the potential to

[4] California Air Resources Board, 2014, Area Designations: Activities and Maps, http://www.arb.ca.gov/desig/adm/adm.htm, accessed on June 4.

substantially affect housing, employment, and population projections within the region, which are the basis of the 2010 Bay Area Clean Air Plan projections. Furthermore, the net increase in regional emissions generated by the proposed Project would be less than the BAAQMD's thresholds (see Section 3 (b)). These thresholds are established to identify projects that have the potential to generate a substantial amount of criteria air pollutants. Because the proposed Project would not exceed these thresholds, the proposed Project would not be considered by the BAAQMD to be a substantial emitter of criteria air pollutants. Therefore, the Project would not conflict with or obstruct implementation of the 2010 Bay Area Clean Air Pan and impacts would be considered *less than significant*.

b) BAAQMD has identified thresholds of significance for criteria pollutant emissions and criteria air pollutant precursors, including ROG, NO_x, PM_{10}, and $PM_{2.5}$. Development projects below the significance thresholds are not expected to generate sufficient criteria pollutant emissions to violate any air quality standard or contribute substantially to an existing or projected air quality violation.

Construction Emissions

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

BAAQMD's CEQA Guidelines identifies screening criteria for construction-related criteria air pollutant emissions for a "hotel" of 554 rooms. Hotels with 554 rooms or more have the potential to generate a substantial increase in criteria air pollutant emissions and would need further analysis. While the Project is 148 rooms and is below the BAAQMD screening criteria, the proposed Project would result in overlapping construction phases and up to 2,918 tons of demolition export and 12,952 cubic yards of soil export. Therefore, a quantified analysis of the Project's construction emissions was conducted using CalEEMod (see *ii, Construction Exhaust Emissions*).

i) Fugitive Dust

As identified above, the Project would warrant asphalt demolition and soil export for the subterranean parking garage. In addition, ground disturbing activities would generate fugitive dust. Fugitive dust emissions (PM_{10} and $PM_{2.5}$) are considered to be significant unless the proposed Project implements the BAAQMD's Best Management Practices (BMPs) for fugitive dust control during construction. PM_{10} is typically the most significant source of air pollution from the dust generated from construction. The amount of dust generated during construction would be highly variable and is dependent on the amount of material being demolished, type of material, moisture content, and meteorological conditions. If uncontrolled, PM_{10} and $PM_{2.5}$ levels downwind of actively disturbed areas could possibly exceed State standards. Consequently, construction-related criteria pollutant emissions are *potentially significant*.

Mitigation Measure AQ-1: The Project's construction contractor shall comply with the following BAAQMD Best Management Practices for reducing construction emissions of PM_{10} and $PM_{2.5}$:

- Water all active construction areas at least twice daily, or as often as needed to control dust emissions. Watering should be sufficient to prevent airborne dust from leaving the site. Increased watering frequency may be necessary whenever wind speeds exceed 15 miles per hour (mph). Reclaimed water should be used whenever possible.
- Pave, apply water twice daily or as often as necessary to control dust, or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas, and staging areas at construction sites.

- Cover all trucks hauling soil, sand, and other loose materials or require all trucks to maintain at least two feet of freeboard (i.e. the minimum required space between the top of the load and the top of the trailer).
- Sweep daily (with water sweepers using reclaimed water if possible), or as often as needed, all paved access roads, parking areas and staging areas at the construction site to control dust.
- Sweep public streets daily (with water sweepers using reclaimed water if possible) in the vicinity of the Project site, or as often as needed, to keep streets free of visible soil material.
- Hydroseed or apply non-toxic soil stabilizers to inactive construction areas.
- Enclose, cover, water twice daily, or apply non-toxic soil binders to exposed stockpiles (dirt, sand, etc.).
- Limit vehicle traffic speeds on unpaved roads to 15 mph.
- Replant vegetation in disturbed areas as quickly as possible.
- Install sandbags or other erosion control measures to prevent silt runoff from public roadways.

Significance after Mitigation: *Less than significant*. Adherence to the BAAQMD's BMPs for reducing construction emissions of PM_{10} and $PM_{2.5}$ would ensure that ground-disturbing activities would not generate a significant amount of fugitive dust.

ii) Construction Exhaust Emissions

Construction activities are anticipated to be completed in approximately 17 months. Construction emissions are based on the preliminary construction schedule and equipment list on-site. To determine potential construction-related air quality impacts, criteria air pollutants generated by the Project's construction-related activities are compared to the BAAQMD significance thresholds in Table 1 for average daily emissions. Average daily emissions are based on the annual construction emissions divided by the total number of active construction days. As shown in Table 1, criteria air pollutant emissions from construction equipment exhaust would not exceed the BAAQMD daily thresholds. Consequently, construction-related criteria pollutant emissions are *less than significant.*

Operational Emissions

Long-term air pollutant emissions generated by a hotel are typically associated with the burning of fossil fuels in cars (mobile sources); energy use for cooling, heating, and cooking (energy); and landscape equipment use and household products (area sources). The primary source of long-term criteria air pollutant emissions generated by the proposed Project would be emissions produced from Project-generated vehicle trips.

BAAQMD's CEQA Guidelines identify screening criteria for operation-related criteria air pollutant emissions for a "hotel" of 489 rooms. Hotels with 489 rooms or more have the potential to generate a substantial increase in criteria air pollutant emissions and would need further analysis. The Project is 148 rooms and is well below the BAAQMD screening threshold and would generate nominal operational-related criteria air pollutant emissions. Operational phase criteria air pollutant emissions are *a less-than-significant* impact of the proposed Project.

c) Any project that produces a significant project-level regional air quality impact in an area that is in nonattainment adds to the cumulative impact. Due to the extent of the area potentially impacted from cumulative project emissions (the Air Basin), a project is cumulatively significant when project-related emissions exceed the BAAQMD emission thresholds. As described in this section, the proposed Project would have no impact or a less than significant construction impacts (with mitigation for fugitive dust), operational impacts (including AQMP consistency, odors, and CO hotspots), and on-site community risk and hazards. Therefore, the proposed Project's contribution to cumulative air quality impacts would be *less than significant.*

TABLE 1 CONSTRUCTION-RELATED CRITERIA AIR POLLUTANT EMISSIONS

	Construction Emissions (tons/year)[a,b]					
Average Annual	**ROG**	**NO_x**	**Fugitive PM_{10}[b]**	**Exhaust PM_{10}**	**Fugitive $PM_{2.5}$[b]**	**Exhaust $PM_{2.5}$**
Average Annual 2014	0.15	1.30	0.06	0.06	0.01	0.05
Average Annual 2015	0.94	2.51	0.09	0.15	0.03	0.14
Average Annual 2016	0.21	0.23	<0.01	0.01	<0.01	0.01
Total	1.30	4.04	0.16	0.22	0.04	0.21

	Construction Emissions (average lbs/day)[a,b]					
Average Daily	**ROG**	**NO_x**	**Fugitive PM_{10}[b]**	**Exhaust PM_{10}**	**Fugitive $PM_{2.5}$[b]**	**Exhaust $PM_{2.5}$**
Average Daily Construction Emissions (All Phases)	7	21	<1	1	<1	1
Threshold (avg. lbs/day)	54	54	BMPs	82	BMPs	54
Exceeds Threshold?	No	No	Mitigation	No	Mitigation	No

Notes: BMP = Best Management Practices.
a. Construction phasing, equipment use (number of equipment, days of equipment mobilization onsite), and demolition volumes are based on the preliminary information provided by the applicant. Where specific information regarding Project-related construction activities was not available, construction assumptions were based on CalEEMod defaults, which are based on construction surveys of construction equipment and phasing for comparable projects.
b. Includes implementation of best management practices for fugitive dust control required by BAAQMD as mitigation, including watering disturbed areas a minimum of two times per day, reducing speed limit to 15 miles per hour on unpaved surfaces, and street sweeping.
Source: CalEEMod 2013.2.2. Totals may not sum to 100 percent due to rounding. Average daily emissions are based on the total annual construction emissions divided by the total number of active construction days (391 active construction days from September 2014 to February 2016).

d) The following is a discussion of the exposure of sensitive receptors to substantial pollutant concentrations.

Off-Site Community Risk and Hazards During Construction

The proposed Project would elevate concentrations of TACs and $PM_{2.5}$ in the vicinity of sensitive land uses during construction activities. BAAQMD has developed screening thresholds for assessing potential health risks from construction activities. The Project involves disturbance of 2.0 acres; therefore, receptors would have to be located more than 100 meters away (328 feet) to fall below the BAAQMD's screening thresholds.[5] The closest sensitive receptors to the Project site are approximately 200 meters (656 feet) to the west. Consequently, the Project would not expose sensitive receptors to substantial concentrations of air pollutant emissions during construction and impacts would be *less than significant*.

[5] Bay Area Air Quality Management District (BAAQMD), 2010, Screening Tables for Air Toxics Evaluation During Construction, May.

On-Site Community Risk and Hazards

Hotels are defined as sensitive receptors by BAAQMD. However, according to BAAQMD, overall exposure of hotel guests is short term and is not a concern for community risk and hazards.[6] On-site community risk and hazards would be *less than significant*.

CO Hotspots

The proposed Project would generate 1,209 average daily trips during a weekday, 78 trips during the morning peak hour, and 89 trips during the evening peak hour.[7] The proposed Project would not conflict with the Valley Transportation Authority's (VTA) Congestion Management Program (CMP) because it would not hinder the capital improvements outlined in the CMP or alter regional travel patterns. VTA's CMP must be consistent with the Metropolitan Transportation Commissions' (MTC) and the Association of Bay Area Government's (ABAG) *Plan Bay Area*. An overarching goal of the regional plan is to concentrate development in areas where there are existing services and infrastructure rather than allocate new growth in outlying areas where substantial transportation investments would be necessary to achieve the per capita passenger vehicle, vehicle miles traveled (VMT), and associated GHG emissions reductions. The proposed Project is an infill Project and would be consistent with the overall goals of the MTC/ABAG's *Plan Bay Area*. Furthermore, the proposed Project would not increase traffic volumes at affected intersections by more than 44,000 vehicles per hour or 24,000 vehicles per hour where vertical and/or horizontal mixing is substantially limited. Trips associated with the proposed Project would not exceed the screening criteria of the BAAQMD. Therefore, impacts associated with CO hotspots would be *less than significant*.

e) The proposed Project would construct a hotel within the Project site. Construction and operation of this type of project (hotel) 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. Hotels are not associated with foul odors that constitute a public nuisance.

During operation, the hotel could generate odors from the restaurant in the hotel. Odors from commercial cooking are not substantial enough to be considered nuisance odors that would affect a substantial number of people. Furthermore, nuisance odors are regulated under BAAQMD Regulation 7, *Odorous Substances*, which requires abatement of any nuisance generating an odor complaint.

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

[6] Bay Area Air Quality Management District (BAAQMD), 2014. Email from Sigalle Michael, Senior Environmental Planner, April 10.

[7] Hexagon Engineers, 2014, Trip Generation Estimates, Hyatt Hotel, Cupertino.

IV. BIOLOGICAL RESOURCES. Would the project:	**Potentially Significant**	**Less Than Significant With Mitigation**	**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 Game or U.S. Fish and Wildlife Service?			**X**	
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, and regulations or by the California Department of Fish and Game or US Fish and Wildlife Service?				**X**
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?				**X**
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?				**X**
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?		**X**		
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or State habitat conservation plan?				**X**

DISCUSSION:

a) A search of the California Natural Diversity Database (CNDDB) indicates 26 plant and animal species with known occurrences within a five-mile radius of the Project site, as shown in Appendix B. Of these 26 species, three species are considered extirpated from the area, four are considered possibly extirpated from the area and 19 are presumed extant. Because the Project site is currently a parking lot within a developed urban area it is unlikely that any of the known species would be located within the Project site. As a result, the proposed Project is not expected to infringe on the populations or habitats of any of the aforementioned sensitive species or species listed in Appendix B. As a result, impacts to candidate, sensitive, or special status species would be *less than significant.*

b) – d) The proposed Project would be located in an urbanized area, situated between a freeway and a commercial development. According to the Environmental Resources/Sustainability Element of the City's General Plan, most native vegetation has been removed and reduced by historic agriculture activities and urbanization. The absence of riparian habitat, sensitive natural communities, wetlands, or wildlife corridors and nurseries within the Project site indicates that there would be *no impact* on these biological resources.

e) The Arborist's Report, included as Appendix C of this Initial Study, identifies 114 trees within the Project site that are proposed for removal. All trees along the west side of the Project site would be removed to accommodate the pathway to the future trail. The Project proposes the replacement of 116 trees.

As previously noted, the Project site is currently being utilized as a parking lot between the Vallco Shopping Mall and Interstate 280. The site is populated predominantly by coast redwoods, which form a dense and established screen along the north (I-280) and west (North Wolfe Road) boundaries. These redwoods show symptoms of significant or severe stress from not receiving sufficient water over the years, and the majority are in poor health. Absent of supplemental water, continued decline for years to come can be expected, and trees otherwise intended for retention and protection may ultimately require removal. Tree removal would be in compliance with Mitigation Measure BIO-1, once this measure is implemented.

Following the determination of how many trees would be adversely affected by the proposed Project, the City would remove a street tree from the publicly-owned portion of the Project site, and the applicant would obtain a tree removal permit for those trees requiring removal on private property. Implementation of Mitigation Measures BIO-2 and BIO-3 would reduce the impact of tree removal to a *less-than-significant* level.

Mitigation Measure BIO-1: The Project Applicant shall comply with Section 6.0, General Protection Measures, of the Arborist's Report prepared for this Project. The recommendations in this section serve as general design guidelines to help mitigate or avoid impacts to trees being retained. These measures are subject to revision upon reviewing the updated project design, and the Arborist should be consulted in the event any cannot be feasibly implemented.

Significance After Mitigation: Implementation of Mitigation Measure BIO-1 would require the Project Applicant to comply with the Tree Protection Plan in order to determine which trees would be suitable for removal, and to identify trees that would remain within the Project site. As a result, a *less-than-significant* impact would occur.

Mitigation Measure BIO-2: The Project Applicant shall comply with replacement requirements for trees removed from private property, or an in-lieu fee if a suitable replacement site is not available, as indicated in Municipal Code Section 14.18.190, Tree Replacement.

Significance After Mitigation: Implementation of Mitigation Measure BIO-2 would reduce potential impacts resulting from tree removal on private property to a *less-than-significant* level.

Mitigation Measure BIO-3: In order to remove any public street trees within the Project site, the Project Applicant shall comply with Municipal Code Chapter 14.12, Trees. The Project Applicant shall pay the required fee, prior to the issuance of a building permit, per the New Street Tree Cost Schedule, for the purchase, planting, and maintenance of trees by the City. All public trees shall be protected against damage during construction operations. There shall be no storage of materials, tool washout, or vehicle parking near or upon public trees. This is in accordance with Municipal Code Section 14.12.120, Condition for Development or Building Permit. All planting costs associated with a building permit shall be collected by the Chief Building Inspector, or his/her designee, for deposit into the City's general fund prior to the issuance of a building permit. The fees for public tree removal and/or damage to branches and roots shall be as specified in the Public Tree Damage or Removal Fee Schedule adopted by Council Resolution. Damage and removal fees shall be deposited into the City's tree fund. This is in accordance with Municipal Code Section 14.12.130, New Street Tree Costs and Public Tree Damage or Removal Fee Schedules.

Significance After Mitigation: Implementation of Mitigation Measure BIO-3 would reduce potential impacts resulting from tree removal to a *less-than-significant* level.

The proposed Project includes fencing, asphalt/concrete pavement, aggregate, and construction of a multi-modal path that could result in adverse impacts to trees that would remain within the Project site following the completion of construction activities. Construction activities associated with these Project components, such as grading, trenching, and surface scraping, could result in root damage and bark injuries. The Arborist's Report includes several recommendations as a Tree Protection Plan to protect trees following excavation, removal, and replacement of contaminated soil. The recommendations include limiting construction activity within tree driplines, reporting root damage, possibly limiting the use of some types of construction equipment, and steps to repair potential root damage. Implementation of Mitigation Measures BIO-1, included above, would reduce impacts to remaining trees to a *less-than-significant* level.

f) Since no local, regional, or state habitat conservation plans apply to the City, the proposed Project would not conflict with any such plans.[8] Therefore, *no impacts* would result from the proposed Project.

V. CULTURAL RESOURCES. Would the project:	**Potentially Significant**	**Less Than Significant With Mitigation**	**Less Than Significant**	**No Impact**
a) Cause a substantial adverse change in the significance of a historical resource as defined in § 15064.5?				**X**
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to § 15064.5?		**X**		
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?		**X**		
d) Disturb any human remains, including those interred outside of formal cemeteries?		**X**		

DISCUSSION:

a) According to the Land Use Element of the City's General Plan, there are no historical resources on or near the Project site. Therefore, there would be *no impact* on historical resources.

b) There are no known archaeological resources in the City of Cupertino that are identified in the City's General Plan. Additionally, the Project site is not located immediately adjacent to creeks, streams, or oak groves, which are identified as areas likely to be archaeologically sensitive according to the Development Investigation strategy of Policy 2-63, Archaeologically Sensitive Areas, of the General Plan. Nonetheless, unknown sub-surface resources may be accidentally encountered during construction activities and excavation. The following Mitigation Measure would reduce potential impacts to a *less-than-significant* level:

Mitigation Measure CUL-1: If historic/prehistoric artifacts or human remains are discovered during ground disturbing activities, the following measures will be implemented:

- In compliance with State law (Section 7050.5 of the Health and Safety Code and Section 5097.94 of the

[8] City of Cupertino, 2005, *City of Cupertino General Plan 2000-2020,* Section 5 – Environmental Resources/Sustainability, Cupertino: City of Cupertino, pages 5-10 through 5-13.

Public Resources Code), in the event human remains are encountered during grading and construction, all work within 50 feet of the find will stop and the Santa Clara County Coroner's office will be notified. If the remains are determined to be Native American, the Coroner would notify the Native American Heritage Commission to identify the "Most Likely Descendant" (MLD). The City of Cupertino, in consultation with the MLD, would then prepare a plan for treatment, study, and re-internment of the remains.

- In compliance with State law (Section 7050.5 of the Health and Safety Code and Section 5097.94 of the Public Resources Code), in the event that historical artifacts are found, all work within 50 feet of the find will stop and a qualified archaeologist will examine the find. All significant artifacts and samples recovered during construction would be cataloged and curated by a qualified archaeologist and placed in an appropriate curation facility. The archaeologist must then submit a plan for evaluation of the resource to the City of Cupertino for approval. If the evaluation of the resource concludes that the found resource is eligible for the California Register of Historic Resources, a mitigation plan must be submitted to the City of Cupertino for approval. The mitigation plan must be completed before earthmoving or construction activities can recommence within the designated resource area.

Significance After Mitigation: Implementation of Mitigation Measure CUL-1 would reduce potential impacts to unknown archaeological resources to a *less-than-significant* level.

c) No unique geological features have been identified for the Project site in the City's General Plan. Therefore, it is not expected that any new development on the site would adversely affect geological resources. However, it is possible that unknown subsurface paleontological resources could be encountered during construction activities. The following Mitigation Measure would reduce potential impacts to a less-than-significant level:

Mitigation Measure CUL-2: If paleontological remains are uncovered, work at the place of discovery shall be halted immediately until a qualified archaeologist can evaluate the finds and determine the significance of the resource. Construction activities shall not recommence until the expert has issued an opinion about the resource and appropriate mitigation has been determined.

Significance After Mitigation: Implementation of Mitigation Measure CUL-2 would reduce potential impacts to unknown paleontological resources to a *less-than-significant* level.

d) For reasons discussed above in response to criteria b) and c), it is not expected that construction on the Project site would result in an encounter with and possibly adverse effects on human remains. However, in the event of such an encounter, Policy 2-64, Native American Burials, in the General Plan would mitigate impacts to Native American burial sites. Strategy 1, Protection Measures, of this Policy requires that, upon discovery of such burials during construction, actions should be taken as prescribed by State law, including stoppage of work in surrounding area, notification of appropriate authorities and reburial of remains in an appropriate manner. The relevant State laws include the following:

Health and Safety Code, Section 7052 and 7050.5
Section 7052 of the Health and Safety Code states that the disturbance of Native American cemeteries is a felony. Section 7050.5 requires that construction or excavation be stopped in the vicinity of discovered human remains until the coroner can determine whether the remains are those of a Native American. If determined to be Native American, the coroner must contact the California Native Heritage Commission (NAHC).

California Native American Historical, Cultural and Sacred Sites Act
The California Native American Historical, Cultural, and Sacred Sites Act applies to both State and private lands.

The Act requires that upon discovery of human remains, construction or excavation activity cease and that the county coroner be notified. If the remains are of a Native American, the coroner must notify the California Native American Heritage Commission (NAHC).

Compliance with Mitigation Measure CUL-1 would reduce potential impacts to a *less-than-significant* level.

Mitigation Measure CUL-3: Compliance with Mitigation Measure CUL-1.

Significance after Mitigation: Implementation of Mitigation Measure CUL-1 would reduce the likelihood of the disturbance of human remains to a *less-than-significant* level because its components will either eliminate disturbance or minimize disturbance to the maximum extent practicable.

VI. GEOLOGY AND SOILS. Would the project:	**Potentially Significant**	**Less Than Significant With Mitigation**	**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? Refer to Division of Mines and Geology Special Publication 42.		**X**		
ii) Strong seismic ground shaking?		**X**		
iii) Seismic-related ground failure, including liquefaction?		**X**		
iv) Landslides?			**X**	
b) Result in substantial soil erosion or the loss of topsoil?			**X**	
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?			**X**	
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?			**X**	
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 waste water?				**X**

DISCUSSION:

a) i) – iv) According to the Health and Safety Element of the Cupertino General Plan, the Project site is located within the "Valley" area of the City, and as such, is considered to be at a relatively low level of geologic hazard risk. While construction activities could contribute to soil instability, compliancy with the 2013 California Building

Code (CBC) would reduce potential impacts through the inclusion of seismic design provisions that, when applied are anticipated to resist minor earthquakes would damage, resist moderate earthquakes without structural damage, and resist major earthquakes without collapse. Conformance to current building code standards does not guarantee that structural damage will not occur in the event of a maximum magnitude earthquake, but it is reasonable to expect that a well-designed and well-constructed structure would not collapse or cause loss of life in a major earthquake. Even with construction standards as required under the CBC, strong ground shaking could cause significant damage to structures and, in severe instances, result in injuries or loss of life. This is considered to be a *significant* impact.

Ground shaking can lead to ground failure on slopes, or earthquake-induced landslides. [9] The terrain of the Project site is generally flat and not susceptible to landslides. Therefore, there would be no significant risk of loss, injury, or death due to landslides, mudslides, or other similar hazards from the Project and a *less-than-significant impact* would occur.

Mitigation Measure GEO-1: Prepare and submit geotechnical reports prior to the issuance of a building permit. A geotechnical engineer shall sign the improvement plans and approve them as conforming to their recommendations prior to construction. The Project geotechnical engineer shall provide geotechnical observation during the construction, which will allow the geotechnical engineer to compare the actual with the anticipated soil conditions and to check that the contractors' work conforms to the geotechnical aspects of the plans and specifications. The geotechnical engineer will prepare letters and as-built documents, to be submitted to the City, to document their observances during construction and to document that the work performed is in accordance with the Project plans and specifications.

Significance after Mitigation: *Less than significant*.

b) Construction activities could result in soil erosion on the Project site. The Environmental Resources/Sustainability Element of the Cupertino General Plan contains policies aimed at erosion control. General Plan Policy 5-19, Natural Water Bodies and Drainage Systems, intends to reduce erosion by requiring site design that respects the natural topography of the land and minimizes grading of the site. Policy 5-20, Reduction of Impervious Surfaces, encourages the use of non-impervious surfaces in site development to reduce erosion potential. Additionally, the California Water Resources Control Board requires the use of Best Management Practices (BMPs) to control erosion during all permitted construction activities.[10] Adherence to these erosion control measures would reduce the potential for erosion to a *less-than-significant* level.

c) Given the site topography, and Project design, the Project site is not susceptible to landslides. Therefore, there would be no significant risk of loss, injury, or death due to landslides, mudslides, or other similar hazards from the Project and a *less-than-significant impact* would occur.

All development located in the "Valley" area of Cupertino is required to undergo a soils and foundation investigation to determine the ability of local soil conditions to support structures as required by General Plan Policy 6-1, which requires evaluations of soils, geology, and structural assessments. In addition, all new construction in Cupertino must comply with the provisions of the CBC. Completing the soils and foundation evaluation prior to construction and adhering to the CBC during new construction would reduce the risk related to

[9] Association of Bay Area Governments, 2010, Multi-Jurisdictional Local Hazard Mitigation Plan, page C-12.

[10] State Water Resources Control Board, Division of Water Quality, 2013, *Construction General Permit Fact Sheet*, 2009-0009-DWQ amended by 2010-0014-DWQ & 2012-0006-DWQ, Sacramento: State Water Resources Control Board, http://www.waterboards.ca.gov/water_issues/programs/stormwater/docs/constpermits/wqo_2009_0009_factsheet.pdf.

liquefaction, lateral spreading, subsidence, or collapse to a *less-than-significant* level.

d) There is a potential risk of expansive soils in Cupertino. As previously discussed in section VI.c), all development located in the Valley area of Cupertino is required to undergo a soils and foundation investigation to determine the ability of local soil conditions to support structures as required by General Plan Policy 6-1. In addition, all new construction in Cupertino must comply with the latest edition of the California Building Code. The soils and foundation evaluation and adherence to the UBC would reduce the risk related to expansive soils to a *less-than-significant* level.

e) The Project does not propose the use of a septic system. As a result, *no impact* would occur.

VII. GREENHOUSE GAS EMISSIONS. Would the project:	**Potentially Significant**	**Less Than Significant With Mitigation**	**Less Than Significant**	**No Impact**
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?			**X**	
b) Conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of greenhouse gases?			**X**	

DISCUSSION:

Scientists have concluded that human activities are contributing to global climate change by adding large amounts of heat-trapping gases, known as greenhouse gas (GHG) emissions, into the atmosphere. The primary source of GHG emissions is fossil fuel use. The Intergovernmental Panel on Climate Change (IPCC) has identified four major GHGs—water vapor, carbon dioxide (CO_2), methane (CH_4), and ozone (O_3)—that are the likely cause of an increase in global average temperatures observed within the 20th and 21st centuries. Other GHG emissions identified by the IPCC that contribute to global warming to a lesser extent include nitrous oxide (N_2O), sulfur hexafluoride (SF_6), hydrofluorocarbons, perfluorocarbons, and chlorofluorocarbons.[11,12] This section analyzes the Project's cumulative contribution to GHG emissions in California. A background discussion on the GHG regulatory setting and GHG modeling can be found in Appendix A. For purposes of this analysis, the significance criteria established by the Bay Area Air Quality Management District (BAAQMD) may be relied upon to make the following determinations:

a) The Project does not generate enough GHG emissions on its own to influence global climate change; therefore, the GHG analysis measures the Project's contribution to the cumulative environmental impact. The development contemplated by the proposed Project would contribute to global climate change through direct emissions of GHG from on-site area sources and vehicle trips generated by the Project, and indirectly through off-site energy production required for on-site activities, water use, and waste disposal. Annual GHG emissions were calculated for construction and operation of the Project.

Construction-Period

Annual GHG emissions were calculated for construction of the proposed Project. Construction of the Project would generate a total of 510 metric tons of carbon dioxide-equivalent ($MTCO_2e$) [13] emissions over the entire

[11] Intergovernmental Panel on Climate Change, 2001, Third Assessment Report: Climate Change.

[12] Water vapor (H_2O) is the strongest GHG and the most variable in its phases (vapor, cloud droplets, ice crystals). However, water vapor is not considered a pollutant.

[13] CO_2-equivalence is used to show the relative potential that different GHGs have to retain infrared radiation in

construction period (approximately 17 months from September 2014 to February 2016). Because construction emissions are short term and would cease upon completion, GHG from construction activities would nominally contribute to GHG emissions impacts. For this reason, BAAQMD does not identify a significance threshold for Project-related construction emissions.[14] Construction emissions (total and amortized over a 30-year duration) are provided for informational purposes. Consequently, GHG emissions generated by Project-related construction activities are considered *less than significant*.

Operational Phase

BAAQMD CEQA Guidelines identifies screening criteria for operation-related GHG emissions for a "hotel" of 83 rooms. Hotels with 83 rooms or more have the potential to generate a substantial increase in GHG emissions and would need further analysis. The Project area is 148 rooms and would exceed the BAAQMD screening thresholds; and therefore, a quantified GHG analysis is warranted.

Operation of the proposed Project would contribute to global climate change through direct emissions of GHG from transportation sources (vehicles traveling to and from the Project site), area sources (e.g., landscape equipment), water use/wastewater generation, energy (electricity and natural gas use), and solid waste disposal. The primary source of long-term increases in GHG emissions generated by the proposed Project would be emissions produced from Project-generated vehicle trips. The proposed Project would generate 1,209 average daily trips during a weekday (see Section 15, *Transportation and Traffic*).[15] The GHG emissions associated with the proposed Project is shown in Table 2. As shown in Table 2, the GHG emissions generated by the proposed Project would not exceed the bright-line significance criteria of 1,100 metric tons of carbon dioxide-equivalent ($MTCO_2e$). Consequently, GHG emissions would be *less than significant*.

Table 2 Hyatt House Vallco Park GHG Emissions Inventory

Category	GHG Emissions ($MTCO_2e$/year)
Construction Phase	
2014	173
2015	314
2016	24
Total Construction	510
30-Year Amortized Construction	17
Operational Phase	
Area Sources	<1
Energy Use	395
Mobile Sources	604
Waste Generation	37

the atmosphere and contribute to the greenhouse effect. The global warming potential of a GHG is also dependent on the lifetime, or persistence, of the gas molecule in the atmosphere.

[14] Bay Area Air Quality Management District, 2011, California Environmental Quality Act Air Quality Guidelines.

[15] Hexagon Engineers, 2014, Trip Generation Estimates, Hyatt Hotel, Cupertino.

Water/Wastewater	5
Total Operational Phase	1,041
Bright-Line Threshold	1,100 $MTCO_2e$
Exceeds Threshold?	No

Note: $MTCO_2e$ = metric tons of carbon dioxide-equivalent.
Source: CalEEMod 2013.2.2. Totals may not sum to 100 percent due to rounding.

c) The following is a discussion of applicable plan, policy, and regulations adopted for the purposes of reducing greenhouse gas emissions.

CARB's Scoping Plan
In accordance with Assembly Bill 32 (AB 32), the California Air Resources Board (CARB) developed the *2008 Scoping Plan* to outline the State's strategy to achieve 1990 level emissions by year 2020. To estimate the reductions necessary, CARB projected Statewide 2020 business as usual (BAU) GHG emissions (i.e. GHG emissions in the absence of statewide emission reduction measures). CARB identified that the State as a whole would be required to reduce GHG emissions by 28.5 percent from year 2020 BAU to achieve the targets of AB 32.[16] A revised BAU 2020 forecast conducted after publication of the *2008 Scoping Plan* by CARB showed that the state would have to reduce GHG emissions by 21.6 percent from BAU without implementation of the Pavley fuel efficiency standards and the 33 percent renewable portfolio standards (RPS), or 15.7 percent from the adjusted baseline (i.e., with Pavley and 33 percent RPS).[17]

Statewide strategies to reduce GHG emissions include the Low Carbon Fuel Standard, California Appliance Energy Efficiency regulations; California Building Standards (i.e., CALGreen and the 2008 Building and Energy Efficiency Standards); California Renewable Energy Portfolio standard (33 percent RPS); changes in the corporate average fuel economy standards (e.g., Pavley I and Pavley II); and other measures that would ensure the State is on target to achieve the GHG emissions reduction goals of AB 32. Statewide GHG emissions reduction measures that are being implemented over the next six years would reduce the proposed Project's GHG emissions.

New structures 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 30 percent more energy efficient than the 2008 standards for non-residential buildings. The new buildings would also be constructed in conformance with CALGreen, which requires high-efficiency water fixtures for indoor plumbing and water-efficient irrigation systems.

The proposed Project would not conflict with statewide programs adopted for the purpose of reducing GHG emissions. Impacts would be *less than significant*.

MTC's/ABAG's Plan Bay Area
To achieve MTC's/ABAG's sustainable vision for the Bay Area, the *Plan Bay Area* land use concept plan for the region concentrates the majority of new population and employment growth in the region in Priority Development Areas (PDAs). PDAs are transit-oriented, infill development opportunity areas within existing communities. Overall, well over two-thirds of all regional growth by 2040 is allocated within PDAs. PDAs are expected to

[16] California Air Resources Board, 2008, Climate Change Scoping Plan, a Framework for Change.
[17] California Air Resources Board, 2012, Status of Scoping Plan Recommended Measures, http://www.arb.ca.gov/cc/scopingplan/status_of_scoping_plan_measures.pdf.

accommodate 80 percent (or over 525,570 units) of new housing and 66 percent (or 744,230) of new jobs.[18] Consequently, an overarching goal of the regional plan is to concentrate development in areas where there are existing services and infrastructure rather than allocate new growth in outlying areas where substantial transportation investments would be necessary to achieve the per capita passenger vehicle, VMT, and associated GHG emissions reductions. The proposed Project is an infill project in Cupertino and would be consistent with the overall goals of *Plan Bay Are*a. Therefore, the proposed Project would not conflict with the land use concept plan for the City of Cupertino identified in the *Plan Bay Area* and impacts would be *less than significant.*

VIII. HAZARDS AND HAZARDOUS MATERIALS. Would the project:	**Potentially Significant**	**Less Than Significant With Mitigation**	**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?			**X**	
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?			**X**	
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?				**X**
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?			**X**	
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?				**X**
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?				**X**
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?				**X**
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?				**X**

[18] Metropolitan Transportation Commission and Association of Bay Area Governments, 2013, Plan Bay Area, Strategy for a Sustainable Region.

DISCUSSION:

a) The proposed Project would not include the routine transport or disposal of hazardous materials. During the operational phase of the Project, common cleaning substances, building maintenance products, paints and solvents, and similar items would be stored and used on-site. 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. Thus, associated impacts from the buildout operational phase of the Project would be *less than significant*.

Construction and operation of the proposed Project would involve the routine use and handling of small amounts of hazardous materials (i.e. diesel gasoline, fertilizers, etc.). Construction activities at the Project site would involve the use of petroleum-based fuels for maintenance and construction equipment, which would be transported to the site periodically by vehicle and would be present temporarily during construction. These potentially hazardous materials, however, would not be of a type or be present in sufficient quantities on-site to pose a significant hazard to public health and safety or the environment. Consequently, associated impacts from construction of the Project would be *less than significant*.

b) As described in Section 8.a) above, operation of the Project would involve the storage and use of common cleaning substances, building maintenance products, paints, and solvents. These potentially hazardous substances would not be of a type or be present in sufficient quantities on-site to pose a significant hazard to public health and safety or the environment. The storage and use of these materials would be subject to existing federal, State, and local regulations, such as the following:

- U.S. EPA laws and regulations ensure the safe production, handling, disposal, and transportation of hazardous materials. Laws and regulations established by the U.S. EPA are enforced locally by the California Environmental Protection Agency (Cal-EPA).
- California Health and Safety Code Chapter 6.95 and 19 California Code of Regulations Section 2729 set out the minimum requirements for business emergency plans. These regulations require businesses to provide emergency response plans and procedures, training program information, and a hazardous material chemical inventory, disclosing hazardous materials stored, used, or handled on-site. A business that uses hazardous materials or a mixture containing hazardous materials must establish and implement a business plan, if the hazardous materials are handled in certain quantities.

Compliance with these regulations would ensure that the risk of accidents and spills is minimized to the maximum extent practicable. Consequently, associated impacts would be *less than significant*.

c) The Project site is not within one-quarter mile of any current or proposed schools. Thus, there would be *no impact* related to hazardous emissions or hazardous material handling within ¼-mile of a school.

d) The Project site is not included on a list of hazardous material sites compiled pursuant to Government Code Section 65962.5.[19] A Phase I Environmental Site Assessment (Phase I), included as Appendix D of this Initial Study, was conducted for the Vallco Shopping Mall by Ceres Associates on May 5, 2006. The Phase I determined that Sears Automotive Center and JC Penny, located adjacent to the south and east ends of the property, respectively, are listed as Leaking Underground Storage Tank (LUST) sites, and both have closure letters issued by the Santa Clara Valley Water District. The Phase I determined that, based on the regulatory status of these sites, it is not anticipated that these sites would have had an adverse impact on the environmental quality of the greater Vallco Shopping Mall site, and consequently, the small Project site. As a result, a *less-than-significant* impact would occur.

[19] California Department of Toxic Substances Control, EnviroStor database, http://www.envirostor.dtsc.ca.gov/public/, accessed on May 19, 2014.

e) The closest public use airport to Cupertino is the Mineta San José International Airport, which is located approximately 5 miles northeast of the Project site. As a result, the Project site is not within the airport's land use plan and *no impact* would occur.

f) There are no private airstrips within or in immediate proximity to the City. Therefore, there would be *no impact.*

g) The Cupertino Emergency Plan establishes policy direction for emergency planning, mitigation, response, and recovery activities within the City. The Cupertino Emergency Plan addresses interagency coordination, procedures to maintain communications with county and State emergency response teams, methods to assess the extent of damage, and management of volunteers. Santa Clara County has also adopted an Emergency Plan and a Hazardous Waste Management Plan, which identify emergency response programs related to hazardous waste incidents. The Project would not conflict with any of these adopted plans. Therefore, *no impact* to an adopted emergency response plan or emergency evacuation plan would occur.

h) Wildland fires are not a threat to the urbanized, central Cupertino area. If an urban fire were to threaten the central Cupertino area, firefighting and emergency medical services would be provided by the Santa Clara County Fire Department (SCCFD). The Project site is located within the 1.5-mile service radius of the SCCFD Cupertino Fire Station, located at 20215 Stevens Creek Boulevard at Vista Drive. In addition, the County has mutual aid agreements with neighboring jurisdictions to augment their fire response capabilities in case additional services are necessary. Since wildland fire is not an immediate threat to the proposed Project area, and based on the current fire-response capability, the Project would not expose people or structures to a significant loss, injury, or death involving wildland fires. Therefore, *no impact* would occur.

IX. HYDROLOGY AND WATER QUALITY. Would the project:	**Potentially Significant**	**Less Than Significant With Mitigation**	**Less Than Significant**	**No Impact**
a) Violate any water quality standards or waste discharge requirements?			**X**	
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 (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?			**X**	
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 or siltation on- or off-site?			**X**	
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-			**X**	

site?				
e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?			**X**	
f) Otherwise substantially degrade water quality?			**X**	
g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?				**X**
h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?				**X**
i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?				**X**
j) Inundation by seiche, tsunami, or mudflow?				**X**

DISCUSSION:

a), f) The following is a discussion of the potential violation of water quality standards, waste discharge, or substantially degradation of water quality.

Construction Impacts

There is the potential for construction of the proposed Project, including grading and excavation activities, to result in temporary impacts to water quality. The disturbance of underlying soils with the excavation and construction of the underground garage also has the potential to result in sedimentation and erosion. However, consistent with the Statewide Construction General Permit, the project applicant is required to prepare and implement a Storm Water Pollution Prevention Plan (SWPPP). In addition, the Cupertino Municipal Code 9.18 states that the SWPPP must include Best Management Practices (BMPs) to minimize potential water quality impacts, including erosion control, run-on and runoff control, sediment control, active treatment systems, good site management, and non-stormwater management. Some of the potential BMPs that would be identified in the SWPPP and implemented at the site include the following:

- Minimize ground disturbance during the rainy season
- Stabilize disturbed soils as soon as possible following completion of work, using hydroseeding, soil binders, mulch, mats, earth dikes, or drainage swales
- Preserve existing vegetation, where feasible
- Use silt fences or fiber rolls around the perimeter of the site
- Protect all storm drain inlets with fiber rolls, gravel bag barriers, or other methods to prevent sediment from entering the storm drain system
- Use water trucks for dust control
- Stabilize all construction entrances and exits to prevent the tracking of mud and dirt onto public roads
- Cover stockpiles, surround them with sediment controls, and locate away from storm drain inlets
- Train construction site personnel on implementing and monitoring BMPs

With implementation of the BMPs identified in the SWPPP, the impact of runoff from construction activities at the Project site would result in a *less than significant* impact on water quality.

Operational Impacts

The site is currently a large surface parking lot, which would be converted to a 148-room hotel, with a restaurant and meeting rooms and underground parking as the proposed Project. The amount of impervious surfaces would be reduced from current conditions with the installation of bio-retention planters and a detention basin. However, there is still the potential for runoff from the site to contain sediment, nutrients, trash and debris, soil and grease, and herbicides/pesticides, which would impact downstream water quality. Under the NPDES Municipal Regional Permit (MRP), Provision C.3 requirements, the Project applicant is required to incorporate site design, source control, and stormwater treatment measures to minimize the discharge of pollutants in stormwater runoff. The C.3 provisions require that low impact development (LID) methods be the mechanism for implementing such controls.

In addition, Chapter 9.18 of the Cupertino Municipal Code requires the project applicant to treat 100% of the runoff quantity with LID treatment measures, as determined by the sizing criteria identified in Provision C.3.d of the MRP. Other provisions of Chapter 9.18 require the applicant to prepare a Stormwater Management Plan and a completed City of Cupertino Regulated Development Project Checklist that detail how runoff and associated water quality impacts would be controlled or managed. Prior to the issuance of building permits, the owner of the site must enter into a formal written Stormwater Treatment Systems Operation and Maintenance Agreement with the City and must inspect any stormwater treatment systems at least once a year with written records provided annually in a report to the City. Stormwater treatment measures initially identified for implementation at the site include a bio-retention basin with a surface area of approximately 2,557 square feet.

With implementation of the LID stormwater treatment measures as detailed in the Stormwater Management Plan, the impact of runoff from the Project site on water quality would be *less than significant.* In addition, the measures that would be implemented during construction and operation of the Project would not otherwise substantially degrade water quality and this impact would also be *less than significant.*

b) The Project would result in a net decrease in the amount of impervious surfaces and there would be increased infiltration at the site with the construction of the bio-retention basin. This would result in a beneficial impact on groundwater recharge. The Project would use water supplied by the California Water Service Company and development of the site would not interfere with groundwater recharge of the local aquifer used for drinking water supply. It is not anticipated that construction of the Project, including the one-story underground garage, would be at depths greater than 20 feet and regional groundwater in the site vicinity is typically at least 50 feet below ground surface (bgs). Therefore, it is highly unlikely that groundwater would be encountered during construction and that dewatering would be necessary. The Project would have a *less-than-significant* impact on groundwater recharge or groundwater resources.

c) - d) A significant impact could occur if the proposed Project resulted in an increase in the volume or rate of surface runoff that would result in erosion, siltation, or flooding at the site or nearby properties. Implementation of the Project would not substantially alter existing drainage patterns at the site; stormwater runoff would still be discharged into the City's storm drain system. In addition, the Project would include a bio-retention basin of approximately 2,557 square feet in the northern corner of the Project that would collect stormwater that falls in the parking areas and direct it through pervious soil for infiltration and treatment prior to discharge to the City's storm drain system. Construction of the proposed Project would also result in a net reduction in the amount of impervious surface at the site, thus minimizing the potential for increased stormwater flow rates and volumes. Finally, adherence to the County's C.3 requirements and the City's requirement to prepare a Stormwater Management Plan that requires treatment of 100 percemt of the stormwater runoff with LID practices would ensure that impacts are *less than significant* and would not result in significant erosion, siltation, or flooding on-site or off-site.

e) A significant impact could occur if implementation of the Project resulted in an increase in the volume of storm

water runoff to a level which exceeds the capacity of the storm drain system or if the Project results in additional sources of polluted runoff. The Project site is currently developed as a parking lot with discharge of surface runoff into the City's storm drain system. The proposed Project would reduce the amount of impervious surface and would also include a bio-retention basin to collect stormwater runoff for infiltration and treatment prior to discharge to the storm drain system. This would result in less stormwater entering the storm drain system as compared to existing conditions. In addition, the Project would be required to implement all applicable and mandatory BMPs during construction and operation in accordance with the City of Cupertino and Santa Clara County C.3 requirements. This would ensure that additional sources of polluted runoff do not occur. The Project would have a *less-than-significant* impact on the existing storm drain system's capacity and would not create additional sources of polluted runoff.

g) The proposed Project is not located in a 100-year floodplain;[20] therefore, *no impact* would occur.

h) Due to the location of the Project outside of the 100-year flood plain, no impediment to or redirection of flood flows would take place. *No impact* would occur.

i) According to the ABAG dam inundation maps, the dam inundation zone for Stevens Creek Reservoir does not extend south of Interstate 280. Therefore, potential flooding from a failure of this dam would not extend to the Project site. There are no levees in the vicinity of the Project site. Thus, there would be *no impact* related to flooding from a dam or levee with implementation of the Project.

j) Because the Project site is more than 6 miles south of San Francisco Bay and is 178 feet above msl, there is no potential for a tsunami to impact the Project site. With regard to a seiche, there are no large, enclosed bodies of water in close proximity to the Project site that could generate a seiche. The Project site is in a relatively flat area of the City and far from the hillside areas where there is a potential for mudflows. According to the ABAG map of rainfall-induced landslides, the site is not within the area where landslides or mudflows could occur. As such, there would be *no impact* associated with tsunami, mudflow, or seiche events.

X. LAND USE AND PLANNING. Would the project:	**Potentially Significant**	**Less Than Significant With Mitigation**	**Less Than Significant**	**No Impact**
a) Physically divide an established community?				**X**
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?			**X**	
c) Conflict with any applicable habitat conservation plan or natural community conservation plan?				**X**

DISCUSSION:

Currently, the Project site is used as parking for the adjacent commercial space. The Cupertino General Plan designates the Project site as office/ industrial/ commercial/ residential. Additionally, the Project site is within the plan area of Cupertino's Heart of the City Specific Plan. This Plan provides guidance in addition to the General Plan and serves to implement the General Plan. In addition to these plans, the site is within the South Vallco Master Plan. This Master Plan serves to implement Policy 2-30, Strategy 1, of the current General Plan, which calls

[20] FEMA FIRM Map No. 06087C0050E, dated May 16, 2012.

for the creation of a master plan in this area to determine the precise mix of land uses. As noted above, the Heart of the City Specific Plan contains the zoning regulations for the Project site. Figure 3 of this plan shows that the Project site is within an area designated as P (Regional Shopping). However, the general provisions, definitions, and administration chapters of the Zoning Code (contained in Title 19 of the Cupertino Municipal Code) are also applicable to the Project site, including the process for plan and design review. Additionally, Section 14.18 of the Municipal Code contains provisions related to trees in Cupertino that are protected from removal, as well as the procedures that comprise the process of removing protected trees.

a) Construction of the proposed Project would have a significant environmental impact if it were sufficiently large or otherwise configured in such a way as to create a physical barrier or other physical division within an established community. Given that the Project site is surrounded by road on all sides and the adjoining land use is a shopping center, conversion of the site to a hotel will not divide a community and *no impact* would occur.

b) As discussed above, the site is designated as office/ industrial/ commercial/ residential in the General Plan. Additionally, Figure 2-B in the Land Use/ Community Design Element, Community Form, shows that the Project site is within the Vallco Regional Commercial, Entertainment and Residential Mixed Use district. The proposed hotel/restaurant/bar use would be consistent with the land use designations.

Development in Cupertino is regulated by development allocations which are specified in the General Plan. Table 2-A in the Land Use Element of the General Plan, Development Allocation, shows that in the Vallco Park South area of the City, where the Project site is located, there were 180 hotel rooms built as of 2010; at buildout, the City's development allocation would permit 519 hotel rooms in the area. Since the proposed Project would include 148 hotel rooms, buildout of the proposed Project would leave a remaining hotel room allocation of 191 hotel rooms. Therefore, since the Project would not exceed the predetermined hotel room allocation in the area, it would be consistent with the General Plan in this respect. Additionally, Figure 2-D, Maximum Building Heights in the Land Use/Community Design Element, shows that on the Project site the maximum allowed building height is 45 feet, unless there is a retail component, in which case the maximum height allowed is 60 feet tall. The proposed Project would be 60 feet tall with inclusion of the restaurant.

The Cupertino General Plan contains various goals and policies which are intended to guide development in the city, including the following which pertain to the planning areas that overlay the Project site.

> Policy 2-27: Heart of the City
> Create a positive and memorable image along Stevens Creek Boulevard of mixed use development, enhanced activity nodes, and safe and efficient circulation and access for all modes of transportation.
>
> Policy 2-30: Vallco Park South
> Retain and enhance Vallco Park South as a large-scale commercial area that is a regional commercial (including hotel), office and entertainment center with supporting residential development.
>
> <u>Heart of the City Specific Plan</u>
> As described above, the Heart of the City Specific Plan provides additional development guidance for Cupertino's main commercial center, and in this way serves to implement the City's current 2000–2020 General Plan, particularly Policy 2-27, as listed above. The Heart of the City Specific Plan policies and development standards concentrate on requiring high-quality site planning and architectural design, discouraging subdivision of commercial and mixed-use parcels, as well as improving pedestrian mobility by encouraging projects within the boundaries of the plan to include pedestrian and bicycle pathways that are incorporated into the City's existing network. Additionally, this plan provides the zoning designations for the

Plan area, including the Project site. Figure 3 in this specific plan identifies the Project site as being zoned P (Regional Shopping). Section 1.01.020 Land Use and Zoning – Permitted and Conditional Uses, states that for commercial properties, all permitted and Conditional Uses in the Heart of the City Specific Plan shall be in accordance with the Zoning Ordinance regulations of the City's General Commercial (CG) zoning district. Development standards in this specific plan are intended to promote high quality private-sector development and include standards related to building height, setbacks, site development, parking, common open space, and landscaping. Additionally, there are design guidelines related to special architectural features, building clusters, façade composition, windows, and plant materials.

South Vallco Master Plan

The South Vallco Master plan provides guidelines and a framework dealing with the coordination and interface of the properties in the area commonly referred to as South Vallco. The South Vallco Master Plan identifies the Project site as the potential location for a hotel.

Cupertino Zoning Code – Municipal Code Title 19

As stated above, Section 1.01.020 Land Use and Zoning – Permitted and Conditional Uses, in the Heart of the City Specific Plan, states that for commercial properties, all permitted and Conditional Uses in the Heart of the City Specific Plan shall be in accordance with the Zoning Ordinance regulations of the City's General Commercial (CG) zoning district. Table 19.60.030, in the Cupertino Zoning Code shows that hotels are conditionally permitted in the CG zone, requiring a Conditional Use Permit (CUP) with review by the Planning Commission. Therefore, once a CUP is approved, the proposed Project would be consistent with the Cupertino Zoning Code.

Given that the proposed Project would create a hotel in an area with remaining development allocation for hotel rooms and would be required to go through the City's design review process, the Project is consistent with the above goals and policies. The Project would not 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. As a result, a *less-than-significant* impact would occur.

c) The proposed Project is not within the boundary of any habitat conservation plan or natural community conservation plan. The Study Area boundary of the Santa Clara Valley Habitat Plan is coterminous with the Cupertino City limits to the east and south of the Project site. Therefore, *no impact* would result in this respect.

XI. MINERAL RESOURCES. Would the project:	**Potentially Significant**	**Less Than Significant With Mitigation**	**Less Than Significant**	**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?			**X**	
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?			**X**	

DISCUSSION:

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 delineated by the State into their General Plans.[21]

Figure 5-B, Mineral Resources, in the Environmental Resources/ Sustainability Element of the Cupertino General Plan, identifies MRZs. MRZ-3, as identified in the Cupertino General Plan appears to overlap the northwest corner of the Project site.[22]

a) - b) As discussed above, the Project site appears to be located within an MRZ delineated in the Cupertino General Plan. However, given the relatively small area identified within the Project site as well as the extensive ground disturbing activities that have occurred within the Project site and in the surrounding areas future exploitation of this mineral resources is exceedingly unlikely. As a result, implementation of the proposed Project would not result in a substantial loss of availability of a known mineral resource that would be of value to the region and the residents of the State, and a *less-than-significant* impact would occur.

XII. NOISE. Would the project result in:	**Potentially Significant**	**Less Than Significant With Mitigation**	**Less Than Significant**	**No Impact**
a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?		**X**		
b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?			**X**	
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?			**X**	
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?			**X**	
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?			**X**	
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?				**X**

DISCUSSION:

The following sections evaluate potential noise impacts from construction and operational activities of the Project. A background discussion on the basics of acoustics and the noise regulatory setting can be found in Appendix E to this Initial Study.

a) Section 6, Health and Safety, of the City of Cupertino's General Plan includes guidelines for the development of

[21] Public Resources Code Section 2762(a)(1).

[22] City of Cupertino General Plan, Section 5 – Environmental Resources/Sustainability, http://www.cupertino.org/Modules/ShowDocument.aspx?documentid=1507, accessed on June 10, 2014.

land uses according to community exposure to ambient noise. The maximum normally acceptable ambient noise level for transient lodging, such as hotels and motels, is 65 dBA CNEL. The project site is located in an area within the City's 70-dBA CNEL noise contour;[23] the northern building façade would be exposed to noise from traffic on Interstate 280 of approximately 75 dBA CNEL. The proposed hotel, as "Transient Lodging," would therefore be a "Normally Unacceptable" use. For "normally unacceptable" uses, "new construction or development should generally be discouraged."[24] However, the General Plan also indicates that "If new construction or development does proceed, a detailed analysis of the noise reduction requirements must be made and needed noise insulation features included in the design." Because standard construction methods are not expected to provide enough insulation to achieve a normally acceptable designation, a *significant* impact would occur without additional noise protection measures. Implementation of Mitigation Measure NOISE-1 would reduce impacts to a *less-than-significant* level.

Mitigation Measure NOISE-1: Prior to the issuance of building permits, the project applicant shall submit an acoustic study to the satisfaction of the City's Community Development Director to demonstrate that all hotel rooms meet an interior noise level due to exterior noise of 45 dBA CNEL, consistent with State and local noise standards. The study shall be based on precise grading and architectural plans including specific construction method details and materials to calculate the necessary exterior to interior noise reduction of approximately 30 dBA to achieve 45 dBA CNEL. The precise exterior to interior reduction would be determined in the acoustical study when precise grading plans with building elevations, footprints and architectural plans are available. The applicant will be required to incorporate into the Project design all required noise insulation features and techniques necessary to reduce interior noise levels to achieve the interior noise standard. To achieve the required interior noise levels, features such as upgraded exterior wall and roof assemblies, upgraded windows, and exterior doors may be required. In addition, a "windows closed" condition will be required with minimum supply of fresh air per UBC requirements.

Significance After Mitigation: Through the selection of appropriate architectural elements and with proper construction and installation techniques, interior impacts resulting from exterior noise levels would be reduced to a *less-than-significant* level.

Additionally, Chapter 10.48, Noise Ordinance, and Title 19, Zoning Ordinance, of the Cupertino Municipal Code contain multiple provisions to limit the generation and reception of excessive noise that would be applicable to the proposed Project. Such provisions include, but are not limited to restrictions on construction activity, strict limitations on noise generation as received at property lines, and performance standards for the permitting of commercial and industrial uses.

Operations of the proposed Project are not anticipated to result in excessive daytime or nighttime noise levels. The project would not include significant outdoor activities, and such activities would generally be limited to use of the hotel's pool, primarily during daytime hours. Moreover, since the nearest non-residential use would be over 200 feet from the Project's outdoor recreation areas, and since the nearest residential use would be over 700 feet from these areas, noise in excess of local standards from use of these areas is regarded as extremely unlikely. Landscaping activities associated with operations of the hotel would conform with §10.48.051 Landscape Maintenance Activities, of the Cupertino Municipal Code. The proposed Project would not be adjacent to any residential uses, thus §10.48.062, Nighttime Deliveries and Pickups would not apply; however, the hotel will also be unlikely to engage in nighttime deliveries or pickups, given the potential disturbance to guests. It shall be noted

[23] City of Cupertino, 2010, *City of Cupertino General Plan*, Section 6 – Health and Safety, Cupertino, CA: City of Cupertino, http://www.cupertino.org/Modules/ShowDocument.aspx?documentid=1506.

[24] City of Cupertino, 2010, *City of Cupertino General Plan*, Section 6 – Health and Safety, Cupertino, CA: City of Cupertino, http://www.cupertino.org/Modules/ShowDocument.aspx?documentid=1506.

that noise from the operation of stationary equipment, landscaping activities and outdoor activities would be overshadowed by traffic on the 280 Freeway.

Construction activities associated with development of the proposed Project would conform with the requirements of §10.48.053, Grading, Construction and Demolition, of the Cupertino Municipal Code. Construction activities on the limited portions of the Project site that are within 750 feet of a residential use would be restricted to the hours prescribed by §10.48.053 of the Municipal Code. Additionally, construction at the Project site would not violate portions of the Municipal Code related to the reception of construction noise at property lines. (See section XII.d. below for additional discussion of construction noise impacts.)

Therefore development of the proposed Project would result in *less-than significant* impacts with respect to potential violations of the Cupertino Municipal Code.

b) Vibration impacts can be in the form of damage to structures or can involve annoyance to nearby sensitive land uses. Construction activities can generate varying degrees of ground vibration, depending on the construction procedures, construction equipment used, and proximity to vibration-sensitive uses. Building damage is not a factor for normal projects, with the occasional exception of blasting and pile-driving during construction.[25]

The nearest vibration-sensitive land use to the Project site is a residential area approximately 730 feet to the west of the site. The building closest to the project site is the Alexander's Steakhouse restaurant, approximately 200 feet south of the Project site. The proposed Project does not include pile driving, and would therefore not make use of the most vibration-intense construction activities and equipment. Because the Project does not involve rock blasting or pile driving, and because there would be no heavy construction equipment within at least 100 feet of an existing structure, vibration-induced structural damage would not occur. Additionally, since the structures in the vicinity of the Project site are of recent construction and are actually located over 200 feet from the anticipated construction area, it is extremely unlikely that even the most vibration-intense construction activities anticipated for the Project would not have the potential to result in structural damage.

Given that vibratory rollers are the most vibration-intense piece of construction equipment anticipated for use during Project construction, it is possible to estimate likely vibration levels at the nearest occupied structures. Based on typical vibration levels from vibratory rollers, the anticipated maximum level of vibration at the adjacent restaurant is 0.067 PPV (in/sec).[26] The California Department of Transportation (Caltrans) identifies 0.08 PPV (in/sec) as the threshold for vibration to become "readily perceptible," and 0.10 PPV as the level where continuous vibration begins to annoy people.[27] Since project construction activities would not generate average vibration levels that exceed the Caltrans vibration annoyance threshold, no significant vibration impact from exposure of persons to excessive levels of vibration would occur during project construction activities. Moreover, vibration-intense construction equipment would tend to move around the Project site, and 200 feet is the minimum distance which equipment would be from nearby uses. Therefore, impacts from groundborne vibration and groundborne noise would be *less than significant*.

c) Operation of the hotel and adjacent future potential trail has the potential to cause noise associated with activities

[25] Federal Transit Administration (FTA), 2006. *Transit Noise and Vibration Impact Assessment*. United States Department of Transportation. FTA-VA-90-1003-06, May.

[26] Based on methodology from the United States Department of Transportation Federal Transit Administration, Transit Noise and Vibration Impact Assessment (2006).

[27] California Department of Transportation (Caltrans), 2004, June. Transportation- and Construction-Induced Vibration Guidance Manual. California Department of Transportation (Caltrans), Division of Environmental Analysis. 2002, February. Transportation Related Earthborne Vibration (Caltrans Experiences). Technical Advisory, Vibration. TAV-02-01-R9601.

such as vehicle parking, persons talking, trash collection, landscaping, guests using the pool, patio, and outdoor dining terrace, and dogs barking on the trail to the north. The ambient noise environment is dominated by traffic noise on I-280 and North Wolfe Road. Trash collection, landscaping, and dogs barking are expected to last for a relatively short duration and their occurrences at the site would be infrequent. Nearby residential uses already experience similar noise levels from similar activities.

Noise from traffic on Interstate 280 would generally overshadow any noise from operations of the hotel. The project will not generate significant increases in vehicle flows, compared to the existing conditions, on any of the surrounding streets and intersections. In general +3 dBA is the minimum increment necessary to constitute a substantial increase in ambient noise levels. An approximate doubling of traffic volumes is the minimum necessary to result in a 3 dBA increase in noise generated by a particular roadway. The proposed Project is anticipated to generate peak hour increases in traffic that represent far less than a doubling of traffic volumes. Therefore, project-related traffic noise would result in far less than a 3 dBA increase in ambient noise levels, and would not result in significant increases over existing levels.

Due to proximity to I-280 and North Wolfe Road, it is anticipated that traffic noise will generally overshadow noise from vehicle parking, from persons talking/yelling, and from dogs barking/playing. Dogs barking and guests, especially children, using the pool and patio area will be sporadically heard at the restaurants and shops to the south of the site. The parking lot will have overhead lighting, and the hotel would be open to guests 24 hours a day. However, activity in the hotel parking lot is expected to be minimal during the most noise-sensitive hours of the evening/nighttime. Therefore, noise impacts from hotel operations would not cause substantial noise increases to nearby receptors, noise impacts would be *less than significant*, and no mitigation would be required.

d) Construction activities are anticipated to occur over a 17-month period. Noise during construction will be related to the use of heavy construction equipment including import and export trucks, a backhoe, a roller/paver, a grader, an excavator, a set of generators, and a crane. Typical duty cycles and noise levels generated by heavy construction equipment such as bulldozers can generate up to 85 dBA L_{max} at 50 feet away.[28] As noise dissipates rapidly with distance (at a rate of 6 dBA per doubling of distance), the noise levels when a heavy piece of construction equipment is operating at the nearest structure, the Alexander's Steakhouse restaurant, at 200 feet away would be 73 dBA L_{max}, and at the nearest homes, which are 730 feet away, it would be 62 dBA L_{max}. Section 10.48.053 of the City's Municipal Code requires that noise levels during construction either do not exceed 87 dBA L_{max} at a distance of 25 feet, or that the noise level on any nearby property does not exceed 80 dBA. These projected noise levels would not exceed City thresholds at the Alexander's Steakhouse restaurant to the south of the project Site. Also, construction activities would be limited to daytime hours and only on weekdays (i.e., 8:00 a.m. to 5:00 p.m., Monday through Friday). As a result, a *less than significant* would occur.

e) The closest public use airport to Cupertino is the Mineta San José International Airport, which is located approximately five miles to the northeast of the Project site. The project site is located well outside the 65 dBA CNEL airport noise contour. Additionally, as discussed in the Health and Safety Element of the General Plan, aircraft flying into Moffett Field Naval Air Station are restricted to the northeastern corner of Cupertino, and would not affect the proposed project. Although noise from aircraft may be perceptible at times at the proposed Project site, such noise would occur infrequently, would not be excessively loud, and would not have a substantial effect on the ambient noise environment. As a result, a *less-than- significant* impact would occur.

f) There are no private airstrips within or in immediate proximity to the City. Therefore, there would be *no impact.*

[28] Thalheimer, E., 2000, Construction Noise Control Program and Mitigation Strategy as the Central Artery/Tunnel Project. Institute of Noise Control Engineering.

XIII. POPULATION AND HOUSING. Would the project:	**Potentially Significant**	**Less Than Significant With Mitigation**	**Less Than Significant**	**No Impact**
a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?			**X**	
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?				**X**
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?			**X**	

DISCUSSION:

Cupertino is the seventh largest city in Santa Clara County behind the cities of Sunnyvale, Santa Clara, San Jose, Palo Alto, Mountain View, and Milpitas. In 2010 there were a total of 58,302 residents.[29] This is up from a total population of 50,546 in the year 2000, representing a 15 percent increase in 10 years. In 2010 there were a total of 20,181 households in Cupertino.[30] This is an increase from the 18,204 households that existed in 2000, representing an 11 percent increase.[31] This shows that the rate of new housing developed in Cupertino has not kept pace with the rate of population growth. Therefore, it makes sense that persons per household, or average household size, has increased from 2.75 to 2.87 from 2000 to 2010.[32,33] The Association of Bay Area Governments (ABAG) projects that Cupertino's population will reach 68,700 by 2035.[34]

a) For the purposes of this environmental analysis, the proposed Project would result in a substantial and unplanned level of growth if estimated development exceeds local or regional growth projections. The Association of Bay Area Governments (ABAG) is the regional body for projecting regional growth down to the local level.

The proposed Project would not result in the construction of any permanent housing units. This means that there would not be any new permanent residents residing on the Project site. The development of the proposed hotel would generate additional employees on the Project site. The City of Cupertino uses an employee generation rate for hotels of .3 jobs per guest room. Since the proposed Project entails 148 guest rooms, it is estimated that 45 employees would result from that component of the Project. With respect to the restaurant/bar component, which would be classified as commercial space, the City of Cupertino estimates that for each 450 square feet of commercial space, one job will be generated. Given the bar/restaurant would occupy approximately 1,000 square feet of space on the ground floor, an additional three employees would be generated from this component of the Project. This means it is estimated that a total of 48 employees would be generated as a result of the proposed Project. Since there are not currently any businesses or housing units occupying the Project site, this would be a direct inducement of 48 employees. Some of these new employees may move to Cupertino, however; it is unknown whether this would happen or whether employees would be current Cupertino residents. Furthermore, it is anticipated that most new employees that move to Cupertino would be accommodated in the existing housing

[29] Association of Bay Area Governments, Projections 2013, Jurisdictional Boundary Table.

[30] Association of Bay Area Governments, Projections 2013, Jurisdictional Boundary Table.

[31] U.S Census Bureau, Profile of General Demographic Characteristics: 2000 Census Summary File 1, Table DP-1.

[32] U.S Census Bureau, Profile of General Demographic Characteristics: 2000 Census Summary File 1, Table DP-1.

[33] Association of Bay Area Governments, Projections 2013, Jurisdictional Boundary Table.

[34] Association of Bay Area Governments, Projections 2013, Jurisdictional Boundary Table

stock. Moreover, this level of growth would represent less than one-tenth of 1 percent of the population of Cupertino in 2010.[35]

From 2010 to 2015 ABAG projects population growth of 1,898 people, and from 2015 to 2020 ABAG projects growth of 1,900.[36] Therefore, even without considering the environmental review done as part of the Heart of the City Specific Plan, the growth inducement resulting from the proposed Project would not exceed regional growth projections. Additionally, the proposed Project does not include the construction of infrastructure or roads which would indirectly induce additional population growth. Therefore, a *less than significant* impact would result in this respect.

b) The Project site is currently occupied by space dedicated to parking and does not contain any residential units or businesses. Therefore, the Project would have *no impact* associated with the displacement of substantial numbers of people.

c) Since, as described above, the Project site does not currently contain residential units or businesses, and therefore does not contain residents or employees, the proposed Project would not displace substantial numbers of people. Some new employees may move to Cupertino, however, but it is unknown whether this would happen or whether employees would be current Cupertino residents. In addition, it is anticipated that most new employees that do move to Cupertino would be accommodated in the existing housing stock. Therefore, a *less-than-significant* impact would result in this respect.

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

DISCUSSION:

a) The primary purpose of a public services impact analysis is to determine whether public service facilities (police and fire stations, public facilities, etc.) would need to be expanded as the result of a new project, and whether the expansion would result in potential environmental impacts. Increased demand is typically driven by increases in population and increases in uses that could result in service calls. The proposed Project would not directly result in population growth, however the uses proposed within the Project would likely generate more demand than the

[35] Association of Bay Area Governments, Projections 2013, Jurisdictional Boundary Table.
[36] Association of Bay Area Governments, Projections 2013, Jurisdictional Boundary Table.

current parking lot located within the Project site. Given the number of employees, it is anticipated that the hotel's new employees would not relocate to Cupertino as a result of the Project because the employees would either be existing residents of Cupertino, or they would commute from their current residences outside Cupertino. It should be noted that the proposed Project conforms to the South Vallco Master Plan and the Heart of the City Specific Plan. An environmental review has already been conducted for these plans, and impacts to Public Services have been accounted for in the previous environmental review documents.

i) Fire protection in the City of Cupertino is provided by the Santa Clara County Fire Department (SCCFD). The closest SCCFD station to the Project site is the Cupertino Station, which is located 1.2 miles away at 20215 Stevens Creek Boulevard. During environmental evaluation of the General Plan Amendment, Housing Element Update, and Associated Rezoning currently underway, which includes a planned increase of 1,339 hotel rooms within the City, the SCCFD confirmed that the existing facilities, equipment, and staffing levels would be adequate to accommodate growth anticipated under the updated General Plan, which includes a planned increase of 1,339 hotel rooms in the City.[37] Additionally, compliance with Municipal Code Section 16.40.065 would require future development to undergo plan review and approval by the SCCFD to ensure that future projects comply with State and local fire codes, as well as ensure adequate safety features are incorporated into building design to minimize risk of fire. Because the Project proposes 148 hotel rooms, which is in conformance with the current hotel room allocation for the Vallco Park South Planning Area, the proposed Project would not require construction of new or physically altered fire stations, and a *less-than-significant* impact would occur.

ii) The City of Cupertino contracts with the Santa Clara County Sheriff's Office ("Sheriff's Office") and the West Valley Patrol Division for police protection services. The West Valley Patrol Division is headquartered at the Westside Sheriff's Substation at 1601 South De Anza Boulevard in Cupertino. During environmental evaluation of the General Plan Amendment, Housing Element Update, and Associated Rezoning currently underway, which includes a planned increase of 1,339 hotel rooms within the City, the Sheriff's Office confirmed that the increase in demand would not require new or physically altered facilities. Because the Project proposes 148 hotel rooms, which is in conformance with current development allocations as noted above, the proposed Project would not require the construction of new or physically altered police facilities, and a *less-than-significant* impact would occur.

iii) Public schools in the City of Cupertino are provided by the Cupertino Union School District (CUSD) and the Fremont Union High School District (FUHSD). Since implementation of the proposed Project would not directly result in population growth, CUSD and FUHSD are not anticipated to require additional resources beyond what is already projected, and the proposed Project would therefore cause *no impact* to schools.

iv) As discussed below in Section XV., Parks and Recreation, given the limited number of new employees that would be required by the Project site, it is not expected that this Project would result in an increase in the use of existing parks such that substantial physical deterioration would occur. As a result, a *less-than-significant* impact would result.

v) The Santa Clara County Library District is responsible for the operation of public libraries in Santa Clara county, including the Cupertino Library. Employees and hotel guests may wish to visit the Cupertino Library and utilize its resources during their stay. This impact, however, is expected to be negligible and is not anticipated to significantly increase the current rate of library resource utilization. Therefore, impacts to other public facilities would be *less than significant.*

[37] Personal communication between Ricky Caperton (PlaceWorks) and Cheryl Roth of the Santa Clara County Fire Department on April 24, 2014.

XV. PARKS AND RECREATION.	Potentially Significant	Less Than Significant With Mitigation	Less Than Significant	No Impact
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?			**X**	
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?			**X**	

DISCUSSION:

The City of Cupertino maintains an array of parks, athletic fields, and picnic areas. Some of the parks and recreation facilitates in Cupertino include: Blackberry farm, Cali Mill Plaza, Creekside Park, Franco Park, Hoover Park, Jollyman Park, Linda Vista Park, McClellan Ranch Preserve, Memorial Park, Monta Vista Park, Portal Park, Somerset Square Park, Sterling Barnhart Park, Three Oaks Park, Varian Park, and Wilson Park.

a) As discussed in section 13, Population and Housing, the proposed Project does not include any residential units and therefore would not directly induce population growth. However, development of the proposed hotel would generate additional employees on the Project site. Using the City's method for estimating employees generated from implementation of the Project (as described above in section 13, Population and Housing) an additional 48 employees would generated. It is anticipated that the majority of these new employees would not relocate to Cupertino as a result of the Project because they would either be existing residents of Cupertino or they would commute from their current residences outside Cupertino. Given the limited number of new employees it is not expected that this Project would result in an increase in the use of existing parks such that substantial physical deterioration would occur. As a result, a *less-than-significant* impact would result.

b) The proposed Project does not include components which would entail the construction of recreational facilities. Should fees and taxes collected as a result of implementation of the proposed Project be used to fund the construction of recreational facilities, such projects would be subject to separate environmental review processes in accordance with the CEQA statute. Therefore, a *less-than-significant* impact would result.

XVI. TRANSPORTATION AND TRAFFIC. Would the project:	Potentially Significant	Less Than Significant With Mitigation	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?			**X**	
b) Conflict with an applicable congestion			**X**	

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?				
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?				**X**
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?			**X**	
e) Result in inadequate emergency access?				**X**
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?				**X**

DISCUSSION:

a) The proposed Project would result in the construction and operation of a hotel on a parking lot adjacent to I-280. As determined by Hexagon Transportation Consultants in the Traffic Impact Analysis (included in Appendix F), the results of the intersection level of service analysis show that all of the study intersections are expected to operate at acceptable levels of service under all conditions during the operational phase of the Project. As a result, the Project would not conflict with applicable plans that measure the effectiveness for the performance of the existing circulation system. As result, a *less-than-significant* impact would occur.

b) Construction of the proposed Project would attract users (i.e., hotel guests and employees) which could impact vehicle traffic standards. As determined in the Traffic Impact Analysis, the Project would result in a total of 78 trips during the AM peak period and 89 trips during the PM peak period. As a result, the level of service analysis under existing plus Project conditions show that all study intersections would operate at an acceptable level of service (LOS D or better) during both the AM and PM peak hours of traffic, meeting the City of Cupertino standards. Additionally, under existing plus Project conditions, all of the study CMP intersections would operate at an acceptable level of service (LOS E or better) during the AM and PM peak hours of traffic. As a result, the Project would not conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures. As a result, a *less-than-significant* impact would occur.

c) The proposed Project would not result in a change to air traffic patterns for either commercial or private aircraft, thus it would have *no impact* on air traffic.

d) The proposed Project would not introduce any features along roadways or at intersections adjacent to the site that would constitute a design hazard or introduce incompatible uses. Roadway designs surrounding and within the proposed Project would be required to conform to standards set by the City of Cupertino, as well as applicable State building codes, as adopted through §16.04.010 Code Adoption of the Cupertino Municipal Code. Therefore, there would be a *less-than-significant* impact related to design features or incompatible uses.

e) Emergency access to the proposed Project would be provided through the entrances to the south of the site along Perimeter Road, as it is under existing conditions. These access points would be designed in accordance with provisions of the California Fire Code, as adopted and amended by §16.40.120 Fire Apparatus Access Roads, of the Cupertino Municipal Code. Therefore, there would be *no impact*.

f) The proposed Project would result in a repaving and repurposing of an existing paved path which does not include or connect to public transit or bicycle facilities. The path, under both existing conditions and the proposed Project, could be used by pedestrians. Improvements would also include a 15-foot path connection onsite on the west side for access to a future trail along the north side of the property. The proposed Project would not result in a conflict with policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities; therefore, *no impact* would occur.

XVII. UTILITIES AND SERVICE SYSTEMS. Would the project:	**Potentially Significant**	**Less Than Significant With Mitigation**	**Less Than Significant**	**No Impact**
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?			**X**	
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?			**X**	
c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?			**X**	
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?			**X**	
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?			**X**	
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?			**X**	
g) Comply with federal, State, and local statutes and regulations related to solid waste?			**X**	

DISCUSSION:

a) The proposed Project would require treatment of wastewater generated within the Project site by the use of toilets, sinks, showers, drinking fountains, and laundry facilities. The Cupertino Sanitary District (CSD) collection system directs wastewater to the San Jose/Santa Clara Water Pollution Control Plant (SJ/SCWPCP), a joint powers authority.

The San Francisco RWQCB established wastewater treatment requirements for the SJ/SCWPCP in an NPDES Permit (Order No. R2-2009-0038), adopted April 8, 2009 and effective June 1, 2009.[38] The NPDES Permit 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 Permit 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.

[38] San Francisco RWQCB NPDES Permit (Order No. R2-2009-0038) for SJ/SCWPCP. http://www.waterboards.ca.gov/rwqcb2/board_info/agendas/2009/april/SJSC_FinalOrder%20-%204-09.pdf.

The CSD is one of six satellite collection systems that discharge into the SJ/SCWPCP. Each satellite collection system is responsible for an ongoing program of maintenance and capital improvements for sewer lines and pump stations within its respective jurisdiction, in order to ensure adequate capacity and reliability of the collection system. The responsibilities include managing overflows, controlling Infiltration and Inflow (I&I) and implementing collection system maintenance.

The CSD has a contractual treatment allocation with the SJ/SCWPCP of 7.85 million gallon per day (mgd), on average. Current wastewater flow to SJ/SC WPCP is 5.3 mgd.[39] The CSD prepared a flow capacity analysis in 2008 to determine whether the CSD had excess contractual SJ/SC WPCP capacity available to sell to the City of Milpitas. The analysis indicated that the total CSD wide demand would be 7.2 mgd upon buildout of the 2020 General Plan,[40] leaving 0.6 mgd remaining capacity for development beyond that previously allocated. As indicated in Section X, Land Use and Planning, the Project is consistent with the development allocations in the General Plan.

With continued compliance with Chapter 15.20 of the City's Municipal Code establishing standards for individual onsite sewage disposal systems consistent with RWQCB standards, as well as compliance with the Cupertino Sanitary District Operations Code, projected wastewater generated from the Project would not exceed the wastewater treatment requirements or capacity of the SJ/SCWPCP. Therefore, given that the Project is consistent with the current General Plan, the wastewater treatment requirements of the San Francisco RWQCB would not be exceeded due to Project, resulting in a *less-than-significant* impact.

b) The proposed Project would require treatment of wastewater generated within the Project site by the use toilets, sinks, showers, drinking fountains, and laundry facilities. As previously stated, the proposed Project is not expected to generate enough wastewater to require CSD to purchase more wastewater capacity from the San Jose/Santa Clara Water Pollution Control Plant and/or require the construction or expansion of new wastewater treatment facilities. As a result, new or expanded wastewater treatment facilities would not be required, and impacts to wastewater treatment facilities are expected to be *less than significant.*

c) Potential impacts to stormwater facilities are addressed in Section IX, Hydrology and Water Quality. As discussed, the proposed Project would not require additional or expanded stormwater facilities. As a result, a *less than significant* impact would occur.

d) The proposed Project would include toilets, sinks, showers, drinking fountains, landscaping, laundry facilities, and a swimming pool drawing on the existing water supply. In general, population growth is considered when analyzing impacts on water supply. The proposed Project would not have a direct effect on population growth; however, the size of the proposed Project, as well as the fact that the hotel will have a continuous amount of guests, would mean that the hotel would result in an increase in water usage over existing conditions. The development of the proposed Project is consistent with the anticipated buildout of the Cupertino General Plan and applicable Specific Plans. It is also consistent with the allocation for new hotel rooms for the City of Cupertino and the South Vallco area. Therefore, increased water use from development of the proposed Project was anticipated by the environmental review documents for these plans. According to the SCVWD, LAS District projected water scheduled delivery amounts will be available through at least 2035, including under buildout of applicable plans.[41] As a result, the Project would have a *less-than-significant* impact on water supplies.

[39] Tanaka, Richard. Letter to Ms. Aarti Shrivastava, Assistant City Manager, May 23, 2014.

[40] Tanaka, Richard. Letter to Ms. Aarti Shrivastava, Assistant City Manager, May 23, 2014.

[41] California Water Service Company, 2011, 2010 Urban Water Management Plan, Los Altos-Suburban District, June.

e) As previously stated in response to criteria a), the proposed Project is not expected to generate enough wastewater to affect the treatment provider's capacity, and construction or expansion of new or current wastewater treatment facilities would not be required. Therefore, this impact would be *less than significant.*

f) - g) Solid waste will be collected and ultimately transported to the Newby Island Landfill in Milpitas. The Project would result in the approximately 155 tons of solid waste per year.[42] Using this waste generation estimate, solid waste disposal from the proposed Project would be approximately 0.011 percent of the 4,000 tons of daily capacity permitted for the Newby Island Landfill.[43] Therefore, the Project's contribution to the daily landfill capacity at the Newby Island Landfill would be considered insignificant and the landfill would have sufficient capacity to accommodate the proposed Project's solid waste disposal needs. Therefore, the impact would be considered *less than significant.*

XVIII. MANDATORY FINDINGS OF SIGNIFICANCE.	**Potentially Significant**	**Less Than Significant With Mitigation**	**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?			**X**	
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)?			**X**	
c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?			**X**	

DISCUSSION:

a) The proposed Project's redevelopment of the existing site as a hotel is expected to result in a high-intensity use of the area, with some potentially significant environmental impacts. These impacts could all be mitigated to less-than-significant levels. In addition, they would all be limited in scope to the Project site and immediate vicinity, which is comprised of roadways and commercial buildings. The proposed Project including the design and construction of the pedestrian path, hotel, parking lot, and site amenities are unlikely to interfere with habitat.

[42] This calculation was made using information available on the website of California Department of Resources, Recycling and Recovery (CalRecycle). The number was calculated by adding the disposal rate for 48 hotel employees (2.1 tons per employee per year) and the waste generated by 148 hotel rooms (2 pounds per day). It should be noted that disposal rates may provide a more realistic estimate of waste generated by a particular use. In this case waste generation was not available for hotel use, but adding both generation rates and disposal rates together provides an estimate that can be used to make a determination on the Project's impact t solid waste facilities.

[43] This calculation was reached by dividing the 155 tons waste disposal per year by 365 days, resulting in 0.425 tons per day. The proposed Project tonnage per day, 0.425, was then divided by the capacity tonnage per day, 4,000, which resulted in 0.00011 tons per day or 0.011 percent.

Additionally, mitigation measures have been added to avoid any potential environmental impacts in regard to cultural or paleontological resources. Therefore, any changes to the environment would have *less-than-significant* impacts in these respects.

b) Increases in potable water demand and wastewater generation is expected to occur as a result of the proposed Project. While this increase would not significantly impact the capacity of water or wastewater treatments facilities, future development in the Vallco Shopping Mall would also result in an increase in water and wastewater production. Because the area around Vallco Shopping Mall is already developed, and because of the supply of water and capacity of wastewater facilities, it is unlikely that future projects would result in significant impacts to wastewater that would require the construction or expansion of new or existing wastewater treatment facilities.

During environmental evaluation of the General Plan Amendment, Housing Element Update, and Associated Rezoning currently underway, which includes a planned increase of 1,339 hotel rooms within the City, it was determined that future development would be accommodated within existing facilities and under projected water supply.

In addition, future development may result in the creation of more jobs. Future employees of facilities developed as a result of future projects may move to Cupertino from other cities, resulting in an increase in population growth. Any employees who do move to the area as a result are not expected to significantly impact population growth and any associated utilities and public services beyond what is already projected.

Finally, expansion to public services may become necessary as development in the area continues. As the Vallco Shopping Mall becomes busier and attracts more people, expanded police presence may become necessary in order to ensure public safety. However, planned future growth would be able to account for this necessity, and a significant increase in police present is not necessarily expected.

Increases in air quality and noise impacts may occur as a result of construction activities, but would be temporary in nature and could be mitigated to a less-than-significant level. Moreover, since most air quality impacts occur at the city or regional level, the analysis in Section II serves to demonstrate cumulative air quality impacts. In addition, mitigation measures have been included to mitigate for impacts to air quality and as well as the potential and cultural resources to occur on-site. None of these impacts would be cumulatively considerable because they are either temporary in nature or such a nature that they only have the potential to affect the direct environment. Therefore, the proposed Project would result in a *less-than-significant* cumulative impact.

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