



# CITY OF CUPERTINO PARKS AND RECREATION SYSTEM MASTER PLAN

INITIAL STUDY /  
MITIGATED NEGATIVE DECLARATION

OCTOBER 2019







**City of Cupertino**  
**Parks and Recreation System Master Plan**  
**Initial Study / Mitigated Negative Declaration**

**October 2019**







**City of Cupertino  
Parks and Recreation System Master Plan Project  
Draft Mitigated Negative Declaration**

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**Project:** City of Cupertino Parks and Recreation System Master Plan

**Lead Agency:** City of Cupertino

**Project Proponent:** City of Cupertino

**Availability of Documents:** The Initial Study for this Mitigated Negative Declaration is available for review at:

City of Cupertino, City Hall, 10300 Torre Avenue  
Cupertino, CA 95014

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### **PROJECT DESCRIPTION**

The City proposes to adopt and implement the City of Cupertino (City) Parks and Recreation System Master Plan (Master Plan) which identifies opportunities for park improvements and development and is needed to provide guidance for long-term decision making by City staff.

The Master Plan is intended to ensure that the City's park and recreation system meets the needs of the Cupertino community, and to guide the City in allocating resources for future development, renovation, and management of City park and recreation facilities, through the year 2040. The key components of the Master Plan are vision and goals, systemwide objectives and actions, enhancement opportunities, and associated implementation actions. The Master Plan is focused on City owned or managed developed parks and recreation facilities in Cupertino, and does not cover non-City owned natural open spaces, or other non-City owned assets such as county and regional parks.

### **PROPOSED FINDINGS**

The City of Cupertino has reviewed the attached Initial Study and determined that the Initial Study identifies potentially significant project effects, but that:

1. Revisions to the project plans, identified herein as mitigation, would avoid or mitigate the effects to a point where no significant effects would occur; and
2. There is no substantial evidence, in light of the whole record before the agency, that the project may have a significant effect on the environment. Therefore, pursuant to California Environmental Quality Act (CEQA) Guidelines Sections 15064(f)(2) and 15070(b), a Mitigated Negative Declaration has been prepared for consideration as the appropriate CEQA document for the project.

### **BASIS OF FINDINGS**

Based on the environmental evaluation presented in the attached Initial Study, the project would not cause significant adverse effects related to Agricultural/Forestry, Air Quality, Energy, Geology/Soils, Greenhouse Gas Emissions, Hydrology/Water Quality, Land Use/Planning, Mineral Resources, Noise, Population/Housing, Public Services, Recreation, Transportation,

Utilities, and Wildfire. The project does not have impacts that are individually limited, but cumulatively considerable.

The project would have potentially significant impacts to aesthetics (light and glare), biological, cultural and tribal resources and mitigation measures have been incorporated into the project to reduce these impacts to less than significant levels.

### **Mitigation Measures**

The project could result in significant adverse effects to aesthetic, biological, cultural, and tribal resources. However, the project has been revised to include the mitigation measures listed below, which reduce these impacts to a less-than-significant level. With implementation of these mitigation measures, the project would not substantially degrade the quality of the environment, 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, or substantially reduce the number or restrict the range of a rare or endangered plant or animal. Nor would the project cause substantial adverse effects on humans, either directly or indirectly.

#### **MITIGATION MEASURES INCORPORATED INTO THE PROJECT:**

**Impact AES-1:** Park projects that include night lighting could cause light and glare impacts to sensitive adjacent land uses.

**Mitigation Measure AES-1:** New exterior lighting in proximity to adjacent property will be shielded as necessary to ensure that exterior light sources do not create a significant light or glare impact on an adjacent land use. A lighting plan that addresses potential light and glare impacts shall be prepared for projects that include new night lighting in proximity to adjacent private properties.

**Impact BIO-1:** Future park projects could impact special-status species, sensitive communities, wetlands and wildlife corridors, as defined by state and federal law.

**Mitigation Measure BIO-1:** The Capital Improvement Program (“CIP”) for Parks and Recreation improvements shall be reviewed annually by staff to identify projects that could potentially affect special-status species, sensitive natural communities, wetlands, wildlife corridors, and/or native wildlife nursery sites. Any such projects shall be reviewed by a professional in field biology. The biological professional shall:

- a) Research the potential occurrence of special-status species and sensitive communities in the areas affected by CIP projects by reviewing the California Natural Diversity Database, California Native Plant Society Inventory, IPaC, or other appropriate databases, by contacting resource agencies such as the California Department of Fish and Wildlife, U.S. Fish and Wildlife, and/or NOAA Fisheries Service, or other appropriate methods.
- b) For each CIP project approved for funding that could impact special-status species, sensitive natural communities, wetlands, wildlife corridors, and/or nursery sites during construction or as a result of the proposed use, including maintenance, prior to the start of construction identify all resource agency permits required for the project and ensure that the project is modified as necessary to minimize effects on biological resources and avoid impacts.
- c) For each CIP project that could have a significant impact on special-status species, sensitive natural communities, wetlands, wildlife corridors, and/or nursery sites, specify measures to avoid impacts or to reduce impacts to a less-than-significant level that will be implemented as part of the project. Indicate the timing of when the measures would be implemented (e.g., prior to construction activities, during construction, post-construction etc.). These measures may include actions such as the following currently accepted measures:

1. Pre-construction surveys for special-status plant and animal species, nesting birds, and roosting bats in the correct season and using CNPS, CDFW and/or other accepted protocols, as appropriate, to identify if the species are present and would be impacted by the project.
2. Wildlife exclusion fencing to prevent species, such as protected amphibians and reptiles, from entering the work site. Regular fence inspections to assure that species are not trapped and to maintain the integrity of the fence.
3. Clear delineation of the work area and/or protected areas in the field to prevent construction activities from extending beyond required work areas and into nearby natural areas that contain sensitive species habitat or sensitive natural communities or wetlands. Environmentally sensitive areas may also be delineated on construction drawings for certain projects.
4. Silt fencing or other erosion control measures to protect water quality downstream of the project and the biological resources that rely on suitable water quality.
5. Worker environmental awareness training provided by a qualified professional (typically a biologist) prior to the start of any project activities that affect the physical environment to educate workers about the presence of environmentally sensitive areas, what species may be present, what laws protect the species, and what to do if a special-status species is encountered.
6. Construction site sanitation to dispose of food and beverage waste and associated wrappers or containers to minimize site attractiveness to wildlife during construction.
7. Wildlife protection measures, such as minimizing the use of monofilament netting which can ensnare reptiles and amphibians, covering trenches near suitable habitat so that species are not trapped and unable to hide from a predator, and/or daily pre-construction sweeps to verify special-status species are not present in the work area.
8. Actions to take if special-status species are discovered, such as establishment of buffer zones or other measures acceptable to resource agencies to protect the individual species.

**Impact CULT-1:** Park projects involving ground moving activity below the existing topsoil layer may disturb unknown prehistoric or historic cultural resources, during project construction.

**Mitigation Measure CULT-1:** Upon discovery of possible buried prehistoric or historic cultural materials, work within 25 feet of the find must be halted and the City must be notified. The City shall retain a qualified archaeologist who meets the U.S. Secretary of the Interior's Professional Qualifications and Standards to review and evaluate the find. Construction work shall not begin again until the archaeological or cultural resources consultant has been allowed to examine the cultural materials, assess their significance, and offer proposals for any additional exploratory measures deemed necessary for the further evaluation of, and/or mitigation of adverse impacts to, any potential prehistorical or historical resources or unique archaeological resources that have been exposed.

If the discovery is determined to be a unique archaeological or historical resource, and if avoidance of the resource is not possible, the archaeologist shall inform the City of the necessary plans for treatment of the find(s) and mitigation of impacts. The City shall ensure that the treatment program is completed. The work shall be performed by the archaeologist and shall result in a detailed technical report that shall be filed with the Northwest Information Center, Sonoma State University. Construction in the immediate vicinity of the find shall not recommence until treatment has been completed.

Pursuant to Section 7050.5 of the Health and Safety Code, and Section 5097.98 of the Public Resources Code of the State of California, in the event of the discovery of human remains during construction, there will be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent remains. The County Medical Examiner/Coroner



will be notified and will determine whether the remains are Native American. If the Coroner determines the remains are Native American and are not subject to his or her authority, he or she will notify the California Native American Heritage Commission, which will attempt to identify descendants of the deceased Native American(s).

In anticipation of additional discoveries during construction, Archaeological Sensitivity Training shall be carried out by a qualified archaeologist for all personnel who will engage in ground moving activities on the site prior to resuming construction.

If a newly discovered resource is, or is suspected to be, Native American in origin, the resource shall be treated as a significant Tribal Cultural Resource, pursuant to Public Resource Code 21074, until the County has determined otherwise with the consultation of a qualified archaeologist.

The City shall coordinate with the archaeologist to develop an appropriate treatment plan for any resources that are discovered. The plan may include implementation of archaeological data recovery excavations to address treatment of the resource along with subsequent laboratory processing and analysis. If appropriate, the archaeologist may introduce archaeological monitoring on all or part of the site. An archaeological report shall be written detailing all archaeological finds and submitted to the City and the Northwest Information Center.

The City shall ensure that the appropriate construction conditions are included in any contract that has the potential for ground disturbing operations. All excavation contracts for the project shall contain provisions for stopping work in the vicinity of a find exposing archaeological resources during subsurface construction.

**CUPERTINO PARKS AND RECREATION SYSTEM MASTER PLAN  
INITIAL STUDY**

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**ACRONYMS, ABBREVIATIONS, AND SYMBOLS**

<b>Acronym / Symbol</b>	<b>Full Phrase or Description</b>
AB	Assembly Bill
ABAG	Association of Bay Area Governments
ACM	Asbestos-Containing Materials
ADA	Americans with Disabilities Act
AG	Agriculture
ALUC	Santa Clara County Airport Land Use Commission
ASCE	American Society of Civil Engineers
BA	Public Building
BAAQMD	Bay Area Air Quality Management District
BGS	Below Ground Surface
BL	Buildings
BMP	Best Management Practices
BP	Before Present
BTU	British Thermal Units
C&D	Construction and Demolition
CAAQS	California Ambient Air Quality Standards
Cal Fire	California Department of Forestry and Fire Protection
Cal OES	California Office of Emergency Services
CAL OSHA	California Occupational Safety and Health Administration
Cal Water	California Water Service Company
CalARP	California Accidental Release Prevention
CalEPA	California Environmental Protection Agency
CALGreen	California Green Building Standards Code
Caltrans	California Department of Transportation
CAP	Climate Action Plan
CARB	California Air Resources Board
CBC	California Building Code
CBSC	California Building Standards Commission
CCR	California Code of Regulations
CDFW	California Department of Fish and Wildlife
CEC	California Energy Commission
CEQA	California Environmental Quality Act
CERT	Community Emergency Response Team

<b>Acronym / Symbol</b>	<b>Full Phrase or Description</b>
CESA	California Endangered Species Act
CFC	California Fire Code
CFP	California Fully Protected
CGS	California Geological Survey
CIP	Capital Improvement Plan
City	City of Cupertino
CLPPA	Childhood Lead Poisoning Prevention Acts
CLUP	Comprehensive Land Use Plan
CNDDDB	California Natural Diversity Database
CNEL	Community Noise Equivalent Level
CNPS	California Native Plant Society
CO	Carbon Monoxide
CPR	Cardiopulmonary Resuscitation
CRHR	California Register of Historical Resources
CRLF	California Red-Legged Frog
CSC	Clean, Safe Creeks and Natural Flood Protection Plan
CSD	Cupertino Sanitary District
CSSC	California Species of Special Concern
CUPA	Certified Unified Program Agency
CUSD	Cupertino Union School District
CVP	Central Valley Project
CWA	Clean Water Act
dBA	A-Weighted Sound Level
DPM	Diesel Particulate Matter
DPS	Distinct Population Segment
DSOD	Division of Safety of Dams
DTSC	Department of Toxic Substances Control
DTSC	Department of Toxic Substances Control
EIR	Environmental Impact Report
EMS	Emergency Medical Services
EN	Energy
EOC	Emergency Operations Center
EOP	Emergency Operations Plan
EPA	Environmental Protection Agency



<b>Acronym / Symbol</b>	<b>Full Phrase or Description</b>
FEMA	Federal Emergency Management Agency
FESA	Federal Endangered Species Act
FIRM	Flood Insurance Rate Map
FMMP	Farmland Mapping and Monitoring Program
FUHSD	Fremont Union High School District
GHG	Greenhouse Gas
GWh	Gigawatt Hours
H&SC	California Health and Safety Code
H <sub>2</sub> S	Hydrogen Sulfide
HAP	Hazardous Air Pollutants
HCP	Habitat Conservation Plan
HFHSZ	High Fire Hazard Severity Zone
HFSZ	High Fire Severity Zone
HMBP	Hazardous Materials Business Plan
HMCD	Hazardous Materials Compliance Division
HOV	High-Occupancy Vehicle
HVAC	Heating, Ventilation, and Air Conditioning
IS	Initial Study
IWM	Integrated Waste Management
kWh	Kilowatt Hours
LCFS	Low Carbon Fuel Standard
LHMP	Local Hazard Mitigation Plan
LID	Low Impact Development
LOP	Local Oversight Program
LOS	Levels of Service
LRA	Local Responsibility Area
LSAA	Notification of Lake or Streambed Alteration Agreement
Master Plan	Cupertino Parks and Recreation Systemwide Master Plan
MBTA	Federal Migratory Bird Treaty Act
MGD	Million Gallons per Day
MMRP	Mitigation Monitoring and Reporting Program
MND	Mitigated Negative Declaration
MPOs	Metropolitan Planning Organizations
MROSD	Mid-Peninsula Open Space District

<b>Acronym / Symbol</b>	<b>Full Phrase or Description</b>
MRP	Medical Removal Protection
MRP	Municipal Regional Permit
MRP	Municipal Regional Stormwater National Pollutant Discharge Elimination System Permit
MS4s	Municipal Separate Storm Sewer Systems
MSDS	Material Safety Data Sheets
MTC	Metropolitan Transportation Commission
MTCO <sub>2</sub> e	Million Metric Tons of CO <sub>2</sub> Equivalents
NAAQS	National Ambient Air Quality Standards
NAHC	Native American Heritage Commission
NCCP	Natural Community Conservation Plant
ND	Negative Declaration
NFIP	National Flood Insurance Program
NHPA	National Historic Preservation Act
NIMS	National Incident Management System
NO <sub>2</sub>	Nitrogen Dioxide
NOAA	National Oceanic and Atmospheric Administration
NOI	Notice of Intent
NO <sub>x</sub>	Oxides of Nitrogen
NPDES	National Pollutant Discharge Elimination System
NPPA	California Native Plant Protection Act
NPS	Non-Point Source
NRHP	National Register of Historic Places
NW	Natural and Working Lands
O <sub>3</sub>	Ozone
OEHHA	Office of Environmental Health Hazard Assessment
OES	Office of Emergency Services
OHP	Office of Historic Preservation
OSHA	Occupational Safety and Health Administration
P	Parks and Open Space
P(BA)	Planned Development – Public Building
P(Res)	Planned Development – Residential
Pb	Lead
PCB	Polychlorinated Biphenyl
PELs	Permissible Exposure Limits

<b>Acronym / Symbol</b>	<b>Full Phrase or Description</b>
PF	Public Facility
PG&E	Pacific Gas and Electric Company
PM	Particulate Matter
PM <sub>10</sub>	Inhalable Coarse Particulate Matter
PM <sub>2.5</sub>	Fine Particulate Matter
POTWs	Publicly Owned Treatment Works
PPV	Peak Particle Velocity
PR	Park and Recreation
PRC	Public Resources Code
PTP	Pedestrian Transportation Plan
R1	Single-Family Residential
RC	Riparian Corridor
RCRA	Resource Conservation and Recovery Act
ROG	Reactive Organic Gases
RPS	Renewable Portfolio Standard
RWQCB	Regional Water Quality Control Board
SB	Senate Bill
SCCFD	Santa Clara County Fire Department
SCUSD	Santa Clara Unified School District
SCVHP	Santa Clara Valley Habitat Plan
SCVURPPP	Santa Clara Valley Urban Runoff Pollution Prevention Program
SCVWD	Santa Clara Valley Water District
SDC	Seismic Design Category
SFBAAB	San Francisco Bay Area Air Basin
SFPUC	San Francisco Public Utilities Commission
SHPO	State Historic Preservation Officer
SJ/SC WPCP	San Jose/Santa Clara Water Pollution Control Plant
SL	Super Greenhouse Gasses
SMARA	Surface Mining and Reclamation Act
SO <sub>2</sub>	Sulfur Dioxide
SOP	Standard Operating Procedure
SO <sub>x</sub>	Oxides of Sulfur
SR	State Route
SRA	State Responsibility Area



<b>Acronym / Symbol</b>	<b>Full Phrase or Description</b>
SS	Stationary Sources
SV 2.0	Silicon Valley 2.0
SVCE	Silicon Valley Clean Energy
SWP	State Water Project
SWPCP	Sunnyvale Water Pollution Control Plant
SWPPP	Storm Water Pollution Prevention Plan
SWRCB	State Water Resources Control Board
TAC	Toxic Air Contaminants
TMDL	Total Maximum Daily Load
T	Transportation
TSCA	Toxic Substances Control Act
US	United States
USACE	U.S. Army Corps of Engineers
USEPA	United States Environmental Protection Agency
USFWS	U.S. Fish and Wildlife Service
USGS	U.S. Geological Survey
USTs	Underground Storage Tanks
UWMP	Urban Water Management Plan
VHFHSZ	Very High Fire Hazard Severity Zones
VHFSZ	Very High Fire Severity Zone
VLD	Very Low Density
VMT	Vehicle Miles Traveled
VTA	Santa Clara Valley Transportation Authority
WA	Waste
WPCP	Water Pollution Control Plant
WPT	Western Pond Turtle
WR	Water

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## Chapter 1. Introduction

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### 1.1 PROJECT BACKGROUND

The City of Cupertino (City) proposes to adopt and implement the City of Cupertino Parks and Recreation System Master Plan (Master Plan). The Master Plan is needed to provide guidance for long-term decision making by the City and identify priorities for park improvements and development.

The Master Plan is intended to ensure that the City parks and recreation system meets the needs of the Cupertino community, and to guide the City in allocating resources for future development, renovation, and management of City parks and recreation facilities, and trails through the year 2040. The Master Plan pertains to City owned or managed developed parks, facilities, and recreation programming in Cupertino, and does not cover non-City owned natural open spaces, or non-City owned assets such as county and regional parks. The Master Plan does identify enhancement opportunities for joint City/School District improvements to school district facilities, primarily sport playing fields that are covered by an existing City-School District agreement. Any future projects conducted at school district owned facilities would be reviewed by the school district to evaluate the appropriate level of CEQA determination required for the project.

The Master Plan incorporates relevant data and policies from the City's Community Vision 2040 General Plan (General Plan), 2015 ADA Self-Evaluation and Transition Plan (2015), Bicycle Transportation Plan (2016) and Pedestrian Transportation Plan (2018).

The City is the lead agency for the project under the California Environmental Quality Act (CEQA) and has prepared this Initial Study/Mitigated Negative Declaration (IS/MND) for the Master Plan. This IS/MND has been prepared to comply with Section 15063 of the State CEQA Guidelines, which sets forth the following required contents of an Initial Study:

- A description of the major elements of the project (see Chapter 2).
- Identification of the environmental setting (see Chapter 3).
- Identification of environmental effects (see Chapter 3).
- Discussion of ways to mitigate potentially significant effects identified, if any (see Chapter 3).
- Examination of whether the project is compatible with existing zoning, plans, and other applicable land use controls (see Chapter 3).
- The name(s) of the person(s) who prepared or participated in the preparation of the Initial Study (see Chapter 4).

### 1.2 PURPOSE OF CEQA

CEQA Guidelines Section 15002(a) describes the basic purposes of CEQA which are to:

1. Inform government decision makers and the public about the potential, significant environmental effects of proposed activities.
2. Identify ways that environmental damage can be avoided or significantly reduced.
3. Prevent significant, avoidable damage to the environment by requiring changes in projects through the use of alternatives or mitigation measures.
4. Disclose to the public the reason why a governmental agency approved the project in the manner the agency chose if significant environmental effects are involved.

The adoption of the Master Plan is considered a project under CEQA (CEQA Guidelines Section 15378(a)(1)). Pursuant to Section 15063 of the CEQA Guidelines, the City has prepared this IS/MND to determine if the project may have a significant effect on the environment. All aspects and phases of the Master Plan are considered in this IS/MND at a programmatic level. The Master Plan presents opportunities for enhancing the parks and recreation system, but the implementation of the new park features would be subject to a separate CEQA determination.

If the analysis in this IS/MND determines there is substantial evidence that any aspect of the project, either individually or cumulatively, may have a significant effect on the environment, the City shall prepare an Environmental Impact Report (EIR) or determine whether a previously prepared EIR would adequately analyze the project at hand.

The City may prepare a Negative Declaration (ND) or a Mitigated Negative Declaration (MND) for the project if the Initial Study determines there is no substantial evidence that the project, or any of its aspects, may have a significant effect on the environment.

### **1.3 POTENTIAL ENVIRONMENTAL IMPACTS**

As described in greater detail throughout this IS/MND, adoption of the Master Plan would result in future projects that have the potential for significant impacts to aesthetic, biological, cultural, and tribal resources. Mitigation measures have been identified to reduce these potentially significant impacts to less than significant levels. The impacts and mitigation measures are summarized in the Draft Mitigated Negative Declaration presented at the front of this document. Pursuant to Section 15097 of the CEQA Guidelines, lead agencies are required to prepare a Mitigation Monitoring and Reporting Program (MMRP) that describes the roles and responsibilities in monitoring and reporting on the implementation of the proposed mitigation measures identified in the IS/MND.

### **1.4 LEAD AGENCY NAME AND ADDRESS**

City of Cupertino  
Department of Public Works  
10300 Torre Avenue,  
Cupertino, California 95014

### **1.5 CONTACT PERSON AND PHONE NUMBER**

Gail Seeds, Park Improvement Manager  
City of Cupertino, Department of Public Works  
408-777-3120  
parksmp@cupertino.org

### **1.6 DOCUMENT ORGANIZATION**

The purpose of this IS/MND is to evaluate the potentially significant environmental impacts of the Master Plan. This IS/MND is organized as follows:

- Chapter 1 – Introduction. This chapter introduces the project and describes the purpose and organization of this IS/MND.
- Chapter 2 – Project Description. This chapter describes the project location, area, site, objectives, and characteristics.
- Chapter 3 – Environmental Checklist and Responses. This chapter contains the Environmental Checklist, which identifies potentially significant and less-than-significant environmental impacts (by environmental issue) and discusses each impact resulting from implementation of the proposed project. This chapter also contains the Mandatory Findings of Significance.

- Chapter 4 – Report Preparation. This chapter provides a list of those involved in the preparation of this IS/MND.
- Appendices

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## Chapter 2. Project Description

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### 2.1 PROJECT BACKGROUND & OBJECTIVE

In 2015, the City of Cupertino (City) initiated the Cupertino Parks and Recreation System Master Plan (Master Plan) planning process to better align the City's park and recreation services with community expectations, to identify key projects that could be added to the recreation system, and to ensure the City has the resources needed to create a park system that embodies Cupertino's desires.

The Master Plan integrates the community's vision into a cohesive strategy to guide future development, renovation, and management of City parks, recreation facilities, and trails. The Master Plan would provide direction for the City as it improves and enhances the City's parks through the year 2040. The Master Plan was developed after an extensive public engagement process that helped assess community needs and goals while identifying opportunities to meet those needs in the future.

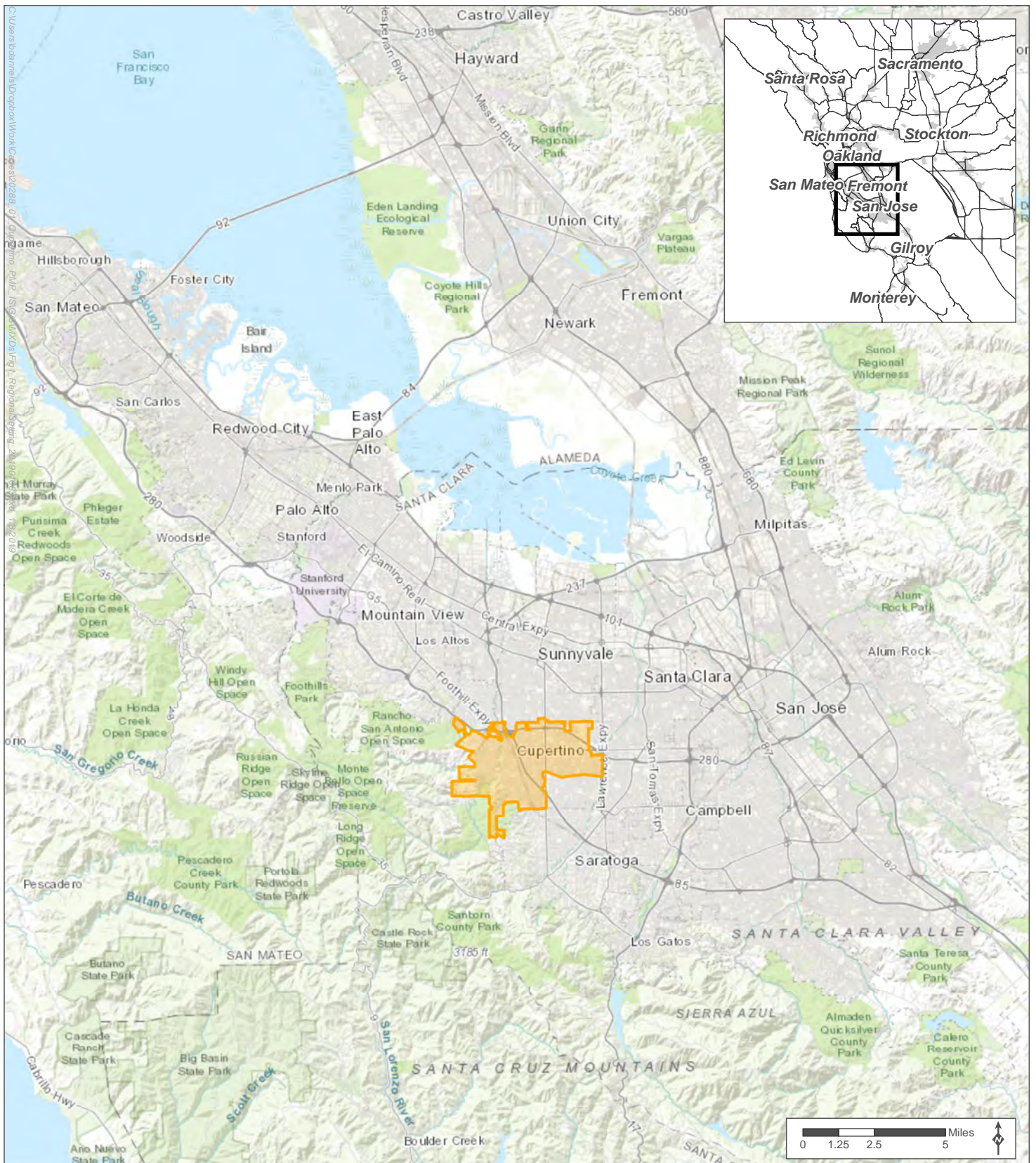
The Master Plan is focused on City owned or managed developed parks, facilities, and trails in Cupertino, and does not cover non-City natural open spaces, or other non-City owned assets such as county and regional parks. The Master Plan does not cover trails that are owned and managed by other entities. It integrates trails that have been previously addressed in the Cupertino 2016 Bicycle Transportation Plan or 2018 Pedestrian Transportation Plan or other regional documents. The Master Plan does identify enhancement opportunities for joint City/School District improvements to school district facilities, primarily sport fields that are covered by an existing City/School District agreement.

### 2.2 PROJECT LOCATION


Cupertino, California, is on the western edge of Silicon Valley abutting the foothills of the Santa Cruz Mountains. The City encompasses approximately 13 square miles and is located 42 miles south of San Francisco. Cupertino is surrounded by the cities of Mountain View, Sunnyvale, Santa Clara, Saratoga, and San Jose. The City contains numerous residential neighborhoods, a number of vibrant commercial areas, corporate campuses, De Anza Community College, and many mixed-use areas (see Figure 2-1 Regional Location). Cupertino contains four major local roadways which transect or border the City: Homestead Road, Wolfe Road, De Anza Boulevard, and Stevens Creek Boulevard. These major mixed-use corridors have been the center of retail, commercial, office and multi-family housing in Cupertino for decades. They act as "spines" of the community—connecting residential neighborhoods to major employment centers, schools and colleges, civic uses, parks, highways and freeways, and adjacent cities.

The Master Plan would encompass the park and recreation system owned and/or managed by the City. The City has approximately 224 acres of park, trails, and sports fields at 32 sites managed by the City (see Figure 2-2 and Table 2-1). These include a variety of parks ranging from smaller neighborhood parks to large parks that attract people from across the community. Figure 2-2 shows the locations of park and recreation facilities within the City with a focus on public facilities. Table 2-1 lists each park and recreation facility, the location, size, available amenities, and other relevant information.



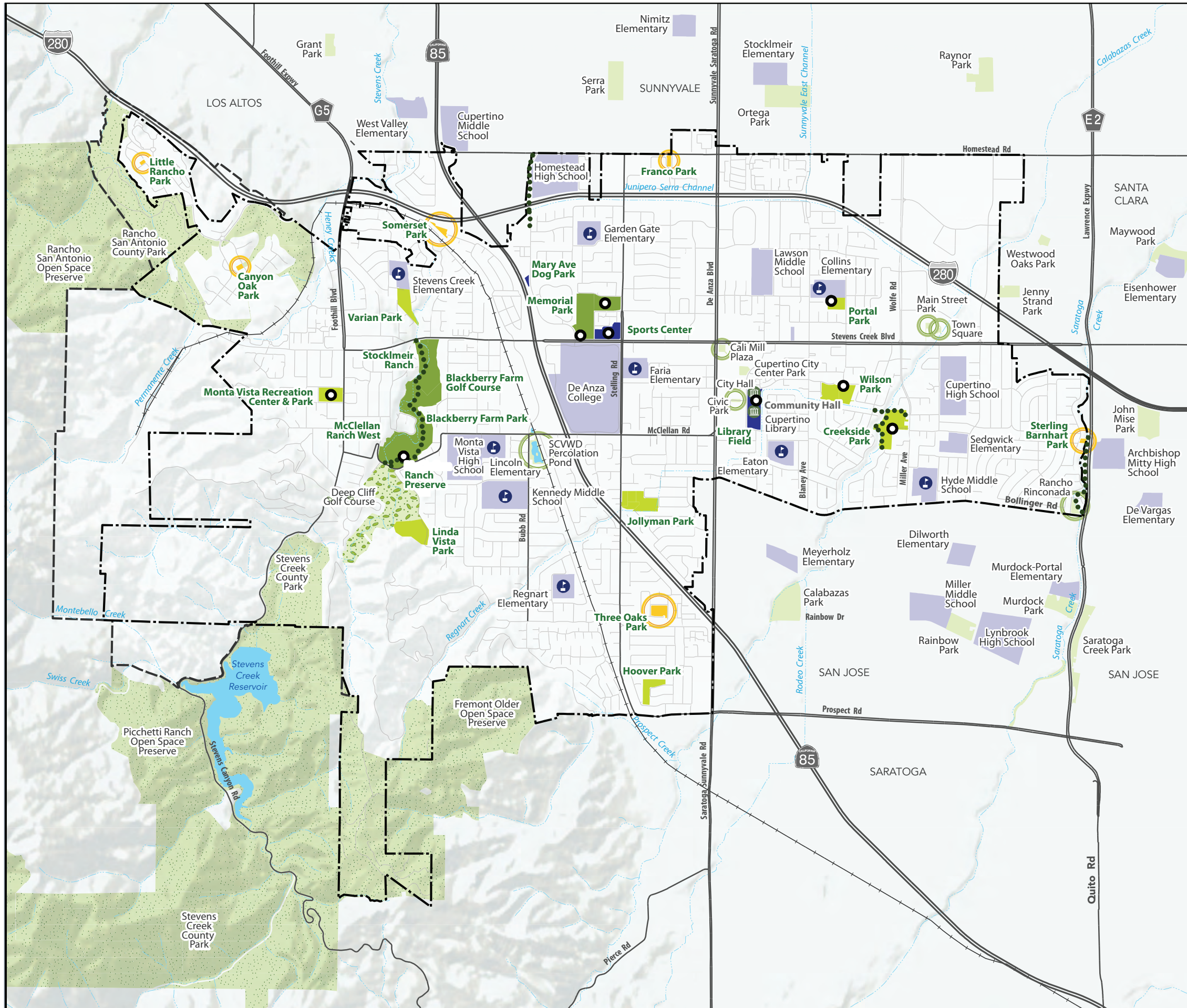


Source: ESRI, 2018; MIG, 2019

 City of Cupertino

**Figure 2-1: Regional Location Map**





**Figure 2-2**  
**Existing Parks, Open Space and**  
**Recreation Resources**

City of Cupertino Parks and Recreation System  
 Master Plan IS/MND



**Cupertino Parks and Trails**

- Community Parks\*
- Large Neighborhood Parks\*
- Small Neighborhood Parks\*
- Special Use Sites\*
- School Fields Managed by City
- Shared-Use Paths\*

**Other Recreation Resources**

- Local Parks Open to Public
- County Parks & Regional Open Space Preserves
- Schools and Colleges
- Golf Course

**Recreation Centers/Fields**

- Recreation Centers/Facilities
- Other Facilities

**Base Map Features**

- Cupertino City Boundary
- Cupertino Sphere of Influence \*\*
- Railroad
- Creeks and Channels
- Water Bodies

Note: \* City-owned facilities evaluated in the Initial Study  
 \*\* per Local Agency Formation Commission  
 Sources: City of Cupertino and Santa Clara County, 2017.



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<b>Table 2-1: Existing Parks and Recreational Facilities<sup>1</sup></b>					
<b>Name</b>	<b>Address</b>	<b>Size in Acres</b>	<b>Zoning</b>	<b>General Plan Land Use Designation</b>	<b>Existing Facilities</b>
<b>COMMUNITY PARK</b>					
Memorial Park	21251 Stevens Creek Blvd	22.1	PR	P, PF	B/S, T, A, OF/L, PA, PL, RB, FP/K, BBQ, RR, WIFI, RF, RP
Stevens Creek Corridor	Linear park from Stevens Creek Blvd. to McClellan Road	63.7	PR	P	V, CG, HP, OF/L, PA, PL, SW, WP, RB, OB, FP/K, R/F, NA, TR, BBQ, CON, RR, WIFI, RP
<b>Total Community Park Area</b>					<b>85.8 Acres</b>
<b>LARGE NEIGHBORHOOD PARKS</b>					
Creekside Park	10455 Miller Ave	13.0	PR	P	B, S, OF/L, PA, PL, RB, FP/K, BBQ, CON, RR, RF
Hoover Park	Leeds Ave and Donegal Dr	5.0	PR	P	B, S, OF/L, PA, PL
Jollyman Park	1000 S Stelling Rd	11.2	PR	P	B/S, B, S, OF/L, PA, PL, BBQ, RR,
Linda Vista Park	11111 Linda Vista Dr	11.0	PR	P	OF/L, PA, PL, BBQ, RR, RP
Monta Vista Park & Recreation Center	22601 Voss Ave	6.2	PR	P	B/S, T, OF/L, PA, PL, RB, BBQ, RR

<sup>1</sup>The full Park and Facility Inventory Matrix can be found in Appendix A of the Master Plan.

<b>Table 2-1: Existing Parks and Recreational Facilities<sup>1</sup></b>					
<b>Name</b>	<b>Address</b>	<b>Size in Acres</b>	<b>Zoning</b>	<b>General Plan Land Use Designation</b>	<b>Existing Facilities</b>
Portal Park	10225 N Portal Ave	3.8	PR	P	OF/L, PA, PL, RB, FP/K, BBQ, RR, AS, RP
Varian Park	22200 Varian Way	6.3	PR	P	T, OF/L, PA, PL, BBQ, AS
Wilson Park	10249 S Portal Ave &19784 Wintergreen Dr.	9.9	PR	P	B/S, S, OF/L, PA, PL, RB, FP/K, BBQ, CON, RR, RF
<b>Total Large Neighborhood Park Area</b>					<b>66.4 Acres</b>
<b>SMALL NEIGHBORHOOD PARKS</b>					
Canyon Oak Park	21140-21150 Canyon Oak Way	0.6	P(Res)	P	PL
Franco Park	10981 Franco Ct	0.6	PR	P	PA, PL
Little Rancho Park	23635 Oak Valley Rd	0.3	P(Res)	P	PL
Somerset Park	10798 Stokes Ave	1.7	PR	P	B, OF/L, PA, PL, BBQ
Sterling Barnhart Park	10486 Sterling Blvd	0.5	PR	P	PA, PL
Three Oaks Park	7535 Shadowhill Ln	3.1	PR	P	OF/L, PA, PL, BBQ
<b>Total Small Neighborhood Park Area</b>					<b>6.8 Acres</b>

Table 2-1: Existing Parks and Recreational Facilities <sup>1</sup>					
Name	Address	Size in Acres	Zoning	General Plan Land Use Designation	Existing Facilities
<b>SPECIAL USE SITES</b>					
Civic Center:					
Civic Center Plaza/ Community Hall	10350 Torre Ave	1.0	P (BA)	PF	WP, OB, FP/K, R/F, RR, WIFI
Library Field	Torre Ave & Pacifica Dr	3.0	P (BA)	PF	C, OF/L
Mary Avenue Dog Park	10309 Mary Ave	0.5	PR	P	
Cupertino Sports Center	21111 Stevens Creek Blvd	6.2	PR	P	T, RB, CON, RR, WIFI, RF
<b>Total Special Use Sites Area</b>					<b>10.7 Acres</b>
<b>TRAIL CORRIDORS</b>					
Don Burnett Bicycle-Pedestrian Bridge & Trail		4.0	T	T	TR
Creekside Park and Regnart Creek Trail	1 block from East Estates Dr to Calabazas Creek/ Creekside Park	0.1 * <small>*acreage excludes Creekside Park</small>	Regnart Creek Trail: R1 East of E Estates Dr. Creekside Park: PR	Regnart Creek Trail: Riparian Corridor Creekside Park: P	TR

<b>Table 2-1: Existing Parks and Recreational Facilities<sup>1</sup></b>					
<b>Name</b>	<b>Address</b>	<b>Size in Acres</b>	<b>Zoning</b>	<b>General Plan Land Use Designation</b>	<b>Existing Facilities</b>
Saratoga Creek Trail		4.7	Pre-PR	P	NA, TR
Stevens Creek Trail		-	PR	P	NA, TR
<b>Total Trail Corridors Area</b>					<b>8.8 Acres</b>
<b>SCHOOL FIELDS (MANAGED BY THE CITY)</b>					
Collins Elementary School	10300 N Blaney Ave	2.5	BA	PF	B/S
Eaton Elementary School	20220 Suisun Dr	4.5	BA	PF	B/S, S
Faria Elementary	10155 Barbara Ln	4.2	BA	PF	B/S, S
Garden Gate Elementary School	10500 Ann Arbor Ave	2.9	BA	PF	S
Hyde Middle School	19325 Bollinger Rd	7.8	BA	PF	B/S, S
Kennedy Middle School	821 Bubb Rd	13.3	BA	PF	B/S, S, RR
Lincoln Elementary School	21710 McClellan Rd	3.1	BA	PF	B/S, S
Regnart Elementary School	1170 Yorkshire Dr	4.1	BA	PF	B/S, S



Table 2-1: Existing Parks and Recreational Facilities <sup>1</sup>					
Name	Address	Size in Acres	Zoning	General Plan Land Use Designation	Existing Facilities
Stevens Creek Elementary School	10300 Ainsworth Dr	3.1	BA	PF	B/S, S
<b>Total School Fields Area</b>					<b>45.5 Acres</b>
<b>Facility Definitions:</b> A – Amphitheater AS – Adjacent to school B - Basketball Hoop BBQ – BBQ Grills B/S – Baseball/Softball C - Cricket Field	CG – Community Garden CON – Concession FP/K – Food Prep/ Kitchen HP – Horseshoe Pit NA – Natural Area	OB – Other Building OF/L – Open Field/ Lawn PA – Picnic Area PL – Play ground RB – Recreation Bldg.	R/F – Restaurant/ Food Service RR – Restrooms RF – Rentable Facility RP – Reservable Picnic	S - Soccer Field SW – Swimming Pool T - Tennis Courts TR –Trail V - Volleyball Court	WIFI – WiFi WP – Water Play
<b>Zoning Ordinance Abbreviations:</b> BA – Public Building P(BA) – Planned Development-Public Building PR – Parks and Recreation P(Res) – Planned Development-Residential R1 – Single Family Residential T - Transportation					
<b>General Plan Land Use Definitions:</b> P (Parks and Open Space) – Land owned by the public and used for recreation PF (Public Facilities) – Land used or planned to be used by a governmental entity for a public service RC (Riparian Corridor) – Creek corridors not part of a larger park or residential property T (Transportation) – Streets, highways, and rail corridors					

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## 2.2.1 Existing Park and Recreation Facilities

The City parks contain typical park amenities including sports fields, restrooms, and playgrounds. The parks are well maintained, with standardized landscapes and facilities. Many are decades old and could do more to integrate natural resources and habitat. Some newer parks such as Sterling Barnhart and the McClellan Ranch Preserve Environmental Education Center, provide newer design features and higher amenity levels. The park and recreation system also includes nine indoor facilities to support recreation. In 2017, it was estimated that more than 347,000 people participated in City Park and Recreation programs. Of these, approximately 60,000 attended community events based in Cupertino's parks.

The City currently has about 3.7 acres of park land per 1,000 residents, when land publicly accessible through agreements is counted (using U.S. Census Bureau data for the City's July 2018 population estimate). The General Plan standard is a minimum of 3 acres per 1,000 residents. If the amount of land accessible due to an agreement with Cupertino Union School District is excluded, the available park land is about 178 acres (or approximately 2.96 acres per 1,000 residents).

### 2.2.1.1 Existing Parks

Figure 2-2 shows various types of parks spread throughout the City, and Table 2-1 provides a list of City parks, recreation facilities, and associated amenities.

#### *Community Parks*

Community parks serve multiple neighborhoods and provide features that draw users from the entire City. Community parks are larger parks with multiple features such as sports fields, community centers, or destination playgrounds. The City has two community parks; Memorial Park (22.1 acres) and Stevens Creek Corridor Park (63.7 acres), Memorial Park is a popular park and facility venue for festivals and special outdoor events; it contains the Quinlan Community Center and the Senior Center.

For purposes of this IS/MND, Stevens Creek Corridor Park includes the contiguous lands along Stevens Creek from McClellan Road to Stevens Creek Boulevard owned by the City and Santa Clara Valley Water District, also known as Valley Water (note that the south tip of Varian Park which contains a short stretch of Stevens Creek is not included in Stevens Creek Corridor Park). Stevens Creek Corridor Park is a community-focused natural area supporting environmental education, outdoor gathering, and recreation consistent with the site's wildlife and habitat value. Stevens Creek Corridor Park contains multiple facilities including the Blackberry Farm Golf Course, Blackberry Farm Park, McClellan Ranch Preserve, McClellan Ranch West, and Stockmeir Ranch. Most of the Stevens Creek Corridor Park facilities are not addressed in detail in the Master Plan because the City is developing a master plan specific to the park.

#### *Large Neighborhood Parks*

Large Neighborhood parks (8 sites totaling 66.4 acres), varying between four and 13 acres in size, provide a range of passive and active recreation opportunities for the surrounding neighborhoods. They include play areas, picnic areas, open lawn areas, and sports fields or courts. Several also include programmable and reservable facilities, such as sports fields and small recreation centers. Examples of large neighborhood parks are Creekside Park, Jollyman Park, and Wilson Park.

#### *Small Neighborhood Parks*

Small neighborhood parks (6 sites totaling 6.8 acres) provide essential recreation opportunities for nearby neighbors. These parks are typically less than three acres, and may include play

areas, open lawn areas, and picnic tables/benches, or sports courts. Examples of small neighborhood parks are Little Rancho Park and Sterling Barnhart Park.

#### *Special Use Sites*

Special use sites (five sites totaling 10.7 acres) support unique recreation opportunities serving all or most of the Cupertino community. These single-purpose sites include specialized recreation facilities not found elsewhere in the park system. Urban plazas, civic space, dog parks and sports complexes are considered special use parks. Examples of special use sites are Civic Center Plaza, Mary Avenue Dog Park, and the Cupertino Sports Center.

#### *Trail Corridors*

Trail Corridors (four sites totaling 8.8 acres, excluding acreage for Stevens Creek Trail which is counted in Community Parks) includes trails and associated greenways that link destinations in the community. These are single-purpose linear features not located within parks of other types. These trails may extend beyond Cupertino and connect to surrounding cities and regional trail systems. Examples of existing trails are the Don Burnett Bicycle-Pedestrian Bridge and Trail, and Saratoga Creek Trail.

#### *School Fields Managed by the City*

This category includes sports fields at school sites managed through a joint use agreement (nine sites totaling 45.5 acres). These sports fields provide additional recreational opportunities to the community when not in use by the schools. The school fields covered under the joint use agreement are Collins Elementary, Eaton Elementary, Faria Elementary, Garden Gate Elementary, Hyde Middle, Kennedy Middle, Lincoln Elementary, Regnart Elementary, and Stevens Creek Elementary Schools.

### **2.3 LAND USES AND SETTING**

Cupertino was incorporated in 1955 and grew from a lightly settled agricultural community of 2,500 people into a mostly suburban community during Silicon Valley's expansion from the 1960s through the 1980s (Cupertino 2015b).

Cupertino's land use pattern was largely built on a conventional suburban model, with predominantly single-family residential subdivisions and distinct commercial and employment centers. This development pattern was heavily influenced by the topography of the area, with more intensive growth located on the valley floor and lower density residential in the foothills. The western area by the foothills is semi-rural with steep terrain, larger residential lots and access to open space. The pattern becomes more suburban immediately west of Highway 85 where residential neighborhoods have a more uniform pattern with smaller lots and older commercial and industrial areas along Stevens Creek Boulevard and Bubb Road. The land use pattern becomes more urban east of Highway 85, with a relatively connected street grid and commercial development along major boulevards such as Stevens Creek, De Anza, Homestead, Stelling, and Wolfe Road. This area also has significant amounts of multi-family development in and around the major boulevards.

Cupertino is one of many cities that compose the "heart" of Silicon Valley, as many semiconductor and computer companies were founded in the City and in the surrounding areas. The City is the worldwide headquarters for Apple Inc. which is the City's largest employer. Other large employers are Seagate Technology, and Foothill-De Anza Community College District (Cupertino Comprehensive Annual Financial Report 2018G)

Parks and open space areas are more concentrated in the western portion of the City limits with neighborhood and other parks interspersed throughout the remainder of the City. The western portion of Cupertino, which extends into the foothills of the Santa Cruz Mountains, is developed

with low density residential neighborhoods backing up to regional open space preserves including McClellan Ranch Preserve owned by the City of Cupertino; Midpeninsula Regional Open Space District (MROSD) preserves including Rancho San Antonio Preserve, Picchetti Ranch Open Space Preserve, and Fremont Older Open Space Preserve; and Stevens Creek County Park owned and operated by Santa Clara County. Class I-style shared-use trails (exclusive right-of-way for bicycles and pedestrians away from the roadway and with cross flows by motor traffic minimized) owned or managed by the City include the Don Burnett Bicycle-Pedestrian Bridge and Trail connecting Mary Avenue south of Highway 280 to Homestead Road, the Saratoga Creek Trail connecting the Rancho Rinconada Recreation Center area to Sterling Barnhart Park and Mitty Way, and Stevens Creek Trail within the Stevens Creek Corridor Park. Proposed improvements to the bicycle and pedestrian transportation network are contained in the City's Bicycle (2016) and Pedestrian (2018) Transportation Plans.

## **2.4 LAND USE DESIGNATIONS**

The General Plan shows most parks and recreation system facilities within the Parks and Open Space and Public Facilities land use designations. Table 2-1 lists the land use designation for each City park and recreation system facility as presented in the General Plan.

## **2.5 ZONING DISTRICT**

The City's Zoning Ordinance contained in the Cupertino Municipal Code (Municipal Code) contains regulations and development standards that implement the policies of the General Plan. The Zoning Ordinance identifies City parks as being mostly within the Park and Recreation (PR) zoning district. Canyon Oak Park and Little Rancho Park are within the Planned Development – Residential(P(Res)) zoning district and the Civic Center Plaza/Community Hall is within the Planned Development – Public Building (P(BA)) zoning district. School fields managed by the City are within the Public Building (BA) zoning district. Park and recreation system trail corridors that cross multiple zoning districts and public rights-of-way do not have single zoning designations, but the portions with public rights-of-way are considered as Transportation (T) zoning. Table 2-1 lists the land use designation for each City park and recreation system facility as presented in the City's Zoning Ordinance.

## **2.6 PROJECT CHARACTERISTICS**

The proposed Master Plan provides a cohesive strategy to guide the future development, enhancement, renovation, and management of City parks, recreation facilities, and trails. It provides direction for the City through the year 2040.

### **2.6.1 Covered Facilities**

The Master Plan is focused on existing and planned City owned or managed parks and special use sites, trail corridors, potential major new facilities, and school fields managed by the City. The enhancement opportunities identified in the Master Plan are designed as a guide and decision-making tool for the City, and do not necessarily include every park or recreation facility improvement needed over time. The Master Plan presents enhancement opportunities for the parks and recreation system that would be implemented over a period of time. Therefore, some enhancements may evolve over time or may not be fully implemented depending on the design process, community input, neighborhood compatibility, or environmental constraints.

### **2.6.2 Master Plan Description**

The proposed Master Plan is the result of an analysis of the existing park and recreation system as well as an extensive community engagement process involving: inventory of parks and recreation facilities; analysis of needs and interests; development of vision and goals; and

identification of project opportunities. An overview of this planning process is presented in Chapter 2 of the Master Plan. The Master Plan incorporates relevant data and policies from several documents:

- Cupertino General Plan: Community Vision 2015-2040 (Amended October 20, 2015 by Ordinance Number CC 15-087)
- Americans with Disabilities Act Self-Evaluation and Transition Plan (2015)
- Bicycle Transportation Plan (2016)
- Pedestrian Transportation Plan (2018)

**2.6.2.1 Systemwide Objectives and Actions**

The Master Plan establishes seven goals to provide overarching guidance and direction for long-range change for the parks and recreation system. Each Master Plan goal is supported by specific objectives, and objectives are carried out by proposed actions. Chapter 3 of the Master Plan presents all goals, objectives, and actions. The Master Plan goals and objectives with the potential to affect the environment are presented in Table 2-2. The goals, objectives, and actions listed in Table 2-2 are the focus of this CEQA environmental impact analysis.

**Table 2-2: Cupertino Parks and Recreation System Master Plan Goals, Objectives, and Actions with the Potential to Have Environmental Effects**

Objective	Action
<p>Goal Master Plan #1: Conservation – Protect nature, trees, and natural areas in parks and throughout the City to support wildlife, ecological functions, and a stronger connection to Cupertino’s natural environment.</p>	
<p>Objective 1A: Protect important natural resources, habitat, and riparian corridors through acquisition and collaboration.</p>	<p>i Protect important natural resources through park land acquisition, conservation easements, regulations and other techniques.                      iii Connect habitat within the Stevens Creek corridor from north to south Cupertino, taking interim steps and making progress towards protection and preservation of this key riparian corridor.</p>
<p>Objective 1B: Manage meadows, natural areas, wildlife habitat and creeks within City jurisdiction to maintain and restore ecological health and function.</p>	<p>i Implement or support work by others to remove invasive species, address bank erosion, enhance habitat value, and improve water quality and flood capacity to enhance the ecological function along Regnart, Calabazas, Heney, Stevens, Permanente and Saratoga Creeks, Junipero Serra Channel and open space parcels. (Most such sites are not City-owned.)                      ii Foster natural systems by creating pollinator pathways through the City, taking advantage of rights-of-way to create a gridded network of habitat within the urban core of Cupertino.                      iii Add bird-friendly and pollinator-friendly plantings, gardens and features in parks and at other City-owned sites. Include bird baths/water sources, rocks with shallow depressions, bird houses and nest-friendly areas, bee nesting blocks, vegetation for forage and cover, and protected, non-mulched ground areas for ground-nesting species where appropriate.                      iv Create or enhance “park forests,” concentrated tree plantings that establish a large, contiguous tree canopy and emphasize native trees. Augment the existing tree canopies at Jollyman Park, Three Oaks Park, and Linda Vista Park.</p>

Objective	Action
	<p>vii Within the Stevens Creek corridor, renovate the Blackberry Farm Golf Course to provide improved habitat value. Future decisions regarding the golf course property should respect the site’s unique creekside location and emphasize choices that are compatible with increased ecological value.</p>
<p>Objective 1C: Ensure natural resources in parks and on City property are maintained and stewarded.</p>	<p>i Continue to work with volunteers and partners to improve, enhance and restore natural areas.</p> <p>ii Maintain natural areas in parks to control invasive species, remove or prune hazardous trees, control river- and stream-bank erosion, minimize wildfire hazards and provide safe access.</p> <p>iii Develop a maintenance management plan that addresses natural resources in park lands and trail corridors and regularly update it. This plan will identify the maintenance tasks, frequencies, staffing and resources needed to manage, maintain and steward natural resources.</p>
<p>Objective 1D: Design parks and trail corridors to reflect and respect the Santa Clara Valley local ecology, habitats, and native landscape.</p>	<p>i Incorporate and enhance existing natural features when renovating parks or building new ones.</p> <p>ii Preserve existing native or large canopy trees in parks.</p> <p>iii Increase tree canopy where opportunities exist. Develop a Parks Tree Palette for adding/replacing trees, and a plan for canopy succession.</p> <p>v Embrace storm water management, incorporating green infrastructure elements such as rain gardens, bioswales, permeable pavers and detention ponds to help reduce flooding, filter pollutants and replenish groundwater during storm events.</p> <p>vi Replace unused or under-used areas of lawn in City parks with pollinator gardens, native plant species, trees that provide canopy or wildlife value, and other planting regimes with habitat value.</p> <p>vii Incorporate dark sky policies, which the City plans to develop in 2019-20, into park and facility design and operations. Minimize light intrusion into environmentally sensitive areas and minimize/avoid lighting of creek corridors or riparian habitats. Consider methods such as light intensities as low as feasible, appropriate LED lighting color range, use of low shielded downlighting, and turning off lights at night.</p> <p>viii Incorporate bird-safe design guidelines, which the City plans to develop in 2019-20, into park and facility design and operations. Consider methods such as use of opaque/fritted/etched glass, avoiding multi-story reflective/transparent glass, avoiding exterior up-lighting and spotlights, use of shielded exterior lights, and turning off building lights or use of window blinds at night.</p>
<p>Objective 1E: Expand opportunities to experience nature, balancing access with natural resource protection.</p>	<p>i Locate access points away from high value habitat and significant natural resources to the extent feasible.</p> <p>iii Add nature play elements in several locations.</p>



Objective	Action
	<p>iv Encourage interaction with nature through the provision of nature trails, habitat viewing areas, and pollinator plantings.</p> <p>vi Incorporate community gardens at park sites to provide hands-on opportunities to interact with nature by growing and harvesting food.</p> <p>vii Add plantings in developed parks to attract birds and butterflies for viewing; incorporate boulder groupings, logs/woody debris, and other niches and micro-habitats where insect and plant discovery can occur.</p> <p>viii Provide quiet areas with seating that allow for solitude, in locations with views of creeks, natural areas, or vistas across the landscape.</p> <p>ix Support trails in creek corridors and natural areas, in a manner that accommodates wildlife protection.</p>
<p>Objective 1F: Support environmental education and nature interpretation.</p>	<p>iii Create naturehood parks” by providing more natural elements and learning areas in large neighborhood parks (such as outdoor “classrooms”, gardens, places to dig).</p>
<p>Goal MP2: Connection – Provide an interconnected network of multi-use trails, walkways, and bikeways, close to home parks, and community destinations.</p>	
<p>Objective 2.A Implement recommendations for the proposed trails and paths noted in the Bicycle Transportation Plan, Pedestrian Transportation Plan, Cupertino General Plan, Countywide Trails Master Plan and other local and regional plans to improve access to parks and expand walking and biking opportunities in Cupertino.</p>	<p>v Implement way-finding signage to support use of trails, walkways and bikeways.</p>
<p>Objective 2.B Prioritize the completion of a comprehensive network of off-street walkways, trails and protected bikeways to provide safe, inviting walking and biking opportunities.</p>	<p>iii Extend existing trails and fill gaps in connectivity to link City and County parks and regional open space preserves and provide access to pedestrians and bicyclists to trails in regional open space areas. (See Appendix D of the Master Plan).</p> <p>iv Connect the existing popular multi-use paths (Don Burnett Bicycle Pedestrian Bridge and Homestead Road to Mary Avenue Trail, Stevens Creek Trail, and Saratoga Creek Trail) to more locations when possible, such as extending the Mary Avenue Trail southward toward Stevens Creek Boulevard and De Anza College, extending Stevens Creek Trails south to Linda Vista Park or Stevens Creek County Park, extending Saratoga Creek Trail northward to Stevens Creek Boulevard, or connecting the east end of Junipero Serra Channel trail to the Saratoga Creek Trail.</p> <p>vii Provide more trails in creek corridors (in a wildlife compatible manner), rail corridors and off-street locations to support park connectivity, non-motorized transportation, recreation and health benefits.</p>

Objective	Action
Objective 2.C Support walking in parks	i Provide looped internal pathways or trails in parks with adequate space, wide enough for people to walk side-by-side comfortably. ii Provide benches, water fountains, distance markers, and other amenities along pathways and trails to encourage walking for fitness. Add fitness stations along suitable trails and walking routes in parks. iii Vary trail length, types and challenge levels to expand trail-related recreation options. Include soft-surfaced nature trails and jogging trails, as well as hard surfaced trails for bicycle, tricycle, walker, scooter and stroller use.
Objective 2.D Encourage biking and walking to parks and recreation destinations and use of non-single-driver-vehicle options through physical and programmatic enhancements.	i Create welcoming pedestrian and cyclist entrances to parks, with pedestrian and bike paths that are visually prominent, direct, and physically separated from parking lots. ii Provide secure bike parking at parks, with racks located near each use area. Add self-service bike repair stations at community parks, on trails and at popular cycling destinations. vi Improve connections and paths between parks and surrounding uses, such as schools and nearby neighborhoods.
Goal MP3: Equitable Access – Distribute parks and facilities throughout the community for easy and equitable access.	
Objective 3.A Provide parks within walking distance of most residential areas.	v Supplement neighborhood parks with parks that provide specialized facilities to meet unique recreation needs, such as dog parks, urban plazas, trail corridors, joint use sports fields, community/recreation buildings, or other special features.
Objective 3.C Expand recreation opportunities by enhancing park and facility access.	iii Improve entryways to parks and recreation facilities to make them more attractive, accessible, and welcoming. Ensure parks and recreation facilities are as welcoming to visitors traveling by foot and bicycle as they are to those arriving by automobile. iv Consider programmatic and physical improvements to improve access by motorized and public transportation. Improve drop-off areas and loading/unloading zones; address parking needs while considering autonomous vehicle trends; facilitate or connect residents to shuttle services, transit and transportation options.
Goal MP4: Enhancement – Reinvigorate and revitalize parks and recreation facilities and diversify offerings to support broad and inclusive recreational interests.	
Objective 4.A Embark on a program of strategic reinvestment in and renovation/expansion of major facilities to meet community priorities.	ii Improve the user experience when renovating existing indoor facilities. Include welcoming entry sequences, social/lobby/lounge spaces, convenient pick-up and drop-off, and comfortable areas to wait for transportation.
Objective 4.B Consider adding new major facilities to meet community needs at existing parks, through	iv Consider adding the following facilities in the future, if warranted and desired: — Performing Arts/Fine Arts Center

Objective	Action
renovations to existing facilities, or at sites acquired in the future	<ul style="list-style-type: none"> <li>— Gymnasium/Recreation Center</li> <li>— Year-round Aquatics (see 4C below)</li> <li>— Expanded Senior Center or satellite site with senior-friendly services</li> <li>— Improved/Relocated Teen Center</li> <li>— Technology Center/Incubator Hub/Maker Space</li> </ul>
Objective 4.C Expand swimming and water play opportunities	iv Provide more water play features (splash pads/spray play areas/ interactive water features) for play in warm weather, geographically dispersed in the City.
Objective 4.D Diversify play experiences to support extraordinary play.	<ul style="list-style-type: none"> <li>ii Provide a universally-accessible, all-inclusive destination play area in an easily accessible location such as a large neighborhood park.</li> <li>iii Provide inclusive elements in new play areas and in existing ones when renovating or updating them, and to all play areas over time.</li> </ul>
Objective 4.E Improve the functionality and usability of existing facilities for field sports.	<ul style="list-style-type: none"> <li>i Design multi-use sports fields to support multiple sports: rectangular fields should be designed to allow for soccer, lacrosse, Ultimate Frisbee, etc.</li> <li>ii Provide at least one cricket/multi-use field.</li> <li>vi Evaluate whether lighting any sport fields is appropriate to extend evening usage hours.</li> </ul>
4.F Add new features and facilities at existing parks to create variety and respond to diverse recreation interests.	<ul style="list-style-type: none"> <li>i Provide at least one special feature or facility at each large neighborhood park, so that each park offers something unique in addition to the traditional park features of playgrounds, sports fields, and picnic tables.</li> <li>ii Consider incorporating additional features suggested by the community during the Master Plan process when renovating existing or building new parks. (See also Chapter 4.)                             <ul style="list-style-type: none"> <li>– Covered/shaded picnic areas for smaller groups (5-25)</li> <li>– More outdoor event space</li> <li>– Outdoor games, such as chess tables, giant checkers, Jenga®, or outdoor table tennis</li> <li>– More courts and types of courts (bocce, pickleball, badminton, volleyball, futsal) which address the community’s diversity</li> <li>– Outdoor “living rooms,” “libraries” and seating areas</li> <li>– Outdoor fitness equipment</li> <li>– Bike skills area or pump track</li> <li>– Roller hockey</li> <li>– Disc golf course (full or mini course)</li> <li>– Community gardens</li> <li>– Healing garden</li> <li>– Teaching/educational garden</li> </ul> </li> <li>iii Prioritize the addition of basketball courts, especially full-size courts, to provide multiple basketball venues.</li> </ul>

Objective	Action
	iv Provide additional dog parks and explore providing off-leash dog areas and/or dog exercise spaces where suitable.
4.G Provide social hubs, group gathering spaces and activity areas to support social interaction, self-directed group activities and drop-in users.	i Add a variety of seating options and groupings of seating in parks: benches, movable seating, plop benches, seat walls. ii Create activity hubs by locating seating areas, shade, and other elements that encourage people to linger near places that attract daily activity (playgrounds, dog parks, etc.) iii Provide shaded, reservable and “first-come, first-served” medium and large group picnic areas at multiple sites across Cupertino. iv Incorporate accessible outdoor fitness hubs in parks, locating these near activity areas. v Provide restrooms in higher use parks. vi Provide Wi-Fi and shaded/covered outdoor working areas with charging stations in selected parks to encourage students and employees to be outdoors. vii Provide equipment and technology in parks that supports recreation activity, especially fitness.
Goal MP5: Activity – Support social gatherings, events, programs, and activities for people of all ages, abilities, cultures, and interests.	
Objective 5A: Facilitate and provide events, fairs, and festivals that foster community cohesiveness	ii Improve facilities and infrastructure at Memorial Park to better accommodate festivals.
Objective 5.B Rethink facilities, programs and services to empower Cupertino youth and teens.	vii Add more challenging and adventurous recreation facilities, such as climbing spires and bike skills parks and provide introductory “lessons” and social activities to encourage use.
Objective 5.E Support environmental education and nature interpretation programming.	iv Provide more challenging nature-based activities in parks and recreation facilities, such as tree climbing, orienteering, overnight camping, outdoor survival training, canoe/kayak training (in pools or at reservoirs/lakes), etc.
MP Goal 6: Quality – Create high quality recreation experiences, places and services that are welcoming, safe, responsive, comfortable and reflective of Cupertino’s unique character.	
6.A Design and develop high quality, high functioning parks and social spaces.	vi Provide support amenities such as lighting, trash receptacles, water fountains, dog dishes, restrooms, loading/unloading zones and parking to address site functional needs. For example, provide restrooms inside indoor facilities in neighborhood parks to better support staff-led program activities for children. Ensure parking and drop-off areas and loading/ unloading zones support facility use, events and programs.
6.B Incorporate Cupertino’s identity and placemaking into park and facility design, renovation and revitalization.	vi Protect, preserve, and restore historic buildings and sites and provide interpretive signage about Cupertino’s local history to inform visitors and spotlight Cupertino’s uniqueness.

Objective	Action
	<p>viii Provide interpretive elements in parks to educate the community about the City’s cultural diversity and natural resources. Enhance existing interpretive elements and features to tell a story about Cupertino and the surrounding region.</p>
<p>6.C Improve parks and recreation hospitality and comfort to enhance recreation user experiences.</p>	<p>i Make parks more comfortable by providing or enhancing support amenities such as benches, drinking fountains with bottle fillers and bike racks/bike parking.</p> <p>ii Provide shaded areas in parks, trails, and outdoor spaces, using shade trees, shade “sails” or permanent shade structures.</p> <p>iii Provide benches, tables, and places to relax in parks. Provide benches at intervals along looped paths and trails.</p> <p>iv Provide small social spaces, seating areas, and activity hubs in parks.</p> <p>v Add device charging stations/plugs in parks or facilities at higher-use gathering areas where demand exists. Consider solar-powered options for outdoor benches and tables.</p> <p>vi Provide clean, inviting, accessible restrooms in large neighborhood parks and community parks, and other high use or well programmed sites. Include good ventilation and amenities such as mirrors and baby changing stations.</p> <p>vii Consider parking/paving layouts that accommodate mobile uses, including food trucks where appropriate (consistent with Economic Development Strategic Plan goals).</p>
<p>MP Goal 7 Sustainability - Provide, manage, and maintain parks, facilities, programs and services through sound management and stewardship, sustainable choices and the wise use of resources.</p>	
<p>7.B Develop and implement customized guidelines and best practices for sustainable park design and development. (Sustainable Choices)</p>	<p>i Consider permeable surfacing in at least 75% of new paved trails and 50% of new parking lots. Stay apprised of new pervious materials and technologies.</p> <p>ii Use local and recycled materials in building and services.</p> <p>iii Pursue green building or LEED-compliant construction in the development of indoor facilities. [This does not require LEED certification.]</p> <p>v Develop water-efficient, climate-controlled irrigation systems in all new parks. Update current irrigation systems when parks are renovated to improve water efficiency.</p> <p>vi In new splash pads, “spray grounds” and fountains, prioritize designs that use systems which clean and recirculate the water, or that collect the water and use it for irrigation.</p> <p>vii Incorporate water efficient fixtures in all new restrooms and water fountains. Add low-flow devices in all existing restrooms toilets.</p>

Objective	Action
	<p>viii Consider the use of graywater where available for irrigation at parks and possible public demonstration purposes.</p> <p>x Compost grass clippings, leaves, twigs, branches and other garden or compostable refuse generated in public parks. Continue to chip trimmed tree branches from appropriate species to repurpose as mulch.</p> <p>xi Integrate native and/or climate appropriate plants where possible. Consider turf alternatives, except where turf is delivering a beneficial use (sport field, golf course, play area, etc.) or providing desired green space. Promote drought-resistant / low water use turf species.</p> <p>xiii Emphasize efficient, renewable, and/or clean energy sources including solar and co-generation. Add solar-powered features in new or renovated facilities where appropriate.</p> <p>xiv Provide electric vehicle charging stations in parking areas. Strive to meet the most current standards for fast charging.</p>
<p>7.C Steward Resources and maintain assets to ensure high quality parks and facilities (Sound Management and Stewardship)</p>	<p>iv. Increase maintenance where needed to support increased programming, activities, and facility reservations in parks.</p> <p>ix Train staff in maintenance and stewardship of natural areas, green infrastructure, and bioswales, so that these features thrive and the integrity of natural resources on City property is maintained. Involve expert professional services as needed to support informed and ongoing care for habitat areas.</p> <p>x Develop guidelines for vegetation management in the Stevens Creek Corridor to promote natural resource stewardship.</p> <p>xi. Focus on stormwater management and green infrastructure when designing and renovating City parks. For example, consider installing a stormwater management garden on city or public property to showcase green infrastructure techniques.</p>

Source: The City of Cupertino, Parks and Recreation System Master Plan, Chapter 3. October, 2019.

The Master Plan goals are consistent with the General Plan goals and policies for Parks and Recreation. Many of the Master Plan objectives and actions incorporate General Plan policies for the protection of the environment, including many which require protection and preservation of natural resources and the environment through stormwater management, wildlife and creek protection, water quality protection, efficient water and energy use, and implement city-wide ordinances such as the Integrated Pest Management Ordinance, and Zero Waste policy.

**2.6.2.2 Opportunities**

Master Plan Chapter 4 Opportunity Highlights, describes the types of renovations and facility development that would implement the Master Plan’s goals and objectives. There are a range of project opportunities that would carry out Master Plan goals, objectives, and actions, including the development of new parks and trails, potential major new facilities, and renovations to

existing park sites. These opportunities are divided into the following categories, based on the types and scale of the projects:

- Enhancement of existing parks,
- Enhancement of existing trails,
- Potential joint use opportunities,
- New acquisitions,
- Potential major new facilities,
- Expanded services,
- Added recreation elements, and
- Natural vegetation enhancements.

While Master Plan Chapter 4 presents highlights only, Master Plan Appendix E includes a description of City park sites, along with enhancement opportunities. Appendix F documents short and longer-term enhancements for existing parks, recreation facilities and recreation elements by type (see Appendix A of this IS/MND).

The summary of site opportunities for enhancements to existing City parks, trails, special use sites, and school fields managed by the City is presented in Table 2-3, below (see Table F-1 of the Master Plan and reproduced here in Appendix A for the full table). Table 2-4 shows a summary of the new acquisitions and potential major new facilities (see Table F-2 New Major Park and Recreation Facility Opportunities matrix of the Master Plan and reproduced here in Appendix A for the full table).

Table 2-3 presents enhancement opportunities at existing parks, trails and school sites. These enhancement opportunities include routine improvements, as well as the potential to add new recreation elements as summarized below:

### **2.6.2.3 Added Recreational Elements**

The following describes the types of features that could be added within the system over both the short and long-term to enhance user experiences. These items are included in Table F-3 of the Master Plan.

Nature Play – Provide nature play elements in parks to connect people to nature and support experiential play.

Potential Locations/Opportunities

- All parks except special use sites and school fields

Water Play – Integrate a variety of water play opportunities at existing parks

Potential Locations/Opportunities

- All community and large neighborhood parks

Universal/All-Inclusive Play – Support inclusive play by providing a destination all-inclusive play area, and by incorporating inclusive play elements at existing play areas.

Potential Locations/Opportunities

- All community and large neighborhood parks
- Three Oaks Park
- Somerset Park



<b>Table 2-3: Site Opportunities - Existing City Parks &amp; School Fields Managed by City</b>				
<b>Site</b>	<b>Vision / Park</b>	<b>Site Enhancement Opportunities</b>		
		<b>Immediate</b>	<b>Short Term</b>	<b>Longer Term</b>
<b>City Parks and Facilities</b>				
<b>COMMUNITY PARKS</b>				
Memorial Park	Community hub and multi-use, civic-focused event space	Immediate: Engage the public in developing a site master plan for Memorial Park as a community hub and multi-use, civic-focused event space. Include the presence of Quinlan Community Center, Senior Center, Sports Center in planning Memorial Park as a community space. Consider repurposing the inactive pond, renovating the amphitheater, adding walking path improvements and playable water feature, enhancing the tree canopy, integrating natural features, and renovating, adding and/or expanding recreation facilities to enhance indoor and outdoor event space, community gathering space, active/healthy recreation uses and play opportunities. Clarify the role of memorials at this site, addressing opportunities to make a community-building statement and/or tribute to community cohesiveness.	Short term: Implement Phase 1 improvements in the pond/amphitheater area. Consider nature integration, shade, ADA accessibility, pathway and seating improvements, amphitheater improvements, pond re-purposing, and other elements consistent with the site master plan process.	Longer term: Phase in additional improvements, based on the site master plan, including improvements to existing facilities, development of any selected major new facilities, and the addition of recreation opportunities. Pending the site master plan, this may potentially include major facilities such as an aquatic facility, gymnasium/recreation center, senior center expansion and/or a potential performing/fine arts center at this site, or as an expansion of an adjacent recreation building that would affect this site (Sports Center, Senior Center e.g.), as well as the addition or repurposing of facilities. Provide connections to proposed trails, bike lanes and bike routes.
Stevens Creek Corridor Park	Community-focused natural area supporting environmental education, outdoor gathering and recreation consistent with protecting wildlife and habitat value	Immediate: Complete Stevens Creek Corridor Master Plan.	Short term: Phase in improvements as guided by the site master plan, enhancing natural/habitat areas and facilities supporting environmental education, gatherings and recreation uses, while retaining the natural character of the park. Provide connections to any extension of the Stevens Creek Trail & nearby bikeways. Provide trailhead amenities. Stabilize east creek bank at 22050 Stevens Creek Blvd. per results of the concept design project, using methods similar to those employed in upstream restoration. Complete feasibility work & if approved pursue implementation of improved pedestrian & bicycle access to Blackberry Farm Park via San Fernando Ave. Evaluate steps for expanded use of Blackberry Farm.	Longer term: Implement renovation of Stockmeir Ranch, Blackberry Farm Golf Course, Blackberry Farm Park, and/ or McClellan Ranch Preserve and West and other corridor parcels, consistent with the recommendations of the Stevens Creek Corridor Master Plan.
<b>LARGE NEIGHBORHOOD PARKS</b>				
Creekside Park	Neighborhood recreation and sports hub		Short term: Consider adding nature play and/or inclusive play elements to the existing play area. Consider other enhancements to outdoor recreation diversity. Evaluate opportunities to enhance the recreation building and reactivate or repurpose the concession area. Sustain existing uses.	Longer term: Coordinate with results of Public Works' Facility Condition and Use Assessment to modify the recreation building as needed. Refresh sports fields to maintain site use as a sports hub. Consider artificial turf or other enhancements to increase the playing capacity. Consider adding a full basketball court, other sports courts, and diverse recreation elements to support sports and active uses. Provide trailhead amenities and connections to existing/proposed off-street trail and proposed buffered bike lane.



<b>Table 2-3: Site Opportunities - Existing City Parks &amp; School Fields Managed by City</b>				
<b>Site</b>	<b>Vision / Park</b>	<b>Site Enhancement Opportunities</b>		
		<b>Immediate</b>	<b>Short Term</b>	<b>Longer Term</b>
Hoover Park	Neighborhood park and recreation and sports space		Short term: Sustain existing uses.	Longer term: Consider adding a community garden and diverse recreation elements. Consider providing a larger/full-size basketball court. Consider a looped walking path and restrooms.
Jollyman Park	Neighborhood and community hub for sports, recreation programs and activities		Short term: Pursue adding an all-inclusive play area, grouped seating, a picnic shelter, continuous all-weather loop path (that includes the east part of the park), and neighborhood-serving event utilities and infrastructure. Sustain existing uses. Respond to community request for trial off-leash dog area.	Longer term: Consider additional diverse amenities, such as outdoor fitness equipment/parcourse or a full-size basketball court. Provide connections to bikeway improvements on Stelling Rd. Consider for location of development of major new facilities.
Linda Vista Park	Neighborhood and community hub for picnicking and nature-based recreation		Short term: Select design concept to repair or repurpose the inactive ponds. Sustain existing uses.	Longer term: Repair or renovate the ponds (per 2014 technical report). Consider adding neighborhood-serving event utilities and infrastructure, a picnic shelter or pavilion, a destination nature play and/or water play area, and diverse recreation elements, potentially including adventure and challenge elements. Consider a community or demonstration, healing or rain garden. Provide trailhead amenities and connections to the proposed off-street trail. Consider installing outdoor exercise equipment in addition to, or as replacement for, existing parcourse equipment.
Monta Vista Park & Recreation Center	Neighborhood recreation and sports hub		Short term: In conjunction with major facility business plans, if pursued, explore opportunities to relocate or expand the gymnastics/martial arts & preschool programs to other facilities. Consider temporary options to expand play opportunities near the preschool. Consider restriping tennis court(s) to share for pickleball. Sustain existing uses.	Longer term: Address renovation or replacement of the existing multi-use and preschool buildings based on major facility recommendations and in coordination with Public Works' Facility Condition and Use Assessment. Consider adding a half or full basketball court, picnic shelter, neighborhood-serving event utilities and infrastructure, and other diverse recreation elements. Provide connections to proposed buffered bikeway.
Portal Park	Neighborhood park and gathering space		Short term: Improve walkway lighting and signage. Explore options to share adjacent school parking. Sustain existing uses.	Longer term: Consider adding shading to the picnic area, grouped seating, nature play area and/or inclusive play elements, and diverse recreation elements, such as badminton, bocce/lawn bowling, and/or games to support small group gatherings. Improve connections to the adjacent school. Re-evaluate the location and use of the recreation building, considering relocating the building or the preschool-age and child programming or adding indoor restrooms, and in coordination with Public Works' Facility Condition and Use Assessment. Provide connections to the proposed bike boulevard and adjacent neighborhoods.

Table 2-3: Site Opportunities - Existing City Parks & School Fields Managed by City				
Site	Vision / Park	Site Enhancement Opportunities		
		Immediate	Short Term	Longer Term
Varian Park	Neighborhood park with tennis, passive recreation, orchard and habitat focus		Short term: Consider expanding or replacing play area with nature play area and/or thematic or inclusive play elements. Consider restriping tennis court(s) to share for pickleball. Consider other enhancements for outdoor recreation diversity. Sustain existing uses.	Longer term: Consider diverse recreation elements focused on passive uses and nature education. Consider community garden, outdoor classroom, pollinator patches and interpretive signage. Maintain connections to adjacent school. Provide trailhead amenities and connections to proposed bikeway.
Wilson Park	Neighborhood and community hub for sports, recreation and activities		Short term: Consider adding neighborhood-serving event utilities and infrastructure, picnic shelter, and a large/full-size basketball court. Sustain existing uses.	Longer term: Evaluate use of and desirability of renovating/replacing the ceramics building, particularly if ceramics can be incorporated into a fine arts or recreation facility, and in coordination with Public Works' Facility Condition and Use Assessment. Consider a wider, maintenance-friendly loop path, community garden, variety of sports courts, activity hubs, and diverse recreation elements, including those that provide challenge elements. Consider full-size basketball court. Provide trailhead amenities and connections to nearby bikeways and proposed off-street trail. If desired, a sport field can fit on the east portion of the site (with relocation of the central play area and picnicking reconfiguration).
<b>SMALL NEIGHBORHOOD PARKS</b>				
Canyon Oak Park	Play node for local use		Short and longer term: Maintain orientation to the view of open space. Sustain existing uses.	
Franco Park	Neighborhood park		Short and longer term: Sustain existing uses. Consider adding shade and small group seating area. Improve pedestrian and bicycle access from Franco Court; evaluate possible on-street parking and crosswalk to Franco Court access point.	
Little Rancho Park	Play node for local use		Short and longer term: Sustain existing uses.	
Somerset Park	Neighborhood park		Short term: Sustain existing uses.	Longer term: Consider adding a community garden, dog area, and/ or larger basketball area or other amenities. Provide trailhead amenities and connections to the De Anza Trail if it is implemented.
Sterling Barnhart Park	Play node with trail connection		Short and longer term: Sustain existing uses. Consider effects of an extension of Saratoga Creek Trail or the acquisition of Lawrence-Mitty property, if pursued.	
Three Oaks Park	Neighborhood park with nature emphasis		Short term: Sustain existing uses.	Longer term: Look to address successional tree plantings to maintain character. Consider adding nature play area and/or inclusive elements and repurposing or improving the southeasterly rock play area. Consider adding neighborhood-serving event utilities and infrastructure, and diversifying recreation opportunities.

<b>Table 2-3: Site Opportunities - Existing City Parks &amp; School Fields Managed by City</b>				
<b>Site</b>	<b>Vision / Park</b>	<b>Site Enhancement Opportunities</b>		
		<b>Immediate</b>	<b>Short Term</b>	<b>Longer Term</b>
<b>SPECIAL USE SITES</b>				
Civic Center				
Civic Center /Community Hall	Multi-use civic space for gathering and programming		Short and longer term: Evaluate Civic Center Master Plan in relation to major new facility discussions to clarify use of Civic Center, and adjacent areas. Sustain existing uses in the short term.	
Library Field	Multi-use civic area for green space, recreation, and gatherings		Short term: Sustain existing uses pending decision on implementation of Civic Center Master Plan and cricket field long-term location. Consider creating a separate parcel for Library Field and rezoning it as PR zoning (park and recreation).	Longer term: Consider the addition of major facilities, relocation of cricket field if a better site is identified, and long-term options as civic center-related event space or permanent green space. Consider whether adjacent parking can be put underground to expand Library Field & green space.
Mary Avenue Dog Park	Dog park and gathering site for dog owners/friends		Short and longer term: Enhance existing use. Consider adding shade, varied terrain, small group seating areas, dog amenities.	
Cupertino Sports Center	Indoor/outdoor sports hub		Short term: Implement seismic upgrades. Consider implementing improvements to the locker rooms, showers, restrooms, and reception area approved in the 2018-19 budget. Revisit site use in the Memorial Park Master Plan and facility business plan associated with the development of a Gymnasium Complex & Multi-use Recreation Center and/or Aquatics Center, if proposed for Memorial Park, and consider opportunities for a combined facility. Plan to re-locate the teen center to a different location to optimize teen access and re-purpose teen area for sport uses.	Longer term: Renovate the facility, potentially adding recreation uses compatible with the Memorial Park Master Plan, any related facility business plan, and Public Works' Facility Condition and Use Assessment.
<b>TRAIL CORRIDORS</b>				
Don Burnett Bicycle-Pedestrian Bridge & Trail	Regional connectivity and native plantings		Short and longer term: Encourage connections between school and trail, and regional destinations. Consider improved habitat plantings that provide year-round beauty and seasonal interest.	
Creekside Park and Regnart Creek Trail	Local connectivity, park access and riparian corridor protection		Short and longer term: Consider adding trail amenities, enhancing and protecting the riparian corridor, and adding green infrastructure.	
Saratoga Creek Trail	Regional connectivity and riparian corridor protection		Short and longer term: Consider adding trail amenities, enhancing and protecting the riparian corridor, and adding green infrastructure. Encourage connections to regional destinations.	
Stevens Creek Trail	Local connectivity, park access and riparian corridor protection		Short and longer term: Consider adding trail amenities and green infrastructure. Encourage connections between trail, City parks, County parks and nearby schools. Work with the County to implement a pedestrian-bicycle access to Rancho San Antonio from Stevens Creek Blvd. with parking/trailhead amenities per the adopted Joint Cities Coordinated Stevens Creek Trail Feasibility Study. Continue to implement habitat restoration and to protect the riparian corridor. Install interpretive signage/ elements including for historical resources.	
<b>SCHOOL FIELDS (Currently managed by City)</b>				
Collins Elementary School	Sports fields and recreation facilities		Short and longer term: Encourage connections and shared uses between school and Portal Park. Pursue partnerships with School District to improve public access or to add or enhance recreation facilities to address nearby needs.	

<b>Table 2-3: Site Opportunities - Existing City Parks &amp; School Fields Managed by City</b>			
<b>Site</b>	<b>Vision / Park</b>	<b>Site Enhancement Opportunities</b>	
		<b>Immediate</b>	<b>Short Term</b>
			<b>Longer Term</b>
			Encourage connections to proposed bikeways. Continue joint-use agreement for sport field use & explore options to broaden sharing of facilities.
Eaton Elementary School	Sports fields and recreation facilities		Short and longer term: Continue joint-use agreement for sport field use & explore options to broaden sharing of facilities. Encourage connections to proposed bikeway.
Faria Elementary School	Sports fields and recreation facilities		Short and longer term: Pursue partnerships with School District to improve public access or to add or enhance recreation facilities to address nearby needs. Continue joint-use agreement for sport field use & explore options to broaden sharing of facilities.
Garden Gate Elementary School	Sports fields and recreation facilities		Short and longer term: Pursue partnerships with School District to improve public access or to add or enhance recreation facilities to address nearby needs. Encourage connections to proposed bikeway. Continue joint-use agreement for sport field use & explore options to broaden sharing of facilities.
Hyde Middle School	Sports fields and recreation facilities		Short and longer term: Pursue partnerships with School District at Hyde Middle and/or nearby Sedgewick Elementary to improve public access or to add or enhance recreation facilities. Encourage connections to proposed bikeway. Continue joint-use agreement for sport field use & explore options to broaden sharing of facilities.
Kennedy Middle School	Sports fields, recreation facilities and trail/school access		Short and longer term: Encourage connections between school, proposed De Anza Trail if implemented, and nearby parks. Continue joint-use agreement for sport field use & explore options to broaden sharing of facilities.
Lincoln Elementary School	Sports fields and recreation facilities		Short and longer term: Continue joint-use agreement for sport field use & explore options to broaden sharing of facilities. Encourage connections to proposed bikeway.
Regnart Elementary School	Sports fields, recreation facilities and trail/school access		Short and longer term: Encourage connections between school, proposed trail if implemented, and nearby parks. Pursue partnerships with School District to improve public access or to add or enhance recreation facilities. Continue joint-use agreement for sport field use & explore options to broaden sharing of facilities.
Stevens Creek Elementary School	Sports fields, recreation facilities, park/school connections, trail/school access.		Short and longer term: Encourage connections and shared uses between school and Varian Park and connections to proposed bikeway. Continue joint-use agreement for sport field use & explore options to broaden sharing of facilities.

<b>Table 2-4 New Park &amp; Recreation Facility Matrix *</b>				
	<b>OPPORTUNITY</b>	<b>POTENTIAL ELEMENTS</b>	<b>SITING/ DISTRIBUTION</b>	<b>PROJECT APPROACH</b>
<b>Potential New Parks</b>				
Neighborhood Parks	If opportunities arise, acquire and develop new neighborhood parks especially in targeted underserved areas.	<ul style="list-style-type: none"> <li>-play opportunities-seating</li> <li>-green space/open lawn</li> <li>-small group gathering space/picnic area</li> <li>-looped walking path</li> <li>-game space</li> <li>-active-use courts as space allows</li> <li>-neighborhood-serving amenities</li> <li>-landscaping/native plantings</li> </ul>	Develop 1-3 parks. Prioritize underserved areas especially in north and east Cupertino per findings regarding underserved areas. Numbers of parks and size may vary depending on opportunities. Strive to acquire 3.5+ acres if possible.	Short term: Explore joint use agreements with schools and/or other partners to improve access to existing facilities especially in underserved areas. Evaluate opportunities to acquire or partner to develop any vacant School District parcels. Acquire site(s), or develop agreements to foster public use of existing or partner facilities, as opportunities arise. Pursue acquisition of Lawrence-Mitty parcels on the west side of Lawrence Expressway. Engage the public in creating site concepts and develop site(s). Consider during acquisition whether neighborhood park guidelines can be met. (Refer to Master Plan objectives for guidelines for acquisition.) Encourage creative solutions to providing park and recreation spaces, including consideration of smaller spaces.
				Longer term: Continue to acquire site(s) as opportunities arise. Engage public in creating site concepts and develop site(s). Consider during acquisition whether neighborhood park guidelines can be met.
<b>Potential New Trails</b>				
Trails and Trail Corridors	Coordinate to develop trails from the Bicycle Transportation Plan, Pedestrian Transportation Plan, regional plans and this Master Plan that support multi-use recreation, park access and connectivity to community destinations.	<ul style="list-style-type: none"> <li>-accessible, firm and stable multi-use, off-road trails</li> <li>-signage/wayfinding</li> <li>-distance/mileage markers</li> <li>-information kiosks</li> <li>-crossings</li> <li>-seating</li> <li>-interpretive elements or art</li> <li>-outdoor fitness equipment/par course elements</li> <li>-adjacent soft-surfaced jogging trail</li> <li>-green infrastructure</li> <li>-wider corridor for greenspace protection or riparian enhancement</li> </ul>	Prioritize connections between parks, schools, and trails; extensions of existing trails; gap closures; and completing loop trails.	Short term: Identify project priorities. Explore joint use agreements with SCVWD that support implementation of creek trails. Continue to pursue opportunities for planned trail development. Require dedication or easements for trails as part of the development review process, where appropriate. Dedicate or acquire open space along creeks and utility corridors for trails through regional cooperation, grants and private development review. Emphasize implementation of the Cupertino Loop Trail.
				Longer term: Build more trails and improve trail corridors. Connect parks via walkways to nearby trails and ensure key parks include trailhead amenities. Continue to pursue opportunities for planned trail development. Require dedication or easements for trails as part of the development review process, where appropriate. Dedicate or acquire open space along creeks and utility corridors for trails through regional cooperation, grants and private development review.



<b>Table 2-4 New Park &amp; Recreation Facility Matrix *</b>				
	<b>OPPORTUNITY</b>	<b>POTENTIAL ELEMENTS</b>	<b>SITING/ DISTRIBUTION</b>	<b>PROJECT APPROACH</b>
<b>Potential New Major Features</b>				
Aquatics Facility	Explore partnership opportunities to provide year-round aquatics. If a new facility is warranted and desired in the future, provide year-round swimming facility designed for recreation and instructional swimming, aquatic exercise / lap swimming, and pool events.	<ul style="list-style-type: none"> <li>-lap pool</li> <li>-warm water instructional pool</li> <li>-recreation pool</li> <li>-hot tub</li> <li>-zero depth entry</li> <li>-lazy river</li> <li>-water play features</li> <li>-support spaces such as lifeguard/office space, locker rooms, family changing rooms, outdoor showers, storage, mechanical space, lounge/spectator areas</li> <li>-cost recovery features such as all-purpose spaces, birthday party rooms, concessions, and rental features</li> <li>-nearby parking</li> </ul>	<p>If pursued, develop one facility in an accessible location; consider sites in central and east Cupertino or opportunities to co-develop with another centralized major facility to increase programming options.</p> <p>Provide parking and access via arterial/collector street, ideally near transit.</p> <p>Provide a minimum of 2-3 acres. Could be co-located with another identified proposed or existing facility.</p>	<p>Short term: Pursue opportunities to partner with existing aquatics providers including schools. If a new city facility is desired, prepare a market analysis and business plan to evaluate site selection and program elements and define anticipated operating costs. Phasing to be dependent on business plan. Explore acquisition opportunities. Consider as part of the Memorial Park Master Plan. Consider opportunities to combine with the existing Sports Center and/or a new Gymnasium/multi-use recreation center.</p> <p>Longer term: If a new facility is warranted and desired, plan, design, develop and operate a year-round aquatics facility.</p>
Gymnasium Complex & Multi-use Recreation Facility	Explore partnership opportunities to provide gym space. If a new facility is warranted and desired in the future, provide a multi-generational gymnasium complex and recreation center to provide sports court spaces and support other activities.	<ul style="list-style-type: none"> <li>-full size basketball court(s) with bleachers and dividing walls</li> <li>-volleyball, badminton, pickleball space or overlays</li> <li>-fitness studios</li> <li>-gymnastics space</li> <li>-multipurpose rooms for smaller court sports and other activities</li> <li>-senior fitness room</li> <li>-multi-purpose rooms (reservable) and meeting rooms</li> <li>-program space</li> <li>-social space/coffee kiosk</li> <li>-teen room</li> <li>-childcare room</li> <li>-possible additional features such as climbing wall; rooftop/elevated track</li> <li>-locker rooms, family changing rooms</li> <li>-office space</li> <li>-lobby/front desk/reception</li> <li>-equipment room and storage</li> <li>-nearby parking</li> </ul>	<p>If pursued, develop one centrally located facility; could be co-located or combined with other major facilities. Ensure additional space for parking and grounds with access via arterial/collector street. Nearby transit desirable. This facility would have synergy with an Aquatics Center or a Teen Center.</p>	<p>Short term: Pursue partnership and joint use opportunities to provide gym space. If a new gym/multi-use rec center is desired, prepare a market analysis and business plan to evaluate site selection and program elements and define anticipated operating costs. Consider as part of the Memorial Park Master Plan. Consider opportunities to combine with the existing Sports Center and/or a new Gymnasium/multi-use recreation center.</p> <p>Longer term: If a new facility is warranted and desired, plan, design, develop and operate a multi-generational gymnasium and multi-use recreation center complex. Consider multi-story design solutions and rooftop use.</p>

<b>Table 2-4 New Park &amp; Recreation Facility Matrix *</b>				
	<b>OPPORTUNITY</b>	<b>POTENTIAL ELEMENTS</b>	<b>SITING/ DISTRIBUTION</b>	<b>PROJECT APPROACH</b>
Performing/Fine Arts Center	Explore partnership opportunities to provide performing/fine arts space. If a new facility is warranted and desired in the future, develop a community auditorium and/or fine and performing arts center to house community-scale performances and support daytime arts and recreation programs as well as evening programs and events.	<ul style="list-style-type: none"> <li>-industry-standard stage</li> <li>-professional lighting</li> <li>-sloped floor, fixed seating</li> <li>-pull-down screen</li> <li>-dressing rooms</li> <li>-restrooms</li> <li>-backstage storage</li> <li>-box office, lobby, concessions</li> <li>-smaller theater/rehearsal space</li> <li>-dance studio/floor</li> <li>-recording &amp; television studio</li> <li>-arts wing for drawing, painting, photography, theater, dance, music/voice lessons</li> <li>-arts/crafts/ceramics spaces</li> <li>-practice/instruction rooms</li> <li>-reservable multi-purpose room-dance studio/floor</li> <li>-maker/incubator space (computer lab, graphics &amp; animation studio, industrial shop)</li> <li>-catering kitchen</li> <li>-offices</li> <li>-storage</li> <li>-outdoor (or indoor/outdoor) event space or art plaza</li> <li>-ceramics/crafts/art spaces</li> <li>-nearby parking</li> </ul>	<p>If pursued, develop one facility in a centralized location near businesses, restaurants and/or attractions. Consider space near potential partners, Cupertino's civic center, or nightlife-oriented downtown areas. Ensure additional space for parking and grounds with access via arterial/collector street and ideally near transit.</p> <p>May be co-located with other major facilities (e.g., community center, senior center), but typically lacks synergy with other active uses (e.g., sports fields, gymnasiums, and swimming pools).</p>	<p>Short term: Explore partnership and joint use opportunities with high schools and DeAnza College or other potential partners with existing performing arts space to meet immediate needs. If a new city facility is desired, prepare a market analysis and business plan to evaluate site selection and potential program elements and define anticipated operating costs.</p>
				<p>Longer term: If a new facility is warranted and desired, plan, design, develop and operate a performing and fine arts center with arts wing.</p>
Enhanced Teen Space or Services	Create unique teen space that may include student union-style gathering and program space and/or active indoor use for teens.	<ul style="list-style-type: none"> <li>-study room</li> <li>-café</li> <li>-computer lab and/or video gaming game room-meeting/program space</li> <li>-open gym; basketball hoop</li> <li>-kitchen</li> </ul>	<p>Location near a middle and/or high school, library or shopping/downtown area. Consider Library/Civic Center, high school/middle school corridors, and Wilson &amp; Creekside parks. Do not develop as a stand-alone facility. Consider co-locating with gymnasium complex, performing/ fine arts center, incubator/ maker space or other major facility.</p>	<p>Short term: Continue to refine and expand teen services. Maintain existing teen center facility without significant reinvestment. Coordinate with the School District on the Lawson Teen Center Pilot Program for mobile recreation options. Consider other partnership opportunities to create a unique teen space in Cupertino. Consider a trial project to test teen interest in teen amenities at Creekside Park.</p>
				<p>Longer term: Integrate teen uses into a multi-generational facility or new teen space if pursued, and repurpose the existing Teen Center. Continue hosting teen activities at school sites and other locations besides the Teen Center.</p>

<b>Table 2-4 New Park &amp; Recreation Facility Matrix *</b>				
	<b>OPPORTUNITY</b>	<b>POTENTIAL ELEMENTS</b>	<b>SITING/ DISTRIBUTION</b>	<b>PROJECT APPROACH</b>
<b>Potential Major Facility Enhancements</b>				
Expanded Senior Center or Services	Provide additional recreation space for older adults, and both frail and active seniors. Incorporate senior space into a multi-generation facility, such as gymnasium complex/recreation center, if such a facility is pursued in the future.	<ul style="list-style-type: none"> <li>-2-story addition with elevator access to second floor (if existing center expanded)</li> <li>-exercise rooms or half-court gym space</li> <li>-multi-age programming space for frail to active seniors</li> <li>-arts &amp; crafts room</li> <li>-music rooms of different sizes with presentation capacity</li> <li>-additional classrooms and meeting rooms</li> <li>-private consultation/health/conference room</li> <li>-front desk/reception area</li> <li>-office space</li> <li>-storage</li> <li>-accessible parking and drop off areas</li> <li>-parking lot circulation improvements</li> <li>-outdoor low impact game space, gardens, and activity areas</li> </ul>	If warranted, expand existing Senior Center, and consider other locations to expand distribution of senior activities. Co-locate senior activities in other recreation areas to encourage multi-age programming as well as a range of offerings for frail to active seniors.	Short term: Conduct survey to evaluate interest in alternative locations as well as alternative recreation opportunities for seniors; explore potential locations based on results. Develop mobile activities as a test pilot to gauge interest in new locations and new programs. Explore partnership opportunities. Conduct a facility evaluation to evaluate facility renovations that would enhance the function, capacity and financial sustainability of the Senior Center.
				Longer term: Consider potential Senior Center renovations, and providing older adult recreation with a multigenerational gymnasium complex, performing/fine arts center, or other major facilities if pursued.
Other Replaced or Repurposed Existing Building	Re-evaluate and consider replacement or repurposing of existing aging, worn or underperforming buildings in conjunction with the development of new facilities.	<ul style="list-style-type: none"> <li>-range of options including removing or replacing buildings with new buildings or additional recreational facilities</li> <li>-projects dependent on major facility development and considerations"</li> </ul>	Re-evaluate the following aging facilities: <ul style="list-style-type: none"> <li>-Monta Vista buildings (multi-use &amp; preschool buildings)</li> <li>-Wilson Park ceramics building</li> <li>-Portal Park stand-alone building</li> <li>-Stevens Creek Corridor Park aging infrastructure, consistent with outcomes of Stevens Creek Corridor Master Plan (Stockmeir Ranch house, Blue Pheasant/Pro Shop, Blackberry Farm pool complex, McClellan Ranch Barn, former residence at 22050 Stevens Creek Blvd., etc.)</li> </ul>	Short term: Continue to maintain existing facility without significant reinvestment. Consider reuse of buildings and space in conjunction with other major facilities. Coordinate with results of Public Works' Facility Condition and Use Assessment.
				Longer term: Renovate, replace or relocate buildings as needed.
* Note: Sites will be determined through site master plans, trails plans and other decision-making processes based on community priorities, the availability of project resources and site opportunities emerging over time. All sites should consider access, transportation, parking and transit needs.				
** Note: The actual phasing and sequencing of projects is opportunity-driven and may vary depending on funding, site master plans recommendations, business planning, partnerships, the lifecycle of existing facilities and similar variables. Longer term projects may be moved to the short term under the right circumstances.				
Longer term projects may be moved to the short term under the right circumstances.				



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Improved Outdoor Event Space – Provide space to support large or small group events, programs, and outdoor classes.

Potential Locations/Opportunities

- All community and large neighborhood parks except for Stevens Creek Corridor Park
- Three Oaks Park
- Civic Center Plaza/Library Field
- Public Private Partnership
- Joint Use Facility

Gardens – Provide more opportunities for various types of gardens including community gardens.

Potential Locations/Opportunities

- Creekside Park
- Jollyman Park
- Wilson Park
- Stevens Creek Corridor Park
- Portal Park
- Monta Vista Park
- Linda Vista Park
- Hoover Park
- Varian Park
- Three Oaks Park
- Somerset Park
- Joint-Use Facility

Outdoor Recreation Diversity – Add facilities which appeal to Cupertino's diverse population and reflect Cupertino's unique character.

Potential Locations/Opportunities

- All suitable City parks

Sports and Recreation Facilities – Diversify recreation and sports opportunities (multi-use sports fields, basketball courts, pickleball courts e.g.).

Potential Locations/Opportunities

- Sport-oriented City parks
- Other suitable City parks
- School fields
- Other partnerships
- Indoor gym space in local schools if available

Dog Park(s)/Dog Off-Leash Areas(s) – Provide additional dog parks, smaller dog runs, and/or off-leash areas.

Potential Locations/Opportunities

- Creekside Park
- Jollyman Park
- Wilson Park
- Portal Park
- Monta Vista Park
- Linda Vista Park
- Hoover Park

- Varian Park
- Three Oaks Park
- Somerset Park
- Potential Acquisition or Joint-Use Facility

Natural Vegetation Recommendations – Integrate natural plantings and reduce turf areas where not actively used for recreation.

Potential Locations/Opportunities

- All City parks

## 2.7 SCOPE OF CEQA REVIEW

The Master Plan identifies opportunities for park improvements and development and is intended to guide the City in allocating resources for future enhancement, renovation, and management of City park and recreation facilities through the year 2040. The key components of the Master Plan are vision and goals, systemwide objectives and actions, opportunities for improving the parks and recreation system (including acquisition of new parks and potential major new facilities as well as smaller enhancements), and associated implementation actions. The Master Plan establishes a policy framework to support decision-making that concerns the physical development of the City's parks. The Master Plan contains a number of goals and actions that do not have the potential to affect the environment as analyzed under CEQA and are not considered in detail in this document (see Chapter 3 of the Master Plan for a complete list of goals, objectives and actions).

This IS/MND focuses on Master Plan goals, objectives, actions, and enhancement opportunities that have the potential to cause environmental impacts when implemented (see Table 2-2 and Table 2-3). While the Master Plan identifies types and potential locations of park improvements contemplated, it does not present project-level design plans for any specific improvement or project. In the absence of project-level information, this IS/MND identifies general areas of potential environmental impacts that could occur from implementation of the Master Plan, and identifies how existing City policies, programs, and procedures, as well as regulatory standards and programmatic procedures, would reduce or avoid environmental impacts. Where a potentially significant impact is identified, the impact analysis identifies programmatic mitigation measures that would be applied to future projects to reduce or prevent environmental impacts.

Adoption of the Master Plan would not authorize any specific development, or the construction of park improvements contemplated in the Master Plan. Once project-level information is developed for improvements proposed to be implemented under the opportunities identified in the Master Plan, the City would review the project under CEQA and determine the appropriate level of environmental review. In the absence of even conceptual-level design and implementation information at this time, this IS/MND cannot evaluate the potential environmental impacts of some of the actions contemplated in the Master Plan. Future review of these projects would focus on site-specific environmental issues that could not be examined in sufficient detail as part of this IS/MND. When a specific, proposed project is pursued on school district-owned property, the City and the school district would determine which entity would be the CEQA lead agency, and what the appropriate CEQA determination for the project would be.

Certain types of improvements or modifications identified in the Master Plan are considered small in scale and may not be projects under CEQA (CEQA Guidelines Section 15378 Project), may qualify for exemptions, or may be covered by this IS/MND. These types of small-scale projects/improvements may include, but are not limited to, the following:

- Improving walking trails within parks;
- Adding shade to existing parks;
- Replacing/Improving play equipment;

- Removal/replacement of existing picnic tables;
- Construction of new restrooms or other small structures in parks;
- Incorporation of sustainable practices in the maintenance and management of parks;
- Improvement of landscaping with sustainable plantings or native planting providing wildlife habitat,
- Improvements that may assist the City in meeting or exceeding Americans with Disabilities Act (ADA) requirements;
- Improvement of trail connections and access;
- Development of fitness areas in parks;
- Integration of nature into parks;
- Enhancement of seating areas in parks;
- Enhancement of existing sports fields (excluding field lighting, additional evening events, or increase in spectators);
- Creation of wayfinding signage or safe routes to parks;
- Replacing, renovating, or repurposing buildings within the parks and recreation system.

## 2.8 PUBLIC AGENCIES APPROVAL REQUIRED

The City of Cupertino is the lead agency with jurisdiction over adoption and implementation of the Master Plan and certification of the CEQA document. During implementation of any physical improvements requiring additional City review or permits, the City will follow its adopted plans and policies, as well as any state and regional requirements for the control of environmental impacts. In addition, permits or other approvals may be required from regulatory agencies (such as Caltrans, California Department of Fish and Wildlife, U.S. Army Corps of Engineers, Santa Clara Valley Water District (Valley Water), Regional Water Quality Control Board) depending on the nature of the specific project and the location in which it occurs.

## 2.9 CUPERTINO STANDARD DESIGN AND CONSTRUCTION MEASURES

The City would design and construct all Master Plan enhancement opportunities consistent with all relevant federal, state, regional, and local regulations aimed at preventing or reducing environmental impacts. Table 2-5 City of Cupertino Standard Design and Construction Measures lists standard measures that would be incorporated into park design and construction projects with the intent of ensuring all park projects are carried out consistent with relevant regulations.

**Table 2-5 City of Cupertino Standard Design and Construction Measures**

Resource Area	Condition
Air Quality	<p><b>Fugitive Dust.</b> To reduce potential fugitive dust that may be generated by project construction activities, the City of Cupertino will implement the most current version of the BAAQMD Basic Construction Measures when ground disturbing activities have the potential to generate fugitive dust. The current Basic Construction Measures are provided below:</p> <ul style="list-style-type: none"> <li>• All active construction areas will be watered twice daily or more often if necessary. Increased watering frequency will be required whenever wind speeds exceed 15 miles-per-hour.</li> <li>• Cover stockpiles of debris, soil, sand, and any other materials that can be windblown. Trucks transporting these materials will be covered.</li> <li>• All visible mud or dirt track-out onto adjacent public roads will be removed using wet power vacuum street sweepers at least once per day or as often as necessary to keep them free of dust and debris associated with site construction. The use of dry power sweeping is prohibited.</li> </ul>

Resource Area	Condition
	<ul style="list-style-type: none"> <li>• Subsequent to clearing, grading, or excavating, exposed portions of the site will be watered, landscaped, treated with soil stabilizers, or covered as soon as possible. Hydroseed or apply (non-toxic) soil stabilizers to inactive construction areas and previously graded areas inactive for 10 days or more.</li> <li>• Installation of sandbags or other erosion control measures to prevent silt runoff to public roadways.</li> <li>• Replanting of vegetation in disturbed areas as soon as possible after completion of construction.</li> <li>• Idling times will be minimized either by shutting equipment off when not in use or reducing the maximum idling time to five minutes. Clear signage will be provided for construction workers at all access points.</li> <li>• All construction equipment will be maintained and properly tuned in accordance with manufacturer's specifications. All equipment will be checked by a certified mechanic and determined to be running in proper condition prior to operation.</li> <li>• Post a publicly visible sign with the telephone number and person to contact at the City of Cupertino regarding dust complaints. This person will respond and take corrective action within 48 hours. The BAAQMD's phone number will also be visible to ensure compliance with applicable regulations.</li> </ul>
Air Quality	<p><b>Construction Emission Reduction/Energy Efficiency Best Management Practices:</b></p> <p>To reduce construction equipment related fuel consumption and emissions of criteria air pollutants, toxic air contaminants, and GHGs, the City shall implement the following best management practices:</p> <p>Where possible, electrical service shall be provided to construction work areas to avoid the need to power equipment with generators.</p> <p>The design shall be energy efficient consistent with the City's Climate Action Plan and incorporate sustainable energy design elements including, but not limited to:</p> <ul style="list-style-type: none"> <li>• Exterior energy design elements;</li> <li>• Internal lighting service and climatic control systems; and</li> <li>• Building siting and landscape elements.</li> </ul>
Hazardous Materials	<p><b>Contaminated Soils.</b></p> <ul style="list-style-type: none"> <li>• During the design phase of a project the City will conduct screening research to ensure the proposed project would not be located on or immediately adjacent to unremediated contaminated soils. The City will conduct a search of all lists of hazardous materials sites compiled pursuant to Government Code section 65962.5, including the List of Hazardous Waste and Substances sites from Department of Toxic Substances Control (DTSC) EnviroStor database, <i>List of Leaking Underground Storage Tank Sites by County and Fiscal Year from Water Board GeoTracker database</i>, and List of hazardous waste facilities subject to corrective action pursuant to Section 25187.5 of the Health and Safety Code, identified by DTSC, during the design phase of recommended projects in order to identify any active remediation sites. The design will consider the findings of this search.</li> <li>• For park projects that meet the criteria for a grading permit, the City shall investigate whether the project would be located in areas of past agricultural use and if so, perform soil sampling consistent with state and County regulations to determine if past agricultural activities caused soil contamination.</li> </ul>

Resource Area	Condition
Water Quality	<ul style="list-style-type: none"> <li>• <b>Erosion Control.</b> Park projects will be designed in accordance with the most current Chapter 9.18 Stormwater Pollution Prevention and Watershed Protection of the Municipal Code, as applicable, and the most current Municipal Regional Stormwater NPDES permit. Projects will be constructed in accordance with the most current version of Section 7.20 Storm Water Pollution Control of the General Conditions of the City's Public Works contract documents. Construction plans will include the City of Cupertino, Public Works Department "Construction Best Management Practices" plan sheet.</li> <li>• <b>Green Stormwater Infrastructure.</b> Park projects will be designed consistent with the City's Green Stormwater Infrastructure (GSI) Plan (adopted Sep. 2019).</li> </ul>
Noise	<p><b>Construction Noise.</b> Construction projects will be carried out in conformance with the most current version of Chapter 10.48 of the Municipal Code, Community Noise Control. The current language is provided below.</p> <ul style="list-style-type: none"> <li>• Section 10.48.051, Landscape Maintenance Activities, states that the use of motorized equipment for landscape maintenance activities for public schools, public and private golf courses, and public facilities is limited to the hours of 7 AM to 8 PM on weekdays and 7 AM to 6 PM on weekends and holidays.</li> <li>• Section 10.48.053, Grading, Construction, and Demolition sets forth standards for construction-related noise: <ol style="list-style-type: none"> <li>1. Grading, construction and demolition activities shall be allowed to exceed the noise limits of Section 10.48.040 during daytime hours (7 AM to 8 PM on weekdays and 9 AM to 6 PM on weekends) provided that the equipment utilized has high-quality noise muffler and abatement devices installed and in good condition, and the activity meets one of the following two criteria: 1) No individual device produces a noise level more than 87 dBA at a distance of 25 feet; or 2) The noise level on any nearby property does not exceed 80 dBA.</li> <li>2. Grading, street construction, demolition, and underground utility work are prohibited within 750 feet of a residential area on weekends, holidays, and during the nighttime period (8 PM to 7 AM on weekdays and 6 PM to 9 AM on weekends). This restriction does not apply to emergency work activities as defined by Section 10.48.030 of the Municipal Code.</li> <li>3. Construction, other than street construction (and certain emergency work activities), is prohibited on holidays.</li> <li>4. Construction, other than street construction (and certain emergency work activities) is prohibited during nighttime periods unless it meets the nighttime standards in Section 10.48.040.</li> </ol> </li> <li>• <b>Park Usage Noise.</b> Chapter 13.04, Parks Section 13.04.190, Closing Hours – Prohibitions, states that no person shall remain, stay, or loiter in any public park between the hours of 10 PM and 6 AM, unless otherwise posted at the public park.</li> </ul>
Traffic Control	<p><b>Traffic Control.</b> For all construction projects affecting vehicle, bicycle, or pedestrian circulation patterns, the contractor will provide vehicle traffic control measures to ensure safety and vehicle flow during construction, and which ensure public safety and provide for adequate access to public rights-of-way during construction. All construction projects will require the construction contractor to comply with the most current version of Section 7.21 Traffic Control and Public Safety of the General Conditions of the City's Public Works contract documents which require contractors to give adequate warning to the public of construction and to maintain access to public rights-of-way during construction.</p>

In addition to the measures listed in Table 2-5, the City uses several documents to specify standard measures for City sponsored construction projects. These standard measures are specified in City construction contracts and serve to eliminate or reduce environmental impacts associated with construction projects, some of which are intended to ensure the City complies with state and federal laws regarding air emissions, storm water pollution prevention, and hazardous materials handling and storage at construction sites. These measures are found in the documents listed below. Over the life of the Master Plan, however, the City may revise the language of these documents, or add new measures, in order to respond to changing environmental and regulatory conditions. As the City initiates design and construction of park enhancement opportunities, these measures would be incorporated into the project description and implemented as part of the appropriate phase of the project.

The current City documents containing standard measures consist of:

- Department of Public Works Construction Best Management Practices (BMPs) for Stormwater Pollution Prevention and Water Course Protection (pursuant to City Municipal Code Chapter 9.18) (dated September 1, 2016)
- City of Cupertino Public Works Department, Standard Details for Construction within City right-of-way. Undated.
- City of Cupertino Public Works Contract Documents, General Conditions of Project Manual (standard construction contract language)

These documents can be found at: [www.cupertino.org/our-city/departments/public-works/engineering-standards-policies-procedures](http://www.cupertino.org/our-city/departments/public-works/engineering-standards-policies-procedures).

## Chapter 3. Environmental Checklist and Responses

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1. **Project Title:** Cupertino Parks & Recreation System Master Plan
2. **Lead Agency Name and Address:** City of Cupertino
3. **Contact Person and Phone Number:** Gail Seeds, Park Improvement Manager  
Department of Public Works  
[parksmp@cupertino.org](mailto:parksmp@cupertino.org)  
(408) 777-3120
4. **Project Location:** City of Cupertino
5. **Project Sponsor's Name and Address:**  
City of Cupertino  
Public Works Department  
10300 Torre Avenue  
Cupertino, CA 95014
6. **General Plan Designation:** N/A
7. **Zoning:** N/A

**Description of the Project:** The City proposes to adopt and implement the City of Cupertino (City) Parks and Recreation System Master Plan (Master Plan) which identifies opportunities for park improvements and development and is needed to provide overall guidance for long-term decision making by City staff.

The Master Plan is intended to ensure that the park and recreation system meets the needs of the Cupertino community, and to guide the City in allocating resources for future development, renovation, and management of City parks and recreation facilities through the year 2040. The key components of the Master Plan are vision and goals, systemwide objectives and actions, enhancement opportunities, and implementation actions. The Master Plan is focused on City owned or managed developed parks and recreation facilities in Cupertino, and does not cover non-City owned natural open spaces, or non-City owned assets such as county and regional parks. The Master Plan does identify enhancement opportunities for joint City/School District improvements to school district facilities, primarily sport fields that are covered an existing City/School District agreement.

8. **Surrounding Land Uses and Setting (Briefly describe the project's surroundings):**  
The Master Plan encompasses all City-owned or City-managed park and recreation facilities. City parks are found in residential areas, mixed use areas, and commercial areas.
9. **Other public agencies whose approval is required (e.g., permits, financing approval, or participation agreement.).** No other agencies have approval authority over the Master Plan.
10. **Have California Native American tribes traditionally and culturally affiliated with the project area requested consultation pursuant to Public Resources Code section 21080.3.1? If so, is there a plan for consultation that includes, for example, the determination of significance of impacts to tribal cultural resources, procedures regarding confidentiality, etc.?** The City of Cupertino has not received a request from a Native American tribe for consultation pursuant to Public Resources Code section 21080.3.1.



**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.

<input checked="" type="checkbox"/>	Aesthetics	<input type="checkbox"/>	Greenhouse Gas Emissions	<input checked="" type="checkbox"/>	Public Services
<input type="checkbox"/>	Agricultural and Forestry Resources	<input type="checkbox"/>	Hazards and Hazardous Materials	<input checked="" type="checkbox"/>	Recreation
<input type="checkbox"/>	Air Quality	<input type="checkbox"/>	Hydrology/Water Quality	<input type="checkbox"/>	Transportation
<input checked="" type="checkbox"/>	Biological Resources	<input type="checkbox"/>	Land Use/Planning	<input checked="" type="checkbox"/>	Tribal Cultural Resources
<input checked="" type="checkbox"/>	Cultural Resources	<input type="checkbox"/>	Mineral Resources	<input type="checkbox"/>	Utilities/Service Systems
<input type="checkbox"/>	Energy	<input type="checkbox"/>	Noise	<input type="checkbox"/>	Wildfire
<input type="checkbox"/>	Geology/Soils	<input type="checkbox"/>	Population/Housing	<input type="checkbox"/>	Mandatory Findings of Significance

**DETERMINATION: (To be completed by the Lead Agency)**

On the basis of this initial evaluation:

- I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- I find that although the proposed project COULD have a significant effect on the environment, there WILL NOT be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
- I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
- I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
- I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

*Robert S. Lee*  
Signature

10/18/19  
Date

Robert S. Lee  
Printed Name

Director of Public Works  
Title

City of Cupertino  
Agency

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**3.1 AESTHETICS**

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<i>Would the project:*</i>				
a) Have a substantial adverse effect on a scenic vista?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage points.) If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
*Except as provided in Public Resources Code Section 21099				

**3.1.1 Environmental Setting**

The City of Cupertino is situated on the mid-peninsula in the south Bay Area. Cupertino borders San Jose and Santa Clara to the east, Saratoga to the south, and Sunnyvale and Los Altos to the north. As of the 2010 census, the City had a land area of 11.26 square miles (US Census Bureau 2010). The topography of the City and the surrounding vicinity is generally flat because the City lies in the west-central part of the Santa Clara Valley, which has a broad, mostly flush alluvial plain that extends southward from San Francisco Bay. Linda Vista Park is the only City park not situated on largely flat land. The Santa Cruz Mountains rise up to the west and provide a visual backdrop for the majority of the City. Cupertino is further defined by its largely urban setting.

**Scenic Highway Corridors**

There are no state-designated scenic highways within the City.

**Sensitive Scenic and Visual Resources**

The City defines scenic vistas and scenic corridors in the following manner (page 4.1-21 of General Plan EIR):

*“Scenic corridors are considered a defined area of landscape, viewed as a single entity that includes the total field of vision visible from a specific point, or series of points along a linear transportation route. Public view corridors are areas in which short-range, medium-range and long-range views are available from publicly accessible viewpoints, such as from city streets. However, scenic vistas are generally interpreted as long-range views of a specific scenic feature (e.g. open space lands, mountain ridges, bay, or ocean views)”.*

The eastern part of Cupertino is relatively flat, whereas the western part of the city is characterized by changes in topography as it slopes into the Santa Cruz Mountains. Because Cupertino is largely built out, views of scenic vistas within the City are limited. However, given the flat nature of the majority of the City, views of the Santa Cruz Mountain Range can be captured from portions of major roadway corridors such as Stevens Creek Boulevard and Homestead Road. Views of the Santa Cruz Mountains are likely to increase as a person travels towards the foothills in the western and southern areas of the City.

The City has not designated any major roadways or any other streets/areas in the City as scenic corridors or as being part of a scenic vista. While the General Plan does not specifically address scenic corridors or vistas, it recognizes the views of the foothills (i.e. Montebello) and ridgelines of the Santa Cruz Mountains to the west and other natural features that surround the City as important resources (Cupertino 2014).

### **City Parks as Scenic Resources**

The City of Cupertino owns or manages approximately 224 acres of parks, trails, creek corridors, sports fields, and recreation facilities at 32 sites. Most of the City's parks are landscaped with common native and non-native plant species and contain a variety of recreation facilities including, but not limited to: play areas, picnic areas, open lawns, sports courts, sports fields, bathrooms, and trails, which influence the aesthetic quality of each park. Several parks, including Creekside Park, Stevens Creek Corridor Park, and Sterling Barnhart Park, feature a creek or other linear water feature, along with their corresponding riparian vegetation. All City park land has been categorized into community park, neighborhood park, special use site, and trail corridor categories, and is shown on the map in Figure 2-2, Existing Parks Open Space and Recreation Resources.

Section 2.2.1 in Project Description describes the City's existing community parks, large neighborhood parks, small neighborhood parks, and special use sites.

#### *Community Parks*

The City has two community parks: Memorial Park (22 acres) and Stevens Creek Corridor Park (63.7 acres). Memorial Park features an urban setting with commercial uses along Stevens Creek Boulevard to the south and single and multi-family residences on other adjacent parcels. The park's scenic resources include open lawns, mature trees, ponds, a gazebo, and public art.

Stevens Creek Corridor Park is composed of several contiguous sites, and for purposes of the Master Plan is categorized as a single Community Park. It has many scenic and historic components; the park includes Stevens Creek Trail, McClellan Ranch Preserve, McClellan Ranch West, Blackberry Farm Park, Blackberry Farm Golf Course, Stockmeir Ranch, and additional adjacent parcels owned by the City or Santa Clara Valley Water District. The park features a largely riparian setting situated around Stevens Creek, as well as the aforementioned developed sites and trail.

Representative photos of Memorial Park and Stevens Creek Corridor Park are presented below. Both parks provide pleasing views of open areas, landscaping and an open view of the skyline, and Stevens Creek Corridor Park provides high quality views of Stevens Creek, the riparian corridor, open meadows, and large native trees. The visual quality of both parks is high, and the natural landscape of Stevens Creek Corridor Park is unique and highly valued by park users.

**Memorial Park**



*Memorial Park picnic area in foreground and play area with tennis courts in background, camera facing northwest.*



*Gift from Cupertino's sister city Toyokawa, Japan in foreground and ponds (currently empty) in background within Memorial Park. Adjacent multi-family residences and view of mountains in the background on right. Picture looking south from picnic area.*





*Memorial Park gazebo and pond (currently empty) in the foreground with amphitheater in the background. Picture looking east.*



*Memorial Park lawn in foreground with Quinlan Community Center and single-family residences in background. Picture looking east.*



**Stevens Creek Corridor Park**



*McClellan Ranch Preserve entrance and view of Parrish Tank House with Stevens Creek Trail on right. Picture looking southwest.*



*McClellan Ranch Preserve, Rolling Hills 4-H grounds in foreground and community garden in background. Picture looking northwest from Stevens Creek Trail.*





*Blackberry Farm Park orchard and pool house buildings with Stevens Creek Trail on right. Picture looking south.*



*Group picnic area at Blackberry Farm Park. Picture looking west.*



### Neighborhood Parks

Neighborhood parks are intended to serve the neighborhoods in which they are located; therefore, they are largely situated in residential settings. The City has eight large (approximately 4 to 13 acres) and six small community parks (approximately 0.3 to 3 acres). These parks include Creekside Park, Hoover Park, Jollyman Park, Linda Vista Park, Monta Vista Park and Recreation Center, Portal Park, Varian Park, Wilson Park, Canyon Oak Park, Franco Park, Little Rancho Park, Somerset Park, Sterling Barnhart Park, and Three Oaks Park.

The visual quality of neighborhood parks varies with the size of the park, the amount of active recreation facilities, and landscaping. All parks are attractive and provide park users with pleasing visual settings. Parks with native landscaping and those near creek channels provide more natural visual settings.

#### **Sterling Barnhart Park**

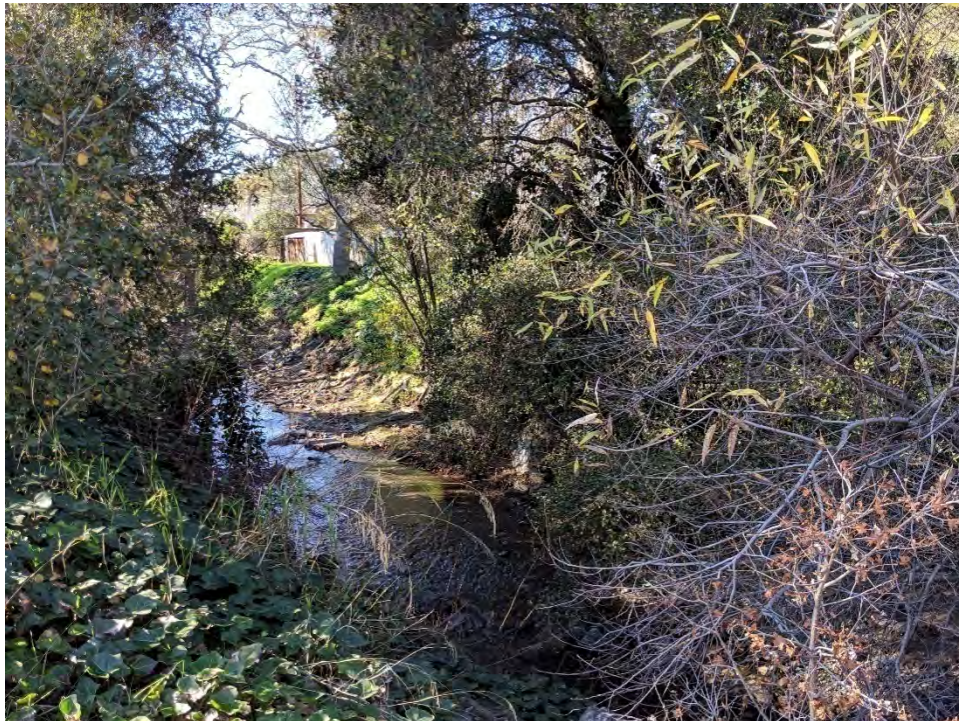


*Sterling Barnhart Park featuring sign and play area with access to Saratoga Creek Trail on right. Adjacent single-family residence pictured on left. Saratoga Creek borders east edge of park. Picture looking northeast.*





*Pedestrian-bicycle bridge over Saratoga Creek. Picture looking west towards Sterling Barnhart Park.*



*Saratoga Creek. Picture looking south from pedestrian-bicycle bridge.*



**Jollyman Park**



*Jollyman Park baseball field and trail. Picture looking northeast.*



*Surrounding single family neighborhood near Jollyman Park. Picture looking west down Heatherwood Drive.*



**Creekside Park**



*Softball backstop in Creekside Park. Picture looking south from park building.*



*Trail and benches near western play area in Creekside Park. Picture looking west.*





*Pedestrian-bicycle bridge entrance to Creekside Trail. Picture from western edge of northern sport field in Creekside Park.*



*Calabazas Creek. Picture looking northeast from pedestrian-bicycle bridge to Creekside Park.*



**Linda Vista Park**



*Linda Vista Park southern play area situated at the highest of three primary levels along the hillside. Picture looking south.*



*Linda Vista Park group picnic area situated in middle of the three primary levels along the hillside. Picture looking north from upper level.*





*Linda Vista Park playground and picnic area situated on lowest of three primary levels along the hillside with restroom building in the background. Picture looking southeast.*



*Pathway within Linda Vista Park on left. Deep Cliff Golf Course on right. Picture looking northwest from Linda Vista Park.*



**Little Rancho Park**



*Little Rancho Park play area and benches with surrounding single-family houses in background. Picture looking southwest.*

**Canyon Oak Park**



*Canyon Oak Park play area and benches. Picture looking northeast toward Canyon Oak Way from rear of the park.*





*View of part of Rancho San Antonio County Park across Canyon Oak Way from Canyon Oak Park. Picture looking northeast.*

**Library Field**



*Library Field with rows of trees and Pacifica Drive in the background. Picture looking southeast from Cupertino Library.*



**Civic Center Plaza**



*Civic Center Plaza featuring sign in foreground, Community Hall in center background, and Cupertino Library on right. Picture looking east.*



*Civic Center Plaza vicinity featuring statue in foreground and benches, landscaping, and City Hall in background. Picture looking north.*

### *Special Use Sites*

Special use sites are parks that do not fit into the other park categories. The City has the following special use sites: the Civic Center (Civic Center Plaza, Community Hall, and Library Field), Mary Avenue Dog Park, and the Cupertino Sports Center. These sites all feature an urban setting with landscaping and are generally surrounded by residential and/or commercial uses. While each special use site is attractive in an urban setting, their management is not focused on visual or scenic qualities.

### *Trail Corridors*

Identified trail corridors within the City include the Don Burnett Bicycle-Pedestrian Bridge and Trail, Creekside Park and Regnart Creek Trail (from Creekside Park to East Estates Drive), Saratoga Creek Trail, Stevens Creek Trail, the proposed Linda Vista Park to McClellan Ranch Preserve Trail, and other potential trails (Junipero Serra Trail, Historic De Anza Trail e.g.). Most trails within the City lie within a riparian corridor or parks within an urban setting. Stevens Creek Trail passes through several scenic areas, including Stockmeir Ranch.



*Pedestrian-bicycle bridge over Calabazas Creek that links to Creekside Park. Picture looking west.*





*Stevens Creek Trail through Stockmeir Ranch. Picture looking north.*



*Pedestrian-bicycle bridge over Stevens Creek near Stockmeir Ranch. Picture looking north.*





*Stevens Creek Trail through McClellan Ranch Preserve. Picture looking east from parking lot.*

### 3.1.2 Regulatory Setting

#### ***Federal and State Regulations***

There are no federal or state regulations related to aesthetic or scenic quality that are relevant to the proposed Master Plan.

#### ***Local Regulations***

##### **City of Cupertino General Plan: Community Vision 2015-2040 ('General Plan')**

The General Plan, along with several specific plans, guides development within the City. The General Plan does not contain policies specific to visual or aesthetic quality that are directly relevant to the Master Plan, other than policies that guide the visual quality of new structures and streetscapes, and which protect residential neighborhoods from intrusive effects of more intense development. These policies are listed below.

- *Policy LU-2.2.* Require developments to incorporate pedestrian-scaled elements along the street and within the development such as parks, plazas, active uses along the street, active uses, entries, outdoor dining, and public art.
- *Policy LU-12.4.* The Montebello foothills at the south and west boundary of the valley floor provide a scenic backdrop, adding to the City's scale and variety. While it is not possible to guarantee an unobstructed view of the hills from every vantage point, an attempt should be made to preserve views of the foothills.
- *Policy LU-27.7.* Protect residential neighborhoods from noise, traffic, light and visually intrusive effects from more intense development with landscape buffers, site design, setbacks, and other appropriate measures.

Specific plans including Heart of the City Specific Plan, South Vallco Specific Plan, and the Monte Vista Design Guidelines address the aesthetic quality of development within each of

those areas, including building design details, pedestrian friendly design features, landscaping treatment, signage, lighting, and public improvement details.

### **City of Cupertino Municipal Code**

Besides the General Plan, the City of Cupertino Municipal Code ('Municipal Code') is the primary tool that shapes the form and character of physical development in Cupertino. The Municipal Code contains all ordinances for the city, and identifies land use categories, site development regulations, and other general provisions that ensure consistency of proposed development projects with the General Plan. The Municipal Code is organized by Title, Chapter, and Section. The following provisions from the Municipal Code help minimize visual impacts associated with new development projects:

- Title 13 Section 04.201 Nature and/or Rural Preserve designates and includes provisions for nature and/or rural preserves. Uses for these areas shall be limited to those which will maintain and protect the ecology of the area, conserve the natural features and scenic values, expand community awareness and understanding of natural history and the environment, and provide enjoyment of the resources present consistent with their preservation. McClellan Ranch Park is designated a nature and rural preserve. (Ord. 710, (part), 1975)
- Title 19 is the City's Zoning Code, which establishes comprehensive zoning regulations for the City. The purposes of the Zoning Ordinance include assuring the orderly and beneficial development of the City, attaining a desirable balance of residential and employment opportunities, and promoting efficient urban design and arrangement. Municipal Code § 19.040.020. The Zoning Ordinance sets forth the standards requiring architectural and site review and stipulating aesthetic criteria for new development. For instance, a proposed development should ensure compatibility to adjacent uses in terms of architectural style and building size. The Zoning Ordinance also contains development standards related to aesthetics, including fencing (Chapter 19.48) and signage (Municipal Code Chapter 19.104).
  - Pursuant to Chapter 19.168, Architectural and Site Review, the Approval Body, defined as either the Director of Community Development and his/her designee, the Planning Commission or City Council depending upon context, is responsible for the review of architectural and site designs of buildings within the city to promote and ensure compliance with the goals and objectives identified in the General Plan. The findings for architectural and site review are as follows:
    - The proposal, at the proposed location, will not be detrimental or injurious to property or improvements in the vicinity, and will not be detrimental to the public health, safety, general welfare, or convenience;
    - The proposal is consistent with the purposes of this [Architectural and Site Review] chapter, the General Plan, any specific plan, zoning ordinances, applicable planned development permit, conditional use permits, variances, subdivision maps or other entitlements to use which regulate the subject property including, but not limited to, adherence to the following specific criteria:
      - Abrupt changes in building scale should be avoided. A gradual transition related to height and bulk should be achieved between new and existing buildings.
      - With respect to new projects within existing residential neighborhoods, new development should be designed to protect residents from noise, traffic, light and visually intrusive effects by use of buffering, setbacks, landscaping, walls, and other appropriate design measures.

### 3.1.3 Discussion

Would the project:

**a) Have a substantial adverse effect on a scenic vista?**

**No Impact.** As described in the Environmental Setting and reflected in the policies presented in the Regulatory Setting discussion, there are no designated scenic vistas within the City limits. However, the General Plan recognizes the foothills (i.e. Montebello) as important resources and provides policies to ensure their protection as scenic elements visible from within the City, but it does not define them as scenic vistas. Views of the Santa Cruz mountains and the Montebello area foothills would be visible from within selected parks depending on the location of the park, intervening topography, and development.

Certain types of projects carried out under the Master Plan could potentially block views of the foothills from within a particular park such as the construction of a new building, or extensive tree planting. However, because the City lacks designated scenic vistas, adoption and implementation of the Master Plan would not affect a scenic vista and the project would have no impact.

**b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?**

**No Impact.** No state designated scenic highways are located within the City of Cupertino. Therefore, adoption of the Master Plan would not affect a state designated Scenic Highway. In addition, as stated above, the City does not have any locally designated scenic corridors.

**c) In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage point.) If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?**

**Less Than Significant Impact.** The City of Cupertino is an urbanized area. The Master Plan projects would be designed, constructed, and maintained consistent with all adopted City policies and regulations, including those focused on visual quality of the urban environment. The Master Plan presents several objectives that would enhance the visual quality of certain parks through managing meadows, natural areas and wildlife habitat (Objective 1B), recognizing local ecological habitats and native landscape (Objective 1D), re-landscaping with native species, and introducing butterfly and pollinator gardens (Objective 1E). The Master Plan is intended to enhance the visual character of Cupertino parks. Once design and implementation information becomes available for specific development or improvement projects recommended by the Master Plan, the City would evaluate the project to determine if its impacts are covered by this programmatic IS/MND or whether subsequent environmental review is required. Therefore, adoption of the Master Plan will not cause a significant impact to the visual character of the project area and its surroundings.

**d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?**

**Less Than Significant Impact with Mitigation.** Most existing City parks have night security lighting. Some parks with sports fields and tennis courts, such as Memorial Park or Cupertino Sports Center, have existing field or court lighting for night games and recreation. The Master Plan identifies an opportunity to improve walkway lighting at Portal Park, as well as to evaluate whether lighting any sports fields is appropriate to extend evening hour usage (Table 2-2, Objective 4.E, Action vi). The Master Plan does not recommend night lighting at any specific sports field. Potential new park and recreation facilities presented in Table 2-4 would also likely result in new security night lighting.



Nighttime safety and security lighting in parks are usually placed in parking lots, along pathways, and around buildings, and is not high intensity lighting or mounted at an elevation where direct glare impacts to adjacent sensitive land uses (residential areas) would be anticipated. Currently the City does not have any adopted policies specifically directed at preventing light and glare impacts to adjacent land uses. Although impacts are not anticipated, without such policies in place to guide future park projects, there is potential that night lighting associated with park and recreation activities could cause light and glare impacts to adjacent sensitive land uses. Mitigation Measure AES-1 presented below would be applied to future park projects with a night lighting component to ensure light and glare impacts are prevented. Implementation of AES-1 would reduce potentially significant impacts to less than significant levels.

Any future park development would be required to design, construct, and maintain new night lighting in accordance with all adopted City plans and policies, including the General Plan and the Municipal Code, and policies related to energy usage and control of light and glare. Master Plan Objective 1D.vii, states that the new dark sky policy that the City plans to develop, would be incorporated into park projects to minimize light intrusion into environmentally sensitive areas such as creek and riparian corridors.

Objective 4.E, Action vi of the Master Plan recommends evaluating whether lighting any sports fields is appropriate to extend evening hour usage (see Table 2-2). Sport field lighting requires high intensity lighting that is elevated above the field and can cause light and glare impacts to adjacent land uses. The Master Plan does not recommend night lighting at any specific sports field. It is not possible to assess the potential light and glare impacts of Objective 4.E, Action vi in advance of a proposed project at an identified location. Once a project location is identified and project design and implementation information are available, the City would evaluate the project to determine what level of subsequent environmental review is required. Projects implemented under the Master Plan would be subject to Mitigation Measure AES-1 and would be designed according to all General Plan and Municipal Code requirements, discussed above in the Regulatory Setting, which are intended to address conflicts between land uses.

### **Mitigation Measures:**

**Impact AES-1:** Park projects that include night lighting could cause light and glare impacts to sensitive adjacent land uses.

**Mitigation Measure AES-1:** New exterior lighting in proximity to adjacent property will be shielded as necessary to ensure that exterior light sources do not create a significant light or glare impact on an adjacent land use. A lighting plan that addresses potential light and glare impacts shall be prepared for projects that include new night lighting in proximity to adjacent private properties.

**Effectiveness:** This measure would minimize and/or avoid light and glare impacts to sensitive adjacent properties.

**Implementation:** The City shall implement this measure during the design of park projects that include night lighting.

**Timing:** During project design.

**Monitoring:** City shall implement this measure per the MMRP requirements and shall require a lighting plan that addresses potential light and glare impacts be prepared for projects including night lighting.

### 3.2 AGRICULTURAL AND FOREST RESOURCES

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

#### 3.2.1 Environmental Setting

The California Department of Conservation's Farmland Mapping and Monitoring Program (FMMP) rates farmland according to soil quality and irrigation status. The FMMP classifies Prime Farmland, as well as other farmland of importance. Classifications found within the City of Cupertino are defined as follows:

- **Urban and Built-Up Land.** Urban and Built-Up land is occupied by structures with a building density of at least 1 unit to 1.5 acres, or approximately 6 structures to a 10-acre parcel. Common examples include residential, industrial, commercial, institutional facilities, cemeteries, airports, golf courses, sanitary landfills, sewage treatment, and water control structures.
- **Other Land.** Land not included in any other mapping category. Common examples include low density rural developments; brush, timber, wetland, and riparian areas not suitable for livestock grazing; confined livestock, poultry or aquaculture facilities; strip mines, borrow pits; and water bodies smaller than forty acres. Vacant and

nonagricultural land surrounded on all sides by urban development and greater than 40 acres is mapped as Other Land.

A majority of land in Cupertino has been classified under the FMMP as Urban and Built-up Land. Some land near Linda Vista Park and Regnart Creek, along the base of the foothills and outside of the urban area, is classified as Other Land. Maps prepared pursuant to the FMMP show there are no lands classified as Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland) within the City of Cupertino.

The California Land Conservation (Williamson) Act 2010 Status Report identifies land in Santa Clara County that is currently under Williamson Act contract and shows that there is no land under Williamson Act within the City (Cupertino 2014).

The Cupertino Land Use Map has no agriculture land use designation (City of Cupertino 2018).

Public Resources Code section 12220(g) defines “forest land” as land that can support 10 percent native tree cover of any species, including hardwoods, under natural conditions, and that allow for management of one or more forest resources, including timber, aesthetics, fish and wildlife, biodiversity, water quality, recreation, and other public benefits. Public Resources Code section 4526 defines “timber land” as land which is available for, and capable of, growing a crop of trees of a commercial species for lumber or other forest products, including Christmas trees. The City of Cupertino does not contain any private or public forestland or timberland (CDFW 2015).

### 3.2.2 Regulatory Setting

Because the City does not contain agriculture or forest land, there are no adopted policies or regulations relevant to the proposed Master Plan.

### 3.2.3 Discussion

*Would the project:*

- 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?**
- b) **Conflict with existing zoning for agricultural use or a Williamson Act contract?**
- c) **Conflict with existing zoning for, or cause rezoning of, forestland (as defined in Public Resources Code Section 12220(g)), timberland (as defined by Public Resources Code Section 4526), or timberland zoned Timberland Production (as defined by Government Code Section 51104(g))?**
- d) **Result in the loss of forest land or conversion of forest land to non-forest use?**
- 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 forestland to non-forest use?**

**No Impact.** (Responses a – e). The City’s existing parks are not located within prime or other agricultural lands as mapped by the State FMMP. Rather, existing parks are located within areas designated as “Urban and Built-up Land.” Adoption of the Master Plan would not result in projects that would convert any farmland or forest land to a non-agricultural/non-forest use because no farmland or forest lands lie within the City boundaries. Therefore, the Master Plan would not result in impacts to any agricultural or forest resources.

### 3.3 AIR QUALITY

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<i>Would the project*:</i>				
a) Conflict with or obstruct implementation of the applicable air quality plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) 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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
*Where available, the significance criteria established by the applicable air quality management district or air pollution control district may be relied upon to make the following determinations.				

#### 3.3.1 Environmental Setting

The City of Cupertino is located within the San Francisco Bay Area Air Basin (SFBAAB), which is composed of Alameda, Contra Costa, Santa Clara, San Francisco, San Mateo, Marin, and Napa County, as well as the southern portions of Solano and Sonoma counties. The SFBAAB is characterized by a Mediterranean climate with warm, dry summers and cool, damp winters. During the summer daytime, high temperatures near the coast are primarily in the mid-60s, whereas areas farther inland are typically in the high-80s to low-90s. Nighttime low temperatures on average are in the mid-40s along the coast and low- 60’s to mid-50s inland.

Federal, state, and local governments control air quality through the implementation of laws, ordinances, regulations, and standards. The federal and state governments have established ambient air quality standards for “criteria” pollutants considered harmful to the environment and public health. National Ambient Air Quality Standards (NAAQS) have been established for carbon monoxide (CO), lead (Pb), nitrogen dioxide (NO<sub>2</sub>), ozone (O<sub>3</sub>), fine particulate matter (particles 2.5 microns in diameter and smaller, or PM<sub>2.5</sub>), inhalable coarse particulate matter (particles 10 microns in diameter or smaller, or PM<sub>10</sub>), and sulfur dioxide (SO<sub>2</sub>). California Ambient Air Quality Standards (CAAQS) are more stringent than the national standards for the pollutants listed above and also include the following additional pollutants: hydrogen sulfide (H<sub>2</sub>S), sulfates (SO<sub>x</sub>), and vinyl chloride. In addition to these criteria pollutants, the federal and state governments have classified certain pollutants as hazardous air pollutants (HAPs) or toxic air contaminants (TACs), such as asbestos and diesel particulate matter (DPM).

The SFBAAB is currently designated as non-attainment for the 1-hour and 8-hour state ozone standards, the 8-hour national ozone standard, the state annual average PM<sub>2.5</sub> standard, the national 24-hour PM<sub>2.5</sub> standard, and the state annual average and 24-hour PM<sub>10</sub> standards (BAAQMD 2017a). Locally, the City of Cupertino is not in an area that generally experiences elevated levels of the nonattainment pollutants, specifically ozone and PM<sub>2.5</sub> (BAAQMD 2018). This is because the City’s geographic location allows the large-scale wind pattern in the Bay Area to disperse criteria pollutants generated within and in proximity to Cupertino either southward to San Jose or eastward to the East Bay (BAAQMD 2018). They do not remain

stagnant in the city, which would lead to higher concentrations of criteria air pollutants. The Bay Area Air Quality Management District's (BAAQMD) Healthy Places initiative provides support for addressing healthy infill development and identifies areas throughout the Bay Area that are estimated to have elevated levels of fine particulates and/or toxic air contaminants. In the City of Cupertino, areas with elevated levels of pollution are most likely to be along and in the vicinity of major roadways and large commercial or industrial facilities (BAAQMD 2019a).

### **3.3.2 Regulatory Setting**

#### ***Federal***

##### **U. S. Environmental Protection Agency - Federal Clean Air Act**

The federal Clean Air Act, passed in 1970 and last amended in 1990, forms the basis for the national air pollution control effort. The U.S. Environmental Protection Agency (EPA) is responsible for implementing most aspects of the Clean Air Act, including the setting of NAAQS for criteria pollutants under the Clean Air Act. States with areas that exceed the NAAQS must prepare a state implementation plan that demonstrates how those areas will attain the standards within mandated time frames.

#### ***State***

##### **California Air Resources Board**

The federal Clean Air Act delegates the regulation of air pollution control and the enforcement of the NAAQS to the states. In California, the task of air quality management and regulation has been legislatively granted to the California Air Resources Board (CARB), with subsidiary responsibilities assigned to air quality management districts and air pollution control districts at the regional and county levels. CARB has established the CAAQS, which are more restrictive than the NAAQS.

In addition, CARB establishes the process for the identification and control of TACs and includes provisions to make the public aware of significant toxic exposures and for reducing risk. A substance is considered toxic if it has the potential to cause adverse health effects in humans, including increasing the risk of cancer upon exposure, or acute and/or chronic non-cancer health effects. Examples include certain aromatic and chlorinated hydrocarbons, certain metals, and asbestos. TACs are generated by a number of sources, including stationary sources such as dry cleaners, gas stations, combustion sources, and laboratories; mobile sources such as automobiles, on- and off-road diesel equipment (e.g., trucks, excavators, bulldozers); and area sources such as landfills.

##### **Bay Area Air Quality Management District (BAAQMD)**

The BAAQMD is responsible for maintaining air quality and regulating emissions of air pollutants within the SFBAAB. The BAAQMD carries out this responsibility by preparing, adopting, and implementing plans, regulations, and rules that are designed to achieve attainment of state and national air quality standards. The BAAQMD currently has 13 regulations containing more than 100 rules that control and limit emissions from sources of pollutants. Most of these rules do not directly apply to the proposed Master Plan. The BAAQMD rules that would be most likely to apply to the future park enhancement, improvement, and development activities identified in the Master Plan are summarized in Table 3-1 below.

<b>Table 3-1: Potentially Applicable BAAQMD Rules and Regulations</b>	
<b>Regulation and Rule</b>	<b>Description</b>
Regulation 6 (Particulate Matter)	
1 – General Requirements	Limits the quantity of particulate matter in the atmosphere by controlling emission rates, concentration, visible emissions and opacity
6 – Prohibition of Trackout	Addresses fugitive road dust emissions associated with trackout of dirt/mud onto pavement
Regulation 8 (Organic Compounds)	
Rule 3 – Architectural Coatings	Limits the quantity of volatile organic compounds in architectural coatings supplied, sold, offered for sale, applied, solicited for application, or manufactured for use within the BAAQMD
Rule 40 – Aeration of Contaminated Soil and Removal of Underground Storage Tanks	Limits emissions of organic compounds from soil that has been contaminated by organic chemical or petroleum chemical leaks or spills
Rule 47 – Air Stripping and Soil Vapor Extraction Operations	Limits emissions of organic compounds from contaminated groundwater and soil; applies to new and modified air stripping and soil vapor extraction equipment used for the treatment of groundwater or soil contaminated with organic compounds
Regulation 11 (Hazardous Pollutants)	
Rule 2 – Asbestos Demolition, Renovation, and Manufacturing	Controls emissions of asbestos to the atmosphere during demolition of structures with asbestos-containing materials
Source: BAAQMD, 2019b	

In April 2017, the BAAQMD adopted its Spare the Air-Cool the Climate 2017 Clean Air Plan (2017 Clean Air Plan). The 2017 Clean Air Plan updates the most recent Bay Area ozone plan, the 2010 Clean Air Plan, in fulfillment of state ozone planning requirements. This plan presents the District's Ozone Strategy and addresses PM, TACs, and greenhouse gas (GHG) emissions in a single, integrated document that contains control strategies describing specific measures and actions the BAAQMD and its partners will implement to improve air quality, protect public health, and protect the climate. The Plan includes 85 distinct control measures to help the region reduce air pollutants and has a long-term strategic vision which forecasts what a clean air Bay Area will look like in the year 2050. The control measures aggressively target transportation which is considered the largest source of GHG, ozone pollutants, and particulate matter emissions. The 2017 Clean Air Plan includes more incentives for electric vehicle infrastructure, off-road electrification projects such as Caltrain and shore power at ports, and reducing emissions from trucks, school buses, marine vessels, locomotives, and off-road equipment (BAAQMD, 2017b).

In May 2017, the BAAQMD published an updated version of its CEQA Air Quality Guidelines (BAAQMD, 2017c). This IS/MND contains the BAAQMD's recommendations to Lead Agencies for evaluating the significance of a project's potential air quality impacts and provides guidance on assessing and mitigating both project- and plan-level air quality impacts. The BAAQMD's CEQA Air Quality Guidelines state (BAAQMD, 2017c, pg. 9-1):

“The term general and area plan refers broadly to discretionary planning activities which may include, but are not limited to the following: general plans, redevelopment plans, specific plans, area plans, community plans, congestion management plans, and annexations of lands and service areas. General and area plans are often subject to

program-level analysis under CEQA, as opposed to project-level analysis. As a general principle, the guidance offered within this chapter should be applied to discretionary, program-level planning activities; whereas the project-level guidance offered in other chapters should be applied to individual project-specific approvals, such as a proposed development project. Air quality impacts from future development pursuant to general or area plans can be divided into construction-related impacts and operational-related impacts. Construction-related impacts are associated with construction activities likely to occur in conjunction with future development allocated by the plan. Operational-related impacts are associated with continued and future operation of developed land uses, including increased vehicle trips and energy use.”

The proposed Master Plan provides the blueprint and basis for decision-making for the enhancement of existing City parks and the addition of new park and recreation facilities. As such, it is a discretionary plan-level document that does not authorize or approve any specific park enhancement or improvement, or other park-related project. Accordingly, this IS/MND evaluates the Master Plan using the plan-level guidance contained in the Chapter 9 of the BAAQMD’s CEQA Air Quality Guidelines (BAAQMD 2017c). Where possible, a discussion of potential future construction and operational emissions impacts has been provided for information purposes only.

### **General Plan**

The Environmental Resources and Sustainability Element of the City’s General Plan includes goals, policies, and strategies to help the City improve sustainability and the ecological health and the quality of life for the community. The following goals, policies, and strategies from the General Plan apply to the Master Plan:

- *Goal ES-2. Promote conservation of energy resources.*
- *Policy ES-2.1 Conservation and Efficient Use of Energy Resources.* Encourage the maximum feasible conservation and efficient use of electrical power and natural gas resources for new and existing residences, businesses, industrial and public uses.
- *Strategy ES-2.1.5 Urban Forest.* Encourage the inclusion of additional shade trees, vegetated stormwater treatment and landscaping to reduce the “heat island effect” in development projects.
- *Goal ES-4 Maintain healthy air quality levels.*
- *Policy ES-4.1 New Development.* Minimize the air quality impacts of new development projects and air quality impacts that affect new development.
- *Strategy ES-4.1.1 Toxic Air Contaminants.* Continue to review projects for potential generation of TACs at the time of approval and confer with the BAAQMD on controls needed if impacts are uncertain.
- *Strategy ES-4.1.2 Dust Control.* Continue to require water application to non-polluting dust control measures during demolition and the duration of the construction period.
- *Policy ES-4.2 Existing Development.* Minimize the air quality impacts of existing development.
- *Strategy ES-4.2.4 Fuel efficient Vehicles and Use.* Prioritize the purchase, replacement, and ongoing use of fuel-efficient and low polluting City fleet vehicles.

### **3.3.3 Discussion**

The adoption of the Master Plan would not authorize any specific park enhancement, improvement, or other development action identified in the Master Plan. Because project-



specific information is not available at this time, potential air quality impacts can only be evaluated at a program-level, based on the likely construction and operational activities associated with the Master Plan projects. Once design and implementation information become available for specific projects, the City would evaluate the project to determine if its impacts are covered by this programmatic IS/MND, or whether subsequent CEQA analysis is necessary.

In general, the potential park enhancements, improvements, and other development actions identified in the Master Plan that are within the scope of this IS/MND (see Section 2.7) are small in size (i.e., potential projects do not have a large footprint) and scale (i.e., potential projects do not involve substantial expansion of existing park and recreational facilities or the development of significant new facilities) and are compatible with the existing active and/or passive recreational nature of the specific park type where the improvement would occur (e.g., community park, large neighborhood park, small neighborhood park). The potential air quality impacts of the projects listed in Section 2.7 are considered and evaluated below.

As described in Section 2.7 and noted above, the Master Plan identifies some modifications to existing park and recreation facilities (see Table 2-3) as well as several potential new park and recreation facilities (e.g., an Aquatics Facility; see Table 2-4) that may result in a new park facility, or an appreciable change in the nature and character of the recreation activities offered at an existing park facility. Once project-level information is developed for improvements proposed to be implemented under the opportunities identified in the Master Plan, the City would review the project under CEQA and determine the appropriate level of environmental review. In the absence of even conceptual-level design and implementation information, this IS/MND cannot evaluate the potential environmental impacts of some of the actions contemplated in the Master Plan. Future review of these projects would focus on site-specific environmental issues that could not be examined in sufficient detail as part of this IS/MND.

*Would the project:*

**a) Conflict with or obstruct implementation of the applicable air quality plan?**

**No Impact.** As described below, the Master Plan would not conflict with an applicable air quality plan, including the BAAQMD 2017 Clean Air Plan.

***BAAQMD 2017 Clean Air Plan***

Consistent with BAAQMD's CEQA Air Quality Guidelines, the proposed Master Plan would result in a significant impact if it would be inconsistent with the 2017 Clean Air Plan control measures or result in a projected increase in vehicle trips or vehicle miles travelled (VMT) that exceeds a projected population increase. As discussed in more detail below, the proposed Master Plan is consistent with the 2017 Clean Air Plan and many of the enhancement opportunities (see Section 2.7) would not result in an increase in vehicle trips or VMT. None of the Master Plan enhancement opportunities would result in a change in population in the City. The proposed Master Plan, therefore, would be consistent with the BAAQMD's 2017 Clean Air Plan.

*Consistency with the 2017 Clean Air Plan Control Measures*

With regard to consistency with the 2017 Clean Air Plan control measures, the BAAQMD CEQA Guidelines recommend a lead agency analyze consistency using the following three questions:

- 1) Does the project support the primary goals of the Air Quality Plan?
- 2) Does the project include applicable control measures from the Air Quality Plan?
- 3) Does the project disrupt or hinder implementation of any Air Quality Plan control measures?

These questions are answered below.

- **Support for the Primary Goals of the 2017 Clean Air Plan:** The BAAQMD's 2017 Clean Air Plan is a multi-pollutant plan focused on protecting public health and the climate. Specifically, the primary goals of the 2017 Clean Air Plan are to:
  - Attain all state and national quality standards;
  - Eliminate disparities among Bay Area communities in cancer health risk from toxic air contaminants; and
  - Reduce Bay Area GHG Emissions to 40 percent below 1990 levels by 2030, and 80 percent below 1990 levels by 2050<sup>2</sup>.

The proposed Master Plan is a plan-level document that would not authorize or approve any specific park improvement project that requires quantification and assessment of potential construction or operational emissions. Furthermore, as described below under discussion b), the size and scale of the potential park improvements that are within the scope of this IS/MND are substantially below the development intensity level (in acres) at which the BAAQMD has determined a potential air quality impact may occur from a park project (BAAQMD 2017b, Table 3-1). Adoption of the Master Plan, therefore, would not generate emissions that could interfere with attainment of ambient air quality standards.

The proposed Master Plan would not generate significant emissions of TACs, nor contribute to disparities in cancer risk among Bay Area communities. Cupertino is not in an area that generally experiences elevated levels of the nonattainment pollutants, specifically ozone and PM<sub>2.5</sub> (BAAQMD 2018). This is because the City's geographic location allows the large-scale wind pattern in the Bay Area to disperse criteria pollutants generated within and in proximity to Cupertino either southward to San Jose or eastward to the East Bay. They do not remain stagnant in the city, which would lead to higher concentrations of criteria air pollutants. Additionally, according to BAAQMD data, the City is not an impacted community under the BAAQMD's Community Air Risk Evaluation (CARE) Program, which identifies areas and populations that are most vulnerable to air pollution and associated adverse health risks. The adoption of the Master Plan would not generate significant TAC emissions in areas vulnerable to air pollution and, therefore, would not contribute to disparities in health risks associated with TAC emissions.

Finally, as described Section 3.8, Greenhouse Gas Emissions, the Master Plan would support Bay Area GHG emissions reductions by expanding non-motorized access to City parks and through consistency and compliance with policies contained in the City's General Plan and Climate Action Plan (Cupertino 2015a).

For the reasons described above, the adoption of Master Plan would support the primary goals of the BAAQMD 2017 Clean Air Plan.

- **Inclusion of Applicable 2017 Clean Air Plan Control Measures:** Chapter 5 of the 2017 Clean Air Plan contains the BAAQMD's strategy for achieving the plan's climate and air quality goals. This control strategy is the backbone of the 2017 Clean Air Plan. It identifies 85 distinct control measures designed to:
  - Reduce ozone precursors, in order to fulfill California Health & Safety Code ozone planning requirements;
  - Protect public health by reducing emissions of ozone precursors, PM, and TACs; and

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<sup>2</sup> Impacts related to GHG emissions and consistency with the 2017 Clean Air Plan are discussed in Section 3.8, Greenhouse Gas Emissions.

- Serve as a regional climate protection strategy by reducing emissions of GHG across the full range of economic sectors

The 85 control measures identified in the 2017 Clean Air plan are grouped by nine economic-based “sectors” as shown in Table 3-2<sup>3</sup>.

<b>Sector</b>	<b>No. of Measures</b>	<b>General Description of Sector Applicability</b>
Agriculture (AG)	4	Applies to sources of air pollution from agricultural operations include on and off-road trucks and farming equipment, aircraft for crop spraying, animal waste, pesticide and fertilizer use, crop residue burning, travel on unpaved roads, and soil tillage.
Buildings (BL)	4	Applies to residential, commercial, governmental and institutional buildings, which generate emissions through energy use for heating, cooling, and operating the building, and from the materials used in building construction and maintenance
Energy (EN)	2	Applies to emissions of criteria pollutants, TACs, and GHGs from electricity generated and used within the Bay area, as well as GHG emissions from electricity generated outside the Bay area that is imported and used within the region
Natural and Working Lands (NW)	3	Applies to emissions from natural and working lands, including forests, woodlands, shrub lands, grasslands, rangelands, and wetlands.
Stationary Sources (SS)	40	Applies to stationary sources used in commercial and industrial facilities. Such sources are regulated through BAAQMD rulemaking, permitting, and enforcement programs
Super GHGs (SL)	3	Applies to emissions of methane, black carbon, and fluorinated gases
Transportation (TR)	23	Applies to on-road motor vehicles such as light-duty automobiles or heavy-duty trucks, as well as off-road vehicles, including airplanes, locomotives, ships and boats, and off-road equipment such as airport ground-support equipment, construction equipment and farm equipment.
Waste (WA)	4	Applies to emissions from landfills and composting activities.

<sup>3</sup>The BAAQMD 2017 Clean Air Plan use the same economic sectors contained in CARB’s Scoping Plan.

<b>Sector</b>	<b>No. of Measures</b>	<b>General Description of Sector Applicability</b>
Water (WR)	2	Applies to direct emissions from the treatment of water and wastewater at publicly owned treatment works and indirect emissions associated with the energy used to pump, convey, recycle, and treat water and wastewater throughout the Bay

Of the nine economic sectors, six contain control measures that are relevant to potential Master Plan projects. As described below, the City's General Plan and proposed Master Plan incorporate policies and implementing actions that are consistent with the 2017 Clean Air Plan control measures and implementation mechanisms.

- Buildings control measure 4 (BL4; Urban Heat Island Mitigation) reduces formation of ground-level ozone, PM, and GHG by mitigating urban heat island effects through the use of building materials that reflect instead of absorbing solar radiation (e.g., cool pavements and roofs) and the planting of trees to block incoming solar radiation. This 2017 Clean Air Plan control measure would be implemented through BAAQMD information dissemination actions, such as the development of model ordinances and heat island outreach and awareness campaigns. As described in Section 2.6.1, the Master Plan identifies the desire of the City to develop more parks in underserved neighborhoods and calls for enhancements to natural vegetation (see Section 2.6.1, Objectives 1A through 1F). Increasing park land, protecting existing vegetation, and adding vegetation to existing parks would reduce the urban heat island phenomenon, consistent the 2017 Clean Air Plan measure BL4.
- Energy control measure 2 (EN2; Decrease Electricity Demand) reduces indirect emissions of air quality pollutants and GHG emissions by decreasing energy use through consumer awareness and tracking of electricity use. The BAAQMD implements this measure through information dissemination services, such as consumer awareness programs, ad campaigns, and coordination with local governments to adopt energy efficiency programs. As described in Section 3.6, Energy, and Section 3.8, Greenhouse Gas Emissions, the City's General Plan Climate Action Plan includes community-wide and municipal control measures that call for increased energy efficiency, tracking, and reduction. Master Plan projects would be developed consistent with City policies for energy efficiency and would thus be consistent with 2017 Clean Air Plan measure EN2.
- Natural and Working Lands control measure 2 (NW2, Urban Tree Planting) reduces criteria air pollutants and GHG by promoting the planting of trees in urban settings. This measure is similar to BL4 described above. Increasing park land, protecting existing vegetation, and adding vegetation to existing parks would reduce the urban heat island phenomenon, consistent the 2017 Clean Air Plan measure NW2.
- Stationary source control measure 36 (SS36; PM from Trackout) reduces PM<sub>2.5</sub> and PM<sub>10</sub> emissions from track-out of mud and dirt onto paved, public roadways and SS38 (Fugitive Dust) reduces fugitive dust emissions from sources including construction activities. These 2017 Clean Air Plan measures would be implemented through the BAAQMD's rulemaking and permitting authority. In August 2018, the BAAQMD adopted Regulation VI, Rule 6, Prohibition of Trackout, pursuant to SS36. As described in Section 2.9, the City would comply with the BAAQMD's trackout prevention requirements and has incorporated the BMPs for fugitive dust control contained in the BAAQMD CEQA Air Quality Guidelines as presented in the Table 2-

- 5 as a standard measure for Master Plan projects. The Master Plan would be consistent with 2017 Clean Air Plan measures SS36 and SS38.
- Transportation control measure 9 (TR9; Bicycle Access and Pedestrian Facilities) generally reduces single-occupancy vehicle trips by expanding bicycle facilities serving employment sites, educational and cultural facilities, residential areas, shopping districts, and other activity centers. The Master Plan calls for providing an interconnected network of multi-use trails, walkways and bikeways, close-to-home parks and other facilities that encourage biking and walking to City park and recreation facilities (see Section 2.6.1, Objectives 2A to 2D and 3A to 3C).
  - Waste control measure 4 (WA4; Recycling and Waste Reduction) reduces emissions from landfills by diverting recyclables and other materials from landfills. This measure would be implemented through the BAAQMD's dissemination of best practices, such as model ordinances. The City currently implements construction and demolition recycling requirements (65% waste diversion for applicable projects) through Municipal Code Section 16.72, which exceeds the current 2016 CalGreen code requirements. Master Plan Objective 7.B calls for developing guidelines and best management practices for sustainable park design and development, including composting green waste generated in the parks.
  - Water control measure 2 (WR2; Support Water Conservation) promotes water conservation, reduced water consumption, and on-site water recycling, which reduces indirect GHG emissions associated with electricity used to capture, use, convey, store, and treat water. The Master Plan identifies water saving strategies to be implemented in existing parks and future developments, such as implementation of water efficient, climate-controlled irrigation systems, the use of graywater where available for irrigation, installing water-saving fixtures in bathrooms, and replacing high water use landscaping with drought tolerant and low water-use plantings (Objective 7.B.). In addition, as described in Section 3.8, Greenhouse Gas Emissions, the City's Climate Action Plan includes community-wide and municipal control measures that call for water conservation, including the use of water efficient landscaping. These measures have achieved a 29% reduction in total municipal water usage (comparing 2015 to 2008 water use levels). Master Plan projects would be developed consistent with City policies for water conservation and would thus be consistent with 2017 Clean Air Plan measure WR2.
  - **Disruption or Hindrance of Any 2017 Clean Air Plan Control Measures:** The proposed Master Plan provides guidance and priorities for the continued development of a park and recreation system that meets the needs of the Cupertino community. The adoption of the Master Plan would not disrupt, delay, or otherwise hinder any BAAQMD rulemaking processes, and individual activities would comply with all applicable BAAQMD rules and regulations in effect at the time individual activities move forward. The adoption of the Master Plan also does not disrupt, delay, or otherwise hinder with any grant or information-sharing programs operated by the BAAQMD or other regional agencies through which many of the 2017 Clean Air Plan's control measures are implemented.

As described above, the proposed Master Plan would support the primary goals of the 2017 Clean Air Plan, include policies and implementing actions commensurate with the 2017 Clean Air Plan's control measures, and would not disrupt, delay, or otherwise hinder the implementation of any 2017 Clean Air Plan control measure.

*Increases in Vehicle Trips/Vehicle Miles Travelled that Exceeds Population Growth*

The proposed Master Plan provides guidance and priorities for the continued development of a park and recreation system that meets the needs of the Cupertino community; it does not

authorize or approve any change any in land use designation or otherwise alter population in the City of Cupertino. In addition, because the Master Plan focuses on serving the needs of the local community, it is not likely to result in substantial new vehicle trips or increases in VMT because the enhancement opportunities are scaled to the type of park in which they are proposed and most enhancement opportunities do not introduce new uses or activities but rather recommend improvements to existing uses or enhancements in the infrastructure (walkways, buildings, landscaping). Therefore, it is reasonable to assume that the projects identified in the Master Plan would allow the City's park and recreation system to better serve Cupertino residents and thereby reduce or avoid the need for residents to travel outside the City for certain park and recreation facilities. The Master Plan would support a reduction in recreation-related vehicle trips and associated VMT through the Master Plan overarching goals of connectivity (MP2), equitable access (MP3), and creation of high quality, inclusive recreation experiences that support and reflect Cupertino's unique character (MP4, MP5, and MP6). The potential park enhancements, improvements, and other development actions identified in the Master Plan that are within the scope of this IS (see Section 2.7.1) are compatible with the existing active and/or passive recreational nature of the specific park type where the improvement would occur (e.g., community park, large neighborhood park, small neighborhood park) and would not induce population growth or result in appreciable changes to local traffic conditions or recreational-related vehicle trips and VMT.

#### *Conclusion Regarding BAAQMD 2017 Clean Air Plan Consistency*

As described above, the proposed Master Plan would be consistent with the BAAQMD 2017 Clean Air Plan control measures and would not increase vehicle miles travelled or population within the City. The proposed Master Plan, therefore, would not conflict with the BAAQMD 2017 Clean Air Plan.

#### **b) 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?**

**Less Than Significant Impact.** As described in Section 3.3.1, the City of Cupertino is located in the SFBAAB, an area of non-attainment for national and state ozone standards, national and state PM<sub>2.5</sub> standards, and state PM<sub>10</sub> standards. The future development of potential park enhancements, improvements, and other development actions identified in the Master Plan that are within the scope of this IS/MND (see Section 2.7) would generate emissions of regulated air quality pollutants from the following activities, which could contribute to violations of standards for SFBAAB nonattainment pollutants (ozone, PM<sub>2.5</sub>, and PM<sub>10</sub>):

- **Short-term construction activities:** Park enhancements, improvements, and other development or construction-related activities would generate emissions from the following sources:
  - Gasoline and diesel fuel combustion in the construction equipment necessary to complete a project (e.g., material lifts, fork lifts, trenchers, backhoes, etc.), as well as in motor vehicles travelling to and from the park project site, such as city worker vehicle trips, vendor vehicle trips (e.g., material deliveries to the project area), and soil or debris hauling truck trips, would generate emissions of ROG, NO<sub>x</sub>, CO, exhaust PM, and other pollutants. The age, type, amount, size, and hours of construction equipment use, as well as the associated number of workers, vendors, and haul trucks needed to construct a project, all influence the amount of exhaust emissions produced by construction equipment and construction-related motor vehicle trips.
  - Demolition and ground disturbance activities associated with equipment or structure removal, land clearing and grubbing, excavation, grading, and other earth moving



- activities necessary to complete a project generate fugitive dust and PM emissions. These emissions are generated during active demolition and earth moving operations, as well as when earth/materials are dropped or loaded into haul trucks and transported to their final destinations. The silt content, soil moisture level, wind speed, and volume of material moved affect potential fugitive dust emissions from demolition and earth moving activities.
- Motor vehicle travel on paved and unpaved roads used to access park projects also generates fugitive dust and PM emissions. The silt content, moisture level, vehicle weight, and vehicle speed are factors that affect fugitive dust emissions from vehicle travel on paved and unpaved roads.
  - **Long-term operational activities:** Once constructed, park enhancements, improvements, and/or other development activities would generate emissions from the following sources:
    - Small “area” sources including landscaping equipment that combust fuel and the use of consumer products such as paints, cleaners, and fertilizers that result in the evaporation of ROG into the atmosphere during product use<sup>4</sup>.
    - Energy use in the form of the combustion of natural gas in water and space heating equipment, which produces emissions of ROG, NO<sub>x</sub>, CO, and PM.
    - Mobile sources, specifically visitor vehicles and City maintenance vehicles travelling to and from parks, which generate ROG, NO<sub>x</sub>, CO and PM from fuel combustion as well as fugitive dust and PM from road travel and tire and break wear.

The proposed Master Plan provides the blueprint and basis for decision-making for the enhancement of existing City parks and for potential future development of new park and recreation facilities. As such, it is a discretionary plan-level document that does not authorize or approve any specific park, park enhancement or improvement, or other park-related project that requires quantification and assessment of potential construction or operational emissions. Nonetheless, the BAAQMD’s CEQA Air Quality Guidelines contain screening criteria to provide lead agencies with a conservative indication of whether a proposed project could result in potentially significant air quality impacts. Consistent with the BAAQMD’s guidance, if a project meets all the screening criteria, then the project would result in a less than significant air quality impact (a detailed air quality assessment is not required for the project). One of the land use types presented for screening analysis in the BAAQMD’s CEQA Air Quality Guidelines is a “City Park” land use. Table 3-3 below presents the BAAQMD’s construction and operational air quality screening sizes for a City Park land use type, as well as the other screening criteria a project must meet in order for a lead agency to determine the project would not result in a significant air quality impact.

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<sup>4</sup> Area sources are sources that are individually small but numerous in operation throughout an area.

<b>Table 3-3: BAAQMD Construction and Operational Screening Criteria for Park Land Use</b>		
<b>Screening Criterion</b>	<b>Requirement</b>	<b>Project Consistency</b>
1) Land Use Type and Size	Project is below all applicable construction and operational screening size criteria for "City Park" land uses: <ul style="list-style-type: none"> <li>• Construction: 67 acres</li> <li>• Operations: 2,613 acres</li> </ul>	Projects that involve a development footprint smaller than or equal to the values listed for a City Park would satisfy this screening criterion requirement.
2) Basic Construction Measures	Project design and implementation includes all BAAQMD <i>Basic Construction Mitigation Measures</i>	Projects that incorporate all BAAQMD Basic Construction Mitigation Measures would satisfy this screening criterion requirement (BAAQMD, 2017, Table 8-2).
3) Demolition	Demolition activities are consistent with BAAQMD Regulation 11, Rule 3: Asbestos Demolition, Renovation, and Manufacturing	Projects that comply with applicable BAAQMD regulations, including Regulation 11, Rule 3 governing asbestos demolition, renovation, and manufacturing activities, would satisfy this requirement.
4) Construction Phases	Construction does not include simultaneous occurrence of more than two construction phases (e.g., grading, paving, and building construction would occur simultaneously)	Projects that would involve two or less active construction phases would satisfy this requirement.
5) Multiple Land Uses	Construction does not include simultaneous construction of more than one land use type	Projects that would involve construction of a single land use type would satisfy this requirement.
6) Site Preparation	Construction does not require extensive site preparation	Projects that do not require extensive site preparation or grading would satisfy this requirement.
7) Material Transport	Construction does not require extensive material transport and considerable haul truck activity (greater than 10,000 cubic yards).	Projects that would not involve more than 10,000 cubic yards of total material transport would satisfy this requirement.
8) Carbon Monoxide Hotspots	A) Project is consistent with the applicable congestion management program, regional transportation plan, and local congestion management agency plans; and B) Project traffic would not increase traffic volumes at affected intersections to more than 44,000 vehicles per hour, or more than 24,000 vehicles per hour where vertical and/or horizontal mixing is substantially limited (e.g., tunnel, parking garage, bridge underpass,	Projects that would not result in significant traffic impacts, conflict with an applicable congestion management program or plan, or increase traffic volumes above BAAQMD CO hotspot screening levels would satisfy this requirement.

<b>Table 3-3: BAAQMD Construction and Operational Screening Criteria for Park Land Use</b>		
<b>Screening Criterion</b>	<b>Requirement</b>	<b>Project Consistency</b>
	natural or urban street canyon, below-grade roadway).	
Source: BAAQMD, 2017b (Table 3-1, Table 8-2, Page 3-5)		

The future development of potential park enhancements, improvements, and other development actions identified in the Master Plan that are within the scope of this IS/MND (see Section 2.7) would be unlikely to generate significant short- or long-term emissions. The City would use the BAAQMD's construction and operational screening criteria for park land uses presented in Table 3-3 to evaluate future park projects or improvements identified in the Master Plan. Consistent with the BAAQMD's CEQA Air Guidelines, if the project satisfies all of the screening criteria, it would not result in a significant air quality impact. As shown in Table 3-3, the BAAQMD recommends all projects implement certain identified basic construction measures to reduce and avoid fugitive dust emissions. The implementation of these measures during future construction projects would ensure that Master Plan projects do not result in significant fugitive dust impacts. As shown in Table 2-5, the City has incorporated standard design and construction measures into the planning, design, and implementation of the Master Plan projects that are within the scope of this IS/MND to control and reduce short-term, construction related emissions, including the BAAQMD's recommended basic construction measures.

Given their size, scale, and general lack of substantial emissions sources, the Master Plan projects within the scope of this IS/MND are likely to satisfy the screening criteria listed in Table 3-3 and, therefore, would result in less than significant air quality impacts at the project-level.

#### *Cumulatively Considerable Net Increase in Non-Attainment Pollutants*

The SFBAAB is an area of non-attainment for national and state ozone, state PM<sub>10</sub>, and national and state PM<sub>2.5</sub> air quality standards. Regarding cumulative impacts, the BAAQMD's CEQA Air Quality Guidelines state (BAAQMD 2017b, pg. 2-1):

"SFBAAB's non-attainment status is attributed to the region's development history. Past, present, and future development projects contribute to the region's adverse air quality impacts on a cumulative basis. By its very nature, air pollution is largely a cumulative impact. No single project is sufficient in size to, by itself, result in nonattainment of ambient air quality standards. Instead, a project's individual emissions contribute to existing cumulatively significant adverse air quality impacts. If a project's contribution to the cumulative impact is considerable, then the project's impact on air quality would be considered significant. In developing thresholds of significance for air pollutants, BAAQMD considered the emission levels for which a project's individual emissions would be cumulatively considerable. If a project exceeds the identified significance thresholds, its emissions would be cumulatively considerable, resulting in significant adverse air quality impacts to the region's existing air quality conditions. Therefore, additional analysis to assess cumulative impacts is unnecessary."

As described above and discussed under paragraph a), the proposed Master Plan does not conflict with the BAAQMD's 2017 Clean Air Plan and, for Master Plan projects that are within the scope of this IS, would not result in construction or operational emissions that exceed BAAQMD construction or operational screening criteria. As such, the Master Plan would not result in a cumulatively considerable contribution to regional air quality impacts.

**c) Expose sensitive receptors to substantial pollutant concentrations?**

**Less Than Significant Impact.** As discussed above, most projects identified in the Master Plan are small in size and scale and are consistent with the existing active and/or passive recreational activities at each specific park. Projects involving improving walking trails, replacing existing equipment and small structures or buildings (e.g., restrooms, shade structures), developing fitness areas, and enhancing sports fields, etc. would not emit substantial levels of diesel particulate matter, which is a TAC, or other TACs for prolonged periods of time such that an adverse health effect would occur at sensitive residential, school, or other receptors that may be located near (within 1,000 feet) an individual Master Plan project. Although construction of Master Plan projects would emit criteria and hazardous air pollutants, construction of those projects would not exceed BAAQMD screening criteria and would be subject to the City's construction and design standards pertaining to controlling and reducing construction dust and exhaust emissions (see Table 2-5). Master Plan projects, therefore, would not expose sensitive receptors to substantial pollutant concentrations.

**d) Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?**

**Less Than Significant Impact.** Construction of projects would generate odors associated with construction activities, such as fuel and oil odors and asphalt paving odors. The odors generated would be intermittent, localized in nature, and would disperse quickly. The Master Plan would not result in other emissions, including odors, that would adversely affect a substantial number of people.

**3.4 BIOLOGICAL RESOURCES**

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

**3.4.1 Environmental Setting**

Most of the City’s existing parks are developed and support active and passive sports or recreation facilities, play equipment, parking lots, and/or landscaped vegetation. The exceptions are the Stevens Creek Corridor Park (63.7 acres), Creekside Park (13 acres), Linda Vista Park (11 acres), and a portion of Varian Park along Stevens Creek. The Stevens Creek Corridor Park consists of the reach of Stevens Creek from McClellan Road to Stevens Creek Boulevard. The corridor supports riparian vegetation and natural habitat, and steelhead are known to be resident year-round. Public uses include trails, public swimming pools, group picnic areas, Stockmeir Ranch and orchard, McClellan Ranch Preserve, Blackberry Farm Golf Course, Blackberry Farm Park, and related support facilities. Creekside Park is primarily composed of soccer fields, open field/lawn area, picnic area, and playgrounds. It is adjacent to Calabazas Creek. Linda Vista Park consists of an open turf areas, picnic areas, and playgrounds. Linda Vista Park also contains a large undeveloped area surrounded by additional undeveloped land, and it is adjacent to Stevens Creek. A small undeveloped portion of Varian Park is also adjacent

to Stevens Creek. Riparian and creek habitat, as well as other natural habitats, also occur adjacent to the existing and proposed City trail corridors, such as Stevens Creek Trail, Saratoga Creek Trail, and Regnart Creek Trail.

## **Methods**

### Background Research

The following sources for information were reviewed relevant to biological resources within the Master Plan area:

- California Department of Fish and Wildlife (CDFW) California Natural Diversity Database (CNDDDB) record search for nine U.S. Geological Survey (USGS) 7.5-minute quadrangles (i.e., Cupertino, San Jose West, Milpitas, Mountain View, Mindego Hill, Palo Alto, Big Basin, Los Gatos, and Castle Rock Ridge) surrounding the Master Plan area and within a 5-mile radius of the Master Plan area (CDFW 2019).
- California Native Plant Society (CNPS) Rare Plant Program Inventory of Rare and Endangered Plants of California record search within a 5-mile radius of the Master Plan area (CNPS 2019).
- United States Fish and Wildlife Service (USFWS) Information for Planning and Consultation (IPaC) search within the Master Plan area (USFWS 2019a).
- USFWS National Wetlands Inventory (USFWS 2019b).
- City of Cupertino General Plan Community Vision 2015-2040: Chapter 6 Environmental Resources and Sustainability Element (City of Cupertino 2015b).
- City of Cupertino General Plan Final Environmental Impact Report (City of Cupertino 2014b).
- Blackberry Farm Stream Rehabilitation Fish Salvage Field Report (Santa Clara Valley Water District 2008).
- Final Stevens Creek Trail Feasibility Report (Sokale 2002).
- Stevens Creek Corridor Park and Restoration Phase 2 Project Initial Study and Mitigated Negative Declaration (TRA Environmental Sciences 2011).
- Biological Resources Assessment Lehigh Permanente Quarry (WRA Environmental Consultants 2011).
- Apple Campus 2 Project Public Review Draft Environmental Impact Report (LSA Associates 2013).
- Junipero Serra Trail Feasibility Study (City of Cupertino 2018a)
- McClellan Ranch Parking Area Initial Study/Mitigated Negative Declaration (City of Cupertino 2018b).
- Regnart Creek Trail Feasibility Study (City of Cupertino 2018c)

### **Vegetation Communities and Other Habitats**

The majority of the City is urbanized with most vegetated areas in the City consisting of actively managed and maintained non-native landscaping. Remnant native trees are scattered throughout the urbanized areas along with non-native trees, shrubs, and groundcover. In the western portion of the City near the foothills, the developed areas are bordered by natural areas supporting a cover of grassland, chaparral and woodlands.

Vegetation communities are assemblages of plant species that occur together in the same area, which are defined by species composition and relative abundance. Plant communities in the

Master Plan area were classified using *Preliminary Descriptions of Terrestrial Natural Communities of California* (Holland 1986) and *A Manual of California Vegetation 2nd edition* (Sawyer and Keeler-Wolf 2009). The following vegetation communities are found within the City:

*Developed:* Developed habitat includes areas where permanent structures and/or pavement have been placed, which prevents the growth of vegetation. Most of the existing parks in the Master Plan area include developed habitat, such as pavement, parking lots, and/or playground areas.

*Ornamental Vegetation:* Ornamental vegetation includes lands that have been planted with landscaping and are usually maintained on an ongoing basis. Such landscaping may include native and non-native plantings. Existing parks contain various species of ornamental vegetation, including turf grass, ornamental shrubs and trees such as ash (*Fraxinus* spp.), American sweetgum (*Liquidambar styraciflua*), oleander (*Nerium oleander*), Chinese elm (*Ulmus parvifolia*), eucalyptus (*Eucalyptus* spp.), pine trees (*Pinus* spp.), as well as many others. Native trees such as coast redwood (*Sequoia sempervirens*), sycamores (*Platanus racemosa*), and coast live oak (*Quercus agrifolia*) are also present in some of the parks.

*Disturbed/Ruderal:* Disturbed/ruderal land includes areas regularly cleared of vegetation, lands that are composed of primarily non-native plant species, or areas regularly disturbed by human activities. Within the Master Plan area, disturbed/ruderal land includes areas where the ground is bare, the soils are compacted, and/or the vegetation community is dominated by non-native species like brome (*Bromus* spp.), italian ryegrass (*Festuca perennis*), slender oats (*Avena barbata*), and bristly ox-tongue (*Helminthotheca echioides*). Disturbed/ruderal land is present within some parks and within and along many of the existing and proposed trail alignments.

*Coast Live Oak Woodland/Chaparral:* Coast live oak woodland is considered a sensitive natural community by the CDFW. Coast live oak woodland consists of coast live oak as the dominant tree. A diversity of shrubs/chaparral, especially wild lilac (*Ceanothus* spp.), chemise (*Adenostoma fasciculatum*), manzanita (*Arctostaphylos* spp.), coyote bush (*Baccharis pilularis*) and toyon (*Heteromeles arbutifolia*) occur within this habitat. A number of understory plants occur under or around these large shrubs, California blackberry (*Rubus ursinus*), poison oak (*Toxicodendron diversilobum*), California sage (*Artemisia californica*), and pink flowering current (*Ribes sanguinum*). Coast live oak woodland interwoven with chaparral occurs over much of the knoll just above Linda Vista Park and along the southern portion of Linda Vista Park.

*Valley Foothill Riparian:* Riparian habitat is considered a sensitive natural community by the CDFW and Regional Water Quality Control Board (RWQCB). Riparian vegetation is dominated by species that are adapted to wet stream banks, floodplains, and creek terraces that are seasonally flooded or permanently saturated by freshwater. Trees within the riparian areas in the City include coast live oak, valley oak, western sycamore, California buckeye (*Aescelus californica*), and willow (*Salix* sp.). Shrubs include coyote brush, California wild rose (*Rosa californica*), California blackberry, snowberry (*Symphoricarpos albus*), and blue elderberry (*Sambucus mexicana*). Non-native vegetation, including Himalayan blackberry (*Rubus armeniacus*), periwinkle (*Vinca minor*), and tree of heaven (*Ailanthus altissima*) occur within the riparian areas in the City. Riparian vegetation is associated with Stevens Creek within the Stevens Creek Corridor portion of the Master Plan area, Saratoga Creek adjacent to Saratoga Creek Trail and Sterling Barnhart Park, and Calabazas Creek adjacent to Creekside Park.

*Creek:* Creeks are protected by a variety of agencies including CDFW, U.S. Army Corps of Engineers (USACE), and RWQCB. Creeks are perennial and seasonal linear water features (i.e., features that flow year-round or throughout the wet season). Numerous



creeks, including Calabazas Creek, Stevens Creek, Regnart Creek, Saratoga Creek, Heney Creek, and Permanente Creek are present within the Master Plan area. The banks of many of the creeks are vegetated by valley foothill riparian habitat (see above). Stevens Creek is a 12.5-mile-long perennial creek that eventually empties into the San Francisco Bay. Stevens Creek runs through the Stevens Creek Corridor portion of the Master Plan area. Calabazas Creek is a 13.3-mile-long creek that eventually flows into Guadalupe Slough in the San Francisco Bay. Historically Calabazas Creek was a tributary to Saratoga Creek. Calabazas Creek was detached from Saratoga Creek and re-routed directly into Guadalupe Slough in 1876. Calabazas Creek runs adjacent to Creekside Park. Saratoga Creek is an approximately 14-mile-long creek that flows into Guadalupe Slough and the San Francisco Bay. The portion of Saratoga Creek Trail managed by the City is located adjacent to Saratoga Creek from Bollinger Road to Sterling Barnhart Park which is also located adjacent to Saratoga Creek. Regnart Creek is a 4-mile-long creek that flows into Calabazas Creek. Regnart Creek is undergrounded adjacent to Jollyman Park and runs adjacent to the Civic Center and the proposed Regnart Creek Trail.

Drainage Ditch: Aquatic habitat, including man-made drainage ditches, may be protected by CDFW, USACE, and RWQCB. The Junipero Serra Channel runs adjacent to the proposed Junipero Serra Trail within the City. The Junipero Serra Channel was originally designed and constructed by Caltrans to intercept drainage on the south side of Interstate 280 when the freeway was built. The channel generally has a trapezoidal structure and is concrete lined for much of the corridor. The channel eventually flows into Calabazas Creek.

### **Wildlife Likely to Occur**

Wildlife in the parks likely consists of common species adapted to urban areas, as well as those that travel through the Santa Cruz Mountains. Mammals such as eastern fox squirrel (*Sciurus niger*), native and non-native mice and rats, Botta's pocket gopher (*Thomomys bottae*), raccoon (*Procyon lotor*), Virginia opossum (*Didelphis virginiana*), and striped skunk (*Mephitis mephitis*); and reptiles or amphibians such as western fence lizard (*Sceloporus occidentalis*), northern alligator lizard (*Elgaria coerulea*), and California slender salamander (*Batrachoseps attenuatus*) are expected to inhabit the parks. Bird species such as Anna's hummingbird (*Calypte anna*), oak titmouse (*Baeolophus inornatus*), Nuttall's woodpecker (*Picoides nuttallii*), downy woodpecker (*Picoides pubescens*), acorn woodpecker (*Melanerpes formicivorus*), black phoebe (*Sayornis nigricans*), California scrub-jay (*Aphelocoma californica*), American crow (*Corvus brachyrhynchos*), American robin (*Turdus migratorius*), California towhee (*Melospiza crissalis*), Wilson's warbler (*Cardellinopusilla*), Swainson's thrush (*Catharus ustulatus*), and various raptor species, including red-tailed hawk (*Buteo jamaicensis*), red-shouldered hawk (*Buteo lineatus*), barn owl (*Tyto alba*), Cooper's hawk (*Accipiter cooperii*), western screech owl (*Megascops kennicottii*), great horned owl (*Bubo virginianus*) could also nest or forage in certain City parks. Parks would also support butterflies, particularly Steven Creek Corridor Park where monarch butterflies (*Danaus plexippus*) are known to occur.

Numerous riparian adapted species likely occur within the Master Plan area parks containing creeks and drainages, especially the Stevens Creek Corridor Park. Invertebrates such as Nicklin's peninsula shoulderband snail (*Helminthoglypta nickliniana*), quick gloss snail (*Zonotooides arboreus*), and native fish species, including Central California Coast steelhead (*Oncorhynchus mykiss*), Sacramento sucker (*Catostomus occidentalis*), California roach (*Lavinia symmetricus*), and three-spine stickleback (*Gasterosteus aculeatus*) occur in Stevens Creek Corridor Park.

### **Special-Status Species**

For the purposes of this assessment, special-status species include the following:

- Plant or animal species listed, proposed for listing, or candidate for possible future listing as threatened or endangered under the Federal Endangered Species Act (FESA, 50 CFR §17.12);
- Plant or animal species listed or candidate for listing by the State of California as threatened or endangered under the California Endangered Species Act (CESA, Fish and Game Code §2050 et seq.);
- Plant species listed as rare under the California Native Plant Protection Act (Fish and Game Code §1900 et seq.);
- Animal species listed as a Fully Protected (CFP) Species (Fish and Game Code §§3511, 4700, 5050, and 5515);
- Animal species listed as a California Species of Special Concern (CSSC) by the CDFW;
- Plant species considered by CNPS and CDFW to be “rare, threatened, or endangered in California” (Ranks 1A, 1B, and 2);

The potential occurrence of special-status plant and animal species within the Master Plan area was evaluated by developing a list of special-status species that are known to or have the potential to occur in the vicinity of the Master Plan area based on a search of the CNDDDB, CNPS, and USFWS databases. The potential for occurrence of those species included on the list were then evaluated based on the habitat requirements of each species relative to the habitat at each park or trail location. Each species was evaluated for its potential to occur on or in the immediate vicinity of each existing park according to the following criteria:

*No Potential:* There is no suitable habitat present (i.e., habitats are clearly unsuitable for the species requirements [e.g., foraging, breeding, cover, substrate, elevation, hydrology, plant community, disturbance regime]). Additionally, there are no recent known records of occurrence in the vicinity of the park. The species has no potential of being found in the park.

*Low Potential:* Limited suitable habitat is present (i.e., few of the habitat components meeting the species requirements are present and/or the majority of habitat is unsuitable or of very low quality). Additionally, there are no or few recent known records of occurrence in the vicinity of the park. The species has a low probability of being found in the park.

*Moderate Potential:* Suitable habitat is present (i.e., some of the habitat components meeting the species requirements are present and/or the majority of the habitat is suitable or of marginal quality). Additionally, there are few or many recent known records of occurrences in the vicinity of the park. The species has a moderate probability of being found in the park.

*High Potential:* Highly suitable habitat is present (i.e., all habitat components meeting the species requirements are present and/or the habitat is highly suitable or of high quality). Additionally, there are few or many records of occurrences within the last ten years and within close vicinity of the project area. This species has a high probability of being found in the park.

*Present or Assumed Present:* Species has a recent (within five years) recorded observation in the CNDDDB or literature within the park.

A complete list of all special-status species with potential to occur within the Master Plan area, their regulatory status, and habitat requirements is provided in Appendix B.

### **Special-Status Plants**

Nine special-status plant species have documented occurrences and/or have potential to occur within the Master Plan area. Other species were excluded from this list of species possibly occurring within the Master Plan area due to the lack of essential habitat requirements for the species, the lack of known occurrences within 5 miles of the Master Plan area, and/or the Master Plan area is not within the species' known range of distribution. Although the nine special-status plant species may occur within the Master Plan area, many of them are not expected to occur within the existing Master Plan project sites due to the lack of essential habitat requirements within these areas. However, three special-status plant species have a moderate potential to occur within one or more Master Plan project sites. The following section describes the special-status plant species with moderate potential to occur within the existing parks and/or trails in the Master Plan area in greater detail.

In addition to these three special-status plant species, one CNPS Rare Plant Rank 4.3 species, Santa Clara red ribbons (*Clarkia concinna* spp. *automixa*), has a moderate potential to occur within one or more Master Plan project areas. Rare Plant Rank 4 species are not afforded protection under CEQA; however, they are identified as potentially limited in distribution and may be considered under CEQA since they could become scarcer in the future. As a result, this section also discusses the potential for Santa Clara red ribbons to occur in the Master Plan project areas.

**Western Leatherwood:** Western leatherwood (*Dirca occidentalis*) listed by the CNPS as California Rare Plant Rank 1B.2 species. It is a perennial deciduous shrub that is found in mesic broad-leafed upland forest, closed-cone coniferous forest, chaparral, cismontane woodland, North Coast coniferous forest, riparian forest, and riparian woodland habitats. It is generally known from the San Francisco Bay area; specimens have been collected from Alameda, Contra Costa, Marin, Santa Clara, San Mateo, and Sonoma counties. Primary threats to this species are the loss of habitat and impacts to roadside populations during road maintenance. Four CNDDDB occurrences for western leatherwood have been documented within 5 miles of the Master Plan area. Suitable habitat for this species is present within the riparian and oak woodland habitat in the Master Plan area. As a result, western leatherwood could occur in the Stevens Creek Corridor Park; within riparian habitat adjacent to Creekside Park, Sterling Barnhart Park, portions of Varian Park next to Stevens Creek, and Saratoga Creek Trail; and within the oak woodland/chaparral habitat in the undeveloped portion of Linda Vista Park.

**Arcuate Bush-Mallow:** Arcuate bush-mallow (*Malacothamnus arcuatus*) is listed by the CNPS as a California Rare Plant Rank 1B.2 species. It is a perennial evergreen shrub that is found in chaparral and cismontane woodland. It is generally known from the San Francisco Bay area, including in Santa Clara, Santa Cruz, and San Mateo counties. One CNDDDB occurrence for arcuate bush-mallow has been documented within 5 miles of the Master Plan area. This species could be present within the oak woodland/chaparral habitat in the undeveloped portion of Linda Vista Park.

**Woodland Woollythreads:** Woodland woollythreads (*Monolopia gracilens*) is listed by the CNPS as a California Rare Plant Rank 1B.2 species. It is an annual herb that is found in openings in broad leafed upland forests, chaparral, cismontane woodland, and North Coniferous forests. It can also be found in valley and foothill grasslands. It is often found on serpentinite soils. It is generally known from the Central Coast area, including in Alameda, Contra Costa, Monterey, San Benito, Santa Clara, Santa Cruz, San Luis Obispo, and San Mateo counties. Three CNDDDB occurrences for woodland woolly threads have been documented within 5 miles of the Master Plan area. The most recent occurrence is recorded from Rancho San Antonio in 2015; the two other occurrences are older.

This species could be present within the oak woodland/chaparral habitat in the undeveloped portion of Linda Vista Park, although serpentine soils are not expected at this location.

**Santa Clara Red Ribbons:** Santa Clara red ribbons (*Clarkia concinna* ssp. *automixa*) are listed by the CNPS as California Rare Plant Rank 4.3. This species is an annual herb that is found in chaparral and cismontane woodland on slopes and near drainages. It is known from the San Francisco Bay area, including in Alameda, Santa Clara, and Santa Cruz counties. Three CNDDDB occurrences for Santa Clara red ribbons have been documented within 5 miles of the Master Plan area. This species was also documented at the nearby Lehigh Permanente Quarry (WRA Environmental Consultants 2011). This species could be present within the oak woodland/chaparral habitat in the undeveloped portion of Linda Vista Park.

### **Special-Status Wildlife**

Twenty-two special-status animal species have documented occurrences and/or have potential to occur within the Master Plan area. Other species were determined to have no potential to occur within the Master Plan area due to the lack of essential habitat requirements, the lack of known occurrences within the Master Plan area, local range restrictions, regional extirpations, lack of connectivity with areas of suitable or occupied habitat, incompatible land use, and/or habitat degradation/alteration of on-site or adjacent lands.

Only ten special-status wildlife species are expected to occur within or adjacent to the existing Master Plan project areas due to the lack of essential habitat requirements for the other twelve species within or near the parks and/or trails. The following section describes species with moderate or high potential to occur within the existing parks and/or trails in the Master Plan area in greater detail.

In addition to these ten special-status animal species, one CDFW Watchlist species, Cooper's hawk (*Accipiter cooperii*) and one species being considered for listing under the FESA, monarch butterfly (*Danaus plexippus*), have a moderate or high potential to occur within one or more Master Plan project areas. Watchlist species and candidate species under the FESA are not afforded protection under CEQA; however, they may become listed in the future. As a result, this section also discusses the potential for Cooper's hawk and monarch butterfly to occur in the Master Plan project areas.

**Monarch Butterfly:** The monarch butterfly is not currently listed, but it is being considered for listing under the FESA. The species is well-known for its north-south migrations from Canada to Mexico which span the lives of several generations. Monarch butterfly winter roost sites, typically used between October and February, extend along the West Coast from Mendocino County in northern California, south to Baja California in Mexico. Winter roosts consist of hundreds or thousands of monarchs in wind-protected tree groves close to sources of nectar and water. On the California coast, these roosts usually form in eucalyptus, but Monterey pine and Monterey cypress groves are also used. During the breeding season (generally April to August), monarch butterflies lay their eggs on milkweed (*Asclepias* spp. or occasionally *Gomphocarpus* spp. And *Calotropis* spp.), which is the sole source of food for monarch caterpillars. Milkweeds are critical for successful development of the monarch caterpillar into an adult butterfly.

Monarch populations across North America have fallen by as much as 90 percent in the last two decades and in February 2015, the USFWS showed that nearly a billion monarchs had vanished from overwintering sites since 1990. The main reason for the decline has been attributed to herbicides used by farmers and homeowners on milkweed, the butterfly's larval host plant. In recent years, the City planted narrow-leaved

milkweed (*Asclepias fascicularis*) along Stevens Creek. Since 2015, monarchs are known to breed within the Master Plan area in the Stevens Creek Corridor Park, including McClellan Ranch Preserve and Stocklmeir Ranch.

Steelhead-Central California Coast Distinct Population Segment (DPS): Central California coast steelhead (*Oncorhynchus mykiss*) is listed as threatened under the FESA. Central California Coast steelhead DPS includes naturally spawned anadromous steelhead. Steelhead is an anadromous fish that is native to coastal streams from Baja California to Alaska and parts of Asia. Adult steelhead migrate from the ocean into streams in the late fall, winter, or early spring seeking out deep pools within fast moving streams to rest prior to spawning. Steelhead spawn in shallow water gravel beds and the young usually spend the first one to two years of their lives as residents of their natal stream.

Critical habitat for the Central California Coast steelhead DPS was designated on September 2, 2005 and includes all river reaches and estuarine areas accessible to listed steelhead in coastal river basins from the Russian River in Sonoma County to Aptos Creek in Santa Cruz County as well as the drainages of San Francisco Bay and San Pablo Bay. Stevens Creek is designated critical habitat for Central California Coast steelhead (NOAA Fisheries 2005).

Central California Coast steelhead historically occurred in Calabazas Creek; however, this species has not been observed in this creek since 1970. Steelhead are not expected to occur within this Calabazas Creek due to several impassable barriers to migration upstream from the San Francisco Bay, including a 13-foot dam and a drop structure. Steelhead historically migrated from the San Francisco Bay to spawn in Saratoga Creek; however, an impassable barrier is present at the confluence of Saratoga Creek and San Tomas Aquino Creek that prevents steelhead from passage into Saratoga Creek. Stevens Creek is known to support a population of steelhead year-round (Santa Clara Valley Water District 2008), and steelhead are known to be present year-round in Stevens Creek in the Stevens Creek Corridor Park.

Santa Cruz Black Salamander: Santa Cruz black salamander (*Aneides niger*) is designated as a CSSC. It is found in damp environments on land. This species moves only during periods of high humidity (e.g., rain events). The Santa Cruz black salamander is a terrestrial salamander; therefore, it does not live directly in bodies of water but is generally found in moist areas near streams and creeks in deciduous woodland, coniferous forest, and coastal grasslands. They may be active year-round along streams but will stay in moist underground burrows or under rocks, logs or other objects near streams during dry periods. Six CNDDDB occurrences of Santa Cruz black salamander have been documented within 5 miles of the Master Plan area, including in the vicinity of Permanente Creek near Lehigh Permanente Quarry, near Stevens Creek Reservoir, and within Stevens Creek near Los Altos. Suitable habitat is present within the Stevens Creek Corridor Park portion of the Master Plan area. Additional suitable habitat for this species could also be present within other creeks in the Master Plan area, including Calabazas Creek and Saratoga Creek.

California Giant Salamander: California giant salamander (*Dicamptodon ensatus*) is designated as a CSSC. It occurs in wet coastal forests in or near clear, cold permanent or semi-permanent streams and seepages. They are active on rainy nights and during daylight in wet periods during winter. Four CNDDDB occurrences of California giant salamander have been documented within 5 miles of the Master Plan area, including within Permanente Creek, Stevens Creek, Stevens Creek Reservoir, and Saratoga



Creek. Suitable habitat for this species is present within the creeks throughout the Master Plan area.

Red-bellied Newt. Red-bellied newt (*Taricha rivularis*) is a CSSC that has a very limited range in the San Francisco bay area. In California it is more common in the northwest portion of the state in streams and rivers in coastal woodlands and redwood forest. An isolated population occurs in the Stevens Creek watershed, more than 80 miles south of the known range of the species. The Stevens Creek population was not found to be genetically divergent from the main population, which has the lowest genetic diversity of any coastal salamander species, so it hasn't been determined if it is a natural population or it was introduced (California Herps.com, accessed 9/7/2019).

California red-legged frog (CRLF): CRLF (*Rana draytonii*) is listed as threatened under FESA and is a CSSC. CRLF occurs in grassland, riparian woodland, oak woodland, and coniferous forest. This species requires quiet freshwater pools, slow-flowing streams, and freshwater marshes with heavily vegetated shores for breeding. These frogs typically stay near the shore hidden in vegetation rather than in open water. CRLF frequently occupies seasonal bodies of water and in some areas these habitats may be critical for persistence and breeding. CRLF may lie dormant during dry periods of the year or during drought, utilizing animal burrows (typically California ground squirrel; *Otospermophilus beecheyi*) to aestivate. CRLF disperse during the wet months during autumn, winter, and spring. Recently metamorphosed CRLF expand outward from their pond of origin and adults migrate toward breeding ponds. Frogs disperse through many types of upland vegetation and use a broader range of habitats outside of the breeding season.

Six CNDDDB occurrences for CRLF have been documented within 5 miles of the Master Plan area, including within Permanente Creek, Gate of Heaven Cemetery Pond, Calabazas Creek, Pichetti Ranch Open Space, and Saratoga Creek. Potentially suitable habitat for this species is present within and adjacent to numerous creeks in the Master Plan area, including Calabazas Creek, Saratoga Creek, and Stevens Creek. As a result, CRLF could occur within or adjacent to Creekside Park, Stevens Creek Corridor Park, Linda Vista Park, and Saratoga Creek Trail. CRLF could also disperse through Junipero Sierra Channel and Regnart Creek; therefore, they could occur adjacent to the proposed Regnart Creek Trail and Junipero Serra Channel.

Western pond turtle (WPT): WPT (*Emys marmorata*) is designated as a CSSC. WPT is often seen basking above the water but will quickly slide into the water when it feels threatened. The species is active from around February to November and may be active during warm periods in winter. WPT hibernates underwater, often in the muddy bottom of a pool and may estivate during summer droughts by burying itself in soft bottom mud. When creeks and ponds dry up in summer, some turtles that inhabit creeks will travel along the creek until they find an isolated deep pool, others stay within moist mats of algae in shallow pools while many turtles move to woodlands above the creek or pond and bury themselves in loose soil where they will overwinter.

Pond turtles are normally found in and along riparian areas, although females have been reported up to a mile away from water in search of appropriate nest sites. The preferred habitat for these turtles includes ponds or slow-moving water with numerous basking sites (e.g., logs, rocks), food sources (i.e., plants, aquatic invertebrates, and carrion), and few predators (e.g., raccoons, introduced fishes, and bullfrogs). Typically, the female excavates a nest in hard-packed clay soil in open habitats (usually on south-facing slopes) within a few hundred yards of a watercourse.

No CNDDDB records for WPT have been documented within the Master Plan area. WPT has been observed within the City, including at McClellan Ranch Preserve. Suitable

riverine habitat for WPT occurs within the Master Plan area in Stevens Creek and may occur within other creeks in the Master Plan area, including Saratoga Creek and Calabazas Creek. Suitable grassy, upland nesting habitat for WPT is also present adjacent to Stevens Creek at McClellan Ranch West, McClellan Ranch Preserve and the open grassland parcel just north of McClellan Ranch Preserve. As a result, WPT could occur within or adjacent to Creekside Park, Stevens Creek Corridor Park, Linda Vista Park, and Saratoga Creek Trail.

Cooper's Hawk: Cooper's hawk is a watchlist species. It is a breeding resident throughout most of the wooded portion of California. It typically occurs in dense stands of live oak, riparian deciduous, or other forest habitats near water. It often uses patchy woodlands and edges with snags for perching and dense stands with moderate crown-depths for nesting. The CNDDDB documents a nesting pair in 2003 within the riparian area along Calabazas Creek. A pair of Cooper's hawks has also been observed nesting along Stevens Creek at McClellan Ranch Preserve and Blackberry Farm Park (TRA Environmental 2011) and consistently observed nesting there by City staff. As a result, Cooper's hawk could occur within the Stevens Creek Corridor Park, Linda Vista Park, or other riparian areas in the Master Plan area.

White-tailed kite: White-tailed kite (*Elanusleucurus*) is designated as a CFP. White-tailed kite is resident in a variety of open habitats, including agricultural areas, grasslands, scrub and open chaparral habitats, meadows, and emergent wetlands throughout the lower elevations of California. Nests are constructed mostly of twigs and placed in small to large trees, often at habitat edges or in isolated groves (Dunk 1995). This species preys upon a variety of small mammals and other vertebrates. One CNDDDB occurrence for white-tailed kite has been documented within 5 miles of the Master Plan area where white-tailed kite was known to breed at the Blackberry Farm Golf Course. As a result, white-tailed kite could breed within the Master Plan area, including within the Stevens Creek Corridor Park, Linda Vista Park, and other riparian areas in the Master Plan area.

Yellow warbler: The yellow warbler (*Setophaga petechia*) is designated as a CSSC. It is often heard singing from the tops of willow and cottonwood (*Populus* spp.) trees along streams and ponds throughout California. This warbler is most abundant in early succession riparian habitats that possess dense thickets of young willow trees. Yellow warblers build their nests in the vertical fork of a bush or small tree such as willow or other riparian species. The nest is typically within about 10 feet of the ground but occasionally up to about 40 feet. This species primarily feeds on insects (Shuford and Gardali 2008). No CNDDDB records for yellow warbler have been documented within 5 miles of the Master Plan area. Yellow warbler has frequently been observed nearby the Master Plan Area at the Lehigh Permanente Quarry (WRA Environmental Consultants 2011). Yellow warbler has been observed in Stevens Creek Corridor Park and documented in Audubon records in 2002 and May 2009 (B. Banfield, personal communication). Suitable nesting habitat is present within the riparian corridors in the Master Plan area and near the City parks. As a result, yellow warbler could nest within the Stevens Creek Corridor Park and adjacent to Creekside Park, Sterling Bernhart Park, portions of Varian Park adjacent to Stevens Creek, portions of Linda Vista Park near Stevens Creek, or the Saratoga Creek Trail.

San Francisco dusky-footed woodrat: The San Francisco dusky-footed woodrat (*Neotoma fuscipes annectens*) is designated as a CSSC and is one of eleven historically described subspecies of the dusky-footed woodrat (packrats) found in forest and shrubland communities throughout much of California and Oregon. They consume a wide variety of nuts and fruits, fungi, foliage and some forbs. Many species are good climbers and rock dwellers, and dusky-footed woodrats are highly arboreal. Evergreen or live oaks and other thick-leaved trees and shrubs are important habitat components for

the species. This species requires dense understory and disappears if underbrush is cleared or burned. Woodrat houses have been found in ornamental trees (e.g. *Callistemon* spp.; bottlebrush) adjacent to parking lots when there is wooded habitat with a thick understory close by. If appropriate habitat is present, woodrats can occur quite close to suburban development.

San Francisco dusky-footed woodrats are nocturnal species that are well known for their large terrestrial stick houses, some of which can last for twenty or more years. Houses typically are placed on the ground against or straddling a log or exposed roots of a standing tree, and are often located in dense brush. Nests are also placed in the crotches and cavities of trees and in hollow logs. Sometimes arboreal nests are constructed in habitat with evergreen trees such as live oak.

One CNDDDB occurrence for San Francisco dusky-footed woodrat has been documented within 5 miles of the Master Plan area. San Francisco dusky-footed woodrat houses have been observed within Blackberry Farm and at Stocklmeir Ranch, as well as throughout the Stevens Creek Corridor Park and/or oak woodland areas (TRA Environmental 2011). San Francisco dusky-footed woodrat individuals have been observed at multiple Stevens Creek Corridor Park sites in recent years. San Francisco dusky-footed woodrat houses may also be found in other riparian habitat within the Master Plan area, as well as within oak woodland habitat in the undeveloped portion of Linda Vista Park.

***Pallid Bat:*** Pallid bat (*Antrozous pallidus*) is designated as a CSSC. Pallid bat is found in dry, open habitats including deserts, grasslands, shrublands, woodlands, and forests. This species roosts in protected structures (e.g., old buildings, bridges, caves, mines, and hollow trees) and rocky outcrops. One CNDDDB occurrence for pallid bat has been documented within 5 miles of the Master Plan area. Pallid bats have been observed in the Stevens Creek Corridor on a transient basis during spring and summer seasonal movements. As a result, pallid bat could occur within the Stevens Creek Corridor Park or within Linda Vista Park. Pallid bat may also be present within other riparian areas in the Master Plan area with suitable large trees for roosting.

### ***Nesting Birds and Bats***

The trees, shrubs, grasses, and other natural and/or manmade landscapes found within and adjacent to the existing parks and trails are nesting habitat for bird species. Numerous raptors, such as red-tailed hawk, red-shouldered hawk, white-tailed kite, Cooper's hawk, great horned owl, western screech owl, barn owl, and other bird species are known to nest within Stevens Creek Corridor Park.

Bats tend to forage and roost near freshwater sources. Some trees (e.g., redwoods, eucalyptus) and man-made structures within the existing parks, especially those near the riparian corridors of Stevens Creek, provide suitable bat roosting habitat for bat species, including Pallid bat. Yuma myotis (*Myotis yumanensis*) have been observed in the Stevens Creek corridor and big brown bat (*Eptesicus fuscus*) maternity colonies are present at Blackberry Farm (TRA Environmental 2011).

### ***Sensitive Habitats and Critical Habitat***

Sensitive natural communities are communities that are especially diverse; regionally uncommon; or of special concern to local, state, and federal agencies. Elimination or substantial degradation of these communities would constitute a significant impact under CEQA. The City parks contain riparian, creek, ditch, and coast live oak woodland habitat that are considered sensitive natural communities by the CDFW and other regulatory agencies. Stevens Creek also

contains designated critical habitat Central California Coast steelhead, which is protected by the USFWS.

### **Wildlife Movement**

Habitat loss, fragmentation, and degradation resulting from land use changes or habitat conversion can alter the use and viability of wildlife movement corridors (i.e., linear habitats that naturally connect and provide passage between two or more otherwise disjunct larger habitats or habitat fragments). In general, studies suggest that habitat corridors provide connectivity for and are used by wildlife, and as such are an important conservation tool (Beier and Noss 1998). Wildlife habitat corridors should fulfill several functions. They should maintain connectivity for daily movement, travel, mate-seeking, and migration; plant propagation; genetic interchange; population movement in response to environmental change or natural disaster; and recolonization of habitats subject to local extirpation (Beier and Loe 1992).

The suitability of a habitat as a wildlife movement corridor is related to, among other factors, the habitat corridor's dimensions (length and width), topography, vegetation, exposure to human influence, and the species in question (Beier and Loe 1992). Species utilize movement corridors in several ways. "Passage species" are those species that use corridors as through-ways between outlying habitats. The habitat requirements for passage species are less than those for corridor dwellers. Passage species use corridors for brief durations, such as for seasonal migrations or movement within a home range. As such, movement corridors do not necessarily have to meet any of the habitat requirements necessary for a passage species' everyday survival.

Large herbivores, such as deer and elk, and medium-to-large carnivores, such as coyotes, bobcats and mountain lions, are typically passage species. "Corridor dwellers" are those species that have limited dispersal capabilities – a category that includes most plants, insects, reptiles, amphibians, small mammals, birds – and that use corridors for a greater length of time. As such, wildlife movement corridors must fulfill key habitat components specific to a species' life history requirements for them to survive (Beier and Loe 1992).

No mapped habitat connectivity and wildlife migration corridors are known to be present within the Master Plan area, except within Stevens Creek Corridor Park. Due to the urban development surrounding many of the parks and trails and the current use of the existing parks, it is unlikely that City parks support any migrations. However, many common wildlife species including raccoon, opossum, striped skunk (*Mephitis mephitis*), terrestrial coast garter snake (*Thamnophis elegans terrestris*), and western fence lizard likely use vegetated areas and/or riparian corridors (e.g., Stevens Creek, Saratoga Creek, Calabazas Creek) within the Master Plan area for dispersal/movement corridors. Stevens Creek is known to be a migration corridor for steelhead. Other special-status species such as CRLF, San Francisco dusky-footed woodrat, and western pond turtle may also use Stevens Creek, Calabazas Creek, or Saratoga Creek and/or their associated riparian corridors for movement and dispersal.

### **Aquatic Features**

Stevens Creek and its riparian corridor runs through the Stevens Creek Corridor Park and the park contains wetlands and robust riparian vegetation. Stevens Creek is also adjacent to Linda Vista Park, and is near an undeveloped portion of Varian Park.

Other parks within the Master Plan area have not been evaluated for wetlands. Calabazas Creek runs directly adjacent to Creekside Park. Saratoga Creek and its riparian corridor runs directly adjacent to the Saratoga Creek Trail and Sterling Barnhart Park. Regnart Creek runs adjacent to the Civic Center, Wilson Park and the proposed Regnart Creek Trail and is undergrounded beneath Jollyman Park. Junipero Serra Channel runs adjacent to the proposed

Junipero Serra Trail. Linda Vista Park contains an undeveloped area which could contain wetlands.

### **3.4.1 Regulatory Setting**

Biological and water resources in California are protected under federal, state, and local laws. The laws that may pertain to the biological and water resources within the Master Plan area include the following.

#### ***Federal Regulations***

##### **Federal Endangered Species Act (FESA)**

The FESA of 1973, as amended, provides the regulatory framework for the protection of plant and animal species (and their associated critical habitats), which are formally listed, proposed for listing, or candidates for listing as endangered or threatened under FESA. FESA has the following four major components: (1) provisions for listing species, (2) requirements for consultation with the USFWS and National Oceanic and Atmospheric Administration (NOAA) Fisheries, (3) prohibitions against “taking” (i.e., harassing, harming, hunting, shooting, wounding, killing, trapping, capturing, or collecting, or attempting to engage in any such conduct) of listed species, and (4) provisions for permits that allow incidental “take”. FESA also discusses recovery plans and the designation of critical habitat for listed species.

Both the USFWS and NOAA Fisheries share the responsibility for administration of FESA. Section 7 requires federal agencies, in consultation with, and with the assistance of the USFWS or NOAA Fisheries, as appropriate, to ensure that actions they authorize, fund, or carry out are not likely to jeopardize the continued existence of threatened or endangered species or result in the destruction or adverse modification of critical habitat for these species. Non-federal agencies and private entities can seek authorization for take of federally listed species under Section 10 of FESA, which requires the preparation of a Habitat Conservation Plan.

##### **Migratory Bird Treaty Act**

The U.S. Migratory Bird Treaty Act (MBTA; 16 USC §§ 703 et seq., Title 50 Code of Federal Regulations [CFR] Part 10) states it is “unlawful at any time, by any means or in any manner, to pursue, hunt, take, capture, kill; attempt to take, capture or kill; possess, offer for sale, sell, offer to barter, barter, offer to purchase, purchase, deliver for shipment, ship, export, import, cause to be shipped, exported, or imported, deliver for, transport or cause to be transported, carry or cause to be carried, or receive for shipment, carriage, or export any migratory bird, any part, nest, or egg of any such bird, or any product, whether or not manufactured, which consists, or is composed in whole or in part, of any such bird or any part, nest or egg thereof...” The MBTA does not protect some birds that are non-native or human-introduced or that belong to families that are not covered by any of the conventions implemented by MBTA.

The USFWS enforces MBTA. Previously, under MBTA it was illegal to disturb a nest that is in active use, since this could result in killing a bird, destroying a nest, or destroying an egg. In 2017, the USFWS issued a memorandum stating that the MBTA does not prohibit incidental take; therefore, the MBTA is currently limited to purposeful actions, such as hunting and poaching.

##### **Clean Water Act**

The Clean Water Act (CWA) is the primary federal law regulating water quality. The implementation of the CWA is the responsibility of the U.S. Environmental Protection Agency (EPA). However, the EPA depends on other agencies, such as the individual states and the U.S. Army Corps of Engineers (USACE), to assist in implementing the CWA. The objective of the CWA is to “restore and maintain the chemical, physical, and biological integrity of the Nation’s waters.” Section 404 and 401 of the CWA apply to activities that would impact waters



of the U.S. The USACE enforces Section 404 of the CWA and the California State Water Resources Control Board enforces Section 401.

#### *Section 404*

As part of its mandate under Section 404 of the CWA, the EPA regulates the discharge of dredged or fill material into “waters of the U.S.”. “Waters of the U.S.” include territorial seas, tidal waters, and non-tidal waters in addition to wetlands and drainages that support wetland vegetation, exhibit ponding or scouring, show obvious signs of channeling, or have discernible banks and high-water marks. Wetlands are defined as those areas “that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions” (33 CFR 328.3(b)). The discharge of dredged or fill material into waters of the U.S. is prohibited under the CWA except when it follows Section 404 of the CWA. Enforcement authority for Section 404 was given to the USACE, which it accomplishes under its regulatory branch. The EPA has veto authority over the USACE’s administration of the Section 404 program and may override a USACE decision with respect to permitting.

The USACE has specific guidelines for determining the extent of its jurisdiction. The methods of delineating USACE jurisdiction are defined in the 1987 Wetlands Delineation Manual (Environmental Laboratory 1987), and the Arid West Manual (USACE 2008). The methods of delineating USACE jurisdiction are defined in the manuals and require examination of three parameters (soil, hydrology, and vegetation).

Substantial impacts to waters of the U.S. may require an Individual Permit. Projects that only minimally affect waters of the U.S. may meet the conditions of one of the existing Nationwide Permits, if other conditions of the permit are satisfied. A Water Quality Certification or waiver pursuant to Section 401 of the CWA is required for Section 404 permit actions.

#### *Section 401*

Any applicant for a federal permit to impact waters of the U.S. under Section 404 of the CWA, including Nationwide Permits where pre-construction notification is required, must also provide to the USACE a certification or waiver from the State of California. The “401 Certification” is provided by the State Water Resources Control Board through the local Regional Water Quality Control Board (RWQCB).

The RWQCB issues and enforces permits for discharge of treated water, landfills, storm-water runoff, filling of any surface waters or wetlands, dredging, agricultural activities and wastewater recycling. The RWQCB recommends that the application for a Certification under Section 401 of the Clean Water Act be made at the same time as other applications are provided to other agencies, such as the USACE, USFWS, or NOAA Fisheries. The application to the RWQCB is similar to the pre-construction notification that is required by the USACE. It must include a description of the habitat that is being impacted, a description of how the impact is to be minimized, and proposed mitigation measures with goals, schedules, and performance standards. Mitigation must include a replacement of functions and values, and replacement of wetland at a minimum ratio of 2:1, or twice as many acres of wetlands provided as are removed. The RWQCB looks for mitigation that is on site and in-kind, with functions and values as good as or better than the water-based habitat that is being removed or impacted. A higher mitigation ratio may be required, depending on site conditions and project impacts.

### **State Regulations**

#### **Porter-Cologne Water Quality Control Act**

The intent of the Porter-Cologne Water Quality Control Act (Porter-Cologne) is to protect water quality and the beneficial uses of waters of the State, and it applies to both surface and ground water. Under this law, the SWRCB develops statewide water quality plans, and the RWQCBs

develop basin plans, which identify beneficial uses, water quality objectives, and implementation plans. The RWQCBs have the primary responsibility to implement the provisions of both statewide and basin plans. Waters regulated under Porter-Cologne, referred to as “waters of the State,” include isolated waters that are not regulated by the USACE. Projects that require a USACE permit, or fall under other federal jurisdiction, and have the potential to impact waters of the State are required to comply with the terms of the Water Quality Certification Program. If a proposed project does not require a federal license or permit, any person discharging, or proposing to discharge, waste (e.g. dirt) to waters of the State must file either a Notice of Intent or a Report of Waste Discharge and receive either a Notice of Applicability, waste discharge requirements (WDRs) or a waiver to WDRs before beginning the discharge.

### **California Endangered Species Act**

The California Endangered Species Act (CESA; Fish and Game Code 2050 et seq.) generally parallels the federal Endangered Species Act. It establishes the policy of the State to conserve, protect, restore, and enhance threatened or endangered species and their habitats. Section 2080 of the California Fish and Game Code prohibits the take, possession, purchase, sale, and import or export of endangered, threatened, or candidate species, unless otherwise authorized by permit or by the regulations. “Take” is defined in Section 86 of the California Fish and Game Code as to “hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture, or kill.” This definition differs from the definition of “take” under FESA, in that it is specific to take of an individual, whereas FESA considers modification of habitat as potentially resulting in take. CESA is administered by CDFW. CESA allows for take incidental to otherwise lawful projects but mandates that State lead agencies consult with the CDFW to ensure that a project would not jeopardize the continued existence of threatened or endangered species.

### **Native Plant Protection Act**

The Native Plant Protection Act (NPPA) was created in 1977 with the intent to preserve, protect, and enhance rare and endangered plants in California (California Fish and Game Code sections 1900 to 1913). The NPPA is administered by CDFW, which has the authority to designate native plants as endangered or rare and to protect them from “take.” CDFW maintains a list of plant species that have been officially classified as endangered, threatened or rare. These special-status plants have special protection under California law.

### **California Fish and Game Code**

#### *Non-Game Mammals*

Sections 4150-4155 of the California Fish and Game Code protects non-game mammals, including bats. Section 4150 states “A mammal occurring naturally in California that is not a game mammal, fully protected mammal, or fur-bearing mammal is a nongame mammal. A non-game mammal may not be taken or possessed except as provided in this code or in accordance with regulations adopted by the commission”. The non-game mammals that may be taken or possessed are primarily those that cause crop or property damage. All bats are classified as a non-game mammal and are protected under California Fish and Game Code.

#### *Nesting Birds*

Nesting birds, including raptors, are protected under California Fish and Game Code Section 3503, which reads, “It is unlawful to take, possess, or needlessly destroy the nest or eggs of any bird, except as otherwise provided by this code or any regulation made pursuant thereto.” In addition, under California Fish and Game Code Section 3503.5, “it is unlawful to take, possess, or destroy any birds in the orders Falconiformes or Strigiformes (birds-of-prey) or to take, possess, or destroy the nest or eggs of any such bird except as otherwise provided by this code or any regulation adopted pursuant thereto”. Passerines and non-passerine land birds are further protected under California Fish and Game Code 3513. As such, CDFW recommends surveys for nesting birds that could potentially be directly (e.g., actual removal of

trees/vegetation) or indirectly (e.g., noise disturbance) impacted by project-related activities. Disturbance during the breeding season could result in the incidental loss of fertile eggs or nestlings, or otherwise lead to nest abandonment. Disturbance that causes nest abandonment and/or loss of reproductive effort is considered “take” by CDFW.

#### *California Fish and Game Code Sections 1600-1607*

Sections 1600-1607 of the California Fish and Game Code require that a Notification of Lake or Streambed Alteration Agreement (LSAA) application be submitted to CDFW for “any activity that may substantially divert or obstruct the natural flow or substantially change the bed, channel, or bank of any river, stream, or lake.” The LSAA requirement applies to any work undertaken in or near a river, stream, or lake that flows at least intermittently through a bed or channel. This includes ephemeral streams, desert washes, and watercourses with a subsurface flow. CDFW reviews the proposed actions in the application and, if necessary, prepares an LSAA that includes measures to protect affected fish and wildlife resources.

#### *Fully Protected Species and Species of Special Concern*

The classification of California fully protected (CFP) species was the CDFW’s initial effort to identify and provide additional protection to those animals that were rare or faced possible extinction. Lists were created for fish, amphibians and reptiles, birds, and mammals. Most of the species on these lists have subsequently been listed under CESA and/or FESA. The Fish and Game Code sections (§5515 for fish, §5050 for amphibian and reptiles, §3511 for birds, §4700 for mammals) deal with CFP species and state that these species “...may not be taken or possessed at any time and no provision of this code or any other law shall be construed to authorize the issuance of permits or licenses to take any fully protected species”. “Take” of these species may be authorized for necessary scientific research. This language makes the CFP designation the strongest and most restrictive regarding the “take” of these species. In 2003, the code sections dealing with CFP species were amended to allow the CDFW to authorize take resulting from recovery activities for state-listed species.

California species of special concern (CSSC) are broadly defined as animals not currently listed under the FESA or CESA, but which are nonetheless of concern to the CDFW because they are declining at a rate that could result in listing, or historically occurred in low numbers and known threats to their persistence currently exist. This designation is intended to result in special consideration for these animals by the CDFW, land managers, consulting biologists, and others, and is intended to focus attention on the species to help avert the need for costly listing under FESA and CESA and cumbersome recovery efforts that might ultimately be required. This designation also is intended to stimulate collection of additional information on the biology, distribution, and status of poorly known at-risk species, and focus research and management attention on them.

#### **Sensitive Vegetation Communities**

Sensitive vegetation communities are natural communities and habitats that are either unique in constituent components, of relatively limited distribution in the region, or of particularly high wildlife value. These communities may or may not necessarily contain special-status species. Sensitive natural communities are usually identified in local or regional plans, policies or regulations, or by the CDFW (i.e., CNDDDB) or the USFWS. The CNDDDB identifies several natural communities as rare, which are given the highest inventory priority (Sawyer et. al. 2009; CDFW 2018).

## Local Regulations

### General Plan

The City of Cupertino General Plan Chapter 6: Environmental and Sustainability Element (Cupertino 2015b) addresses protection of biological resources within the City limits. The following policies and strategies apply to the Master Plan.

- *Policy ES-5.1 Urban Ecosystem.* Manage the public and private development to ensure the protection and enhancement of its urban ecosystem.
- *Strategy ES-5.1.1 Landscaping.* Ensure that the City's tree planting, landscaping and open space policies enhance the urban ecosystem by encouraging medians, pedestrian-crossing curb-extensions planting that is native, drought-tolerant, treats stormwater and enhances urban plant, aquatic and animal resources in both, private and public development.
- *Strategy ES-5.1.2 Built Environment.* Ensure that sustainable landscaping design is incorporated in the development of City facilities, parks and private projects with the inclusion of measures such as tree protection, stormwater treatment and planting of native, drought tolerant landscaping that is beneficial to the environment.
- *Policy ES-5.2 Development Near Sensitive Areas.* Encourage the clustering of new development away from sensitive areas such as riparian corridors, wildlife habitat and corridors, public open space preserves, and ridgelines. New development in these areas must have a harmonious landscaping plan approved prior to development.
- *Strategy ES-5.2.1 Riparian Corridor Protection.* Require the protection of riparian corridors through the development approval process.
- *Policy ES-5.3 Landscaping in and near Natural Vegetation.* Preserve and enhance existing natural vegetation, landscape features and open space when new development is proposed within existing natural areas. When development is proposed near natural vegetation, encourage the landscaping to be consistent with the palate of vegetation found in the natural vegetation.
- *Strategy ES-5.3.1 Native Plants.* Continue to emphasize the planting of native, drought tolerant, pest resistant, non-invasive, climate appropriate plants and ground covers, particularly for erosion control and to prevent disturbance of the natural terrain.
- *Strategy ES-5.3.2 Hillsides.* Minimize lawn area in the hillsides.
- *Policy ES-5.4 Hillside Wildlife Migration.* Confine fencing on hillside property to the area around a building, rather than around an entire site, to allow for migration of wild animals.
- *Policy ES-5.5 Recreation and Natural Vegetation.* Limit recreation in natural areas to activities compatible and appropriate with preserving natural vegetation, such as hiking, horseback riding, mountain biking and camping.
- *Policy ES-5.6 Recreation and Wildlife.* Provide open space linkages within and between properties for both recreational and wildlife activities, most specifically for the benefit of wildlife that is threatened, endangered or designated as species of special concern.
- *Strategy ES-5.6.1 Creek and Watercourse Identification.* Require identification of creeks, water courses and riparian areas on site plans and require that they be protected from adjacent development.
- *Strategy ES-5.6.2 Trail Easements.* Consider requiring easements for trail linkages if analysis determines that they are needed.

- *Policy ES-7.1: Natural Waterbodies and Drainage Systems.* In public and private development, use Low Impact Development (LID) principles to manage stormwater by mimicking natural hydrology, minimizing grading and protecting or restoring natural drainage systems.
- *Strategy ES-7.1.1 Development Plans.* Continue to require topographical information; identification of creeks, streams and drainage areas; and grading plans for both public and private development proposals to ensure protection and efficient use of water resources.

### **City of Cupertino Tree Ordinance**

The City of Cupertino's Protected Tree Ordinance (Ordinance Number 07-2003, Chapter 14.18 of the Municipal Code) requires a permit to remove protected trees from public or private property. Protected trees include trees of the following species that have a minimum single trunk diameter of 10 inches (31-inch circumference) or minimum multi-trunk diameter of 20 inches (63-inch circumference) measured 4.5 feet from the natural grade: native oak tree (*Quercus* sp.) species, including coast live oak (*Quercus agrifolia*), valley oak (*Quercus lobata*), black oak (*Quercus kelloggii*), blue oak (*Quercus douglasii*), and interior live oak (*Quercus wislizeni*); California buckeye (*Aesculus californica*); big leaf maple (*Acer macrophyllum*); deodar cedar (*Cedrus deodara*); blue atlas cedar (*Cedrus atlantica 'Glauca'*); bay laurel or California bay (*Umbellularia californica*); and western sycamore (*Platanus racemosa*).

Protected trees also include heritage trees, approved privacy protection plantings in R-1 zoning districts, and trees required to be protected as a part of a zoning, tentative map, or use permit. Application for designation as a heritage tree is referred to the Planning Commission for review and determination in accordance with Chapter 19.124 of the Municipal Code. The Planning Commission may, by resolution, designate a tree or grove of trees as a heritage tree(s).

Development projects are subject to Chapter 14.18, Appendix A of the Municipal Code: "Standards for the Protection of Trees during Grading and Construction". The removal of protected trees generally requires the planting of replacement trees, in accordance with the Replacement Tree Guidelines in the Cupertino Tree Ordinance.

### **City of Cupertino Water Resource Protection Ordinance**

The City of Cupertino's Water Resource Protection Ordinance for Properties Adjacent to a Stream (Ordinance Number 07-1992, Chapter 9.19 of the Municipal Code) requires a permit for modifications to streamside properties under the jurisdiction of the City, except for the following modifications:

- Less than three cubic yards of earthwork provided it does not damage, weaken, erode, or reduce the effectiveness of the stream to withhold storm and flood waters.
- A fence that is six feet or less in height or is otherwise permitted by the City.
- An accessory structure 120 square feet or less in size.
- Interior or exterior additions or alterations to structures within the existing footprint.
- Landscaping on an existing single-family lot.

A request for stream modification permit must be filed with the City for any proposed modification to a stream other than those modifications listed above. The Santa Clara Valley Water Resources Protection Collaborative, whose members include the SCVWD and City, developed the Guidelines and Standards for Land Use Near Streams: A Manual of Tools, Standards, and Procedures to Protect Streams and Streamside Resources in Santa Clara County. This IS/MND includes requirements and recommendations for land use activities in and



around Santa Clara County streams, in order to protect stream resources. Stevens Creek is within the City's jurisdiction and a permit would be needed for modifications to this creek.

### **Santa Clara Valley Water District Water Resources Protection Ordinance**

The SCVWD (now also known as Valley Water) owns property along many of the City creeks, including Calabazas Creek, Stevens Creek, Regnart Creek, Junipero Serra Channel, and Saratoga Creek. The SCVWD requires that an Encroachment Permit for any construction work or modification proposed within the SCVWD facility or easement with the following exceptions:

- An encroachment permit is not required for access onto Valley Water facilities or easements that have been opened to and developed for public recreational purposes or when the permit authority determines that access requirements applicable thereto have already been established by contract or operation of law.
- Where Valley Water holds a nonexclusive easement, the owner of the underlying fee is not required to obtain an encroachment permit for activities not in conflict with the Valley Water easement unless the easement requires Valley Water approval for the activity or work.

The Guidelines and Standards for Land Use Near Streams developed by the Water Resources Protection Collaborative includes requirements and recommendations for land use activities in and around Santa Clara County streams, in order to protect stream resources.

### **3.4.2 Discussion**

Adoption of the Master Plan would not authorize any specific development, or the construction of park improvements contemplated in the Master Plan. Once design and implementation information become available for specific projects, the City would evaluate the project to determine if its impacts are covered by this programmatic IS/MND or whether subsequent environmental review is required.

Many of the existing parks are landscaped and do not provide suitable habitat for special-status plant or animal species, do not contain sensitive natural communities or federally protected wetlands, and do not provide a migratory wildlife corridor. Parks that contain undeveloped natural lands and/or are near riparian corridors do have the potential to support special-status plant or animal species, contain sensitive natural communities, contain wetlands, and support wildlife migration (such as steelhead, which may rely on trees along the waterway to protect water temperatures along their migratory routes, for example).

Projects implemented under the Master Plan in parks that are currently landscaped and/or hardscaped are not expected to result in significant biological impacts. Projects in these parks that introduce or maintain plants that support pollinator species and birds with a variety of flowering species and water sources could provide a net biological benefit by increasing resources and supporting biological diversity.

Projects implemented under the Master Plan in parks that contain undeveloped natural lands and/or are near riparian corridors could result in significant impacts if special-status species, sensitive natural communities, wetlands, or wildlife migration are impacted by project activities.

Projects implemented under the Master Plan would be designed, built, and maintained by the City in a manner consistent with local policies that protect biological resources. Some projects may require authorization from the CDFW under California Fish and Game Code section 1600, the USACE under section 404 of the federal Clean Water Act, the USFWS and/or NOAA Fisheries under the federal Endangered Species Act, and/or the RWQCB under the federal Clean Water Act section 401 or under the state Porter-Cologne Water Quality Control Act. Projects subject to these authorizations would be required to comply with permit conditions and reporting requirements enforced by those agencies.

The project area is not within an adopted plan area for a Habitat Conservation Plan or Natural Communities Conservation Plan.

Would the proposed project:

- a) **Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?**
- b) **Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or US Fish and Wildlife Service?**
- 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?**
- 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?**

**Less Than Significant Impact with Mitigation.** (Responses a-d). For the purposes of this response, use of the term “special-status species” includes everything listed under question (a) above.

As noted above, some projects that would be implemented under the Master Plan could impact special-status species, sensitive natural communities, wetlands, wildlife corridors, and/or wildlife nursery sites. Over the approximately 20-year time period that the plan will be implemented, the biological environment may change, and the methods used to protect biological resources are expected to evolve based on scientific research and changes in standard practices. Therefore, the following programmatic mitigation measure is recommended to prevent significant impacts to special-status species, sensitive natural communities, and wetlands, as defined by state and federal law, and on wildlife corridors or nursery sites.

**Impact BIO-1:** Future park projects could impact special-status species, sensitive communities, wetlands and wildlife corridors, as defined by state and federal law.

**Mitigation Measure BIO-1:** The Capital Improvement Program (“CIP”) for Parks and Recreation improvements shall be reviewed annually by staff to identify projects that could potentially affect special-status species, sensitive natural communities, wetlands, wildlife corridors, and/or native wildlife nursery sites. Any such projects shall be reviewed by a professional in field biology. The biological professional shall:

- a) Research the potential occurrence of special-status species and sensitive communities in the areas affected by CIP projects by reviewing the California Natural Diversity Database, California Native Plant Society Inventory, IPaC, or other appropriate databases, by contacting resource agencies such as the California Department of Fish and Wildlife, U.S. Fish and Wildlife, and/or NOAA Fisheries Service, or other appropriate methods.
- b) For each CIP project approved for funding that could impact special-status species, sensitive natural communities, wetlands, wildlife corridors, and/or nursery sites during construction or as a result of the proposed use, including maintenance, prior to the start of construction identify all resource agency permits required for the project and ensure that the project is modified as necessary to minimize effects on biological resources and avoid impacts.

c) For each CIP project that could have a significant impact on special-status species, sensitive natural communities, wetlands, wildlife corridors, and/or native wildlife nursery sites, specify measures to avoid impacts or to reduce impacts to a less-than-significant level that will be implemented as part of the project. Indicate the timing of when the measures would be implemented (e.g., prior to construction activities, during construction, post-construction etc.). These measures may include actions such as the following currently accepted measures:

1. Pre-construction surveys for special-status plant and animal species, nesting birds, and roosting bats in the correct season and using CNPS, CDFW and/or other accepted protocols, as appropriate, to identify if the species are present and would be impacted by the project;
2. Wildlife exclusion fencing to prevent species, such as protected amphibians and reptiles, from entering the work site. Regular fence inspections, to assure that species are not trapped and to maintain the integrity of the fence.
3. Clear delineation of the work area and/or protected areas in the field to prevent construction activities from extending beyond required work areas and into nearby natural areas that contain sensitive species habitat or sensitive natural communities or wetlands. Environmentally sensitive areas may also be delineated on construction drawings for certain projects.
4. Silt fencing or other erosion control measures to protect water quality downstream of the project and the biological resources that rely on suitable water quality.
5. Worker environmental awareness training provided by a qualified professional (typically a biologist) prior to the start of any project activities that affect the physical environment to educate workers about the presence of environmentally sensitive areas, what species may be present, what laws protect the species, and what to do if a special-status species is encountered.
6. Construction site sanitation to dispose of food and beverage waste and associated wrappers or containers to minimize site attractiveness to wildlife during construction.
7. Wildlife protection measures, such as minimizing the use of monofilament netting which can ensnare reptiles and amphibians, covering trenches near suitable habitat so that species are not trapped and unable to hide from a predator, and/or daily pre-construction sweeps to verify special-status species are not present in the work area.
8. Actions to take if special-status species are discovered, such as establishment of buffer zones or other measures acceptable to resource agencies to protect the individual species.

**Effectiveness:** Implementation of Measure BIO-1 would avoid or reduce significant impacts to special-status species, sensitive natural communities, wetlands, and migratory wildlife corridors and nursery sites to a less than significant level.

**Implementation:** Measure BIO-1 shall be completed by, or overseen by, a qualified professional with expertise in field biology, biological impact assessment, and resource agency permits. The results shall be documented in field records, consultation notes, and/or reports, as determined appropriate by the professional or as required by resource agency permits obtained for the project.

**Timing:** City staff will review the adopted CIP each year after funding is approved to determine if the funded projects need to be reviewed by a qualified professional biologist. Project-specific timing for each measure to be implemented would be identified by the qualified professional when the project's scope and design is adequately defined to allow determination of appropriate measures, and before finalizing the design for bidding or construction.

**Monitoring:** Site-specific monitoring as indicated by the qualified professional with project specific review. Proof that the mitigation measure has been implemented will be provided through biological documentation for each project that requires biological review.

**e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?**

**Less than Significant Impact.** Projects implemented under the Master Plan would be designed, built, and maintained by the City in a manner consistent with the City's General Plan policies and the City of Cupertino's Protected Tree Ordinance (Ordinance Number 07-2003, Chapter 14.18 of the Municipal Code, see Regulatory Setting above) and implementation of "Standards for the Protection of Trees during Grading and Construction". The removal of protected trees requires the planting of replacement trees, in accordance with the Replacement Tree Guidelines in the Cupertino Tree Ordinance.

None of the policies in the Master Plan are expected to adversely impact biological resources, and compliance with the biology-related Master Plan goal, objectives, and actions listed in Table 2-2 will protect biological resources.

**f) Conflict with the provisions of an adopted Habitat Conservation Plan (HCP), Natural Community Conservation Plan (NCCP), or other approved local, regional, or state habitat conservation plan?**

**No Impact.** The Santa Clara Valley Habitat Plan (SCVHP) was prepared by Santa Clara County and a number of participating local agencies to provide a framework to protect, enhance, and restore natural resources in the County. The City was not a participating local partner and the SCVHP does not include any locations within the City boundary. As a result, the Master Plan area is not within an area covered by an HCP or NCCP. The Master Plan would, therefore, not conflict with the provisions of an HCP or NCCP.

**3.5 CULTURAL RESOURCES**

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<i>Would the project:</i>				
a) Cause a substantial adverse change in the significance of a historical resource pursuant to §15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Disturb any human remains, including those interred outside of dedicated cemeteries?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**3.5.1 Environmental Setting**

The City of Cupertino is a relatively modern city, having little widespread construction until the middle of the 20<sup>th</sup> Century. Much of the history of the City comes from the technology boom in the early 1960s and continuing through today. There is little surviving evidence of Native American use of the area and there have been no major archaeological discoveries within the City.

**Prehistoric**

The area encompassed by the City of Cupertino is a region historically occupied by the Tamyen linguistic group of the Ohlone (first called the Costanoan, or “coastal dwellers” by the Spanish), near the linguistic boundary with the Ramaytush group (City of Cupertino 2014).

The Ohlone lived in tribelets or nations that were dialect distinct from each other, autonomous, and territorially separated from each other. Each tribelet consisted of one or more permanent villages, with various seasonal temporary encampments located throughout their territory for the gathering of raw material resources, hunting, and fishing.

The Ohlone lived in extended family units in domed dwellings constructed from tule, grass, wild alfalfa, and ferns. The subsistence practices included the consumption of plant resources such as acorns, buckeyes, and seeds that were supplemented with the hunting of elk, deer, grizzly bear, mountain lions, sea lions, whales, and waterfowl. The Ohlone peoples practiced controlled burning on an annual basis throughout their territory as a form of land management to ensure plant and animal yields for the coming year (Levy 1987).

**Historic**

The first Europeans to reach the San Francisco Bay area were Spanish explorers in 1769 as part of the Portolá expedition. In 1774, the de Anza expedition had set out to convert the Native American tribes to Christianity, resulting in the establishment of (among others) Mission San Francisco de Asis (Mission Dolores), founded in 1776 and Mission Santa Clara de Asis, founded in 1777. The Mission at Santa Clara was also known as *Mission Santa Clara de Thamien* in reference to the Tamyen people. In 1776, Captain Juan Bautista de Anza led an expedition from Sonora, Mexico, up the coast of California, aiming to establish a presidio (fort) on San Francisco Bay. Leaving most of his party in Monterey to rest, De Anza continued north with Pedro Font, a Franciscan priest, diarist and cartographer, and 18 other men. As they passed through the Santa Clara Valley, Font bestowed the name Arroyo San Jose de Cupertino on the stream that now is called Stevens Creek.



The native Tamyen people were slowly subjugated and absorbed into the Mission system. By 1795, all the Tamyen villages had been abandoned and the people baptized into the Christian faith (City of Cupertino 2014).

The village of West Side was established in the 19<sup>th</sup> Century at the crossroads of Saratoga-Sunnyvale Road (now De Anza Boulevard) and Stevens Creek Road. Many of Cupertino's pioneer settlers planted grapes in the late 1800s. Vineyards, orchards, and wineries proliferated on Montebello Ridge, on the lower foothills, and on the flat lands below. Almost all the land within Cupertino's present-day boundaries was covered by crop orchards, such as prune, plum, apricot, and cherry.

By 1898, the West Side post office at the Crossroads needed a new name to distinguish it from other similarly named towns. John T. Doyle, a San Francisco lawyer and historian, had given the name Cupertino to his winery, in recognition of the name bestowed on the nearby creek by Petrus Font. In 1904, the name was applied to the Crossroads and to the post office when the Home Union Store incorporated under the name, The Cupertino Store, and moved to the northeast corner of the Crossroads.

As the orchards flourished, the valley became known for a profusion of blossoms in spring. Many more people passed through the Cupertino area first by electric railway and later by car to view all the blossoms in the "Valley of Heart's Delight." Because of the electric railway, the Monta Vista area of Cupertino developed. Monta Vista was the name of its first housing tract (City of Cupertino 2019a).

By the late 1940's, Cupertino was swept up in Santa Clara Valley's postwar population explosion.

### **Modern History**

Today, Cupertino is part of a world-renowned high technology center, known as "Silicon Valley," and is home to several companies producing leading-edge computers and software. However, it was not until the post-World War II economic boom, that Cupertino began to significantly grow in size. In 1950 it had grown from a little more than a crossroads surrounded by a few houses to a population of 2,438 (Bay Area Census 2018). It was incorporated in 1955 by election on the 27<sup>th</sup> of September. Cupertino officially became Santa Clara County's 13th city on October 10, 1955. In 1960, the City's population was 3,664. By 2010, the population had grown to 58,302. (City of Cupertino 2019a). Much of the reason for that growth can be linked either directly or indirectly to the emerging technology boom from the early 1960s which started with Varian Electronics, an electronics firm. Silicon Valley Apple Computer (now simply called Apple) emerged in Cupertino in 1977, and other significant technology companies (such as Hewlett Packard, Portal Software, NetManage, Symantec, etc.) emerged over the following decades. Today, the private sector in Cupertino is dominated by high-tech companies and numerous small businesses.

### **Archaeological Resources**

The General Plan EIR identified two documented archaeological resources: CA-SCL-715 and CA-SCL-69, both of which were identified as Native American sites (City of Cupertino 2014). Further communication with Placemarks, which prepared the General Plan EIR, clarified that only one of the resources, CA-SCL-715 (P-43-000633), is within City boundaries. The other resource, CA-SCL-69, is outside the City boundaries (T. McCracken 2019). Resource CA-SCL-715 (P-43-000633) is recorded as being within the boundary of Stevens Creek Corridor Park (Basin 2006).

### **Historic Resources**

Historic resources consist of resources in the built environment, including standing buildings and structures, which are greater than fifty years in age. As of March 2019, there were eight

properties in Cupertino listed in the California Office of Historic Preservation’s Directory of Historic Properties (OHP 2019). These resources have been evaluated for listing on the National Register of Historic Places, and most have been evaluated for state or local listing as well.

The General Plan EIR (Cupertino 2014b), identified 62 historical period buildings, structures, and landmarks as being within the City of Cupertino. There are 73 total cultural resources listed within the EIR. However, five of these are duplicates, coming under multiple entries; two are prehistoric sites, mentioned above; and four are outside of the City’s boundary and Sphere of Influence (SOI). A table and map of the resources can be seen in Appendix C.

**Historic Resources in Master Plan Area**

The project area consists of all the City of Cupertino’s parks and recreational facilities operated by the City. All the parks and recreational facilities within the Master Plan, with the exception of Saratoga Creek Trail, are located in incorporated Cupertino. Saratoga Creek Trail is operated by the City and covered by a joint use agreement with the other public agency owners. Land that the trail is anticipated to be annexed by the City in the future.

There are four existing parks/recreational facilities that contain, or are directly adjacent to, known historical resources including historic sites, commemorative sites, community landmarks, and other built environment historic resources; Civic Center/Community Hall, Jollyman Park, Memorial Park, and Stevens Creek Corridor Park. Table 3-4 presents a list of which resources are within each park/recreational facility.

Table 3-4 Parks/Recreation Facilities Containing or Adjacent to Historic Resources			
Civic Center / Community Hall	Jollyman Park	Memorial Park	Stevens Creek Corridor Park
Cupertino Civic Center <sup>1</sup>	Good Shepherd Church <sup>2</sup> (adjacent)	Gazebo Trim <sup>1</sup>	Baer Blacksmith <sup>1</sup>
		Community Center Sports Complex <sup>1</sup>	Enoch J. Parrish Tank House <sup>1</sup>
			Nathan Hall Tank House <sup>1</sup>
			Stocklmeir Farmhouse <sup>1</sup>
			Elisha Stephens Place <sup>1</sup>
Sources: <sup>1</sup> City of Cupertino Historically Significant Resource <sup>2</sup> SHPO Recorded Cultural Resource			

**3.5.2 Regulatory Setting**

Federal, state, and local laws and regulations governing cultural resources exist to protect cultural, historic, and paleontological resources from damage and destruction. Violation of these laws and regulations would constitute a significant impact to cultural and paleontological resources. The laws and policies that pertain to the cultural resources potentially present in city parks or are affected by potential Master Plan projects are discussed below.

**Federal****National Historic Preservation Act**

Significant archaeological and built environment resources are protected by the National Historic Preservation Act (NHPA). The National Register is an inventory of the United States' historic resources and is maintained by the National Park Service. The inventory includes buildings, structures, objects, sites, districts, and archeological resources meeting the following criteria as specified in the Code of Federal Regulations

The criteria for determining whether a property is eligible for listing in the National Register of Historic Places (NRHP) are found in Title 36 of the Code of Federal Regulations, Section 60.4 and are reproduced below:

The quality of significance in American history, architecture, archaeology, engineering, and culture is present in districts, sites, buildings, structures, and objects that possess integrity of location, design, setting, materials, workmanship, feeling, and association, and

- a. That are associated with events that have made a significant contribution to the broad patterns of our history; or
- b. That are associated with the lives of persons significant in our past; or
- c. That embody the distinctive characteristics of a type, period, or method of construction, or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinctions; or
- d. That have yielded, or may be likely to yield, information important in prehistory or history.

For a property to qualify for the NRHP, it must meet at least one of the above National Register Criteria for Evaluation by being associated with an important context and retaining historic integrity of those features necessary to convey its significance.

**State****California Environmental Quality Act**

Pursuant to CEQA, a historical resource is a resource listed in, or eligible for listing in, the California Register of Historical Resources (CRHR); see CEQA Guidelines § 15064.5(a)(1). In addition, resources included in a local register of historic resources or identified as significant in a local survey conducted in accordance with state guidelines are also considered historic resources under CEQA, unless a preponderance of the facts demonstrates otherwise; see CEQA Guidelines § 15064.5(a)(2)-(3). The fact that a resource is not listed in or determined eligible for listing in the CRHR or is not included in a local register or survey shall not preclude a lead agency from determining that the resource may be a historic resource as defined in California Public Resources Code (PRC) Section 5024.1; see CEQA Guidelines § 15064.5(a)(4). CEQA applies to archaeological resources when (1) the archaeological resource satisfies the definition of a historical resource or (2) the archaeological resource satisfies the definition of a "unique archaeological resource"; see CEQA Guidelines §15064.5(c). If an archaeological resource is neither a unique archaeological nor a historical resource, the effects of a project on those resources shall not be considered a significant effect on the environment; see CEQA Guidelines § 15064.5(c)(4), PRC 21083.2(h).

A unique archaeological resource is an archaeological artifact, object, or site that has a high probability of meeting any of the following criteria:

1. The archaeological resource contains information needed to answer important scientific research questions and there is a demonstrable public interest in that information.
2. The archaeological resource has a special and particular quality such as being the oldest of its type or the best available example of its type.
3. The archaeological resource is directly associated with a scientifically recognized important prehistoric or historic event or person.

### **California Register of Historical Resources**

The Office of Historic Preservation (OHP) administers CRHR, which was established in 1992 through amendments to the PRC, as an authoritative guide to be used by state and local agencies, private groups, and citizens to identify the state's historical resources and to indicate what properties are to be protected from substantial adverse change. The CRHR includes resources that have been formally determined eligible for, or listed in, the NRHP, State Historical Landmark Number 770 or higher, Points of Historical Interest recommended for listing by the State Historical Resources Commission, resources nominated for listing and determined eligible in accordance with criteria and procedures adopted by the State Historical Resources Commission, and resources and districts designated as city or county landmarks when the designation criteria are consistent with CRHR criteria. To be eligible for the CRHR, a resource must:

- a. Be associated with events that have made a significant contribution to the broad patterns of local or regional history or the cultural history of California or the United States; or
- b. Be associated with the lives of persons important to local, California or national history; or
- c. Embody the distinctive characteristics of a type, period, region, or method of construction, or that represent the work of a master, or that possess high artistic values; or
- d. That have yielded, or may be likely to yield, information important to the prehistory or history of the local area, California or the nation.

A resource should generally be 50 years old to be considered eligible, although the OHP has issued guidance on evaluating potential historic resources before they are 50 years old. The OHP's guidance states that if enough time has passed in order to "gain a scholarly perspective" on the resource, then it can be considered as a potential resource (OHP 2015). Additionally, a resource must possess several of the seven aspects of integrity to be eligible for listing in the NRHP and/or the CRHR. Integrity is defined as "...the authenticity of an historical resource's physical identity evidenced by the survival of characteristics that existed during the resource's period of significance" (OHP 2006). The seven levels of integrity are location, design, setting, materials, workmanship, feeling, and association. Resources that are listed in the NRHP are automatically eligible for the CRHR (PRC §5024.1(c)).

Both NRHP and CRHR evaluations must be made within an appropriate historic context. A historic context includes three components: a time period, place, and event. A historic context is developed through one or more research themes to help identify the resources' significance at the local, state, or national level. A resources' integrity is based on its ability to convey its significance through data requirements. Data requirements can best be described as evidence found within the archaeological record that conveys the resources' historical significance. If the appropriate data requirements are lacking, the resource arguably lacks significance and is therefore not an eligible resource.

**California Senate Bill 18 and Assembly Bill 52**

AB52 creates a formal consultation process which requires a lead agency, prior to the release of a negative declaration, mitigated negative declaration, or environmental impact report for a project, to begin consultation with a California Native American tribe that is traditionally and culturally affiliated with the geographic area of the proposed project if: (1) the California Native American tribe requested the lead agency, in writing, to be informed by the lead agency through formal notification of proposed projects in the geographic area that is traditionally and culturally affiliated with the tribe, and (2) the California Native American tribe responds, in writing, within 30 days of receipt of the formal notification and requests the consultation. (PRC § 21080.3.1)

**California Health and Safety Code, Sections 7050 and 7052**

California H&SC Section 7050.5 requires that, in the event of the discovery of human remains outside a dedicated cemetery, all ground disturbances must cease, and the county coroner must be notified. Section 7052 establishes a felony penalty for mutilating, disinterring, or otherwise disturbing human remains, except by relatives.

**Public Resources Code Section 5097.5**

Public Resources Code Section 5097.5 states, “it is illegal for any person to knowingly and willfully excavate or remove, destroy, injure, or deface cultural resources.” Furthermore, the crime is a misdemeanor punishable by a fine not to exceed \$10,000 and/or county jail time for up to one year. In addition to a fine and/or jail time, the court can order restitution, and restitution will be granted of the commercial and archaeological value of the property.

**Penal Code Section 622.5**

Penal Code Section 622.5 provides misdemeanor penalties for injuring or destroying objects of historic or archaeological interest located on public or private lands but specifically excludes the landowner.

**Local Regulations****General Plan**

The following policies from the Cupertino General Plan relate to Cultural Resources.

- *Policy LU-6.1 Historic Preservation.* Maintain and update an inventory of historically significant structures and sites in order to protect resources and promote awareness of the City’s history in the following four categories: Historic Sites, Commemorative Sites, Community Landmarks and Historic Mention Sites.
- *Policy LU-6.2 Historic Sites.* Projects on Historic Sites shall meet the Secretary of Interior Standards for Treatment of Historic Properties.
- *Policy LU-6.3 Historic Sites, Commemorative Sites and Community Landmarks.* Projects on Historic Sites, Commemorative Sites and Community Landmarks shall provide a plaque, reader board and/or other educational tools on the site to explain the historic significance of the resource. The plaque shall include the city seal, name of resource, date it was built, a written description and photograph. The plaque shall be placed in a location where the public can view the information.
- *Policy LU-6.4 Public Access.* Coordinate with property owners of public and quasi-public sites to allow public access of Historic and Commemorative Sites to foster public awareness and education. Private property owners will be highly encouraged, but not required, to provide public access to Historic and Commemorative Sites.
- *Policy LU-6.5 Historic Mention Sites.* These are sites outside the City’s jurisdiction that have contributed to the City’s history. Work with agencies that have jurisdiction over the



historical resource to encourage adaptive reuse and rehabilitation and provide public access and plaques to foster public awareness and education.

- *Policy LU-6.6 Incentives for Preservation of Historic Resources.* Utilize a variety of techniques to serve as incentives to foster the preservation and rehabilitation of Historic Resources including: 1. Allow flexible interpretation of the zoning ordinance not essential to public health and safety. This could include land use, parking requirements and/or setback requirements. 2. Use the California Historical Building Codes standards for rehabilitation of historic structures. 3. Tax rebates (Milles Act or Local tax rebates). 4. Financial incentives such as grants/loans to assist rehabilitation efforts.
- *Policy LU-6.8 Cultural Resources.* Promote education related to the City's history through public art in public and private developments.

### 3.5.3 Discussion

The adoption of the Master Plan would not authorize any specific park enhancement, improvement, or other development action identified in the Master Plan. Since project-specific information is not available at this time, potential impacts to cultural and historic resources can only be evaluated at a program-level, based on the likely construction and operational activities associated with the Master Plan projects. Once project-level information is developed for improvements proposed to be implemented under the Master Plan, the City would review the project under CEQA and determine the appropriate level of environmental review. In the absence of even conceptual-level design and implementation information, this IS/MND cannot evaluate the potential environmental impacts of some of the actions contemplated in the Master Plan. Future review of these projects/improvements would focus on site-specific environmental issues that could not be examined in sufficient detail as part of this IS/MND.

In general, the potential park enhancements, improvements, and other development actions identified in the Master Plan that are within the scope of this IS/MND (see Section 2.7) are small in size (i.e., potential projects do not have a large footprint) and scale (i.e., potential projects do not involve substantial expansion of existing park and recreational facilities or the development of significant new facilities) and are compatible with the existing active and/or passive recreational nature of the specific park type where the improvement would occur (e.g., community park, large neighborhood park, small neighborhood park, etc.). The potential cultural and historic resource impacts of these projects are considered and evaluated below. Examples of the types of projects that are within the scope of this IS/MND generally include but are not limited to the opportunities listed in Section 2.7.

*Would the proposed project:*

- a) Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5?**

**Less Than Significant Impact.** Most existing City parks do not contain historic resources, however Table 3-4 Parks/Recreation Facilities Containing or Adjacent to Historic Resources lists historic resources in or adjacent to parks and recreational facilities that could be affected by implementation of the Master Plan. The four parks that contain historic resources are Civic Center / Community Hall, Jollyman Park, Memorial Park, and Stevens Creek Corridor Park.

Although the Master Plan presents immediate, short-term and long-term opportunities for the Civic Center / Community Hall and for Stevens Creek Corridor Park, a site-specific master plan will be prepared for Stevens Creek Corridor Park, and a site-specific master plan has been prepared for the Civic Center and was adopted by the City Council in July 2015 together with associated environmental documents. The site-specific master plan for Stevens Creek Corridor Park would further develop enhancement opportunity ideas and would be developed consistent with adopted City policy, including land use policies described in the Regulatory Setting

regarding the protection of cultural/historic resources. Conformance with adopted City policies would serve to reduce or eliminate potential impacts on sensitive cultural resources. The Stevens Creek Corridor site-specific master plan would undergo separate CEQA review to analyze the potential environmental impacts of implementing the master plan enhancement opportunities.

Improvements considered in the short term for Jollyman Park include a replacement of an existing play area with an all-inclusive one, grouped seating, a picnic shelter, and a continuous all-weather loop path. Long term improvements could include development of major new facilities, and potentially adding additional amenities, such as outdoor fitness equipment/parcourse or a full-size basketball court. None of these improvements would directly impact the Good Shepherd Church (identified historic resource, see Table 3-4 Parks/Recreation Facilities Containing or Adjacent to Historic Resources) adjacent to the park, and none of the short-term improvements would indirectly adversely affect the character of the area, so would also not impact a historic resource. Development of major facilities could have potential to affect the area around the Good Shepherd Church (identified resource, see Table 3-4). The City would design a major facility consistent with adopted policy regarding the protection of historic resources and a separate CEQA document would be prepared which would analyze its effects on historic resources.

As enhancement opportunities identified in Table 2-3 are developed into specific projects, the City would evaluate the project to determine if its impacts are covered by this programmatic IS/MND or whether subsequent environmental review is required. Development of major facilities as presented in Table 2-4 could have the potential to affect a historic resource. These projects would be designed and developed consistent with adopted City policy regarding the protection of cultural/historic resources (see Regulatory Setting) and would be analyzed in a separate CEQA document once project plans are developed.

This IS/MND has considered known, listed, resources. However, any structure or significant feature within the City park system that is approaching 50 years old or older which could be impacted by a proposed improvement, would be considered under CEQA to have the potential of being classified as a historic resource. Typical improvements which could directly impact historic resources include, but are not limited to, renovating, expanding, or otherwise physically altering an existing structure. Improvements which alter the existing character of a park or recreation facility or include the development of major facilities could indirectly impact a historic resource. Any project that could adversely change a historic resource would require a CEQA document to analyze the project's potential impacts prior to project approval.

By following local and state regulations and ordinances listed in Regulatory Setting, above, and applying CRHR criteria to any structure that would be affected by the proposed Master Plan, other unlisted resources eligible for listing would also be protected. Implementation of the Master Plan would thus have a less than significant impact on historic resources.

**b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?**

**Less Than Significant Impact with Mitigation.** Sub-surface archaeological resources are generally found beneath modern topsoil layers and in undisturbed (native) soils. Although soils within the City boundaries and any potential archaeological features have been disturbed by historic farming operations as well as urban development, the Master Plan area could still contain subsurface archaeological deposits, particularly in parks and open space areas that have been subject to less intensive ground disturbance than more developed areas, especially in parks near creeks. With the exception of Stevens Creek Corridor Park, there are no documented prehistoric or historic archaeological resources in or near any of the existing City parks and recreational facilities.

As described in the environmental setting, Stevens Creek Corridor park contains a documented Native American archaeological site as documented in CA-SLC-715 (P-43-000633). The Master Plan lists the immediate completion of the Stevens Creek Corridor Park site master plan which would include potential renovation or improvements to Stockmeir Ranch, Blackberry Farm Golf Course, Blackberry Farm Park, and / or McClellan Ranch Preserve and West. The site-specific master plan for the Stevens Creek Corridor Park would be developed consistent with all City policies and regulations, including those focused on the protection of cultural and historic resources and the site-specific master plan would be subject to a separate CEQA determination.

In general terms, many of the improvements proposed by the Master Plan as presented in Table 2-2 Master Plan Goals, Table 2-3 Site Opportunities, and described in Section 2.7 would be projects with minimal ground disturbing components and, thus, have a minimal chance for uncovering unknown archaeological resources. However, any ground disturbing work has the potential for archaeological discovery. New park and recreation facilities presented in Table 2-4 would have a greater likelihood of discovering unknown archaeological resources because the extent of earthmoving activities is assumed to be relatively large. Once project-level information is developed for improvements proposed to implement under the opportunities identified in the Master Plan, the City would review the project under CEQA and determine the appropriate level of environmental review. In the absence of conceptual-level design and implementation information at this time, this IS/MND cannot evaluate the potential environmental impacts of some of the actions contemplated in the Master Plan. Future review of these projects would focus on site-specific environmental issues that could not be examined in sufficient detail as part of this IS/MND.

Section 2.9 in Project Description identifies the design and construction measures the City of Cupertino includes in Public Works contract documents, including General Conditions for construction. In this document, Section 7.18 Historic or Archaeological Items identifies historic and archaeological items requiring notification and stoppage of work upon discovery of any potential historic or archeological items, including historic or prehistoric ruins, a burial ground, archaeological or vertebrate paleontological site, including fossilized footprints or other archeological, paleontological or historical feature on the project site (collectively, "Historic or Archeological Items") during construction. The City would include this measure in all construction contracts for park projects.

To safeguard potential archaeological resources from impacts during construction, the following mitigation measure will be implemented for all park projects if unknown prehistoric or historic cultural resources are discovered. Implementation of the mitigation would reduce potentially significant impacts to less than significant levels.

#### **Mitigation Measures:**

**Impact CULT-1:** Park projects involving ground moving activity below the existing topsoil layer may disturb unknown prehistoric or historic cultural resources during project construction.

**Mitigation Measure CULT-1:** Upon discovery of possible buried prehistoric or historic cultural materials, work within 25 feet of the find must be halted and the City must be notified. The City shall retain a qualified archaeologist who meets the U.S. Secretary of the Interior's Professional Qualifications and Standards to review and evaluate the find. Construction work shall not begin again until the archaeological or cultural resources consultant has been allowed to examine the cultural materials, assess their significance, and offer proposals for any additional exploratory measures deemed necessary for the further evaluation of, and/or mitigation of adverse impacts to, any potential prehistorical or historical resources or unique archaeological resources that have been exposed.

If the discovery is determined to be a unique archaeological or historical resource, and if avoidance of the resource is not possible, the archaeologist shall inform the City of the

necessary plans for treatment of the find(s) and mitigation of impacts. The City shall insure that the treatment program is completed. The work shall be performed by the archaeologist and shall result in a detailed technical report that must be filed with the Northwest Information Center, Sonoma State University. Construction in the immediate vicinity of the find must not recommence until treatment has been completed.

Pursuant to Section 7050.5 of the Health and Safety Code, and Section 5097.98 of the Public Resources Code of the State of California, in the event of the discovery of human remains during construction, there will be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent remains. The County Medical Examiner/Coroner will be notified and will determine whether the remains are Native American. If the Coroner determines the remains are Native American and are not subject to his or her authority, he or she will notify the California Native American Heritage Commission, which will attempt to identify descendants of the deceased Native American(s).

In anticipation of additional discoveries during construction, Archaeological Sensitivity Training shall be carried out by a qualified archaeologist for all personnel who will engage in ground moving activities on the site prior to resuming construction.

If a newly discovered resource is, or is suspected to be, Native American in origin, the resource shall be treated as a significant Tribal Cultural Resource, pursuant to Public Resource Code 21074, until the County has determined otherwise with the consultation of a qualified archaeologist.

The City shall coordinate with the archaeologist to develop an appropriate treatment plan for any resources that are discovered. The plan may include implementation of archaeological data recovery excavations to address treatment of the resource along with subsequent laboratory processing and analysis. If appropriate, the archaeologist may introduce archaeological monitoring on all or part of the site. An archaeological report shall be written detailing all archaeological finds and submitted to the City and the Northwest Information Center.

The City shall ensure that appropriate construction conditions are included in any contract that has the potential for ground disturbing operations. All excavation contracts for the project shall contain provisions for stopping work in the vicinity of a find exposing archaeological resources during subsurface construction.

**Effectiveness:** This measure would minimize and/or avoid impacts on undetected archaeological and tribal resources.

**Implementation:** The City shall implement this measure in the event archaeological resources are unearthed.

**Timing:** During all earth disturbing phases of project construction.

**Monitoring:** An archaeological report, if appropriate, will be written detailing all archaeological finds and submitted to the City and the Northwest Information Center.

**c) Disturb any human remains, including those interred outside of dedicated cemeteries?**

**Less Than Significant Impact with Mitigation.** There are no known cemeteries or burial grounds that would be impacted by any project proposed under the Master Plan. The boundaries of existing cemeteries are clearly defined and Master Plan projects would not disturb ground within a cemetery or burial ground. The City would adhere to Section 7050.5 of the Health and Safety Code, and Section 5097.9 of the Public Resources Code (see above) as Master Plan projects are implemented. This would ensure that impacts to human remains, including Native American remains would be minimized in cases of unanticipated discovery.

### 3.6 ENERGY

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<i>Would the project:</i>				
a) Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

#### 3.6.1 Environmental Setting

Energy is primarily categorized in three areas: electricity, natural gas, and fuels used for transportation. Energy consumption is closely tied to the issues of air quality and greenhouse gas (GHG) emissions, as the burning of fossil fuels and natural gas for energy has a negative impact on both, and petroleum and natural gas currently supply most of the energy consumed in California.

California is the most populous state in the U.S., representing 12 percent of the total population, has the largest economy, and is second only to Texas in total energy consumption. However, in general, California’s per capita energy consumption is relatively low. This is due to the state’s mild climate, which reduces energy demand for heating and cooling, extensive efforts to increase energy efficiency, and implementation of alternative technologies; California leads the nation in electricity generation from solar, geothermal, and biomass resources.

According to the California Energy Commission’s (CEC) 2015 Integrated Energy Policy Report, Californians consumed about 280,500 gigawatt hours (GWh) of electricity in 2014 and 13,240 million British thermal units (BTU) of natural gas in 2013. The CEC estimates that by 2025, California’s electricity consumption will reach between 297,618 GWh and 322,266 GWh, an annual average growth rate of 0.54 to 1.27 percent (CEC, 2015), and natural gas consumption is expected to reach between 12,673 million and 13,731 million BTU by 2024, an average annual growth rate of -0.4 to 0.33 percent (CEC 2015).

In 2017, total electricity use in Santa Clara County was approximately 17,189 million kilowatt hours (kWh), including 13,139 million kWh of consumption for non-residential land uses (CEC, 2019a). Natural gas consumption was approximately 445 million therms in 2017, including 206 million therms from residential uses (CEC 2019b).

Energy conservation refers to efforts made to reduce energy consumption to preserve resources for the future and reduce pollution. It may involve diversifying energy sources to include renewable energy, such as solar power, wind power, wave power, geothermal power, and tidal power, as well as the adoption of technologies that improve energy efficiency and adoption of green building practices. Energy conservation can be achieved through increases in efficiency in conjunction with decreased energy consumption and/or reduced consumption from conventional energy sources.

#### 3.6.2 Regulatory Setting

##### Federal and State Regulations

Since increased energy efficiency is so closely tied to the State’s efforts to reduce GHG emissions and address global climate change, the regulations, policies, and action plans aimed



at reducing GHG emissions also promote increased energy efficiency and the transition to renewable energy sources. The U.S. EPA and the State address climate change through numerous pieces of legislation, regulations, planning, policy-making, education, and implementation programs aimed at reducing energy consumption and the production of GHG.

As described in Chapter 2 the proposed Master Plan would not involve the development of facilities that include energy intensive equipment or operations. While there are numerous regulations that govern GHG emissions reductions through increased energy efficiency, the following regulatory setting description focuses only on regulations that: 1) provide the appropriate context for the proposed Master Plan's potential energy usage; and 2) may directly or indirectly govern or influence the amount of energy used to develop and operate Master Plan projects. See the Environmental and Regulatory Setting discussion in Section 3.8, Greenhouse Gas Emissions, for a description of the key regulations related to global climate change, energy efficiency, and GHG emission reductions.

### **California Air Resources Board (CARB) Low Carbon Fuel Standard Regulation (LCFS)**

CARB initially approved the LCFS regulation in 2009, identifying it as one of the nine discrete early action measures in its original 2008 Scoping Plan to reduce California's GHG emissions. Originally, the LCFS regulation required at least a 10% percent reduction in the carbon intensity of California's transportation fuels by 2020 (compared to a 2010 baseline). On September 27, 2018, CARB approved changes to the LCFS regulation that require a 20% reduction in carbon intensity by 2030. These regulatory changes exceed the assumption in CARB's 2017 Climate Change Scoping Plan, which targeted an 18% reduction in transportation fuel carbon intensity by 2030 as one of the primary measures for achieving the state's GHG 2030 target.

### **Local Regulations**

#### **Municipal Code**

Chapter 16.58 of the Municipal Code, Green Building Standards Code, adopts the 2016 California Green Building Standards Code. The California Energy Commission (CEC) first adopted Energy Efficiency Standards for Residential and Nonresidential Buildings in 1978 in response to a legislative mandate to reduce energy consumption in the State. Although not originally intended to reduce GHG emissions, increased energy efficiency, and reduced consumption of electricity, natural gas, and other fuels would result in fewer GHG emissions from residential and nonresidential buildings subject to the standard. The standards are updated periodically to allow for the consideration and inclusion of new energy efficiency technologies and methods.

Part 11 of the Title 24 Building Standards Code is referred to as the California Green Building Standards Code (CALGreen Code). The purpose of the CALGreen Code is to "improve public health, safety and general welfare by enhancing the design and construction of buildings through the use of building concepts having a positive environmental impact and encouraging sustainable construction practices in the following categories: (1) planning and design; (2) energy efficiency; (3) water efficiency and conservation; (4) material conservation and resource efficiency; and (5) environmental air quality." The CALGreen Code is not intended to substitute or be identified as meeting the certification requirements of any green building program that is not established and adopted by the California Building Standards Commission (CBSC).

CALGreen contains both mandatory and voluntary measures. For non-residential land uses there are 39 mandatory measures including, but not limited to exterior light pollution reduction, wastewater reduction by 20 percent, and commissioning of projects over 10,000 square feet. Two tiers of voluntary measures apply to non-residential land uses, for a total of 36 additional elective measures.

## General Plan

The Environmental Resources and Sustainability Element of the City's General Plan includes goals, policies, and strategies to help the City improve sustainability and the ecological health and the quality of life for the community. The following goals, policies, and strategies from the General Plan apply to the Master Plan:

- *Goal ES-2. Promote conservation of energy resources*
- *Policy ES-2.1 Conservation and Efficient Use of Energy Resources.* Encourage the maximum feasible conservation and efficient use of electrical power and natural gas resources for new and existing residences, businesses, industrial and public uses.
- *Strategy ES-2.1.1 Coordination.* Continue to evaluate, and revise as necessary, applicable City plans, codes and procedures for inclusion of Federal, State, and regional requirements and conservation targets.
- *Strategy ES-2.1.2 Comprehensive Energy Management.* Prepare and implement a comprehensive energy management plan for all applicable municipal facilities and equipment to achieve the energy goals established in the City's Climate Action Plan. Track the City's energy use and report findings as part of the Climate Action Plan reporting schedule. Embed this plan into the City's Environmentally Preferable Procurement Policy to ensure measures are achieved through all future procurement and construction practices.
- *Strategy ES-2.1.3 Energy Efficient Replacements.* Continue to use life cycle cost analysis to identify City assets for replacement with more energy efficient technology. Utilize available tools to benchmark and showcase city energy efficiency achievements (i.e. EPA Portfolio Manager, statewide Green Business Program).
- *Strategy ES-2.1.6 Alternate Energy Sources.* Promote and increase the use of alternate and renewable energy resources for the entire community through effective policies, programs and incentives.
- *Strategy ES-2.1.7 Energy Co-generation Systems.* Encourage the use of energy co-generation systems through the provision of an awareness program targeting the larger commercial and industrial users and public facilities.
- *Strategy ES-2.1.8 Energy Audits and Financing.* Continue to offer and leverage regional partners' programs to conduct energy audits and/or subvention programs for homes, commercial, industrial and city facilities, and recommend improvements that lead to energy and cost savings opportunities for participants and encourage adoption of alternative energy technologies. Encourage energy audits to include emerging online and application-based energy analytics and diagnostic tools. Share residential and commercial energy efficiency and renewable energy financing tools through outreach events and civic media assets.
- *Goal ES-3. Improve building efficiency and energy conservation*
- *Policy ES-3.1 Green Building Design.* Set standards for the design and construction of energy and resource conserving/efficient building.
- *Strategy ES-3.1.1 Green Building Program.* Periodically review and revise the City's Green Building ordinance to ensure alignment with CALGreen requirements for all major private and public projects that ensure reduction in energy and water use for new development through site selection and building design.

### **City of Cupertino Climate Action Plan**

The Cupertino Climate Action Plan is a strategic planning document that identifies sources of GHG emissions within the City's boundaries, presents current and future emissions estimates, identifies a GHG reduction target for future years, and presents strategic goals, measures, and actions to reduce emissions from the energy, transportation and land use, water, solid waste, and green infrastructure sectors (Cupertino 2015a). Chapter 4 of the City's Climate Action Plan defines actions and implementation steps that the City could take to reduce its own GHG emissions, including:

- Goal 1: Improve Facilities – Transform facilities into models of technology demonstration and conservation.
  - Measure M-F-1: Sustainable Energy Portfolio. Procure low-carbon electricity through utility-based programs or participation in a Community Choice Energy District.
  - Measure M-F-2: Renewable/Low-Carbon Electricity Generation. Develop renewable energy facilities at municipal buildings and facilities.
  - Measure M-F-3: Advance Energy Management Activities. Reduce energy consumption in existing municipal buildings through data analysis, interactive management systems, employee education, and building operation and maintenance policies.
  - Measure M-F-5: Expand New Building Energy Performance. Establish energy efficiency targets for new municipal buildings.
  - Measure M-F-6: Complete Citywide Public Realm Lighting Efficiency. Upgrade public realm lighting to more efficient technology.
  - Measure M-F-7: Conserve Water Through Efficient Landscaping. Implement best management practices in landscaping design and share City successes community-wide to lead by example in water conservation action.

### **3.6.3 Discussion**

*Would the project:*

- a) Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?**

**Less than Significant Impact.** As described in Section 3.3.3, the potential park enhancements, improvements, and other development actions identified in the Master Plan that are within the scope of this IS (see Section 2.7.1) are small in size (i.e., potential projects do not have a large footprint) and scale (i.e., potential projects do not involve substantial expansion of existing park and recreational facilities or the development of significant new facilities) and are compatible with the existing active and/or passive recreational nature of the specific park type where the improvement would occur (e.g., community park, large neighborhood park, small neighborhood park, etc.). Although these projects would not be large, the construction of Master Plan projects would require the use of construction equipment and generate construction-related vehicle trips that would combust fuel, primarily diesel and gasoline. The use of this fuel would be necessary to complete the Master Plan project. In addition, as shown in Table 2-5, the City has included BMPs to reduce fuel use in small equipment, idling, and waste hauling activities, ensuring fuel would not be combusted in a wasteful or inefficient manner.

Certain new facilities such as new walkway lighting projects, new restrooms and other small structures, and renovating, replacing, or repurposing existing park and recreation buildings would consume electricity. In addition, a small, incremental increase in City fuel use may result

from maintenance activities at new, modified, or replacement park and recreation facilities. Master Plan Objective 7.B focuses on sustainability issues and encourages green building design, water efficient systems, and climate appropriate landscaping. Master Plan projects would be subject to the City's General Plan and Climate Action Plan policies pertaining to the efficient use of energy. Furthermore, the energy used to construct Master Plan projects would support non-vehicular travel within the City by providing an interconnected network of multi-use trails, walkways and bikeways, close-to-home parks and other facilities that encourage biking and walking to City park and recreation facilities (see Section 2.6.1, Objectives 2A to 2D and 3A to 3C). Thus, the Master Plan is anticipated to reduce fuel use in the City over the long-term and result in a net beneficial effect on energy consumption. For these reasons, the Master Plan would not constitute a significant impact due to demand for fuel, electricity, or natural gas energy resources and would not result in the wasteful, inefficient, or unnecessary use of these resources.

**b) Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?**

**No Impact.** The Master Plan would not conflict with or obstruct any state or local plan for renewable energy or energy efficiency because the Master Plan would be implemented in accordance with the City's General Plan and Climate Action Plan policies pertaining to renewable energy and energy efficiency, and the proposed facilities would not interfere with the installation of any renewable energy system.

### 3.7 GEOLOGY AND SOILS

	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
<i>Would the project:</i>				
a) Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:				
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? <i>Note: Refer to Division of Mines and Geology Special Publication 42.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
ii) Strong seismic ground shaking?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iii) Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iv) Landslides?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

#### 3.7.1 Environmental Setting

The following geology setting discussion is summarized from the General Plan, General Plan EIR, and California Geological Survey (CGS) regulatory maps and seismic hazard reports.

##### **Regional Geology**

The City of Cupertino lies in the west-central part of the Santa Clara Valley, a broad, mostly flat alluvial plain that extends southward from San Francisco Bay. Major faults lines occur on either side of the valley, including the San Andreas Fault on the west and the Hayward and Calaveras Faults on the east. The majority of the City is young, unconsolidated Quaternary alluvium from the Holocene period. The very western part of the City is characterized by lower Pleistocene to Upper Pliocene fluvial deposits of the Santa Clara Formations. The shallowest alluvium (and



youngest geologic deposits) in the City consist of unconsolidated sediment that is exposed along the lower reaches of present-day drainages, such as Stevens, Regnart, and Calabazas Creeks, as well as the flanking alluvium that reflects both recent and former stream courses. These sediments have been described as Holocene-age younger alluvium and coarse-grained alluvium that are composed of unconsolidated, poorly sorted gravel, silt, sand, and clay and organic matter. More often than not, these sediments are encountered in active modern drainage channels and small alluvial fans where they tend to grade into fine- to coarse-grained alluvial deposits such as levees and fans.

Underlying the above-referenced younger alluvium is the Santa Clara Formation, a lower Pleistocene to Upper Pliocene age assemblage of moderately to well-consolidated fluvial deposits of pebble and cobble gravel with lesser amounts of sand, silt, and clay. Clay matrix in this sedimentary bedrock is reported to be moderately expansive, and as a rule, the typical permeability and porosity is low. The depositional material of the Santa Clara Formation is thought to be composed of various non-marine environments that were formed in response to late Cenozoic tectonism and uplift of the nearby Coast Ranges. The Santa Clara Formation is believed to be as much as 500 feet thick in the Cupertino area, and it typically lies unconformably on older Pliocene age rocks, often as a thin sedimentary veneer (City of Cupertino 2014b).

### ***Erosion***

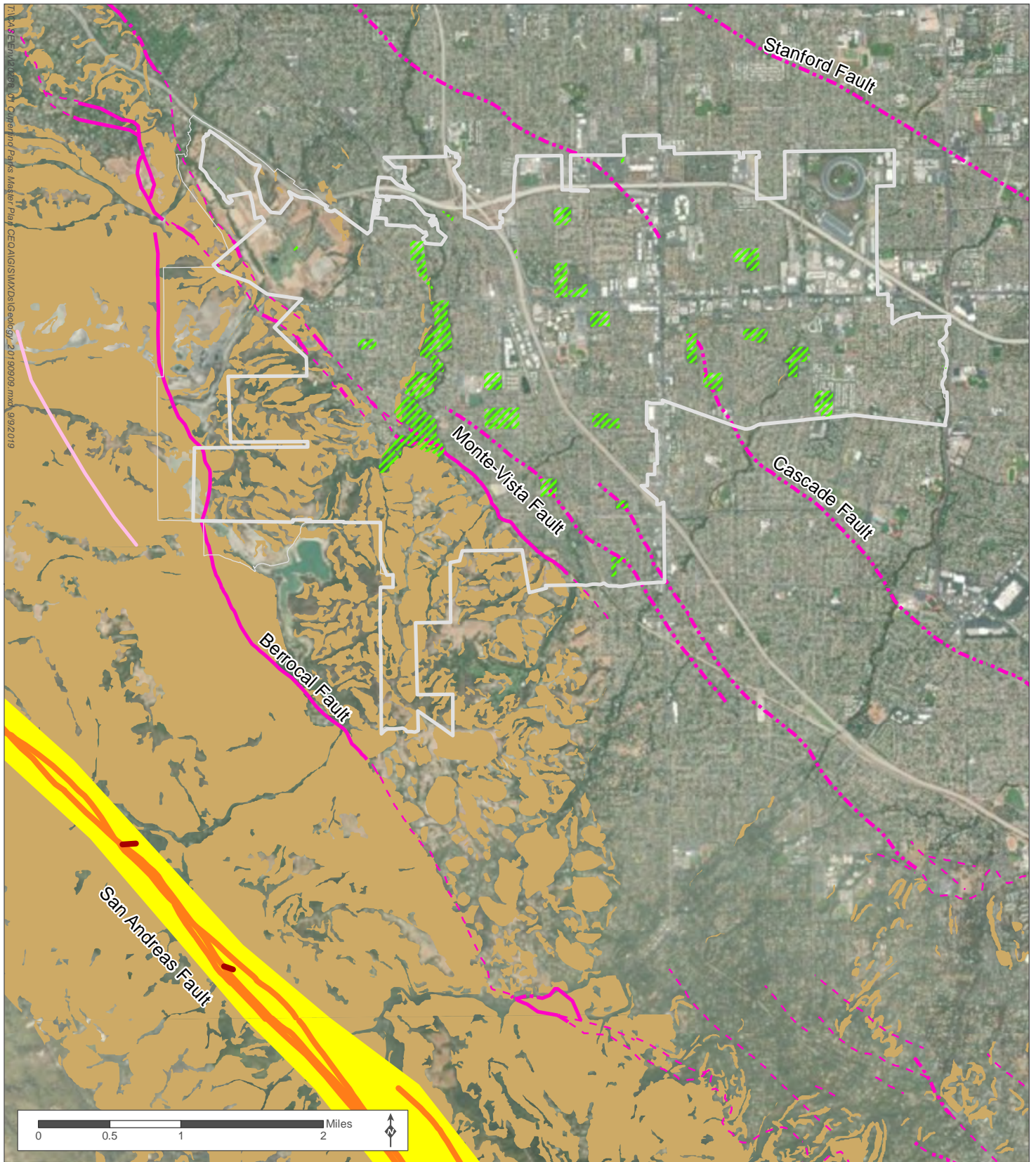
Within the City, sources of erosion include surface runoff and land disturbance or development. City soils are generally not anticipated to have high erosion potential, but more substantive erosion could occur along the City's creek banks, drainages, and other water courses.

### ***Landslides***

The City is mapped with landslide hazards in the south western portion of the City (Figure 3.7-1 Geologic Hazards). City and regional parks and open space resources within, or directly adjacent to, landslide areas area includes: Deep Cliff Golf Course, Fremont Older Open Space Preserve, Rancho San Antonio County Park, Rancho San Antonio Open Space Preserve, Stevens Creek County Park, and Stevens Creek Corridor Park. With the exception of Stevens Creek Corridor Park, none of the other parks or recreational resources are included in the Master Plan. Other parks and recreational resources within the City are outside landslide hazard zones and, therefore, are unlikely to be subject to significant land slippage (California Department of Conservation 2002).

### ***Subsidence***

Subsidence occurs where water, gas, or other material is removed from intergranular spaces, resulting in compaction of soils. In extreme circumstances, this phenomenon can cause severe lowering of the soil surface, damaging overlying structures and causing risks to life. Subsidence is most common in areas underlain by loose, compressible clay rich soils, where water or oil is withdrawn in excessive amounts. Subsidence may also occur within landfill areas as the underlying materials compact over time. The potential for subsidence in the Master Plan area is not able to be generally estimated because City parks are spread over a wide area with varying soil types.



Source: ESRI 2017; California Geological Survey 2002 & 2010; MIG 2018

- |  |                                 |                             |
|--|---------------------------------|-----------------------------|
| City of Cupertino                          | Fault Zone                      | <b>Quaternary Faults</b>    |
| Cupertino Sphere of Influence (SOI)        | Alquist-Priolo Fault Trace      | Concealed Fault             |
| Cupertino Parks and Recreational Resources | Alquist-Priolo Fault Leaderline | Certain Fault               |
| Landslide Zone                             | Pre-Quaternary Fault            | Approximately Located Fault |
| Liquefaction Zone                          |                                 |                             |

**Figure 6.1-1 Geological Hazards**

City of Cupertino Parks and Recreation System Plan

## **Seismicity**

The City of Cupertino is in an area of high seismicity, with active faults associated with the San Andreas Fault system. A map of the significant faults in the vicinity of Cupertino is shown in Figure 3.7-1. The San Andreas Fault, one of the longest and most active faults in the world, follows the ridge of the coastal mountains west of the City, and is approximately 1.8 miles south west of the City at its closest point. Three additional faults closely associated with the San Andreas fault, the Sargent-Berrocal, Monta Vista-Shannon, and Cascade fault systems, also cross the portions of the City. Additionally, the Stanford fault is very close (approximately 0.2 miles) to the north eastern corner of the City. These additional faults are from the Quaternary period (10,000 – 1.6 million years before present (BP)) and are generally considered inactive (USGS 2019a). A further, unnamed, fault lies close to the south western corner of the City. However, this fault is a pre-Quaternary age fault (Over 1.6 million years BP since last fault activity) (California Department of Conservation 2010) and is considered inactive (DSOD 2001).

Significant earthquakes have occurred in the Bay Area and strong to violent ground-shaking in the Master Plan area can be expected due to a future major earthquake on one of the active faults in the region. Cupertino has a Modified Mercalli Shaking Severity level of 8 (Very Strong) (USGS 2013). An event of sufficient magnitude could damage even strong, modern buildings in the Master Plan area. Ground-shaking associated with an event along the San Andreas Fault systems would have severe effects on the Master Plan area. The Working Group on California Earthquake Probabilities has estimated that there is a 72 percent chance that a magnitude 6.7 or greater earthquake will occur in the San Francisco Bay Area within 30 years from 2014 (USGS 2015a, Field, E.H 2015). The probability of a 6.7 magnitude or greater earthquake occurring along the San Andreas Fault was estimated to be 6.4 percent within 30 years from 2014 (USGS 2015b, Field, E.H 2015).

## **Ground Failure**

Ground failure in the event of seismic activity may take the form of settlement, surface rupture, liquefaction, or slope failure (landslides). Seismic settlement is the displacement of surface geologic structures associated with a seismic event.

- **Settlement:** Settlement can cause unexpected changes in grade, interrupt utilities, and damage structures. The potential for seismic settlement has not been mapped for the Master Plan area.
- **Surface Rupture:** Rupture occurs when movement on a fault breaks through to the surface. Areas overlying active faults are among those areas at risk of rupture during a seismic event. The Berrocal fault and sections of the Monte-Vista fault system have evidence of surface activity in portions of the City. The Cascade fault is a concealed fault and has no surface evidence. All parks and recreational facilities are within one mile of an active fault line, as shown in Figure 3.7-1.
- **Liquefaction:** Liquefaction is the condition by which saturated soils lose cohesion during seismic events and settle, lose stability or amplify the effects of ground-shaking. Liquefaction is most associated with alluvium and other young soil types with high sand content. The liquefaction zone within the City and surrounding area is restricted to canyon bottoms and borders of the larger creek channels (Figure 3.7-1). City park and recreation resources that are in or near a liquefaction zone include; Stevens Creek Corridor Park and Varian Park. Additionally, other City recreational resources span or are adjacent to creeks that are mapped within a liquefaction zone. These include: Creekside Park, Jollyman Park, Library Field, and Wilson Park.
- **Slope failure:** Slope failures, or landslides, may occur as a result of seismic activity. Ground shaking from an earthquake may exacerbate existing slope instability. Additional information on landslides and parks that may be affected by landslides is detailed above.

### 3.7.2 Regulatory Setting

#### **State Regulations**

##### **Alquist-Priolo Earthquake Fault Zoning Act**

The Alquist-Priolo Earthquake Fault Zoning Act was passed in 1972 to mitigate the hazard of surface faulting to structures for human occupancy. This state law was a direct result of the 1971 San Fernando Earthquake, which was associated with extensive surface fault ruptures that damaged numerous homes, commercial buildings, and other structures. The law requires the State Geologist establish regulatory zones (known as Earthquake Fault Zones<sup>5</sup>) around surface traces of active faults and issue appropriate maps accordingly. These maps are distributed to all affected cities, counties, and state agencies for their use in planning and controlling new or renewed construction. Local agencies must regulate most development projects within the zones identified in the maps. There are no Alquist-Priolo Earthquake Fault Zones within the Master Plan area (California Department of Conservation 2002).

##### **Seismic Hazard Mapping Act**

The Seismic Hazard Mapping Act was passed in 1990 following the Loma Prieta earthquake to reduce threats to public health and safety and to minimize property damage caused by earthquakes. The act directs the U.S. Department of Conservation to identify and map areas prone to the earthquake hazards of liquefaction, earthquake-induced landslides, and amplified ground shaking. The Act requires site-specific geotechnical investigations to identify potential seismic hazards and formulate mitigation measures prior to permitting most developments designed for human occupancy within the Zones of Required Investigation.

##### **California Building Code**

The California Building Code (CBC) is codified in the California Code of Regulations (CCR) as Title 24, Part 2 and became effective January 1, 2016. The CBC is administered by the California Building Standards Commission but enforced by California cities and counties. The purpose of the CBC is to establish minimum standards to safeguard the public health, safety, and general welfare by regulating and controlling the design, construction, quality of materials, use and occupancy, location, and maintenance of all building and structures and certain equipment within its jurisdiction.

The CBC contains necessary California amendments, which are based on the American Society of Civil Engineers (ASCE) Minimum Design Standards 7-10. ASCE 7-10 provides requirements for general structural design and includes means for determining earthquake loads as well as other loads for inclusion into building codes. The earthquake design requirements consider the occupancy category of the structure, site class, soil classifications, and various seismic coefficients, which are used to determine a seismic design category (SDC) for a project. The SDC is a classification system that combines the occupancy categories with the level of expected ground motions at the site; SDC values range from A (very small seismic vulnerability) to E/F (very high seismic vulnerability and near a major fault). Once a project is categorized according to SDC, design specifications can be determined. The provisions of the CBC apply to the construction, alteration, movement, replacement, and demolition of every building or structure, or any appurtenances connected or attached to such buildings or structures, throughout California.

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<sup>5</sup> "Earthquake Fault Zones" were called "Special Studies Zones" prior to January 1, 1994.



## Local Regulations

### General Plan

The following policies from the Cupertino General Plan relate to Geology and Soils.

- *Policy LU-12.1 Land Use Regulations.* Establish and maintain building and development standards for hillsides that ensure hillside protection.
- *Strategy LU-12.1.1 Ordinance and Development Review.* Through building regulations and development review, limit development on ridgelines, hazardous geological areas and steep slopes. Control colors and materials and minimize the illumination of outdoor lighting. Reduce visible building mass with measures including, stepping structures down the hillside, following natural contours, and limiting the height and mass of the wall plane facing the valley floor.
- *Policy LU-12.3 Rural Improvement Standards in Hillside Areas.* Require rural improvement standards in hillside areas to preserve the rural character of the hillsides. Improvement standards should balance the need to furnish adequate utility and emergency services against the need to protect the hillside, vegetation and animals.
- *Strategy LU-12.3.1 Grading.* Follow natural land contours and avoid mass of grading of sites during construction, especially in flood hazard or geologically sensitive areas. Grading hillside sites into large, flat areas shall be avoided.
- *Policy HS-5.1 Seismic and Geologic Review Process.* Evaluate new development proposals within mapped potential hazard zones using a formal seismic/geologic review process.
- *Strategy HS-5.1.1 Geotechnical and Structural Analysis.* Require any site with a slope exceeding 10 percent to reference the Landslide Hazard Potential Zone maps of the State of California for all required geotechnical and structural analysis.
- *Strategy HS-5.1.3 Geologic Review.* Continue to implement and update geologic review procedures for Geologic Reports required by the Municipal Code through the development review process.
- *Policy HS-5.2: Public Education on Seismic Safety.* Reinforce the existing public education programs to help residents minimize hazards resulting from earthquakes.

### Municipal Code

The Zoning Ordinance contained in the Municipal Code and similar tools provide specific standards that regulate the development of land uses, structures, and infrastructure within the community. These Codes and Ordinance are required to be consistent with the General Plan. The City Municipal Code includes standards which address geology, soils, seismicity, and associated hazards. Relevant chapters of the Municipal Code are summarized below:

16.08.120 Engineering Geological Reports. Prior to issuance of a grading permit, the Director, after review by a civil engineer, may require an engineering geological investigation, based on the most recent grading plan. The engineering geological report shall include an adequate description of the geology of the site, and conclusions and recommendations regarding the effect of geologic conditions on the proposed development. All reports shall be subject to approval by the Director, and supplemental reports and data may be required as deemed necessary. Recommendations included in the report and approved by the Director shall be incorporated in the grading plan as needed for other purposes. The cost is to be borne by the applicant.

16.08.130 Soils Engineering Reports. The Director may require after review by a civil engineer, a soils engineering investigation, based on the most recent grading plan. Such reports shall



include data regarding the nature, distribution, erodibility of existing soil, strength of existing soils with particular emphasis on stability of existing and proposed cut and fill slopes, data regarding the nature, distribution and erodibility of soil to be placed on the site, if any, conclusions and recommendations for grading procedures, and design criteria for corrective measures. Recommendations included in the report and approved by the Director shall be incorporated in the grading plan or specifications. The cost is to be borne by the applicant.

### 3.7.3 Discussion

The impact discussion presented below focuses on the Master Plan's effect on geology and soils. The Master Plan is evaluated to determine whether it would create or exacerbate soil or geologic conditions identified in each of the significance threshold criteria below.

*Would the proposed project:*

- 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?**

**Less than Significant Impact.** The City is not within an Alquist-Priolo Fault Zone, and there are no known Alquist-Priolo faults that cross the existing City park locations. However, three fault/fault systems are known to exist within the City; the Berrocal, Monte Vista, and Cascade fault systems. Of these, the Monte Vista fault is the most recently active, having last had activity less than 15,000 years ago (USGS 2019b). The Berrocal and Cascade fault systems, have, in comparison, had last known activity between 15,000 and 130,000 years ago. All three faults are Quaternary period faults (10,000 – 1.6 million years BP), which generally means that they are considered inactive. Because there are no faults considered to be active within the City, there is a less than significant impact from exposing people or structures to potential substantial adverse effects from the rupture of a known earthquake fault.

- ii. **Strong seismic ground shaking?**

**Less Than Significant Impact.** The City is located in the San Francisco Bay Area which is considered one of the most seismically active regions in the United States. Significant earthquakes have occurred in this area and strong to violent ground-shaking in the City can be expected due to a major earthquake along one of the faults in the region. The City would adhere to policies related to protections extended to people and property from ground-shaking, such as the CBC and City Municipal Code, as described above in the Regulatory Setting.

The proposed Master Plan would be unlikely to have an impact on or exacerbate existing geological conditions relating to ground shaking. For most Master Plan projects, ground moving activity is generally anticipated to be minimal and not have a significant impact under CEQA. Activities listed in Table 2-3 would, in general terms, not have a significant effect under CEQA, as long as relevant codes and regulations are implemented, such as preparation of a site-specific geotechnical report and implementation of the CBC for the construction of structures.

Master Plan projects such as a new gymnasium facility, aquatic facility, performing arts center or expansion of the Senior Center (see Table 2-4) could have the potential to exacerbate existing geological conditions. The City would design and construct these projects consistent with the requirements in Municipal Code Section 16.08.120 Engineering Geological Reports and Section 16.08.130 Soils Engineering Reports, which would ensure the potential effects of seismic ground shaking on park projects would be reduced to less than significant levels.

As a result, the adoption and implementation of the Master Plan would have a less than significant impact related to seismic ground-shaking.

### iii. Seismic-related ground failure, including liquefaction?

**Less Than Significant Impact.** Liquefaction occurs when loose, saturated sandy soils lose strength and flow like a liquid during earthquake shaking. Ground settlement often accompanies liquefaction. Stevens Creek Corridor Park and Varian Park are located in potential liquefaction zones. Additionally, other parks and recreational facilities span or are adjacent to creeks that are mapped within a liquefaction zone. These include: Creekside Park, Jollyman Park, Library Field, and Wilson Park.

The proposed Master Plan would be unlikely to have an impact on or exacerbate existing geological conditions relating to liquefaction. For most Master Plan projects ground moving activity is generally anticipated to be minimal, would not exacerbate risks from liquefaction, and would not have a significant impact under CEQA. Activities listed in Table 2-3 normally would not have a significant effect on the environment as long as relevant codes and regulations, such as implementation of the CBC for the construction of structures, such as restrooms, are followed.

Master Plan projects (see Table 2-4) could have the potential to exacerbate existing geological conditions. These include, but are not limited to, expansion of the senior center, or a new gymnasium facility, performing arts center or aquatic facility. The City would design and construct these projects consistent with the requirements in Municipal Code Section 16.08.120 Engineering Geological Reports and Section 16.08.130 Soils Engineering Reports, which would ensure the potential effects of ground failure on park projects would be reduced to less than significant levels.

As a result, the adoption and implementation of the Master Plan would have a less than significant impact related to ground failure and liquefaction.

### iv. Landslides?

**Less Than Significant Impact.** The existing City parks are generally flat or have minimal slopes and are not susceptible to landslides. Only Stevens Creek Corridor Park is within a landslide zone. Proposed activities at Stevens Creek Corridor Park include extensions of bikeways and pedestrian paths, improvement of trailhead amenities, and the stabilization of the creek bank of Stevens Creek. These proposed activities would be developed under a separate site-specific master plan for the Stevens Creek Corridor Park which would undergo a separate CEQA determination. The conceptual plans for Stevens Creek Corridor Park include bank stabilization which would have a beneficial effect on reducing localized landslides from creek bank failure.

### b) Result in substantial soil erosion or the loss of topsoil?

**Less Than Significant Impact.** Some activities envisioned in the Master Plan listed in Table 2-3 in Project Description would include grading or new impervious surface area (e.g., extending bicycle paths, creating play areas) that could result in soil disturbance, alter drainage patterns, and/or cause erosion. The City would be subject to Waste Discharge Requirements (see Hydrology Section) and would implement BMPs to protect water quality and prevent sedimentation during specific project construction activities.

Master Plan projects could have the potential to exacerbate existing geological conditions. These projects include, but are not limited to, expansion of the senior center, a new performing arts center, gymnasium facility, or aquatic facility (see Table 2-4). The City would design and construct these projects consistent with the requirements in Municipal Code Section 16.08.120 Engineering Geological Reports and Section 16.08.130 Soils Engineering Reports, which would ensure the potential effects of soil erosion would be reduced to less than significant levels.

Once design and implementation information become available for specific projects, the City would evaluate the project to determine if its impacts are covered by this programmatic IS/MND or whether subsequent environmental review is required.

With inclusion of existing regulations and codes into project design and construction, implementation of the Master Plan would have a less than significant impact on soil erosion and loss of topsoil

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

**Less Than Significant Impact.** See response to question a) iv) for a response to impacts related to landslides.

See response to question a) iii) for a response to impacts related to liquefaction or collapse.

As described above in the environmental setting, there are unstable soils underlying some parts of the City. The majority of the projects proposed under the Master Plan would have little physical impact or would occur in already developed areas, therefore, those projects would have no impact to unstable geological units or soils. Structures identified by the proposed Master Plan would be constructed in accordance with current CBC regulations. Pursuant to Municipal Code requirements (Section 16.08.120 Engineering Geological Reports and Section 16.08.130 Soils Engineering Reports), any significant development would require a geotechnical report with recommended mitigation or avoidance measures. By following existing codes and regulations, impacts to unstable soils would be less than significant.

**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?**

**Less Than Significant Impact.** Expansive soils contain shrink-swell clays that are capable of absorbing water. As these clays absorb water, they increase in volume, and these changes in volume are capable of exerting enough force on buildings and other structures to damage foundations and basement walls. Damage from expansive soils also occurs when the soils dry out and contract, causing subsidence and earth fissuring. No geotechnical report has been prepared that covers all the City's existing parks; therefore, it is not known whether there are expansive soils underlying these parks. However, construction of structures identified by the proposed Master Plan would be constructed in accordance with current CBC regulations, and any significant development would require a geotechnical report with recommended mitigation or avoidance measures (pursuant to Municipal Code requirements). By following existing codes and regulations, impacts from expansive soils on park projects would be less than significant.

**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?**

**No Impact.** No alternative waste water disposal or septic tank systems are proposed as part of the Park Master Plan.

**f) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?**

**Less Than Significant Impact.** CEQA does not provide guidelines for what is considered to be a unique geologic feature. However, no unusual geological features with potential for being considered unique are identified in the City's General Plan or General Plan EIR. The City's geological setting is not significantly distinct from surrounding cities, and none of the parks within the Master Plan are known to contain unique geologic features.

The majority of the City of Cupertino is on recent alluvium deposits of the Holocene (11,700 years ago to present). Holocene deposits are too recent to contain fossils. The western edge of Cupertino heading into the hills contains quaternary non-marine terrace and Plio-Pleistocene non-marine deposits. These deposits date from the late Pleistocene (126,000 – 11,700 years ago) and the Pliocene/Pleistocene boundary (around 2,588,000 years ago) (City of Cupertino 2014)

A review of the University of California's Museum of Paleontology's (UCMP) fossil locality database was conducted for the entire City and Sphere of Influence (City of Cupertino 2014). No paleontological resources have been identified within the current park locations; however, the presence of Pleistocene deposits that are known to contain fossils indicates that the overall park system sites could contain paleontological resources. Because most of the enhancement opportunities contained in the Master Plan involve minor ground disturbance it is unlikely that implementation of the Master Plan recommendations would result in impacts to paleontological resources. Paleontological features are found in sedimentary bedrock. Most small-scale projects or improvements proposed in the Master Plan are small projects for which excavation would not extend beneath surficial soils, would not encounter a paleontological horizon and, therefore, would not disturb paleontological resources. A list of minor projects is described in Section 2.7.1. Projects with the potential to impact environmental resources, primarily larger projects, would undergo a separate CEQA process once design plans are available. These projects would be evaluated for the potential to encounter bedrock and thus have a potential impact on paleontological resources for which mitigation measures would be identified as necessary. The City will design, construct, and manage park projects in conformance with adopted City policies and standards and CEQA requirements. This process would ensure impact to paleontological resources from park projects would be less than significant.

### 3.8 GREENHOUSE GAS EMISSIONS

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<i>Would the project:</i>				
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Conflict with an applicable, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

#### 3.8.1 Environmental Setting

Gases that trap heat in the atmosphere and affect regulation of the Earth’s temperature are known as greenhouse gases (GHGs). GHGs that contribute to climate regulation are a different type of pollutant than criteria air pollutants or hazardous air pollutants, because climate regulation is global in scale, both in terms of causes and effects. Some GHGs are emitted to the atmosphere naturally by biological and geological processes, such as evaporation (water vapor), aerobic respiration (carbon dioxide), and off-gassing from low oxygen environments including swamps or exposed permafrost (methane); however, GHG emissions from human activities, such as fuel combustion (carbon dioxide) and refrigerants (hydrofluorocarbons), are primarily responsible for the significant contribution to overall GHG concentrations in the atmosphere, climate regulation, and global climate change.

At the state and regional level, transportation activities including motor vehicle trips are a significant source of GHG emissions, accounting for approximately 39.4% and 34.3% of the most recent State, and San Francisco Bay Area Air Basin GHG emissions inventories, respectively (BAAQMD 2015, CARB 2018a). The City of Cupertino completed a Climate Action Plan in 2015. According to the City’s Climate Action Plan, community-wide emissions totaled 307,088 metric tons of CO<sub>2</sub> equivalents (MTCO<sub>2</sub>e). Like the state and regional GHG inventories, the transportation sector accounted for nearly 33.8% of total Cupertino community-wide emissions (Cupertino 2015a). Within the City, energy usage is the largest source of community GHG emission (55.2%); the transportation sector is the second largest source of community-wide GHG emissions. Municipal operations (e.g., City buildings, public lighting, use of City vehicles, solid waste generated by City operations, and water use in City landscaping) emitted 1,775 MTCO<sub>2</sub>e in 2010, accounting for less than 1% of the total community-wide emissions. The City’s CAP estimates that municipal and community-wide emissions would grow to approximately 1,855 MTCO<sub>2</sub>e and 355,600 MTCO<sub>2</sub>e annually by 2020.

The City’s Climate Action Plan does not provide a specific estimate of GHG emissions from City park and recreation facilities; however, the City’s existing park and recreation facilities generate GHG emissions from the sources described in Section 3.3. Air Quality, as well as the following GHG-specific sources:

- Energy use and consumption: In addition to natural gas usage, existing park and recreation facilities generate indirect GHG emissions from electricity use in buildings (e.g., lights, heating, ventilation, and air conditioning, or HVAC, equipment). 100% of City’s electricity consumption is provided from renewable energy sources through the Silicon Valley Clean Energy’s Green Prime Program.
- Solid waste disposal: Emissions generated from the transport and disposal of waste generated by park and recreation facilities.



- Water/wastewater: Emissions from electricity used to supply water to land uses, and treat the resulting wastewater generated.

### 3.8.2 Regulatory Setting

#### **State Regulations**

##### **State of California Assembly Bill (AB) 32 and Related Executive and Legislative Actions**

In June 2005, Governor Arnold Schwarzenegger issued Executive Order S-3-05. This order established the State's GHG emission targets for 2010 (reduce GHG emissions to 2000 levels), 2020 (reduce GHG emissions to 1990 levels), and 2050 (reduce GHG emissions to 80 percent below 1990 levels), created the Climate Action Team and directed the Secretary of the California Environmental Protection Agency to coordinate efforts with meeting the GHG targets with the heads of other state agencies.

In September 2006, Assembly Bill (AB) 32 was enacted, the California Climate Solutions Act of 2006. AB 32 establishes the caps on statewide GHG emissions proclaimed in Executive Order S-3-05 and set December 31, 2020 as the date for achieving GHG reduction levels. In order to effectively implement the emissions cap, AB 32 also directed CARB to establish a mandatory reporting system to track and monitoring GHG emissions from large stationary sources, prepare a Scoping Plan demonstrating how the 2020 deadline can be met, and develop appropriate regulations and programs to implement the plan by 2012.

In 2016 Senate Bill (SB) 32 and AB 197 were enacted. SB 32 made the GHG reduction target to reduce GHG emissions by 40 percent below 1990 levels by 2030 a requirement, as opposed to a goal. AB 197 gives the Legislature additional authority over CARB to ensure the most successful strategies for lowering emissions are implemented, and requires CARB to, "protect the state's most impacted and disadvantaged communities ...[and] consider the social costs of the emissions of greenhouse gases."

On September 10, 2018, Governor Edmund Brown issued EO-55-18, which directs the State to achieve carbon neutrality as soon as possible and no later than 2045 and achieve and maintain net negative GHG emissions thereafter.

##### **SB 375 Sustainable Communities and Climate Protection Act**

SB 375 went into effect in January 2009. The objective of SB 375 is to better integrate regional planning of transportation, land use, and housing to reduce sprawl and ultimately reduce GHG emissions and other air pollutants. SB 375 tasks CARB with setting GHG reduction targets for each of California's 18 regional Metropolitan Planning Organizations (MPOs). In 2010, CARB adopted GHG reduction targets for the San Francisco Bay region. The targets were set at 7% and 15% reduction in per capita passenger vehicle GHG reductions by 2020 and 2035, respectively (compared to 2005). The regional strategy for achieving VMT goals mandated under SB 375 is presented in Plan Bay Area 2040. In March 2018, CARB established new regional GHG reduction targets for the San Francisco Bay region (CARB, 2018b). The new targets are 10% reduction in per capita passenger vehicle GHG reductions by 2020 and a 19% reduction by 2035 (compared to 2005).

##### **CARB Scoping Plan**

The CARB Scoping Plan is the State's comprehensive plan for identifying how the State will reach its GHG reduction targets established by AB 32 and SB 32. CARB has prepared several iterations of the Scoping Plan with the most recent being prepared in 2017. CARB is required by AB 32 to update the Scoping Plan every five years.

CARB's current 2017 Climate Change Scoping Plan has a primary objective of identifying the measures needed to achieve the State's GHG reduction target for 2030 (to reduce emissions by 40 percent below 1990 levels; CARB, 2017a). To achieve this GHG reduction target, the 2017

Climate Change Scoping Plan includes a recommended plan-level efficiency threshold of six metric tons or less per capita by 2030 and no more than two metric tons by 2050. The major elements of the 2017 Climate Change Scoping Plan include, but are not limited to:

- Low Carbon Fuel Standard, with an increased stringency (18 percent by 2030);
- Implementation of SB 350, which expands the Renewable Portfolio Standard (RPS) to 50 percent and doubles energy efficiency savings by 2030;
- California Sustainable Freight Action Plan, which improves freight system efficiency, utilizes near-zero emissions technology, and deployment of ZEV trucks;
- Continued implementation of SB 375;

### **Bay Area Air Quality Management District**

As described in Section 3.3.2 Air Quality, the BAAQMD's 2017 Clean Air Plan is a comprehensive, multi-pollutant plan intended to reduce criteria air pollutant concentrations and public exposure to Toxic Air Contaminants (TACs), as well reduce GHG emissions (BAAQMD 2017b). A key goal of the BAAQMD's 2017 Clean Air Plan is to reduce Bay Area GHG emissions to 40 percent below 1990 levels by 2030 and 80 percent below 1990 levels by 2050, consistent with GHG reduction targets adopted by the State.

### **Local Regulations**

#### **General Plan**

The Environmental Resources and Sustainability Element of Cupertino's General Plan includes goals, policies and strategies to help the City improve sustainability and the ecological health and the quality of life for the community. The following goals and policies of this Element apply to the Master Plan:

- *Goal ES-1.* Ensure a sustainable future for the City of Cupertino.
- *Policy ES-1.1 Principles of Sustainability.* Incorporate the principles of sustainability into Cupertino's planning, infrastructure, and development process in order to achieve improvement, reduce GHG emissions, and meet the needs of the community without compromising the needs of future generations.
- *Strategy ES-2.1.1 Climate Action Plan.* Adopt, implement, and maintain a Climate Action Plan to attain GHG emission targets consistent with state law and regional requirements.
- *Goal ES-2.* Promote conservation of energy resources.
- *Policy ES-2.1 Conservation and Efficient Use of Energy Resources.* Encourage the maximum feasible conservation and efficient use of electrical power and natural gas resources for new and existing residences, businesses, industrial, and public uses.
- *Strategy ES-2.1.2 Comprehensive Energy Management.* Prepare and implement a comprehensive energy management plan for all applicable municipal facilities and equipment to achieve the energy goals established in the City's Climate Action Plan. Track the City's energy use and report findings as part of the Climate Action Plan reporting schedule. Embed this plan into the City's Environmentally Preferable Procurement Policy to ensure measures are achieved through all future procurement and construction practices.
- *Strategy ES-2.1.3 Energy Efficient Replacements.* Continue to use life cycle cost analysis to identify City assets for replacement with more energy efficient technology. Utilize available tools to benchmark and showcase City energy efficiency achievements (i.e. EPA Portfolio Manager, statewide Green Business Program).

- *Goal ES-3.* Improve building efficiency and energy conservation.
- *Policy ES-3.1 Green Building Design.* Set standards for the design and construction of energy and resource conserving/efficient building.
- *Strategy ES-3.1.1 Green Building Program.* Periodically review and revise the City's Green Building ordinance to ensure alignment with CALGreen requirements for all major private and public projects that ensure reduction in energy and water use for new development through site selection and building design.

### **Cupertino Climate Action Plan**

The Cupertino Climate Action Plan (CAP) is a strategic planning document that identifies sources of GHG emissions within the City's boundaries, presents current and future emissions estimates, identifies a GHG reduction target for future years, and presents strategic goals, measures, and actions to reduce emissions from the energy, transportation and land use, water, solid waste, and green infrastructure sectors (Cupertino 2015a).

The CAP uses 2010 as the GHG baseline emissions for the City and set community-wide emissions reduction goals for 2020 (15 percent below 2010 baseline levels), 2035 (49 percent below 2010 baseline levels), and 2050 (83 percent below baseline levels).

The City's Climate Action Plan includes the following goals and measures related to transportation and land use emissions:

- **Goal 2: Encourage Alternative Transportation – Support transit, carpooling, walking, and bicycling as viable transportation modes to decrease the number of single-occupancy vehicle trips within the community.**
  - **Measure C-T-1: Bicycle and Pedestrian Environment Enhancements.** Continue to encourage multi-modal transportation, including walking and biking, through safety and comfort enhancements in the bicycle and pedestrian environment.

Chapter 4 of the City's Climate Action Plan defines actions and implementation steps that the City could specifically take to reduce its own GHG emissions, including:

- **Goal 1: Improve Facilities – Transform facilities into models of technology demonstration and conservation.**
  - **Measure M-F-1: Sustainable Energy Portfolio.** Procure low-carbon electricity through utility-based programs or participation in a Community Choice Energy District.
  - **Measure M-F-2: Renewable/Low-Carbon Electricity Generation.** Develop renewable energy facilities at municipal buildings and facilities.
  - **Measure M-F-3: Advance Energy Management Activities.** Reduce energy consumption in existing municipal buildings through data analysis, interactive management systems, employee education, and building operation and maintenance policies.
  - **Measure M-F-5: Expand New Building Energy Performance.** Establish energy efficiency targets for new municipal buildings.
  - **Measure M-F-6: Complete Citywide Public Realm Lighting Efficiency.** Upgrade public realm lighting to more efficient technology.
  - **Measure M-F-7: Conserve Water Through Efficient Landscaping.** Implement best management practices in landscaping design and share City successes community-wide to lead by example in water conservation action.

- Goal 2: Convert Vehicle Fleet – Pursue employee commute and fleet alternatives to encourage multi-modal mobility and support a broad shift toward alternative fuel vehicles.
  - Measure M-VF-1: Low emission and alternative fuel vehicles. Transition City vehicle fleet to fuel-efficient and alternative-fuel vehicle models.
- Goal 3: Reduce Solid Waste – Effectively manage materials to shift behavior, consumption, and life-cycle impacts.
  - Measure M-SW-1: Waste Reduction. Reduce municipal waste through procurement policies, waste diversion goals, and waste stream monitoring and analysis.
  - Measure M-SW-3: Construction and Demolition Waste Diversion. Enhance construction and demolition waste diversion rates for municipal projects.

### **Municipal Code**

Chapter 16.72 of the City’s Municipal Code, Requirement for Construction and Demolition Waste Recycling, is intended to ensure maximum diversion of construction and demolition waste generated by new construction or remodeling projects within the City. Section 16.72.040 requires covered projects to recycle or divert at least sixty-five percent (65%), or meet the amounts, criteria and requirements specified in the applicable California Green Building Standards Code, whichever is more restrictive, of all materials generated for discard by the project.

### **3.8.3 Discussion**

- a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?**

**Less Than Significant Impact.** As described in Section 3.3.3, the potential park enhancements, improvements, and other development actions identified in the Master Plan that are within the scope of this IS/MND (see Section 2.7) are small in size (i.e., potential projects do not have a large footprint) and scale (i.e., potential projects do not involve substantial expansion of existing park and recreational facilities or the development of significant new facilities) and are compatible with the existing active and/or passive recreational nature of the specific park type where the improvement would occur (e.g., community park, large neighborhood park, small neighborhood park).

Although these projects would not be large, they would nonetheless generate GHG emissions from the short-term construction and long-term operational activities described in Section 3.3.3, discussion b), as well as the energy, solid waste, and water sources described in Section 3.8.1 above. The BAAQMD’s CEQA Air Quality Guidelines contain screening criteria to provide lead agencies with a conservative indication of whether a proposed project could result in potentially significant GHG impacts (BAAQMD, 2017b). Consistent with the BAAQMD’s guidance, if a project meets all the screening criteria, then the project would result in a less than significant GHG impact (i.e., the project would not emit significant GHG emissions and a detailed GHG assessment is not required for the project). One of the land use types presented for screening analysis in the BAAQMD’s CEQA Air Quality Guidelines is a “City Park” land use. The operational screening size for a City Park land use is 600 acres.

The future development of potential park enhancements, improvements, and other development actions identified in the Master Plan that are within the scope of this CEQA IS/MND would be small in size and scale and would not exceed the BAAQMD’s screening size for City park land uses. In addition, potential Master Plan projects would be subject to the City’s General Plan and Climate Action Plan policies calling for reductions of GHG emissions from mobile, energy, water, and other GHG emissions sources, and the Goal 7 of the Master Plan (Sustainability)

calls for the City to provide, manage, and maintain parks, facilities, programs, and services through sound stewardship, sustainable choices, and wise use of resources. As the City plans and designs park projects being carried out under the Master Plan, they would need to be consistent with all City policies related to energy use presented in the Regulatory Setting discussion presented above.

The City's existing park and recreation facilities are subject to maintenance activities and maintenance-related vehicle trips. Master Plan Objective 7.B acknowledges the importance of designing and maintaining park facilities in an energy efficient manner and identifies a number of actions that would reduce or limit energy consumption from new projects.

Although certain projects within the scope of this IS/MND may result in additional maintenance-related trips (i.e., new infrastructure would require maintenance in addition to existing infrastructure), the Master Plan focuses on serving the needs of the local community and is likely to reduce overall visitor and maintenance VMT GHG-emissions by:

- Providing a connected and accessible network of parks for residents via paths, trails, sidewalks;
- Improving access including for those with disabilities
- Creating additional parks and recreational spaces in areas that are currently underserved (i.e. areas where residents have access to less than three acres of developed park land in the City within a 10-minute walk)

The Master Plan projects within the scope of this IS/MND would not exceed the BAAQMD's screening size for City Park land uses (600 acres) and, given their size, scale, and general lack of substantial emissions sources, would not generate GHG emissions that would have a direct or indirect significant impact on the environment.

**b) Conflict with an applicable, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?**

**No Impact.** The proposed Master Plan would not conflict with an applicable policy or regulation adopted for the purpose of reducing GHG emissions, including the BAAQMD Clean Air Plan, the CARB 2017 Scoping Plan Update, or the City's Climate Action Plan.

**CARB Scoping Plan.** As discussed under Section 3.8.2, the 2017 Climate Change Scoping Plan is CARB's primary document used to ensure State GHG reduction goals are met. The plan identifies an increasing need for coordination among State, regional, and local governments to achieve the GHG emissions reductions that can be gained from local land use planning and decisions. The major elements of the 2017 Climate Change Scoping Plan, which is designed to achieve the State's 2030 GHG reduction goal, are listed in Section 3.8.2. Nearly all of the specific measures identified in the 2017 Climate Change Scoping Plan would be implemented at the state level, with CARB and/or another state or regional agency having the primary responsibility for achieving required GHG reductions. These include programs, like the State's Mobile Source Strategy, Low Carbon Fuel Standard, and Sustainable Freight Action Plan, which would reduce tailpipe GHG emissions from construction equipment and vehicle trips associated with the construction of potential BP Master Plan projects in addition to any reductions the City achieves.

The proposed Master Plan, therefore, would not have the potential to directly conflict with any of the specific measures identified in the City's Climate Action Plan. Furthermore, as described below, Master Plan projects would be implemented in accordance with the City's Climate Action Plan, which includes GHG reduction targets and measures commensurate with the 2017 Climate Change Scoping Plan's goal to reduce GHG emissions 40% below 1990 levels by 2030. Therefore, the implementation of Master Plan projects consistent with the City's Climate Action Plan would ensure Master Plan projects do not conflict with state GHG reduction goals.



**BAAQMD 2017 Clean Air Plan.** As discussed in Section 3.3, Air Quality, the proposed Master Plan would support the primary goals of the BAAQMD's 2017 Clean Air Plan (including GHG reduction goals), include policies and implementing actions commensurate with the 2017 Clean Air Plan's control measures, and not disrupt, delay, or otherwise hinder the implementation of any 2017 Clean Air Plan control measure. The Master Plan, therefore, would not conflict with the BAAQMD's 2017 Clean Air Plan. Furthermore, as described below, Master Plan projects would be implemented in accordance with the City's Climate Action Plan, which includes GHG reduction targets and measures commensurate with the 2017 Clean Air Plan's goal to reduce GHG emissions 40% below 1990 levels by 2030. Therefore, the implementation of Master Plan projects consistent with the City's Climate Action Plan would ensure park projects do not conflict with BAAQMD regional GHG reduction goals.

### **Cupertino Climate Action Plan**

The Master Plan is a planning-level document that would not authorize or approve any specific park improvement project that requires quantification and assessment of potential construction or operational emissions. Furthermore, as described above under discussion a) as well as in Section 3.3, discussion b), the size and scale of the potential park improvements are substantially below the development intensity level (in acres) at which the BAAQMD has determined a potential GHG impact may occur from a park project. Although each potential Master Plan project would be different, the City would review each project for consistency with its Climate Action Plan. Master Plan projects would primarily be subject to the City's Climate Action Plan local government control measures listed in Section 3.8.2. According to the City's 2017 CAP Progress Report (City of Cupertino, 2017):

- 100% of municipal energy consumption comes from renewable energy sources that generate little to no GHG emissions (e.g., solar, wind, geothermal, etc.)
- The City has reduced municipal building electric usage by 25% compared to 2010 baseline conditions.
- The City has reduced municipal natural gas usage by 20% compared to 2010 baseline conditions.

The City's Climate Action Plan's GHG reduction targets are commensurate with the BAAQMD's 2017 Clean Air Plan GHG reduction goals and the state's GHG reduction goals upon which the 2017 Climate Change Scoping Plan was developed. Through 2015, the City had achieved a 13% reduction in GHG emissions, as compared to the Climate Action Plan's 2010 baseline year, and the City is on track to meet or exceed its Climate Action Plan GHG reduction goals, making community-wide and municipal GHG emission reductions consistent with applicable plans, policies, and regulations adopted for the purposes of reducing GHG emissions (e.g., AB 32) (City of Cupertino, 2017).

The Master Plan's overarching goals and objectives would support and are consistent with the City's Climate Action Plan GHG reduction strategy. Master Plan Goal 1 calls for the conservation of natural areas and the protection of nature resources (Objective 1A). Master Plan Goal 2 establishes a focus on connectivity and implementing recommendations for the proposed trails and paths identified in the Bicycle Transportation Plan, Pedestrian Transportation Plan, Cupertino General Plan, Countywide Trails Master Plan, and other local and regional plans. This interconnected network of trails would improve access to parks and expand walking and biking opportunities in Cupertino, thereby encouraging alternative modes of transportation and a reduction in vehicle trips. Master Plan Goal 7 focuses on sound stewardship, sustainable choices, and the wise use of resources related to renewable energy, energy efficiency, water use for irrigation, and providing electric vehicle charging stations in parking areas. For these reasons, the Master Plan would not conflict with the City's Climate Action Plan.

### 3.9 HAZARDS AND HAZARDOUS MATERIALS

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<i>Would the project:</i>				
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within 2 miles of a public airport or public use airport, result in a safety hazard or excessive noise for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

#### 3.9.1 Environmental Setting

The Master Plan includes approximately 224 acres of park, trails, and sports fields at 32 sites managed by the City. Hazardous materials refer to materials that exhibit corrosive, poisonous, flammable, and/or reactive properties and have the potential to harm human health and/or the environment. Hazardous materials are used in products (e.g., household cleaners, industrial solvents, paint, pesticides) and in the manufacturing of products (e.g., electronics, newspapers, plastic products). Hazardous materials can include petroleum, natural gas, synthetic gas, acutely toxic chemicals, and other toxic chemicals that are used in agriculture, industrial uses, businesses, hospitals, and households.

The term “hazardous materials,” as used in this chapter, includes all materials defined in the H&SC: A material that, because of its quantity, concentration, or physical or chemical characteristics, poses a significant present or potential hazard to human health and safety or to the environment if released into the workplace or the environment. “Hazardous materials” include, but are not limited to, hazardous substances, hazardous waste, and any material that a handler or the unified program agency has a reasonable basis for believing that it would be injurious to the health and safety of persons or harmful to the environment if released into the workplace or the environment.

Hazardous materials are commonly found throughout the Master Plan area in households, businesses, and agricultural operations. Areas at a higher risk of a hazardous materials discharge include those near major roadways used to transport hazardous materials, including Highway 85 and Interstate 280. The California Department of Transportation (Caltrans) does not restrict hazardous materials transport on either of these highways (National Hazardous Materials Route Registry 2019). In general, risk of discharge from existing land uses is considered low, because there are extremely limited manufacturing industries in the City (Cupertino, 2019a). However, current and past uses of herbicides, pesticides, dry cleaning chemicals, motor vehicle fuels, and other contaminants can lead to soil and groundwater contamination. Older buildings could have asbestos-containing materials or lead based paint present.

California Government Code Section 65962.5 requires CalEPA to compile, maintain, and update specified lists of hazardous materials release sites in California. This list is commonly referred to as the Cortese list. The CEQA Guidelines (California Public Resource Code Section 21092.6) require the lead agency to consult the lists compiled pursuant to Government Code Section 65962.5 to determine whether a proposed project is listed on the California Department of Toxic Substances Control (DTSC) EnviroStor Database and the State Water Resources Control Board (SWRCB) Geo Track databases. Both DTSC and SWRCB databases were accessed on January 24, 2019 for listed contamination sites in the City of Cupertino. The majority of Cortese list sites within the City are closed sites, meaning that they have met cleanup criteria, with only ten SWRCB-identified sites with an open or active status, and only three DTSC-identified sites identified as active at that time. The three DTSC sites are also included on the SWRCB sites, thus totaling ten active or open sites. None of the parks or recreational facilities within the Master Plan are included as active or open sites on the Cortese list. Three of the active sites are within 1,000 feet (as measured on Google Earth from parcel boundary to parcel boundary) of an existing park or recreational facility included on the Master Plan. The active sites in proximity to a park/recreational facility are summarized in the table below.

Cortese Site Name	Site Type	Address	Parks/Recreational Facilities Within 1000 Feet	Distance from Park/Recreational Facility (Approx.)
Cupertino Beacon	Leaking Underground Storage Tank Cleanup Site	22510 Stevens Creek Boulevard	Monta Vista Recreation Center and Park	925 Feet
N/A (Private Residence)	Cleanup Program Site	11226 Bubb Road	Regnart Elementary School	650 Feet
Sedgwick Elementary School	School	10480 Finch Avenue	Creekside Park	950 Feet
			Hyde Middle School	500 Feet

Source: DTSC 2019a, DTSC 2019b SWRCB 2019, Google Earth 2019

The closest airport to the City is the San Jose International Airport, located approximately four (4) miles to the northeast of the City. The Santa Clara County Airport Land Use Commission (ALUC) has adopted a Comprehensive Land Use Plan (CLUP) for areas surrounding San Jose International Airport. Cupertino is not within the CLUP (Santa Clara County, 2016). The City also is not located within any protected airspace zones defined by the ALUC, including military airports and airspace zones (Cupertino 2014).

The City's Emergency Plan was prepared in accordance with the National Incident Management System (NIMS) and is used in conjunction with the State Emergency Plan, the Santa Clara Operational Disaster Response and Recovery Area Interim Agreement, and the Santa Clara County Emergency Plan.

The California Department of Forestry and Fire Protection (CalFire) maps areas of significant fire hazards in the state (CalFire 2012). These areas are identified based on weather, terrain, fuels, and other factors. There is a small Very High Fire Severity Zone (VHFSZ) located at the very southern edge of the city, in the vicinity of Upland Way, where the Fremont Older Open Space Preserve crosses the boundary of the City (City of Cupertino 2014). A larger area High Fire Severity Zone (HFSZ) exists in the sparsely populated western reaches of the city. A map of the Fire Hazard Severity Zone Areas can be seen as Figure 3.20-1, in this IS/MND.

Based on identified Fire Hazard Severity Zones, none of the City's existing parks or recreational facilities are located in Very High Fire Hazard Severity Zones. Several parks/recreational facilities included in the Master Plan are, however, located within a High Fire Hazard Severity Zone. These include Little Rancho Park, Canyon Oak Park, Monta Vista Recreation Center & Park, and Linda Vista Park.

There are three fire stations in the City, operated by the Santa Clara County Fire Department (SCCFD), serving the City and nearby unincorporated areas (SCCFD 2019).

### **3.9.2 Regulatory Setting**

Hazardous materials and wastes can pose a significant actual or potential hazard to human health and the environment when improperly treated, stored, transported, disposed of, or otherwise managed. Many federal, State, and local programs that regulate the use, storage, and disposal of hazardous materials and hazardous waste are in place to prevent these unwanted consequences. These regulatory programs are designed to reduce the danger that hazardous substances may pose to people and businesses under normal daily circumstances and as a result of emergencies and disasters.

#### ***Federal Regulations***

##### **United States Environmental Protection Agency (EPA)**

The EPA is the primary federal agency that regulates hazardous materials and waste. In general, the EPA works to develop and enforce regulations that implement environmental laws enacted by Congress. The agency is responsible for researching and setting national standards for a variety of environmental programs. EPA programs promote handling hazardous wastes safely, cleaning up contaminated land, and reducing waste volumes through such strategies as recycling. California falls under the jurisdiction of EPA Region 9. Under the authority of the Resource Conservation and Recovery Act (RCRA), and in cooperation with State and tribal partners, the EPA Region 9 Waste Management and Superfund Divisions manage programs for site environmental assessment and cleanup, hazardous and solid waste management, and underground storage tanks.

##### **Occupational Safety and Health Administration**

The Occupational Safety and Health Administration (OSHA) oversees administration of the Occupational Safety and Health Act, which requires: specific training for hazardous materials handlers; provision of information to employees who may be exposed to hazardous materials; and acquisition of material safety data sheets (MSDS) from materials manufacturers. Material safety data sheets describe the risks, as well as proper handling and procedures, related to particular hazardous materials. Employee training must include response and remediation procedures for hazardous materials releases and exposures.

## **Toxic Substances Control Act (TSCA)**

The TSCA of 1976 provides EPA with authority to require reporting, record-keeping and testing requirements, and restrictions relating to chemical substances and/or mixtures. Certain substances are generally excluded from TSCA, including, among others, food, drugs, cosmetics and pesticides. TSCA addresses the production, importation, use, and disposal of specific chemicals including polychlorinated biphenyls (PCBs), asbestos, radon and lead-based paint.

### **State Regulations**

#### **California Environmental Protection Agency (CalEPA)**

CalEPA was created in 1991 by Governor Executive Order W-5-91. Several State regulatory boards, departments, and offices were placed under the CalEPA umbrella to create a cabinet-level voice for the protection of human health and the environment and to assure the coordinated deployment of State resources. Among those responsible for hazardous materials and waste management are DTSC, the Department of Pesticide Regulation, and the Office of Environmental Health Hazard Assessment (OEHHA). CalEPA also oversees the unified hazardous waste and hazardous materials management regulatory program (Unified Program), which consolidates, coordinates, and makes consistent the following six programs:

- Hazardous Materials Release Response Plans and Inventories (Business Plans)
- Underground Storage Tank Program
- Aboveground Petroleum Storage Tank Act
- Hazardous Waste Generator and Onsite Hazardous Waste Treatment Programs
- California Uniform Fire Code: Hazardous Material Management Plans and Inventory Statements
- California Accidental Release Prevention (CalARP)

#### **California Department of Toxic Substances Control (DTSC)**

The California DTSC, which is a department of CalEPA, is authorized to carry out the federal Resource Conservation and Recovery Act hazardous waste program in California to protect people from exposure to hazardous wastes. The department regulates hazardous waste, cleans up existing contamination, and seeks to control and reduce the hazardous waste produced in California, primarily under the authority of RCRA and in accordance with the California Hazardous Waste Control Law (California H&SC Division 20, Chapter 6.5) and the Hazardous Waste Control Regulations (Title 22, California Code of Regulations (CCR), Divisions 4 and 4.5). Permitting, inspection, compliance, and corrective action programs ensure that people who manage hazardous waste follow federal and State requirements and other laws that affect hazardous waste specific to handling, storage, disposal, treatment, reduction, cleanup, and emergency planning.

#### **State Water Resources Control Board**

The San Francisco Bay Regional Water Quality Control Board (RWQCB) is authorized by the State Water Resources Control Board (SWRCB) to enforce provisions of the Porter-Cologne Water Quality Control Act of 1969. This act gives the San Francisco RWQCB authority to require groundwater investigations when the quality of groundwater or surface waters of the State is threatened and to require remediation actions, if necessary.

#### **California Division of Occupational Safety and Health**

Like OSHA at the federal level, the California Division of Occupational Safety and Health (Cal OSHA) is the responsible State-level agency for ensuring workplace safety. Cal OSHA assumes primary responsibility for the adoption and enforcement of standards regarding workplace safety and safety practices. In the event that a site is contaminated, a Site Safety Plan must be prepared and implemented to protect the safety of workers. Site Safety Plans establish policies,



practices, and procedures to prevent the exposure of workers and members of the public to hazardous materials originating from the contaminated site or building.

### **California Department of Forestry and Fire Protection**

CalFire has mapped fire threat potential throughout California. CalFire ranks fire threat based on the availability of fuel and the likelihood of an area burning (based on topography, fire history, and climate). The rankings include no fire threat and moderate, high, and very high fire threat. CalFire published a 2010 Strategic Fire Plan for California that contains goals, objectives, and policies to prepare for and mitigate the effects of fire on California's natural and built environments. CalFire's Office of the State Fire Marshal provides oversight of enforcement of the California Fire Code as well as overseeing hazardous liquid pipeline safety.

### **California Health and Safety Code**

California Health & Safety Code Division 20, Chapter 6.95, and California Code of Regulations, Title 19 of Section 2729, set out the minimum requirements for business emergency plans and chemical inventory reporting. 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 which uses hazardous materials or a mixture containing hazardous materials must establish and implement a business plan if the hazardous material is handled in certain quantities.

### **California Building Code**

The State of California provides a minimum standard for building design through Title 24 of the California Code of Regulations (CCR), also known as the California Building Standards Code. The 2016 California Building Code (CBC), is Part 2 of Title 24. The 2016 CBC is based on the 2015 International Building Code but has been modified for California conditions. It is generally adopted on a jurisdiction-by-jurisdiction basis, subject to further modification based on local conditions. Commercial and residential buildings are plan-checked by local City and County building officials for compliance with the CBC Typical fire safety requirements of the CBC include the installation of sprinklers in all new high-rise buildings and residential buildings; the establishment of fire resistance standards for fire doors, building material; and particular types of construction.

### **California Fire Code**

The California Fire Code (CFC) is Part 9 of Title 24 of the CCR. The CFC is updated every three years and includes provisions and standards for emergency planning and preparedness, fire service features, fire protection systems, hazardous materials, fire flow requirements, fire hydrant locations and distribution, and the clearance of debris and vegetation within a prescribed distance from occupied structures in wildlife hazard areas. The Santa Clara County Fire Department provides fire protection services for the City as well as for Campbell, Los Altos, Los Altos Hills, Los Gatos, Monte Sereno, Saratoga, and other unincorporated areas. The Fire Department implements and enforces the CFC in Cupertino.

### **Federal and State Hazardous Materials-Specific Programs and Regulations**

#### *Asbestos-Containing Materials (ACM) Regulations*

State-level agencies, in conjunction with the federal EPA and OSHA, regulate removal, abatement, and transport procedures for asbestos-containing materials (ACM). Releases of asbestos from industrial, demolition, or construction activities are prohibited by these regulations and medical evaluation and monitoring is required for employees performing activities that could expose them to asbestos. Additionally, the regulations include warnings that must be heeded and practices that must be followed to reduce the risk for asbestos emissions and exposure.

Finally, federal, State, and local agencies must be notified prior to the onset of demolition or construction activities with the potential to release asbestos.

#### *Polychlorinated Biphenyls*

The United States EPA prohibited the use of polychlorinated biphenyls (PCBs) in the majority of new electrical equipment starting in 1979 and initiated a phase-out for much of the existing PCB-containing equipment. The inclusion of PCBs in electrical equipment and the handling of those PCBs are regulated by the provisions of the Toxic Substances Control Act, United States Code Title 15, Section 2601 et seq. Relevant regulations include labeling and periodic inspection requirements for certain types of PCB-containing equipment and outline highly specific safety procedures for their disposal. Likewise, the State of California regulates PCB-laden electrical equipment and materials contaminated above a certain threshold as hazardous waste. These regulations require that such materials be treated, transported, and disposed accordingly. At lower concentrations for non-liquids, RWQCBs may exercise discretion over the classification of such wastes.

#### *Lead-Based Paint*

Cal OSHA's Lead in Construction standard is contained in Title 8 CCR, Section 1532.1. The regulations address the following areas: permissible exposure limits (PELs); exposure assessment; compliance methods; respiratory protection; protective clothing and equipment; housekeeping; medical surveillance; medical removal protection (MRP); employee information, training, and certification; signage; record keeping; monitoring; and agency notification. The Childhood Lead Poisoning Prevention Acts (CLPPA) of 1986 and 1989 with Subsequent Legislative Revisions (California H&SC, Division 106, Sections 124125 to 124165) declared childhood lead exposure as the most significant childhood environmental health problem in the state. The CLPPA established the Childhood Lead Poisoning Prevention Program and instructed it to continue to take steps necessary to reduce the incidence of childhood lead exposure in California.

#### **Regional Regulations**

##### **San Francisco Bay Regional Water Quality Control Board**

The Porter-Cologne Water Quality Act established the State Water Resources Control Board (SWRCB) and divided the state into nine regional basins, each under the jurisdiction of a Regional Water Quality Control Board (RWQCB). The San Francisco Bay Region (Region 2) is the Regional Water Quality Control Board (San Francisco Bay RWQCB) that regulates water quality in the Master Plan area. The San Francisco Bay RWQCB has the authority to require groundwater investigations when the quality of groundwater or surface waters of the state is threatened, and to require remediation actions, if necessary.

##### **Bay Area Air Quality Management District**

The BAAQMD has primary responsibility for control of air pollution from sources other than motor vehicles and consumer products (which are the responsibility of CalEPA and California Air Resources Board (CARB)). The BAAQMD is responsible for preparing attainment plans for non-attainment criteria pollutants, control of stationary air pollutant sources, and the issuance of permits for activities including demolition and renovation activities affecting asbestos containing materials.

##### **Santa Clara County Department of Environmental Health (DEH)**

The routine management of hazardous materials in California is administered under the Unified Hazardous Waste and Hazardous Materials Management Program ("Unified Program"), and most of the City of Cupertino's hazardous materials programs are administered and enforced under the Unified Program. The Santa Clara County Department of Environmental Health (DEH) Hazardous Materials Compliance Division (HMCD) is the Certified Unified Program Agency

(CUPA) for implementation and enforcement of hazardous material regulations under the Unified Program. The HMCD also enforces additional hazardous materials storage requirements in accordance with the Santa Clara County Hazardous Materials Storage Ordinance and Toxic Gas Ordinance. Under the authority of the RWQCB, the Santa Clara County DEH implements the Local Oversight Program (LOP) to oversee the investigation and remediation of leaking underground storage tanks (USTs) in Santa Clara County, including the City of Cupertino. Businesses storing hazardous materials over threshold quantities are required to submit Hazardous Materials Business Plans (HMBPs) to the HMCD. A HMBP must include measures for safe storage, transportation, use, and handling of hazardous materials. A HMBP must also include a contingency plan that describes the facility's response procedures in the event of a hazardous materials release.

### **Santa Clara County Fire Department (SCCFD)**

The SCCFD, through a formal agreement with the HMCD, implements hazardous materials programs for the City of Cupertino as a Participating Agency within the Unified Program. The HMCD also enforces storage, handling, and dispensing requirements for hazardous materials and other regulated materials according to the City of Cupertino Hazardous Materials Storage Ordinance.

### **Santa Clara County Office of Emergency Management and Santa Clara County Emergency Operation Plan**

The Santa Clara County Office of Emergency Management (OEM) has adopted an Emergency Operations Plan (EOP), which identifies hazards, incidents, events, and emergencies believed to be important to the operational area. It is applicable to a wide variety of anticipated incident events, including wildland fires. As part of the EOP, Fire agencies in the county have signed a countywide mutual aid agreement to ensure firefighting resources and personnel will be available to combat wildland / urban interface fires. If these resources within the county are not enough to meet the threat, fire resources from throughout California can be summoned under the State's Master Mutual Aid Agreement administered by the Cal OES. All fire agencies in Santa Clara County have signed the California Master Mutual Aid Agreement and participate in mutual aid operations as required.

### **Local Regulations**

#### **General Plan**

The Health and Safety Element, Chapter 7, of the General Plan contains goals and policies that seek to reduce the risks associated with hazards in the community, including fire hazards, hazardous materials, and hazardous wastes. Health and Safety Element policies that are relevant to Master Plan-related hazards and hazardous materials are listed below.

- *Policy HS-1.1: Regional Hazard Risk Reduction Planning.* Coordinate with Santa Clara County and local agencies to implement the Multi-Jurisdictional Local Hazard Mitigation Plan (LHMP) for Santa Clara County.
- *Policy HS-2.1: Promote Emergency Preparedness.* Distribute multi-hazard emergency preparedness information for all threats identified in the emergency plan. Information will be provided through Cardiopulmonary Resuscitation (CPR), First Aid and Community Emergency Response Team (CERT) training, lectures and seminars on emergency preparedness, publication of monthly safety articles in the Cupertino Scene, posting of information on the Emergency Preparedness website and coordination of video and printed information at the library.
- *Policy HS-2.1: Emergency Public Information.* Maintain an Emergency Public Information program to be used during emergency situations.

- *Policy HS-3.1: Regional Coordination.* Coordinate wildland fire prevention efforts with adjacent jurisdictions. Encourage the County and the Midpeninsula Regional Open Space District to implement measures to reduce fire hazards, including putting into effect the fire reduction policies of the County Public Safety Element, continuing efforts in fuel management, and considering the use of “green” fire break uses for open space lands.
- *Policy HS-3.2: Early Project Review.* Involve the Fire Department in the early design stage of all projects requiring public review to assure Fire Department input and modifications as needed.
- *Policy HS-3.3: Emergency Access.* Ensure adequate emergency access is provided for all new hillside development.
- *Policy HS-3.6: Fire Prevention and Emergency Preparedness.* Promote fire prevention and emergency preparedness through city-initiated public education programs, the government television channel, the Internet, and the Cupertino Scene.
- *Policy HS-6.1: Hazardous Materials Storage and Disposal.* Require the proper storage and disposal of hazardous materials to prevent leakage, potential explosions, fire or the release of harmful fumes. Maintain information channels to the residential and business communities about the illegality and danger of dumping hazardous material and waste in the storm drain system or in creeks.
- *Policy HS-6.4: Educational Programs.* Continue to encourage residents and businesses to use non- and less hazardous products, especially less toxic pest control products, to slow the generation of new reduce hazardous waste requiring disposal through the county-wide program.
- *Policy HS-6.5: Hazardous Waste Disposals.* Continue to support and facilitate, for residences and businesses, a convenient opportunity to properly dispose of hazardous waste.

### **Municipal Code**

Besides the General Plan, the Municipal Code is the primary tool that guides development in the City. The City’s municipal code identifies land use categories, site development regulations, and other general provisions that ensure consistency between the General Plan and proposed development projects. The following chapters and sections of the Municipal Code would apply to the proposed Project:

Chapter 9.12, Hazardous Materials Storage, in Title 9, Health and Sanitation, contains the standards for the protection of health, life, resources, and property through prevention and control of unauthorized discharges of hazardous materials in the City of Cupertino. The Hazardous Materials Storage Ordinance regulates the storage, handling, and dispensing requirements for hazardous materials and other regulated materials in the City. Under Section 9.12.012, any person, firm or corporation which stores any material regulated by the City is required to have a current Hazardous Materials Storage Permit.

Chapter 16.40, Fire Code, in Title 16, Buildings and Construction, contains regulations based on the 2016 CFC, governing conditions hazardous to life and property from fire or explosion.

Chapter 16.74 Wildland Urban Interface Fire Area Adopted, in Title 16, Buildings and Construction, includes the City’s Wildland Urban Interface Fire Area map, which was adopted in 2009. This Map is located in Section 16.74.010.

### **City of Cupertino Emergency Operations Plan**

State law requires cities to prepare an emergency plan in order to effectively respond to natural or human-caused disasters that threaten lives, the natural environment or property. The

Cupertino Emergency Operations Plan establishes an organizational framework to enable the City to manage its emergency response activities and to coordinate with County, State and Federal agencies. The Emergency Operations Plan was prepared in accordance with the National Incident Management System (NIMS) and is used in conjunction with the State Emergency Plan, the Santa Clara Operational Disaster Response and Recovery Area Interim Agreement, Santa Clara County Emergency Plan, as well as plans and Standard Operating Procedures (SOPs) of contract agencies and special districts. Support personnel such as City staff, special districts and volunteer groups are trained to perform specific functions in the Emergency Operations Center. The plan is reviewed annually and tested through periodic emergency disaster drills.

### 3.9.3 Discussion

*Would the project:*

- a) **Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?**
- b) **Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?**

**Less than Significant Impact.** (Response a-b).

The project is the implementation of a park and recreation facilities master plan, which does not involve the routine transport, use, or disposal of hazardous materials. The project also does not involve the use of hazardous materials in amounts that would pose a significant hazard to the environment through foreseeable upset and release conditions. Only small amounts of fuels, oils, lubricants, pesticides, paints, and cleaning agents are currently used within City facilities for routine maintenance and this would not change as a result of the implementation of the Master Plan. Therefore, the use of these materials does not present a significant hazard to the public.

Some park projects may require the demolition of existing buildings such as restrooms or replacing, renovating, or repurposing buildings within the parks and recreation system. Older buildings may contain either asbestos containing materials or lead based paint. As described in the Regulatory Setting, state agencies, in conjunction with the federal EPA and OSHA, regulate removal, abatement, and transport procedures for asbestos containing materials. Releases of asbestos from industrial, demolition, or construction activities are prohibited by these regulations. The disposal of materials containing lead-based paint is regulated by Cal OSHA.

All improvements related to implementation of the Master Plan would be designed to be consistent with all applicable General Plan, Municipal Code, and Master Plan policies. In addition, all Master Plan improvements would be subject to Cupertino's construction standards (see Project Description Section 2.9), including the Hazardous Materials Storage Ordinance (Municipal Code chapter 9.12) and General Conditions of Cupertino's Project Manual section 7.19 Recycling and Waste Disposal and 7.20 Stormwater Pollution Control (E)(2) Hazardous Material/Waste Management and 10.2 Hazardous Material regarding removal, handling, or disturbance of any asbestos or other Hazardous Materials, and the Public Works Construction BMPs related to paint removal for lead based paint, and would be subject to federal, state and local regulations, regarding the storage, handling, use, and disposal requirements for hazardous materials.

Finally, adoption of the Master Plan would not authorize any specific development, or the construction of park improvements contemplated in the Master Plan. Once design and implementation information become available for specific projects, the City would evaluate the project to determine if its impacts are covered by this programmatic IS/MND or whether

subsequent environmental review is required. Therefore, the impact is considered less than significant.

**c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or hazardous waste within one-quarter mile of an existing or proposed school?**

**Less than Significant Impact.** A number of parks and recreational facilities are near or immediately adjacent to one or more schools. The types of chemicals used in the parks for routine maintenance would not pose a hazard to the school population because of the low level of toxicity (vehicle fuels, fluids, fertilizers, paints, etc.) and because of the small quantities in use. Implementation of the Master Plan would not affect existing materials handling and storage practices, therefore there would be no change from existing conditions.

Existing policies and regulations contained in the General Plan and Municipal Code, as well as applicable federal, state and local regulations, govern the storage, handling, dispensing, and disposal requirements for hazardous materials within the City. By following existing regulations, as well as the City's standard design and construction measures discussed in Section 2.9 of the Project Description, potential impacts from hazardous materials to schools would be at a less than significant level.

**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?**

**No Impact.** None of the existing City parks or facilities covered in the Master Plan are listed on the Cortese List pursuant to Government Code Section 65962.5 by the Department of Toxic Substances Control (DTSC 2019a, 2019b).

**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 or excessive noise for people residing or working in the project area?**

**No Impact.** Cupertino is not within two miles of a public airport or within any airport land use plan defined by the Santa Clara County ALUC (Santa Clara County, 2016), and there are no private airstrips or heliports listed by FAA in Cupertino (FAA 2019). Implementation of the Master Plan would therefore not result in a safety hazard for people residing or working in the project area.

**f) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?**

**No Impact.** Adherence to City Policy HS-3.2 (Early Project Review) would require the SCCFD to review all projects requiring public review in the early design stage to ensure that, among other criteria, the proposed project would not impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan. Implementation of the Master Plan would not impair implementation of, or physically interfere with, an adopted emergency response plan or emergency evacuation plan.

Future projects implemented as part of the Master Plan would be designed to be consistent with all applicable General Plan and Master Plan policies. Most Master Plan enhancement opportunities are proposed for existing parks and would have little likelihood of causing interference with an emergency response plan or an emergency evacuation plan. Some Master Plan opportunities include the acquisition of new park land or the development of new facilities (see Table 2-4). While the Master Plan identifies specific types of park improvements contemplated, it does not present project-level design plans for any specific improvement or project. Once design and implementation information become available for specific projects, the



City would evaluate the project to determine if its impacts are covered by this programmatic IS/MND or whether subsequent environmental review is required. Due to this, and by following existing codes and regulations, there would be no impact to emergency plans.

**g) Expose people or structures, either directly or indirectly, to a significant risk of loss, injury, or death involving wildland fires?**

**Less Than Significant Impact.**

The environmental setting states that none of the City's parks and recreation facilities are located in a Very High Fire Severity Zone (VHFSZ). The four parks within a High Fire Severity Zone (HFSZ) are at an elevated risk of wildland fires.

Two of the parks within a HFSZ (Little Rancho Park, and Canyon Oak Park) do not have any improvements proposed under the Master Plan, and there would be no requirement for the installation of associated infrastructure.

Because none of the City's parks and recreation facilities is located in a VHFSZ, the project would not change the existing conditions in a VHFHSZ and, therefore, would not exacerbate wildfire risks and would not expose people or structures to significant risk from wildfire.

The other two parks in the HFHSZ (Monta Vista Recreation Center & Park, and Linda Vista Park), have more substantial potential enhancement opportunities identified, such as the renovation or replacement of the existing buildings at Monta Vista, and at Linda Vista Park the addition of features such as a picnic shelter or pavilion, a destination nature play and/or water play area, and potentially including adventure or challenge elements. These improvements would necessitate separate CEQA documentation which would include a discussion of wildfire risks.

Adoption of the Master Plan and implementation of its recommendations would not increase existing fire hazard conditions or further expose park visitors to extreme fire hazard. Therefore, implementation of the Master Plan would not expose people or structures to a significant risk of loss, injury or death involving wildland fires.

**3.10 HYDROLOGY AND WATER QUALITY**

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

**3.10.1 Environmental Setting**

This analysis summarizes and draws from the environmental and regulatory setting information for Hydrology and Water Quality chapter contained in the City's General Plan EIR (2014) and updated as appropriate.

**Climate**

The City is located within a Mediterranean-type climate zone, with almost all precipitation falling between the months of October and May. Average rainfall is 15.93 inches. Temperatures tend to be fairly mild with an average high of 71 degrees Fahrenheit and low of 50 degrees Fahrenheit.

## Hydrology and Surface Water Drainage

The City of Cupertino lies within the Lower Peninsula and West Valley Watersheds; which are divided into smaller watersheds within the City's boundaries: Permanente Creek, Stevens Creek, Calabazas Creek, Saratoga Creek, Junipero Serra Channel, and Sunnyvale East Channel watersheds. The watersheds eventually discharge into south San Francisco Bay approximately 12 miles north and include the following waterways (see Figure 2-2):

- Permanente Creek
- Heney Creek
- Stevens Creek
- Regnart Creek
- Prospect Creek (primarily outside City limits)
- Calabazas Creek, and
- Saratoga Creek.

There are no other major surface water bodies within the City's boundary; however, Stevens Creek Reservoir managed by the Santa Clara Valley Water District is nearby and within the City's sphere of influence.

The City's Department of Public Works manages the stormwater drainage system including public streets, sidewalks, curbs, gutters and storm drains.

## Groundwater

Cupertino is within the Santa Clara subbasin of the Santa Clara Valley Groundwater Basin. The Santa Clara Subbasin extends from the southern edge of San Francisco Bay through the Coyote Valley to approximately Cochrane Road in Morgan Hill. Groundwater movement generally follows the surface water patterns flowing from the interior of the subbasin northerly toward San Francisco Bay. Groundwater levels within Cupertino are generally 50 feet or more below ground surface (bgs). The basin is divided into confined and recharge areas. Almost all of the City of Cupertino is located within the Santa Clara subbasin recharge area. The City has one recharge facility, the McClellan Road Ponds recharge facility which is owned and managed by the Santa Clara Valley Water District. The creeks that flow through the City also provide seepage and groundwater recharge.

## Water Quality

Surface water quality is affected by point source and non-point source (NPS) pollutants. Point source pollutants are emitted at a specific point, such as a pipe, while NPS pollutants are generated by surface runoff from diffuse sources such as streets, paved areas, and landscape areas. Point source pollutants are mainly controlled with pollutant discharge regulations established by the San Francisco Bay RWQCB through National Pollutant Discharge Elimination System, or waste discharge requirements (see Regulatory section, below).

NPS pollutants are more difficult to monitor and control and are important contributors to reductions in surface water quality in urban areas. Typical stormwater runoff pollutants include oil, grease, and metals accumulated in streets, driveways, parking lots, and rooftops, as well as pesticides, herbicides, particulate matter, nutrients, animal waste, and other substances from landscaped areas. In general, pollutant concentrations in stormwater runoff do not vary significantly within an urbanized watershed. However, pollutant concentrations do increase when impervious cover is more than 40 to 50 percent of the drainage area. Runoff volume is the most important variable in predicting pollutant loads.

## Flooding

According to flood mapping prepared by the Federal Emergency Management Agency (FEMA), small portions of Cupertino are within the 100-year floodplain (designated as zone A and AE,

denoting a risk of flooding of 1 percent for any given year). The 100-year floodplain within the City is confined to the areas immediately adjacent to creeks and streams. City parks in or adjacent to these flood hazard areas include Stevens Creek Corridor Park, Varian Park, Creekside Park, Wilson Park, Sterling Barnhart Park, and the Rancho Rinconada special district facility (owned and managed by an independent park and recreation district) (General Plan EIR Figure 4.8-4 FEMA Floodplains). The zone is shown crossing Jollyman Park; however, Regnart Creek flows underground through a culvert at this location. The 100-year flood zone is a Special Flood Hazard Area, which requires homeowners with mortgages to have flood insurance.

Most of the western and central portions of Cupertino are within the 500-year floodplain, which is considered to be a low to moderate risk area for flooding.

### **Dam Failure Inundation**

Dam failure is the uncontrolled release of impounded water behind a dam. Flooding, earthquakes, blockages, landslides, lack of maintenance, improper operation, poor construction, vandalism, and terrorism can all cause a dam to fail. The only dam with potential for failure affecting the City of Cupertino is the Stevens Creek Dam. The Division of Safety of Dams (DSOD) designated the dam as “high hazard” due to its location within a highly seismic environment (Cupertino 2015b). Major modifications were made to the dam and appurtenant structures in 1985 and 1986 to address seismic stability and spillway capacity. The dam inundation zone extends along the Stevens Creek corridor, generally widening as the creek reaches the City’s northern limits.

## **3.10.2 Regulatory Setting**

### ***Federal Regulations***

#### **Clean Water Act**

Under the Clean Water Act (CWA) of 1977, the United States Environmental Protection Agency (USEPA) seeks to restore and maintain the chemical, physical, and biological integrity of the nation’s waters. The statute employs a variety of regulatory and non-regulatory tools to reduce direct pollutant discharges into waterways, finance municipal wastewater treatment facilities, and manage polluted runoff. The CWA authorizes the USEPA to implement water quality regulations. The National Pollutant Discharge Elimination System (NPDES) permit program under Section 402(p) of the CWA controls water pollution by regulating storm water discharges into the waters of the United States (US). California has an approved state NPDES program. The USEPA has delegated authority for water permitting to the State Water Resources Control Board (SWRCB), which has divided the state into nine regional basins, each under the jurisdiction of a Regional Water Quality Control Board (RWQCB).

Section 303(d) of the CWA requires that each State identify water bodies or segments of water bodies that are “impaired” (i.e. not meeting one or more of the water quality standards established by the State). These waters are identified in the Section 303(d) list as waters that are polluted and need further attention to support their beneficial uses. Once the water body or segment is listed, the state is required to establish Total Maximum Daily Load (TMDL) for the pollutant causing the conditions of impairment. TMDL is the maximum amount of a pollutant that a water body can receive and still meet water quality standards.

The intent of the Section 303(d) list is to identify water bodies that require future development of a TMDL to maintain water quality. In accordance with Section 303(d), the RWQCB has identified impaired water bodies within its jurisdiction, and the pollutant or stressor responsible for impairing the water quality.

Section 401 requires an applicant for any Federal permit that proposes an activity that may result in a discharge to “waters of the U.S.” to obtain certification from the State that the

discharge will comply with other provisions of the CWA. In California, a Water Quality Certification is provided by the State Water Resources Control Board and/or RWQCB.

Section 404 authorizes the USACE to regulate the discharge of dredged or fill material to waters of the U. S., including wetlands. The USACE issues individual site-specific or general (Nationwide) permits for such discharges.

### **Federal Emergency Management Agency (FEMA)**

FEMA administers the National Flood Insurance Program (NFIP), which provides subsidized flood insurance to communities that comply with FEMA regulations, which limit development in flood plains. FEMA also issues Flood Insurance Rate Maps (FIRMs) that identify which land areas are subject to flooding. These maps provide flood information and identify flood hazard zones in the community. The design standard for flood protection is established by FEMA, with the minimum level of flood protection for new development set as the 100-year flood event, also described as a flood that has a 1-in-100 chance of occurring in any given year.

### **National Pollutant Discharge Elimination System**

As previously discussed, the NPDES permit program was established by the CWA to regulate municipal and industrial discharges to surface waters of the U.S. from their municipal separate storm sewer systems (MS4s). Under the NPDES Program, all facilities which discharge pollutants from any point source into waters of the U.S. are required to obtain an NPDES permit. Point source discharges include discharges from publicly owned treatment works (POTWs), discharges from industrial facilities, and discharges associated with urban runoff, such as storm water. The NPDES permit programs in California are administered by the SWRCB and the nine RWQCBs.

The SWRCB issued county-wide municipal stormwater permits in the early 1990s to operators of MS4s serving populations over 100,000 (Phase 1). On November 19, 2015, the SWRCB re-issued these county-wide municipal stormwater permits as one Municipal Regional Stormwater NPDES Permit (Order No. R2-2015-0049) to regulate stormwater discharges from municipalities and local agencies in Alameda, Contra Costa, San Mateo, and Santa Clara counties, and the cities of Fairfield, Suisun City, and Vallejo.

Provision C.3 of the Municipal Regional Permit (MRP) for New Development and Redevelopment allows the permittees to use their planning authorities to include appropriate source control, site design, and storm water treatment measures in new development and redevelopment projects to address both soluble and insoluble storm water runoff pollutant discharges and prevent increases in runoff flows from new development and redevelopment projects. The goal is to be accomplished primarily through the implementation of low impact development (LID) techniques.

### **State Regulations**

#### **Porter-Cologne Water Quality Control Act**

The Porter-Cologne Water Quality Act (Water Code Sections 1300 et seq.) is the basic water quality control law in California. The Act established the SWRCB, (see also below) and divided the state into nine regional basins, each under the jurisdiction of a RWQCB. The Act authorizes the SWRCB and RWQCBs to issue and enforce Waste Discharge Requirements, NPDES permits, Section 401 water quality certifications, or other approvals.

#### **State Water Resources Control Board**

The SWRCB is the primary State agency responsible for the protection of the state's water quality and groundwater supplies. Construction activities that disturb one or more acres of land must comply with the requirements of the SWRCB Construction General Permit (2009-0009-DWQ) as amended by 2010-0014-DWQ. Under the terms of the permit, applicants must file

permit registration documents with the SWRCB prior to the start of construction. The registration documents include a Notice of Intent (NOI), risk assessment, site map, Stormwater Pollution Prevention Plan (SWPPP), annual fee, and a signed certification statement.

### **San Francisco Bay Regional Water Quality Control Board**

The San Francisco Bay RWQCB is the regional authority responsible for planning, permitting and enforcement of the CWA. Cupertino is within the jurisdiction of the San Francisco Bay RWQCB (Region 2), which covers most of the Bay Area region, including Santa Clara County.

The San Francisco Bay RWQCB addresses region-wide water quality issues through the Water Quality Control Plan for San Francisco Bay Region (Basin Plan), which is updated every 3 years. The Basin Plan was adopted in 1993 and updated most recently in May 2017. The Basin Plan designates beneficial uses of the State waters within Region 2, describes the water quality that must be maintained to support such uses, and provides programs, projects, and other actions necessary to achieve the standards established in the Basin Plan.

### **California Fish and Game Code**

The California Department of Fish and Wildlife (CDFW) protects streams, water bodies, and riparian corridors through the streambed alteration agreement process under Section 1600 to 1616 of the California Fish and Game Code. The California Fish and Game Code establishes that “an entity may not divert or obstruct the natural flow or substantially change the bed, channel, or bank of any river, stream or lake, or deposit or dispose of debris, waste, or other material containing crumbled, flaked, or ground pavement where it may pass into any river stream, or lake (Fish and Game Code Section 1602(a)) without notifying the CDFW, incorporating necessary mitigation and obtaining a streambed alteration agreement. The CDFW’s jurisdiction extends from the top of banks and often includes the outer edge of riparian vegetation canopy cover.

### **Emergency Services Act**

The Emergency Services Act, under California Government Code Section 8589.5(b), calls for public safety agencies whose jurisdiction contains populated areas below dams, to adopt emergency procedures for the evacuation and control of these areas in the event of a partial or total failure of the dam. The Governor's Office of Emergency Services (OES), is responsible for the coordination of overall state agency response to major disasters and assisting local governments in their emergency preparedness, response, recovery, and hazard mitigation efforts. In addition, the Cal OES Dam Safety Program provides assistance and guidance to local jurisdictions on emergency planning for dam failure events and is also the designated repository of dam failure inundation maps.

### **Regional Regulations**

#### **Santa Clara Valley Water District (now “Valley Water”)**

Valley Water, previously known and referred to herein as Santa Clara Valley Water District (SCVWD), is a water resources agency responsible for balancing flood protection needs with the protection of natural watercourses and habitat in the Santa Clara Valley. Valley Water serves 16 cities and 1.8 million residents, provides wholesale water supply, operates three water treatment plants, and provides flood protection along the creeks and rivers within the county. Valley Water implements the Clean, Safe Creeks and Natural Flood Protection (CSC) Plan that created a countywide special parcel tax for flood protection, improved water quality and safety, healthy creek and bay ecosystems and trails, parks and open space along waterways.

In addition, Valley Water has developed the Water Supply and Infrastructure Master Plan, which provides the strategy for meeting the County’s future water demands to the year 2035 with a combination of reliable water supply sources and conservation programs. Groundwater in the



Santa Clara Basin is also managed by Valley Water through its 2016 Groundwater Management Plan. Valley Water also prepares an Urban Water Management Plan (UWMP, last updated in 2015) that provides information on water supply sources, historical water usage, water conservation programs, demand projections, water shortage contingencies, and water quality. Valley Water reviews plans for development projects near streams to ensure that the proposed storm drain systems and wastewater disposal systems will not adversely impact water quality in the streams. In addition, Valley Water reviews projects for conformance to Valley Water flood control design criteria, stream maintenance and protection plans, and groundwater protection programs.

*Santa Clara Valley Urban Runoff Pollution Prevention Program (SCVURPPP)* – The SCVURPPP is an association of 13 cities and towns in the Santa Clara Valley, together with the County of Santa Clara and Valley Water. The RWQCB has conveyed responsibility for implementation of storm water regulations to the member agencies of SCVURPPP. The SCVURPPP incorporates regulatory, monitoring, and outreach measures aimed at improving the water quality of South San Francisco Bay and the streams of the Santa Clara Valley to reduce pollution in urban runoff to the “maximum extent practicable.” The SCVURPPP maintains compliance with the NPDES Permit and promotes storm water pollution prevention within that context. Participating agencies (including the City of Cupertino) must meet the provisions of the common permit by ensuring that new development and redevelopment mitigate water quality impacts to storm water runoff both during the construction and operation of projects.

*Municipal Regional Storm Water NPDES Permit (MRP)* - As stated above, pursuant to Section 402 of the CWA and the Porter-Cologne Water Quality Control Act, municipal storm water discharges in the City of Cupertino are subject to the Waste Discharge Requirements of the MS4 Permit (Order Number R2-2009-0074) and NPDES Permit Number CAS612008, as amended by Order Number R2-2011-0083. Provision C.3 of the MRP addresses post-construction storm water management requirements for new development and redevelopment projects that add and/or replace 5,000 square feet or more of impervious area. Provision C.3 of the MRP also mandates that Cupertino require the incorporation of site design, source control, and storm water treatment measures into development projects, minimize the discharge of pollutants in storm water runoff and non-storm water discharge, and prevent increases in runoff flows. LID methods are the mechanisms for implementing such controls.

Effective December 1, 2011, projects must treat 100 percent of the calculated runoff (based on specific sizing criteria) with LID treatment measures that include harvesting and reuse, infiltration, evapotranspiration, or biotreatment (biotreatment may only be used if the other options are infeasible). In addition, projects that create and/or replace 5,000 square feet or more of impervious surface for auto service facilities, retail gasoline outlets, restaurants, and/or surface parking lots will also be required to provide LID treatment of storm water runoff.

In order to comply with Provision C.3 of the MRP, project sponsors are required to submit a Storm Water Management Plan (SWMP) with building plans, to be reviewed by the City of Cupertino Public Works Department. The SWMP must be prepared under the direction of a licensed and qualified professional.

### ***Local Regulations***

#### **General Plan**

The following are relevant goals and policies from the Environmental Resources and Sustainability Element, Health and Safety Element, and Infrastructure Elements of the Cupertino General Plan that are related to hydrology and water quality.

#### *Environmental Resources and Sustainability Element*

- *Goal ES-7: Ensure protection and efficient use of all water resources.*

- *Policy ES-7.1 Natural Water Bodies and Drainage Systems.* In public and private development, use Low Impact Development (LID) principles to manage stormwater by mimicking natural hydrology, minimizing grading and protecting or restoring natural drainage systems.
- *Policy ES-7.2 Reduction of Impervious Surfaces.* Minimize stormwater runoff and erosion impacts resulting from development and use low impact development (LID) designs to treat stormwater or recharge groundwater
- *Policy ES-7.3 Pollution and Flow Impacts.* Ensure that surface and groundwater quality impacts are reduced through development review and voluntary efforts.
- *Policy ES-7.8 Natural Water Courses.* Retain and restore creek beds, riparian corridors, watercourses and associated vegetation in their natural state to protect wildlife habitat and recreation potential and assist in groundwater percolation. Encourage land acquisition or dedication of such areas.
- *Policy ES-7.11 Water Conservation and Demand Reduction Measures.* Promote efficient use of water throughout the City in order to meet State and regional water use reduction targets.

#### *Health and Safety Element*

- *Goal HS-7.* Protect people and property from risks associated with floods.
- *Policy HS-7.3 Existing Non-Residential Uses in the Flood Plain.* Allow commercial and recreational uses that are now exclusively within the flood plain to remain in their present use or to be used for agriculture, provided it doesn't conflict with Federal, State and regional requirements.
- *Policy HS-7.4 Construction in Flood Plains.* Continue to implement land use, zoning and building code regulations limiting new construction in the already urbanized flood hazard areas recognized by the Federal Flood Insurance Administrator.
- *Policy HS-7.5: Hillside Grading.* Restrict the extent and timing of hillside grading operations to April through October except as otherwise allowed by the City. Require performance bonds during the remaining time to guarantee the repair of any erosion damage. Require planting of graded slopes as soon as practical after grading is complete.

#### *Infrastructure Element*

- *Policy INF-4.1 Planning and Management.* Create plans and operational policies to develop and maintain an effective and efficient stormwater system.

### **Municipal Code**

The City's Municipal Code is another primary tool that guides development in the city. It identifies land use categories, site development regulations, and other general provisions that ensure consistency between the General Plan and proposed development projects. The Municipal Code contains all ordinances for the City. The following chapters contain directives pertaining to hydrology and water quality issues:

- Chapter 9.18, Stormwater Pollution Prevention and Watershed Protection provides regulations and legal effect to the MRP issued to the City and ensures ongoing compliance with the most recent version of the NPDES permit regarding municipal stormwater and urban runoff requirements. The code contains permit requirements for construction projects and new development or redevelopment projects.

- Chapter 9.19, Water Resources Protection requires property owners to obtain permits for modification of property adjacent to a stream.
- Chapter 14.15, Landscape Ordinance, implements the California Water Conservation in Landscaping Act of 2006 establishing new water-efficient landscaping and irrigation requirements.
- Chapter 16.18, Interim Erosion and Sediment Control Plan requires implementation of an Interim Erosion and Sediment Control Plan calculating maximum runoff for the 10-year storm event and measures to be undertaken to retain sediment on site, surface and erosion control measures, and vegetative measures.
- Chapter 16.52, Prevention of Flood Damage, applies to all Special Flood Hazard Areas within the City (i.e., subject to flooding during the 100-year storm). A development permit must be obtained before new construction, substantial improvements, or development begins in any are of special flood hazard. It also specifies construction standards that must be implemented to protect buildings and improvements from flood damage.

### 3.10.3 Discussion

Implementation of Master Plan projects could result in hydrology and water quality impacts during construction and operation of new facilities/amenities.

The Master Plan is consistent with the General Plan and includes Park Master Plan Goal 7B which specifically addresses sustainable park design including consideration of permeable surfacing on new trails and parking lots, water efficient and climate controlled irrigation systems for new parks, recirculation or reuse of splash pad water, use of water efficient fixtures and articulates the City's intent to develop and implement the Master Plan in a sustainable manner while protecting natural resources. Master Plan projects would be designed, constructed, and maintained consistent with adopted City policy related to management of storm water runoff and water quality objectives.

While the Master Plan identifies specific types of park improvements contemplated, it does not present project level design plans for any specific improvement or project. In the absence of project level information, this section identifies general areas of potential hydrology and water quality resources impacts that could occur from the implementation of the Master Plan and identifies how existing City policies, programs, and procedures would reduce or avoid environmental impacts.

Adoption of the Master Plan would not approve the construction or implementation of any projects or improvements identified in the Master Plan. As funding and designs become available for specific projects, hydrology and water quality impacts related to master plan improvements, would be evaluated based on project-specific conditions. A general discussion of how construction-related and operational related activities associated with the implementation of new projects in the future could impact hydrology and water quality follows.

*Would the project:*

- a) Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?**

**Less than Significant Impact.** The Master Plan opportunities referenced in Table 2-3 in the Project Description with potential to result in environmental impacts are generally limited to minor site disturbance, for example changes to park landscaping, trenching for utilities, installation of shade structures or picnic tables, playground equipment, or additional landscaping. These activities could potentially increase the amount of sediment runoff from the site and flow into the City's storm drains or natural drainage channels. Increased sediment could negatively impact water quality of runoff flowing from the site. Objective 1D(v) of the Master

Plan encourages embracing storm water management by incorporating green infrastructure elements such as rain gardens, bioswales, permeable pavers, and detention pods to help reduce flooding, filter pollutants, reduce stormwater runoff, and replenish groundwater.

Construction of park facilities could also involve the use of hazardous materials associated with construction equipment (fuels, paints, thinners, and other chemicals or fluids), that are potentially harmful to the environment in the event of an accidental spill or improper use or handling.

Projects involving the disturbance of over one acre are subject to the requirements of the SWRCB Construction General Permit. Additionally, the City requires stormwater pollution prevention and watershed protection, stream resource protections, erosion and sediment control, pursuant to Municipal Code Chapters 9.18, 9.19 and 16.18, as explained above in the Regulatory Setting. Compliance with the regulatory and Municipal Code requirements protecting surface and water quality ensure the project would not violate water quality standards or waste discharge requirements or otherwise substantially degrade surface or groundwater quality. Therefore, the impact is considered less than significant.

Additionally, the City has developed standard measures or BMPs that are required to be included in construction contracts that outline the City's requirements for storm water runoff management, compliance measures with municipal code requirements, storm drain protection from road work, fresh concrete, and paints/solvents (see Section 2.9 in Project Description).

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

**Less than Significant Impact.** The Master Plan objectives and actions listed in Table 2-2 and enhancement opportunities presented in Table 2-3 with potential to result in environmental impacts are limited to minor site disturbance such as trenching for utilities, installation of shade structures or picnic tables, playground equipment, additional bird, bee, or tree plantings, or increasing habitat value through planting of new native landscaping and do not represent activities that would significantly change the amount of impervious surfaces within parks. The Master Plan includes Objective 7B which specifically addresses sustainable park design including consideration of permeable surfacing on new trails and parking lots and, as explained above, all new development is required to comply with the NPDES permit which requires development projects over 5,000 square feet to treat 100 percent of the calculated runoff (based on specific sizing criteria) with low impact development treatment measures that include harvesting and reuse, infiltration, evapotranspiration, or biotreatment (biotreatment may only be used if the other options are infeasible). These sustainable park design and low impact development treatment measures encourage groundwater infiltration; therefore, the Master Plan activities would not interfere substantially with groundwater recharge such that the Master Plan would impede sustainable groundwater management.

Master Plan Objective 7B also promotes water efficient and climate-controlled irrigation systems for new parks, recirculation or reuse of splash pad water, and use of water efficient fixtures. The City's Landscape Ordinance and Green Building Code also promote the efficient use of water supplies. Therefore, the project would not substantially decrease water supplies or interfere substantially with groundwater recharge and the impact is considered less than significant.

**c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:**

**i) Result in substantial erosion or siltation on- or off-site;**

**Less than Significant Impact.** Compliance with existing regulations such as the Municipal NPDES permit requirements, Municipal Code Chapters 9.18, 9.19, and 16.18, as described

above in the Regulatory Setting, and standard conditions are in place to prevent substantial erosion or siltation on- or off-site from ground-disturbing Master Plan activities. Several parks are immediately adjacent to creeks including Varian Park, Creekside Park, Wilson Park, and Sterling Barnhart Park, Linda Vista and Civic Center/Library Field, and Stevens Creek Corridor Park has Steven Creek traveling through it. Existing City parks are already developed, and improvements identified in the Master Plan would not result in the alteration of the course of a stream or river thus altering the existing drainage patterns. Therefore, the impact is considered less than significant.

**ii) Substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site;**

**Less than Significant Impact.** City projects, including Master Plan activities are subject to compliance with the NPDES permit which requires the implementation of low impact development measures that would limit the effects of new impermeable surfaces that could potentially contribute to flooding on- or off-site. Master Plan Objective 1D, action iii, specifically directs parks and trail corridors to be designed to “embrace stormwater management, incorporating green infrastructure elements, such as rain gardens, bioswales, permeable pavers, and detention ponds to help reduce flooding, filter pollutants and replenish groundwater”. Thus, this impact is considered less than significant.

**iii) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff;**

**Less than Significant Impact.** As stated in discussion c.ii) above, numerous regulations, policies and standards are in place to ensure that any proposed new development in the City does not increase the rate or amount of runoff into existing storm drain facilities. All new impervious areas over 5,000 square feet are required to implement low impact development measures and implement appropriately-sized stormwater treatment and capture to maintain runoff flow rates and volume. The improvements covered by this IS/MND are limited to minor site disturbance including trenching for utilities, installation of shade structures or picnic tables, playground equipment, additional plantings, and increasing habitat value through planting of new native landscaping, do not represent activities that would significantly change the amount of impervious surfaces within parks. These activities are considered minor in nature and, when considered with existing regulations in place by the City through General Plan policies, Master Plan policies, Municipal Code requirements, and the municipal regional permit for Santa Clara County (SCVURPP), the implementation of the Master Plan is not anticipated to result in exceedance of existing or planned stormwater drainage systems or substantial sources of polluted runoff.

**iv) Impede or redirect flood flows?**

**Less than Significant Impact.** Municipal Code Chapter 16.52 Prevention of Flood Damage applies to all Special Flood Hazard Areas within the city (i.e., areas subject to flooding during the 100-year storm) and requires that a development permit must be obtained before new construction, substantial improvements, or development begins in any area of special flood hazard. It also specifies construction standards that must be implemented to protect buildings and improvements from flood damage. This regulation ensures flood risks are not exacerbated by new development.

The Master Plan does not specifically propose any new structures or facilities at Varian Park, Creekside Park, Wilson Park, Sterling Barnhart Park, or Stevens Creek Corridor Park within identified floodplains that would impede or redirect flood flows. The structures identified are relatively small in nature, such as picnic tables, or shade structures and would not impede or redirect flood flows in a manner that would affect adjacent properties. Once design and implementation information become available for specific projects, the City would evaluate the

project to determine if its impacts are covered by this programmatic IS/MND or whether subsequent environmental review is required. Therefore, the impacts are considered less than significant.

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

**Less than Significant.** As stated above, Municipal Code Chapter 16.52 addresses flood hazards for new developments in identified flood zones and ensures facilities are designed appropriately to address the hazard.

Tsunamis are a series of traveling ocean waves generated by a rare, catastrophic event including earthquakes, submarine landslides and volcanic eruptions. The City is more than 12 miles away from the San Francisco Bay and is not located within a tsunami hazard zone.

A seiche is an oscillation wave generated in a closed or partially closed body of water which can be compared to the back-and-forth sloshing in a bath tub. Seiches can be caused by winds, changes in atmospheric pressure, underwater earthquakes, tsunamis or landslides into the water body. Bodies of water such as bays, harbors, reservoirs, ponds and swimming pools can experience seiche waves up to several feet in height during a strong earthquake. A seiche could theoretically occur in the San Francisco Bay as a result of an earthquake or other disturbance, but the threat of flooding would be no greater than the threat of tsunami inundation in a tsunami inundation zone. The City is not located within a tsunami inundation zone and therefore is not subject to seiche risk from San Francisco Bay waters.

The McClellan Ranch percolation ponds at McClellan Road/Bubb Road, and the Stevens Creek Reservoir (both owned and operated by Valley Water), are in the City or the City's sphere of influence. No specific Master Plan improvements are identified for either the McClellan Ranch percolation ponds or the Stevens Creek Reservoir areas, therefore the impact is considered less than significant. Future plans at either area would need to consider seiche inundation hazards in design planning. The project is the implementation of a park and recreation Master Plan that does not involve use of materials that are considered hazardous pollutants or materials in large amounts. Therefore, the risk of release of pollutants due to project inundation is considered less than significant.

**e) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?**

**Less than Significant Impact.** Adoption and implementation of the Master Plan would not conflict with the Basin Plan, the applicable water quality control plan for the region. As stated above, ground disturbing activities are required to implement BMPs to control sediment and erosion during construction and new development is required to implement low impact development treatment measures to ensure stormwater leaving sites does not adversely affect receiving waters. The City has measures and policies in place to limit impervious surfaces and encourage stormwater retention and recharge. Park projects would not be a point source of pollution regulated under the CWA or the Porter-Cologne Act. Park projects would not use groundwater in large enough amounts to conflict with Valley Water groundwater management plans. Therefore, the project would not conflict or obstruct implementation of a water quality control plan or sustainable groundwater management plan.



**3.11 LAND USE AND PLANNING**

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<i>Would the project:</i>				
a) Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**3.11.1 Environmental Setting**

This analysis summarizes and draws from the environmental and regulatory setting information for land use contained in the City’s General Plan Final EIR (2014b).

Cupertino is a 10.9 square mile city located on the southern portion of the San Francisco Peninsula, in Santa Clara County. The cities of Los Altos and Sunnyvale border Cupertino on the north, Santa Clara and San Jose borders Cupertino on the east, and Saratoga lies on its southern border. Unincorporated areas of Santa Clara County form the southern and western boundaries of the city.

Cupertino is a suburban community characterized by predominantly single-family residential subdivisions with distinct commercial and employment centers. The land use patterns within the City are influenced by the area’s agricultural origins (orchards were widespread in Cupertino through World War II and up through the 1960s), the hilly terrain on the City’s western margins, and the major roadways that extend through and around the city. In general, land use patterns are more urban in character as one travels northeast through the City, with predominantly larger-lot residential uses in the city’s western foothills transitioning to smaller-lot residential uses interspersed with small commercial and industrial centers, schools, and other non-residential uses. East of State Route 85, the land use pattern is even more urbanized, with hotels and major commercial uses along major highways, and large corporate campus facilities.

The proposed project is the implementation of the City’s Parks and Recreation System Master Plan. This environmental analysis covers proposed or potential Master Plan activities within the City’s ownership or management responsibility. Therefore, Master Plan references to activities occurring on non-City owned or operated properties is not covered (primarily on local school sites). All City-owned park and recreational facilities are designated on the Land Use Map as Parks and Open Space or Public Facilities, except for the Don Burnett Bridge Trail from Mary Avenue to Homestead Road.

The City currently has about 3.7 acres of park land per 1,000 residents, when land publicly accessible through agreements is counted (using U.S. Census Bureau data for the City’s July 2018 population estimate of 60,170 residents). The General Plan standard is a minimum of 3 acres per 1,000 residents. If the amount of land accessible due to an agreement with Cupertino Union School District is excluded, the available park land is about 178 acres (or approximately 2.96 acres per 1,000 residents).

### 3.11.2 Regulatory Setting

Land use regulations relevant to the impact analysis of each of the environmental disciplines in the Environmental Checklist are presented and discussed in the specific impact analysis section. For example, policies to protect environmentally sensitive habitats are listed in the regulatory setting of Biological Resources section (Section 3.4.2 of this Environmental Checklist), or visual resource policies in the Aesthetics Section 3.1.2). This setting discussion focuses on land use-related plans and policies that relate to the Parks and Recreation System Master Plan.

#### ***Federal and State Regulations***

There are no federal or state land use regulations that apply to the project.

#### ***Local Regulations***

##### **General Plan**

Chapter 3 of the City's General Plan is the Land Use and Community Design Element. It provides an overall policy context for future physical change in the City, including growth, and helps define the desired balance among social, environmental, and economic considerations, while enhancing the quality of life in the community. The intent of the element is to preserve and enhance the distinct character of each planning area.

Relevant goals and policies of the General Plan include:

- *Goal LU-3.* Ensure that project site planning and building design enhance the public realm through a high sense of identity and connectivity
- *Policy LU-3.1 Site Planning.* Ensure that project sites are planned appropriately to create a network of connected internal streets that improve pedestrian and bicycle access, provide public open space and building layouts that support City goals related to streetscape character for various Planning Areas and corridors.
- *Policy LU-3.2 Building Heights and Setback Ratios.* Maximum heights and setback ratios are specified in the Community Form Diagram (Figure LU-2). As indicated in the figure, taller heights are focused on major corridors, gateways and nodes. Setback ratios are established to ensure that the desired relationship of buildings to the street is achieved.
- *Policy LU-3.3 Building Design.* Ensure that building layouts and design are compatible with the surrounding environment and enhance the streetscape and pedestrian activity.
- *Policy LU-11.1 Connectivity.* Create pedestrian and bicycle access between new developments and community facilities. Review existing neighborhood circulation to improve safety and access for students to walk and bike to schools, parks, and community facilities such as the library.
- *Policy LU-27.4 Connections.* Support pedestrian and bicycling improvements that improve access with neighborhoods to parks, schools, and local retail, and between neighborhoods. Support traffic calming measures rather than blocking the street to reduce traffic impacts on neighborhoods.
- *Policy LU-27.8 Protection.* Protect residential neighborhoods from noise, traffic, light, glare, odors and visually intrusive effects from more intense development with landscape buffers, site and building design, setbacks and other appropriate measures.
- *Policy LU-27.9 Amenities and Services.* Improve equitable distribution of community amenities such as parks and access to shopping within walking and bicycling distance of neighborhoods.

- *Goal RPC-1:* Create a full range of park and recreational resources and preserve natural resources.
- *Policy RPC-1.1 Parks and Recreation Master Plan.* Prepare a citywide Parks and Recreation Plan that outlines policies to plan for the communities open space and recreational needs. Specific strategies include preparation of separate master plans for the Stevens Creek Corridor and the Civic Center.
- *Policy RPC-1.2.* Continue to implement a park land acquisition and implementation program that provides a minimum of 3 acres per 1,000 residents.
- *Goal RPC-2.* Distribute parks and open space throughout the community and provide services, and safe and easy access, to all residents and workers
- *Policy RPC-2.1 Park Land Acquisition.* The City's park land acquisition strategy should be based upon three broad objectives:
  - Distributing parks equitably throughout the City;
  - Connecting and providing access by providing paths, improved pedestrian and bike connectivity and signage; and
  - Obtaining creek lands and restoring creeks and other natural open space areas, including strips of land adjacent to creeks that may be utilized in creating buffer areas, trails and trail amenities.
- *Policy RPC-2.3 Park Land Distribution.* Strive for an equitable distribution of parks and recreational facilities throughout the City. Park acquisition should be based on the following priority list. Accessibility to parks should be a component of the acquisition plan.
  - High Priority: Parks in neighborhoods or areas that have few or no park and recreational areas.
  - Medium Priority: Parks in neighborhoods that have other agency facilities such as school fields and district facilities, but no City parks.
  - Low Priority: Neighborhoods and areas that have park and recreational areas which may be slightly less than the adopted City's park land standard.
  - Private Development: Consider pocket parks in new and renovated projects to provide opportunities for publicly-accessible park areas.
- *Policy RPC-2.4 Connectivity and Access.* Ensure that each home is within a half-mile walk of a neighborhood park or community park with neighborhood facilities; ensure that walking and biking routes are reasonably free of physical barriers, including streets with heavy traffic; provide pedestrian links between parks, wherever possible; and provide adequate directional and site signage to identify public parks.
- *Policy RPC-2.5 Range of Park Amenities.* Provide parks and recreational facilities for a variety of recreational activities. Strategy identified to address special needs groups (such as seniors, disabled, or visually challenged individuals) by making improvements to existing facilities and trails.
- *Goal RPC-3.* Preserve and enhance access to parks that have significant natural resources
- *Policy RPC-3.1 Preservation of Natural Areas.* Design parks to utilize natural features and the topography of the site in order to protect natural features and keep maintenance costs low. Strategies identified include maximizing native planting, restore and provide

access to creek and riparian habitat where possible, and to consider establishing Nature Play Areas in lieu of more conventional play equipment.

- *Goal RPC-4.* Integrate parks and public facilities within neighborhoods and areas
- *Policy RPC-4.1 Recreational Intensity.* Design parks appropriately to address the facility and recreational programming required by each special area and neighborhood based on current and future plans for the areas.
- *Policy RPC-4.2 Park Safety.* Design parks to enhance public safety by providing visibility to the street and access for public safety responders.
- *Goal RPC-5:* Create an interconnected system of multiuse trails and provide safe pedestrian and bicycle access through the city and connections to local nodes and destinations.
- *Policy RPC-5.1 Open Space and Trail Linkages.* Dedicate or acquire open space land along creeks and utility through regional cooperation, grants and private development review.
- *Policy RPC-5.2 Pedestrian and Bicycle Paths.* Develop a citywide network of pedestrian and bicycle pathways to connect employment centers, shopping areas and neighborhoods to services including parks, schools, libraries and neighborhood centers.
- *Goal RPC-6:* Create and maintain a broad range of recreation programs and services that meet the needs of a diverse population.

### **Heart of the City Specific Plan**

The Heart of the City Special Area is a key mixed-use, commercial corridor that encompasses approximately 635 acres along Stevens Creek Boulevard between Highway 85 and the eastern city limit. The Heart of the City Specific Plan guides development and redevelopment of the Stevens Creek Boulevard corridor to implement the vision of “pedestrian-inclusive gathering places” to support a sense of place for Cupertino residents and visitors. According to the Specific Plan, new development projects “should include pedestrian and bicycle pathways.” Memorial Park, Quinlan Community Center, Cupertino Senior Center and Sports Center, and Civic Center are within the Heart of the City Specific Plan area.

### **Municipal Code**

Besides the General Plan, the Municipal Code is the primary tool that regulates development in Cupertino. The Municipal Code contains all ordinances for the City and identifies land use categories, site development regulations, and other general provisions that ensure consistency between the General Plan and proposed development projects

Title 19 of the Municipal Code establishes the City’s Zoning Ordinance. The Zoning Ordinance describes the zoning designations and contains the zoning map and development standards for the zoning designations. Zoning Ordinance Chapters 19.88 and 19.92 regulate Open Space and Parks and Recreation zones, respectively.

### **Cupertino Bicycle Transportation Plan (2016)**

Cupertino adopted a Bicycle Transportation Plan in 2016 to guide the development and implementation of improving the City’s bicycling environment. The Plan included a needs analysis, infrastructure recommendations, trail feasibility study, recommended programs, and implementation strategy.

### **Cupertino Pedestrian Transportation Plan (2018)**

The Cupertino adopted a Pedestrian Master Plan in 2018 to achieve its vision of an inviting, safe and connected pedestrian network that enhances the quality of life for all community

members and visitors. The plan is a guiding framework for the development and maintenance of pedestrian facilities throughout the City and recommend policies, programs, and messaging to support and promote walking.

### **Cupertino ADA Transition Plan (2015)**

In 2015, the City of Cupertino adopted an Americans with Disabilities Act (ADA) Self-Evaluation and Transition Plan in accordance with the requirements of the ADA for public entities. The ADA Transition Plan reviews the programs, activities, and services provided by the City and identifies and prioritizes removal of current barriers to accessibility.

The Transition Plan also includes a ten-year plan for accessibility barrier removal (15-year schedule for barrier removal within the public rights-of-way). The Plan prioritizes the criteria for barrier removal on public rights-of-way

#### **3.11.3 Discussion**

*Would the project:*

##### **a) Physically divide an established community?**

**No Impact.** The proposed Master Plan contains recommendations for the City's parks and recreation system. One of the main goals of the Master Plan is to improve connectivity within the City by enhancing bicycle and pedestrian access from neighborhoods to local parks. Increased connectivity would be achieved by implementation of the City's Bicycle Transportation Plan and Pedestrian Transportation Plan, as well as the proposed Park and Recreation System Master Plan. There are no recommendations in the Park and Recreation System Master Plan that would physically divide an established community. Therefore, there would be no impact as a result of physically dividing an established community.

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

**Less than Significant Impact.** The Master Plan incorporates relevant data and policies from several documents including the General Plan (2015b), the Bicycle Transportation Plan (2016), the Pedestrian Transportation Plan (2018) and the ADA Self Evaluation and Transition Plan (2015) (Master Plan pg. 1). None of the Master Plan potential enhancement opportunities ("project activities") evaluated by this IS/MND with potential for environmental impacts would cause a significant impact due to a conflict with any established land use plan policy or regulation adopted for the purpose of mitigating a significant environmental effect, because project activities would occur at existing park and recreation facilities designated as park or public facilities consistent with Cupertino land use and zoning designations, and would be subject to the all the City's adopted plans and policies. While the Master Plan identifies specific types of park improvements contemplated, it does not present project-level design plans for any specific improvement or project. Once design and implementation information become available for specific projects, the City would evaluate the project to determine if its impacts are covered by this programmatic IS/MND or whether subsequent environmental review is required. Therefore, this impact is considered less than significant.

**3.12 MINERAL RESOURCES**

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

**3.12.1 Environmental Setting**

There are several mineral resource areas located in the City’s sphere of influence, but outside the City limits. Two quarries, Lehigh Permanente and Stevens Creek, have been designated by the State as having mineral deposits of regional or state significance. These quarries are located in the unincorporated Santa Clara County outside City limits and, therefore, are within the jurisdiction of Santa Clara County. Many areas within Cupertino’s City limits containing mineral resources have already been developed into residential and other uses. A portion of Linda Vista Park contains land that was part of the former McDonald-Dorsa quarry, which closed in the early 1970s and is not a current source of minerals. Furthermore, the quarry was closed before the enactment of the Surface Mining and Reclamation Act (SMARA) in 1975. Therefore, any redevelopment in the area would need to address as needed any soil stabilization and reclamation issues.

**3.12.2 Regulatory Setting**

***Federal Regulations***

***Surface Mining and Reclamation Act of 1975***

The Surface Mining and Reclamation Act of 1975 (SMARA, Public Resources Code, Sections 2710-2796) provides a comprehensive surface mining and reclamation policy including the regulation of surface mining operations to assure that adverse environmental impacts are minimized and that mined lands are reclaimed to a usable condition. SMARA also encourages the production, conservation, and protection of the state’s mineral resources. Public Resources Code Section 2207 provides annual reporting requirements for all mines in the state, under which the State Mining and Geology Board is also granted authority and obligations.

***Local Regulations***

**General Plan**

The following policies and strategies in Cupertino’s General plan address mineral resources in the project area:

- Policy ES-6.1: Cooperatively work with Santa Clara County to ensure that plans for restoration and mining operations at Lehigh Hanson and Stevens Creek quarries consider environmental impacts and mitigations.
- Strategy ES-6.1.2: Consider designating abandoned quarries for passive recreation to enhance plant and wildlife habitat and rehabilitate the land.



### 3.12.3 Discussion

*Would the proposed project:*

- 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?**
- 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?**

**No Impact.** (Responses a-b). A portion of Linda Vista Park contains land that was part of the McDonald-Dorsa quarry, which closed in the early 1970s and is not a current source of minerals. No other City parks include known mineral resources. Therefore, adoption of the Master Plan would not create any loss of availability of a known mineral resource of value to the region and residents of the State, and the Master Plan would not result in any adverse impacts to locally important mineral resources.

**3.13 NOISE**

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<i>Would the project result in:</i>				
a) Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or in other applicable standards of other agencies?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Generation of excessive groundborne vibration or groundborne noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within 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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**3.13.1 Environmental Setting**

Noise may be defined as loud, unpleasant, or unwanted sound. The frequency (pitch), amplitude (intensity or loudness), and duration of noise all contribute to the effect on a listener, or receptor, and whether or not the receptor perceives the noise as objectionable, disturbing, or annoying.

***The Decibel Scale (dB)***

The decibel scale (dB) is a unit of measurement that indicates the relative amplitude of a sound. Sound levels in dB are calculated on a logarithmic basis. An increase of 10 dB represents a tenfold increase in acoustic energy, while 20 dBs is 100 times more intense, 30 dBs is 1,000 more intense, and so on. In general, there is a relationship between the subjective noisiness, or loudness of a sound, and its amplitude, or intensity, with each 10 dB increase in sound level perceived as approximately a doubling of loudness.

***Sound Characterization***

There are several methods of characterizing sound. The most common method is the “A-weighted sound level,” or dBA. This scale gives greater weight to the frequencies of sound to which the human ear is most sensitive. Thus, most environmental measurements are reported in dBA, meaning decibels on the A-scale.

Human hearing matches the logarithmic A-weighted scale, so that a sound of 60 dBA is perceived as twice as loud as a sound of 50 dBA. In a quiet environment, an increase of 3 dB is usually perceptible, however, in a complex noise environment such as along a busy street, a noise increase of less than 3 dB is usually not perceptible, and an increase of 5 dB is usually perceptible. Normal human speech is in the range from 50 to 65 dBA. Generally, as environmental noise exceeds 50 dBA, it becomes intrusive and above 65 dBA noise becomes excessive. Nighttime activities, including sleep, are more sensitive to noise and are considered affected over a range of 40 to 55 dBA.

Sound levels are usually not steady and vary over time. Therefore, a method for describing either the average character of the sound or the statistical behavior of the variations over a period of time is necessary. The continuous equivalent noise level ( $L_{eq}$ ) descriptor is used to represent the average character of the sound over a period of time. The  $L_{eq}$  represents the level of steady-state noise that would have the same acoustical energy as the sum of the time-varying noise measured over a given time period.  $L_{eq}$  is useful for evaluating shorter time periods over the course of a day. The most common  $L_{eq}$  averaging period is hourly, but  $L_{eq}$  can describe any series of noise events over a given time period.

Variable noise levels are the values that are exceeded for a portion of the measured time period. Thus, the  $L_{01}$ ,  $L_{05}$ ,  $L_{16.7}$ ,  $L_{25}$ ,  $L_{50}$ , and  $L_{90}$  descriptors represent the sound levels exceeded 1%, 5%, 16.7%, 25%, 50%, and 90% of the time the measurement was performed. The  $L_{90}$  value usually corresponds to the background sound level at the measurement location.

When considering environmental noise, it is important to account for the different responses people have to daytime and nighttime noise. In general, during the nighttime, background noise levels are generally quieter than during the daytime but also more noticeable due to the fact that household noise has decreased as people begin to retire and sleep. Accordingly, a variety of methods for measuring noise have been developed. The California General Plan Guidelines for Noise Elements identifies the following common metrics for measuring noise (Office of Planning and Research, 2017):

- **DNL (Day-Night Average Level):** The average equivalent A-weighted sound level during a 24-hour day, divided into a 15-hour daytime period (7 AM to 10 PM) and a 9-hour nighttime period (10 PM to 7 AM). A 10 dB “penalty” is added to measure nighttime noise levels when calculating the 24-hour average noise level. For example, a 45-dBA nighttime sound level (e.g., at 2 AM) would contribute as much to the overall day-night average as a 55-dBA daytime sound level (e.g., at 7 AM).
- **CNEL (Community Noise Equivalent Level):** The CNEL descriptor is similar to DNL, except that it includes an additional 5 dBA penalty for noise events that occur during the evening time period (7 PM to 10 PM). For example, a 45-dBA evening sound level (e.g., at 8 PM) would contribute as much to the overall day-night average as a 50-dBA daytime sound level (e.g. at 8 AM).

The artificial penalties imposed during DNL and CNEL calculations are intended to account for a receptor’s increased sensitivity to noise levels during quieter nighttime periods. As such, the DNL and CNEL metrics are usually applied when describing longer-term ambient noise levels because they account for all noise sources over an extended period of time and account for the heightened sensitivity of people to noise during the night. In contrast, the  $L_{eq}$  metric is usually applied to shorter reference periods where sensitivity is presumed to remain generally the same.

### **Noise-Sensitive Receptors**

Noise-sensitive receptors are buildings or areas where unwanted sound or increases in sound may have an adverse effect on people or land uses. Residential areas, hospitals, schools, and parks are examples of noise-sensitive receptors that could be sensitive to changes in existing environmental noise levels. In general, the City’s parks are considered a noise-sensitive land use. In addition, residences, schools, and other noise-sensitive land uses are generally located adjacent or in close proximity to most of the City’s small neighborhood parks, large neighborhood parks, school fields, and trails.

### **Existing Noise Setting and Ambient Noise Levels**

The City’s noise environment consists of transportation and non-transportation related noise sources.

The General Plan Health and Safety Element identifies traffic noise as the predominant noise source in the City. Interstate 280 (I-280), Highway 85, and several major arterial roads such as, but not limited to, Stevens Creek Boulevard, De Anza Boulevard, Homestead Road, and Foothill Boulevard are all located within the City's boundaries. Although the City receives some aircraft-related noise from planes traveling to and from San Jose International Airport (approximately six miles northwest of the city center) and other nearby airports, it is not located in a noise-impacted area for any airport. Similarly, although the City contains one freight rail line (serving the Lehigh Permanente Quarry), rail service is infrequent and is not a significant contributor to the City's transportation-related noise environment.

The General Plan Health and Safety Element identifies that non-transportation noise sources may occur from all land use types. The City is mostly developed with residential, commercial, mixed-use, institutional, and light industrial land uses that can generate noise from heating, ventilation, and air conditioning (HVAC) systems, loading docks, trash compactors, and machinery.

The General Plan contains information on ambient noise levels throughout the City. Although this information is approximately five years old, it is still considered to be a generally accurate representation of the range of potential ambient noise levels throughout the City. The data collected as part of the General Plan process indicated noise levels at short-term (15 minute) measurement locations ranged from a minimum of 58.4 dBA  $L_{eq}$  near Memorial Park to 67.3 dBA  $L_{eq}$  near Jollyman Park to a maximum of 71.4 dBA  $L_{eq}$  along South De Anza Boulevard. The majority of the ambient noise levels measured throughout the City were between 65 and 70 dBA  $L_{eq}$ , with the overall average for all measurements being 66.2 dBA  $L_{eq}$ . Noise levels tended to be higher adjacent to major roadways and freeways, where high volumes of traffic were the dominant source of noise. Long-term measurements collected near Stevens Creek Boulevard in 2014 indicated noise exposure levels of approximately 69 to 72 DNL.

The Master Plan categorizes the City's existing parks into six categories: community parks, large neighborhood parks, small neighborhood parks, special use sites, trail corridors, and school fields. These facilities, and their potential noise sources, are described below:

- **Community Parks**, including Memorial Park and Stevens Creek Corridor, are large parks that serve multiple City neighborhoods. These parks are surrounded by a mix of land uses that are primarily residential, commercial or institutional in nature. Noise sources at community parks include human speech, crowd noise, whistles, mechanical equipment, and noise from activities associated with the use of sport fields, community centers, and/or recreation features.
- **Large Neighborhood Parks** such as, but not limited to, Creekside Park, Portal Park, and Wilson Park, are approximately 4 to 13 acres in size and primarily serve the neighborhood in which they are located, although they may contain one or more specific features that draw residents from different neighborhoods. Typical amenities include play equipment, turf, sport courts, benches, picnic tables, and landscaped areas. Noise sources in neighborhood parks include speech, whistles, and other noise sources associated with gatherings or groups of people for sports and recreation purposes.
- **Small Neighborhood Parks** such as, but not limited to, Franco Park and Somerset Park, are approximately 0.3 to 3 acres and serve the local neighborhood surrounding the park. Typical amenities include play equipment, benches, picnic tables, and landscaped areas that produce noise, such as children's play, conversations, and dogs barking.
- **Special Use Sites** such as, but not limited to, the Civic Center and Cupertino Sports Center, are multi-use civic spaces for gathering and programming. Typical amenities include interior and exterior civic space, community facilities (meeting halls, e.g.), dog parks, or sports centers. These facilities produce noise from vehicle trips, crowds, gatherings and groups of people engaged in sports and recreation activities and building operations.

- **Trail Corridors** such as, but not limited to, Don Burnett Bicycle Pedestrian Bridge and Trail and Saratoga Creek Trail, provide local connectivity, park land access and riparian corridor protection. In general, these facilities provide trails and paths for pedestrian and bicycle travel and do not result in human congregation that generates noise in any location for prolonged periods of time.
- **School Fields** (managed by the City) are sports fields and recreation facilities located at elementary and middle schools that are available for community use when the fields are not in use by the school. Noise sources from school field use include crowds, gatherings, children playing on equipment, and groups of people engaged in sports, school, or field recreation activities.

In general, most of the City's existing park and recreation facilities are not located directly adjacent to major roadways and other sources of loud noise. Exceptions to this include but are not limited to Memorial Park (adjacent to Stevens Creek Boulevard), Franco Park (adjacent to Homestead Road), and Jollyman Park (adjacent to Stelling Road). The City's existing park and recreation facilities, particularly the City's small and large neighborhood parks (see Table 2-1) that serve the local neighborhood and are usually surrounded by residential and other noise sensitive land uses, contribute to local ambient noise levels. With regard to public facility noise, the General Plan states that "outdoor activities that occur on school campuses and in parks throughout the City generate noticeable levels of noise. Noise generated on both the weekdays (from physical education classes and sports programs) and weekends (from use of the fields and stadiums) can elevate community noise levels." (Cupertino 2015a, Appendix D (Community Noise Fundamentals, pg. D-11.)

### **Groundborne Vibration and Noise**

Vibration is the movement of particles within a medium or object such as the ground or a building. Vibration may be caused by natural phenomena (e.g., earthquakes, volcanic eruptions, sea waves, landslides) or humans (e.g., explosions, machinery, traffic, trains, construction equipment). Vibration sources are usually characterized as continuous, such as factory machinery, or transient, such as explosions.

As is the case with airborne sound, groundborne vibrations may be described by amplitude and frequency; however, unlike airborne sound, there is no standard way of measuring and reporting amplitude. Vibration amplitudes can be expressed in terms of velocity (inches per second) or discussed in dB units in order to compress the range of numbers required to describe vibration. Vibration impacts to buildings are usually discussed in terms of peak particle velocity (PPV) in inches per second (in/sec). PPV represents the maximum instantaneous positive or negative peak of a vibration signal and is most appropriate for evaluating the potential for building damage. Vibration can impact people, structures, and sensitive equipment. The primary concern related to vibration and people is the potential to annoy those working and residing in the area. Vibration with high enough amplitudes can damage structures (such as crack plaster or destroy windows). Ground-borne vibration can also disrupt the use of sensitive medical and scientific instruments, such as electron microscopes.

Groundborne noise is noise generated by vibrating building surfaces such as floors, walls, and ceilings that radiate noise inside buildings subjected to an external source of vibration. The vibration level, the acoustic radiation of the vibrating element, and the acoustical absorption of the room are all factors that affect potential groundborne noise generation.

### **3.13.2 Regulatory Setting**

#### **State Regulations**

#### **California Department of Transportation**

The California Department of Transportation' (Caltrans) *Transportation and Construction Vibration Guidance Manual* provides a summary of vibration criteria that have been reported by researchers, organizations, and governmental agencies (Caltrans, 2013a). Chapter six of this manual provides Caltrans' guidelines and thresholds for evaluation of potential vibration impacts on buildings and humans from transportation and construction projects. These thresholds are summarized in Table 3-6: Caltrans' Vibration Threshold Criteria for Building Damage and Table 3-7: Caltrans' Vibration Threshold Criteria for Human Response.

Structural Integrity	Maximum PPV (in/sec)	
	Transient	Continuous
Historic and some older buildings	0.50	0.25
Older residential structures	0.50	0.30
New residential structures	1.00	0.50
Modern industrial and commercial structures	2.00	0.50
Source: Caltrans, 2013a		

Human Response	Maximum PPV (in/sec)	
	Transient	Continuous
Barely perceptible	0.035	0.012
Distinctly perceptible	0.24	0.035
Strongly perceptible	0.90	0.10
Severely perceptible	2.00	0.40
Source: Caltrans,2013a		

### **Local Regulations**

#### **General Plan**

The Health and Safety Element of the City's General Plan includes goals, policies, and strategies to ensure that the community continues to enjoy a high quality of life through reduced noise pollution, effective project design and noise management operations. The following goals, policies, and strategies from the General Plan apply to the Master Plan:

- *Goal HS-8.* Minimize noise impacts on the community and maintain a compatible noise environment for existing and future land use.
- *Policy HS-8.1 Land Use Decision Evaluation.* Use the Land Use Compatibility for Community Noise Environments chart, the Future Noise Contour Map and the City Municipal Code to evaluate land use decisions.
- *Policy HS-8.2 Building and Site Design.* Minimize noise impacts through appropriate building and site design.
  - *Strategy HS-8.2.3 Sound Wall Requirements.* Exercise discretion in requiring sound walls to be sure that all other measures of noise control have been explored and that the sound wall blends with the neighborhood. Sound walls should be designed and landscaped to fit into the environment.



- **Policy HS-8.3 Construction and Maintenance Activities.** Regulate construction and maintenance activities. Establish and enforce reasonable allowable periods of the day, during weekdays, weekends and holidays for construction activities. Require construction contractors to use the best available technology to minimize excessive noise and vibration from construction equipment such as pile drivers, jack hammers, and vibratory rollers.
- **Policy HS-8.5 Neighborhoods.** Review residents’ needs for convenience and safety and prioritize them over the convenient movement of commute or through traffic where practical.

The City’s Land Use Compatibility for Community Noise Environments Chart referenced in Policy HS-8.1 is reproduced below as Table 3-8: Land Use Compatibility for Community Noise Environments.

<b>Table 3-8: Land Use Compatibility for Community Noise Environments</b>				
<b>Land Use Category</b>	<b>Community Noise Equivalent Level (in dBA, CNEL)</b>			
	<b>Normally Acceptable</b>	<b>Conditionally Acceptable</b>	<b>Normally Unacceptable</b>	<b>Clearly Unacceptable</b>
Residential – Low Density (Single Family, Duplex, Mobile Homes)	≤ 60	≤ 70	≤ 75	> 75
Residential – Multi Family	≤ 65	≤ 70	≤ 75	> 75
Transient Lodging (Motels, Hotels)	≤ 65	≤ 70	≤ 80	> 80
Schools, Libraries, Churches, Hospitals, Nursing Homes	≤ 70	≤ 70	≤ 80	> 80
Auditoriums, Concert Halls, Amphitheaters	--	≤ 70	--	> 70
Sports Arenas, Outdoor Spectator Sports	--	≤ 75	--	> 75
Playground, Neighborhood Parks	≤ 70	--	≤ 75	> 75
Golf Course, Riding Stables, Water Recreation, Cemeteries	≤ 75	--	≤ 80	> 80
Office Buildings, Business Commercial and Professional Centers	≤ 70	≤ 77.5	> 77.5	--
Industrial, Manufacturing, Utilities, Agriculture	≤ 75	≤ 80	> 80	--
<i>Land Use Compatibility Interpretation:</i>				
<i>Normally Acceptable:</i>	<i>Specific land use is satisfactory based upon the assumption that any buildings involved are of normal conventional construction, without any special noise insulation requirements.</i>			
<i>Conditionally Acceptable:</i>	<i>New construction or development should be undertaken only after a detailed analysis of noise reduction requirements is made and needed noise reduction features included in the design. Conventional construction, but with closed windows and fresh air supply systems or air conditioning will normally suffice.</i>			
<i>Normally Unacceptable:</i>	<i>New construction or development should be generally discouraged. 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.</i>			
<i>Clearly Unacceptable:</i>	<i>New development should generally not be undertaken.</i>			
Source: Cupertino 2015a				

**Municipal Code**

The City’s Municipal Code sets forth the following requirements specific to potential park and recreation noise sources and Master Plan projects:

- Chapter 10.48, Community Noise Control
  - Section 10.48.010, Definitions, defines “Noise disturbance” as any sound which:
    1. Endangers or injures the safety or health of humans or animals; or
    2. Annoys or disturbs a reasonable person of normal sensitivities; or
    3. Endangers or damages personal or real property.
  - Section 10.48.040, Daytime and Nighttime Maximum Noise Levels, sets forth that individual noise sources, or groups of noise sources, shall not produce a noise level that exceeds the levels set forth in Table 3-9: Daytime and Nighttime Maximum Noise Levels.

<b>Table 3-9: Daytime and Nighttime Maximum Noise Levels</b>		
<b>Land Use at Point of Origin</b>	<b>Maximum Noise Level</b>	
	<b>Daytime</b>	<b>Nighttime</b>
Residential	60 dBA	50 dBA
Nonresidential	65 dBA	55 dBA

Source: Section 10.48.040 of the City Municipal Code (City of Cupertino, 2019)

- Section 10.48.050, Brief Daytime Incidents, sets forth that during the daytime period only, brief noise incidents exceeding the limits in Chapter 10.48 are allowed providing that the sum of the noise duration in minutes plus the excess noise level does not exceed twenty in a two-hour period, as shown in Table 3-10: Brief Daytime Noise Incident Levels.

<b>Table 3-10: Brief Daytime Noise Incident Levels</b>	
<b>Noise Increment Above Normal Standard</b>	<b>Noise Duration in 2-Hour Period</b>
5 dBA	15 minutes
10 dBA	10 minutes
15 dBA	5 minutes
19 dBA	1 minute

Source: Section 10.48.050 of the City Municipal Code (City of Cupertino, 2019)

- Section 10.48.051, Landscape Maintenance Activities, sets forth that the use of motorized equipment for landscape maintenance activities for public schools, public and private golf courses, and public facilities is limited to the hours of 7 AM to 8 PM on weekdays and 7 AM to 6 PM on weekends and holidays. The section also states that the use of motorized equipment for landscape maintenance activities is exempt from the noise limits set forth in Section 10.48.040 (see Table 3.13-4) provided reasonable efforts are made by the user to minimize disturbances to nearby residents by, for example, installation of appropriate mufflers or noise baffles, running equipment only the minimal period necessary, and locating equipment so as to generate minimum noise levels on adjoining properties.

- Section 10.48.053, Grading, Construction, and Demolition sets forth standards for construction-related noise:
  1. Grading, construction and demolition activities shall be allowed to exceed the noise limits of Section 10.48.040 (see Table 3.13-4) during daytime hours (7 AM to 8 PM on weekdays and 9 AM to 6 PM on weekends) provided that the equipment utilized has high-quality noise muffler and abatement devices installed and in good condition, and the activity meets one of the following two criteria: 1) No individual device produces a noise level more than 87 dBA at a distance of 25 feet; or 2) The noise level on any nearby property does not exceed 80 dBA.
  2. Grading, street construction, demolition, and underground utility work are prohibited within 750 feet of a residential area on weekends, holidays, and during the nighttime period (8 PM to 7 AM on weekdays and 6 PM to 9 AM on weekends). This restriction does not apply to emergency work activities as defined by Section 10.48.030 of the Municipal Code.
  3. Construction, other than street construction (and certain emergency work activities), is prohibited on holidays.
  4. Construction, other than street construction (and certain emergency work activities) is prohibited during nighttime periods unless it meets the nighttime standards in Section 10.48.040 (see Table 3.13-4).
- Chapter 13.04, Parks
  - Section 13.04.190, Closing Hours – Prohibitions, states that no person shall remain, stay, or loiter in any public park between the hours of 10 PM and 6 AM, unless otherwise posted at the public park.

### 3.13.3 Discussion

The adoption of the Master Plan would not authorize any specific park enhancement, improvement, or other development action identified in the Master Plan because project-specific engineering, design, and other information is not available. Because project-specific information is not available at this time, potential noise and vibration impacts can only be evaluated at a program level, based on the likely construction and operational activities associated with the Master Plan projects. Once design and implementation information become available for specific projects, the City would evaluate the project to determine whether its impacts are covered by this programmatic IS/MND, or whether subsequent CEQA analysis is necessary.

In general, the potential park enhancements, improvements, and other development actions identified in the Master Plan that are within the scope of this IS/MND (see Section 2.7) are small in size (i.e., potential projects do not have a large footprint) and scale (i.e., potential projects do not involve substantial expansion of existing park and recreational facilities or the development of significant new facilities) and are compatible with the existing active and/or passive recreational nature of the specific park type where the improvement would occur (e.g., community park, large neighborhood park, or small neighborhood park). The potential noise and vibration impact of these projects are considered and evaluated below. Examples of the types of potential noise-generating Master Plan projects include, but are not limited to (see “Site Enhancement Opportunities” for large and small neighborhood parks Table 2-3):

- Temporary construction noise from equipment use, traffic, or construction activities during development and construction of future Master Plan projects.
- Permanent park and recreation noise from the following sources:
  - Children’s play activities at playgrounds, nature play areas, water play areas, fields, and recreation facilities.
  - Passive recreation activities such as picnicking, wildlife viewing, or gardening (at parks with community gardens).

- Fitness activities such as walking, jogging, or biking (on park trails or pathways), or use of fitness equipment and fitness stations.
- Sports activities such as but not limited to soccer, basketball, baseball, or ultimate Frisbee at single- or multi-use sports fields and facilities.
- Dogs using dedicated dog parks, off-leash dog areas, or dog exercise spaces and dogs on leash.
- On-site maintenance activities such as invasive species removal, bank stabilization, and equipment and building repair activities (e.g., painting, replacing parts, etc.).
- Off-site vehicle trips on roads used to access City park and recreation facilities.

This IS/MND focuses on Master Plan goals, objectives, actions and enhancement opportunities that have the potential to cause environmental impacts when implemented (see Table 2-2 and Table 2-3). While the Master Plan identifies specific types of park improvements contemplated, it does not present project-level design plans for any specific improvement or project. In the absence of project-level information, this IS/MND identifies general areas of potential environmental impacts that could occur from implementation of the Master Plan, and identifies how existing City policies, programs, and procedures, as well as regulatory standards and programmatic procedures, would reduce or avoid environmental impacts.

Adoption of the Master Plan would not authorize any specific development, or the construction of park improvements contemplated in the Master Plan. Once design and implementation information become available for specific projects, the City would evaluate the project to determine if its impacts are covered by this programmatic IS/MND or whether subsequent environmental review is required.

Would the project result in:

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

**Less than Significant Impact.** The future development of potential park enhancements, improvements, and other development actions identified in the Master Plan would generate noise from expanded, modified, or new recreational activities and operations that could exceed City standards or result in a substantial temporary or permanent increase in ambient noise levels. These issues are discussed below.

### ***Temporary Construction Noise***

The development of future park projects could require the use of heavy-duty construction equipment that could temporarily increase noise levels at adjacent property lines near construction areas. The type of equipment used could include small bulldozers, backhoes, scrapers, compactors/rollers, cranes, pavers, material handlers/lifts, trucks and other equipment. Since specific construction equipment information is not available at this time, potential construction-related noise impacts can only be evaluated based on the typical construction equipment noise levels. Table 3-11: Typical Construction Equipment Noise Levels (dBA) presents the estimated, worst-case noise levels that could occur from operation of typical construction equipment at distances of 25 feet, 50 feet, 100 feet, and 150 feet from the equipment.

Equipment	Reference Noise Level at 25 Feet (L <sub>max</sub> )	Percent Usage Factor <sup>(A)</sup>	Predicted Noise Levels (Leq) at Distance <sup>(B)</sup>			
			25 Feet	50 Feet	100 Feet	150 Feet
Bulldozer	91	40	87	81	75	71
Backhoe	86	40	82	76	70	71
Compact Roller	86	20	79	73	67	63
Concrete Mixer	91	40	87	81	75	71
Excavator	91	40	85	81	75	71
Generator	88	50	88	79	73	69
Pneumatic tools	91	50	87	82	76	72
Scraper	91	40	87	81	75	71
Delivery Truck	91	40	79	81	75	71

Sources: Caltrans, 2013b and FHWA, 2010.  
 (A) L<sub>max</sub> noise levels based on manufacturer's specifications.  
 (B) Usage factor refers to the amount of time the equipment produces noise over the time period.  
 (C) Estimate does not account for any atmospheric or ground attenuation factors. Calculated noise levels based on Caltrans, 2009:  $L_{eq} \text{ (hourly)} = L_{max} \text{ at 25 feet} - 20\log(D/25) + 10\log(UF)$ , where: L<sub>max</sub> = reference L<sub>max</sub> from manufacturer or other source; D = distance of interest; UF = usage fraction or fraction of time period of interest equipment is in use.

Grading, construction, and demolition activities are exempt from the City's noise standards contained in Section 10.48.040 of the Municipal Code, provided the activities occur during daytime hours (7 AM to 8 PM on weekdays and 9 AM to 6 PM on weekends) and one of the following criteria is met:

- No individual device produces a noise level above 87 dBA at a distance of 25 feet; or
- The noise level on any nearby property does not exceed 80 dBA.

As shown in Table 3.11, typical construction equipment noise levels associated with the operation of equipment such as a dozer, excavator, or scraper can exceed 87 dBA at a distance of 25 feet under maximum load operations. When equipment operates under typical conditions (a combination of low and high load operations), noise levels are predicted to be 87 dBA or lower at a distance of 25 feet for all equipment (except generators), and less than 80 dBA at a distance of 100 feet.

Most potential projects identified in the Master Plan would be minor in nature (e.g. improving ADA accessibility, nature integration, pathways and seating improvements, etc.), short in duration, and would generally not require substantial or prolonged heavy equipment operation in close proximity to adjacent property lines (given that all but the smallest neighborhood parks are several acres in size). It is likely that most, if not all, Master Plan-related projects would not generate construction noise levels that exceed Municipal Code limits. Furthermore, park projects would be subject to compliance with General Plan Policy HS-8.3, which requires construction equipment to utilize the best available technology to minimize excessive noise and vibration. As identified in Section 7.22 of the General Conditions of the City's Public Works contract documents, contractors are required to comply with all applicable noise control laws, ordinances, regulations, and rules, including those identified in the City's Municipal Code (see

Section 2.9). The noise control requirements are applicable to all equipment used, regardless of whether or not it is under the contractor's ownership. For these reasons, potential construction noise from Master Plan projects would not exceed the City's Municipal Code requirements and are considered a less than significant impact.

### **Permanent Operational Noise**

As described in Section 3.13.1, the types of noises associated with the City's existing park and recreational facilities vary from location to location and are dependent on the types of amenities present at the particular park and recreation facility. For example, the noises generated at a small neighborhood park are different than those at a special use site because the small neighborhood park has few or small scale developed activities. In general, larger park and recreation facilities can accommodate a wider range of activities and a higher number of visitors and groups and, therefore, have a higher potential for noise from sports fields, playgrounds, and other recreational activities. Larger parks, however, also allow recreational activities to be located farther away from nearby property lines. Although small neighborhood parks may generate less noise, the noise source (playground, picnic areas, loud conversations, barking dogs) is usually located closer to the surrounding community than sports fields located at large community parks.

Most of the City's neighborhood parks are located in residential neighborhoods. The noise environments of the City's residential neighborhoods vary depending on the development density and proximity to a high-volume roadway; however, as described in Section 3.13.1 the majority of the daytime ambient noise levels measured throughout the City were between 65 and 70 dBA  $L_{eq}$ . These short-term noise levels generally fall within the conditionally acceptable noise exposure level (70 dBA CNEL) established by the General Plan for low-density residential, multi-family residential, and commercial land uses that may be adjacent to existing parks.

In general, the potential park enhancements, improvements, and other development actions identified in the Master Plan that are within the scope of this IS/MND would have little to no potential to generate noise levels that exceed the limits in Municipal Code Sections 10.48.040 and 10.48.050 (see Tables 3-9 and 3-10), or appreciably change the 24-hour CNEL in an adjacent neighborhood. The typical noises emanating from the City's existing parks include:

- Human voices from conversation, picnicking, celebrations, recorded music, etc.
- Children laughing and shouting
- Whistles, cheering, and other noises associated with organized and unorganized sports activities
- Dogs barking
- Equipment operations such as mowers, building equipment, etc.
- Vehicle trips to, from, and within parks

These noise sources are generally not substantial, nor prolonged, and are part of usual park environments. Most of the Master Plan projects would improve the existing infrastructure at parks and, therefore, would support existing recreation activities (e.g. improving ADA accessibility, nature integration, pathways and seating improvements, etc.). Accordingly, projects that improve walking paths or trail connections, replace play equipment or other structures, and add wayfinding signage would not change the overall existing noise environment at a park because they do not substantially change the recreational amenities available at the park, substantially change the capacity of the park to accommodate visitors, or add a new source of noise to the park. Thus, Master Plan projects that make minor improvements to existing facilities would not result in significant changes to existing noise levels.



Some of the park projects that are within the scope of this IS/MND would support new or additional recreational activities at existing park and recreational facilities, including but not limited to:

- Creating an all-inclusive play area at Jollyman Park.
- Expanding an existing play area with a nature play area or other thematic elements.
- Construction of new restrooms and other small structures such as a shade structures or small group seating areas.
- Enhancements to sports fields, such as refreshing sports fields at Creekside Park, restriping tennis courts to share for pickle ball at Monta Vista or Varian Park and adding a large/full size basketball court at various parks.
- Adding a dog play area at suitable park sites.
- Replacement, renovation, repurposing of park and recreation buildings.

The expansion or development of new park and recreation amenities at existing City parks could lead to additional visitor use, organized and unorganized sports practices and games, and gathering and groups of people for parties, picnics, and other events. This increase in activities could lead to higher noise levels at properties surrounding existing City parks; however, this increase in noise would not be significant for several reasons. First, in general, it takes a doubling of activity to result in an approximately 3 dB increase in noise levels.<sup>6</sup> This means that the number of picnic areas, sports fields and similar facilities could double, and noise levels measured at the same distance would, on average, be approximately 3 dB higher on average. This potential 3 dB increase would be predicated on: 1) All existing and new park amenities being used at the same time, at double the existing use, which may or may not be the case; and 2) The new amenities are located the same distance from the receiver location, which also may or may not be true. Second, the Master Plan does not propose doubling the capacity of sports fields at any existing park and, therefore, noise levels are not likely to increase by 3 dBA as a result of Master Plan projects.

Some Master Plan actions may result in more frequent use of existing sport fields or other facilities, but at a similar scale as the existing use, so the noise levels are not expected to change significantly. Finally, typical park and recreation activities occur during the daytime hours when higher permissible noise levels are allowed under the City's Municipal Code. None of the projects that are within the scope of this IS would include field lighting, stages, sound systems, or other infrastructure that would alter existing park operating schedules. For these reasons, the Master Plan projects that are within the scope of this IS/MND are not anticipated to result in significant increases in noise levels at noise sensitive receptor locations when measured on an hourly or daily basis as set forth by the City's Municipal Code and General Plan, respectively. In addition, one of the main focuses of the Master Plan is to expand access to recreational facilities via bike and walking routes, as opposed to taking motorized vehicles. This would reduce vehicle trips and thereby reduce vehicle related noise. Implementation of the Master Plan would have a less than significant impact.

Although the total sustained change in noise levels resulting from potential Master Plan projects is not anticipated to be significant, individual noise events from normal park uses can sometimes be perceived as a nuisance if such noises: 1) are perceived as a loud, annoying, or otherwise objectionable by the receiver; 2) occur regularly; and 3) occur in close proximity (i.e.,

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<sup>6</sup> As described in Section 3.13.1, the dB is a unit of measurement that evaluates sound pressure levels on a logarithmic scale. As such, a doubling of an activity (e.g., number of kids playing at the playground), and energy generated by the activity at the same distance from the receiver, would not result in a doubling of sound measured on the dB scale (e.g., 50 dB + 50 dB ≠ 100 dB), it would result in an increase of 3 dB (e.g., if the baseline noise level associated with an activity was 50 dB, and the activity doubled, the new noise level would be 53 dB).

generally within 100 – 200 feet) to the noise sensitive receiver. Examples of potential park-related noises that may be perceived as a nuisance include excessive dog barking, excessive shouting or yelling, or excessive sports-related noise levels (e.g., whistles, cheering, etc.). New projects implemented under the Master Plan would be evaluated during future environmental review for potential nuisance noise sources and designed so that the siting of facilities with the potential to generate nuisance noise (e.g., dog parks, group picnic areas, etc.) would be located away from sensitive residential areas. Specifically, these reviews would be conducted consistent with General Plan Goal HS-8 and Policy HS-8.2, as well as Municipal Code Section 10.40.010. Future environmental review that assesses project consistency with the City's General Plan and Municipal Code would minimize or avoid potential nuisance noise issues and render nuisance noise sources a less than significant impact.

Off-Site Traffic Noise

The potential park enhancements, improvements, and other development actions identified in the Master Plan that are within the scope of this IS/MND would occur at existing park and recreation facilities and would not lead to substantial increases in vehicles trips or park visitation. As described in Section 3.3, Air Quality, discussion a), the Master Plan would support a reduction in recreation-related vehicle trips and associated VMT through connectivity, equitable access, and the creation of high quality, inclusive recreation experiences that support and reflect Cupertino's unique character. In general, it takes a doubling of traffic, equipment, etc. to increase noise levels by approximately 3 dBA, depending on environmental conditions (Caltrans, 2013b). The proposed Master Plan would not double existing noise generating activities at any park location and, thus, would not result in substantial increases in noise levels.

**b) Generation of excessive groundborne vibration or groundborne noise levels?**

**Less Than Significant Impact.** As explained in discussion a), above, the development of future Master Plan projects could require the use of heavy-duty construction equipment such as small bulldozers, backhoes, scrapers, compactors/rollers, cranes, material handlers/lifts, and trucks. In addition to construction noise, this equipment could also generate groundborne vibration. The potential for groundborne vibration is typically greatest when vibratory or large equipment such as rollers, impact drivers, or bulldozers are in operation. For potential park projects, the largest earthmoving equipment would primarily operate during demolition, site preparation, grading, and paving work. Because specific construction equipment information is not available at this time, potential construction-related vibration impacts can only be evaluated based on the typical construction equipment noise levels. Table 3-12 presents the estimated, worst-case vibration levels that could occur from the operation of typical construction equipment at distances of 25 feet, 50 feet, and 100 feet from the equipment.

<b>Table 3-12: Typical Equipment Groundborne Vibration Levels</b>				
<b>Equipment</b>	<b>Peak Particle Velocity<sup>(A)</sup> (Inches/Second) at Distance</b>			
	<b>25 Feet</b>	<b>50 Feet</b>	<b>100 Feet</b>	<b>400 Feet</b>
Vibratory Roller	0.21	0.085	0.035	0.006
Large Bulldozer	0.089	0.036	0.015	0.002
Small Bulldozer	0.03	0.012	0.005	0.001
Loaded Truck	0.076	0.031	0.013	0.002
Jackhammer	0.035	0.014	0.006	0.001

Sources: Caltrans 2013 and FTA 2006.  
 (A) Estimated PPV calculated as:  $PPV(D) = PPV(ref) * (25/D)^{1.3}$  where  $PPV(D)$  = Estimated PPV at distance;  $PPV_{ref}$  = Reference PPV at 25 ft;  $D$  = Distance from equipment to receiver; and  $n$  = ground attenuation rate (1.3 for competent sands, sandy clays, silty clays, and silts).

As shown in Table 3-12, construction equipment vibration levels from a roller, large bulldozer, or jackhammer could exceed Caltrans vibration detection thresholds (see Section 3.13.2) for “barely perceptible” (0.035 inches/second) and approach thresholds for “distinctly perceptible” (0.24 inches/second) when operating within 25 to 50 feet of a structure and, therefore, would likely be perceptible at these building locations. This, however, is not considered to be excessive, because any equipment operation near residences or other structures would be expected to be short in duration and intermittent (lasting only a few hours or days in work areas closest to building locations). Additionally, potential construction vibration levels would not result in structural damage because the estimated vibration levels are substantially below Caltrans’ thresholds for potential damage to even the most sensitive of residential buildings (0.50 inches/second for older, un-reinforced concrete masonry buildings or historic buildings). Thus, short-term, intermittent construction equipment vibration levels would not be excessive and would be a less than significant impact.

Once operational, potential Master Plan projects would not result in the operation of equipment or activities that would generate substantial groundborne vibration levels.

**c) For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within 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?**

**No Impact.** Although the City receives some aircraft-related noise from planes traveling to and from San Jose International Airport (approximately six miles northwest of the city center) and other nearby airports, it is not located in a noise-impacted area for any airport. There are no private airports in the vicinity of the City; therefore, no impact would occur from private airport facilities. Adoption of the Park Master Plan would not have an impact related to excessive airport-related noise levels.

**3.14 POPULATION AND HOUSING**

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

**3.14.1 Environmental and Regulatory Setting**

The City of Cupertino General Plan and FEIR presents a comprehensive discussion of the City’s population and housing infrastructure and needs and presents the City’s housing policies in Chapter 4.11 of the FEIR. In 2018, Cupertino had a population of approximately 60,170 and approximately 20,715 housing units (U.S. Census Bureau 2019). The City’s household composition is weighted towards family households with children and has a correspondingly larger household size (2.83) than the overall Bay Area (Cupertino 2015b).

Several state and regional housing laws and regulations direct Cupertino’s planning for its housing needs, including the California Housing Element Law, Association of Bay Area Governments Projections, Plan Bay Area, Strategy for a Sustainable Region, and the City’s General Plan. The General Plan indicates the City’s fair-share of housing production to meet regional needs is 1,064 units (Cupertino 2015b).

**3.14.2 Discussion**

*Would the project:*

- a) Induce substantial unplanned 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)?**

**No Impact.** No residential development is proposed as part of the Master Plan. The Master Plan would provide a vision and a cohesive strategy to guide future park development, renovation, and management of the City’s park and recreation facilities. It anticipates projected population growth by planning for increased needs and use of City park facilities. Implementation of the Master Plan would not induce substantial population growth either directly or indirectly. While some projects/improvements may require additional service jobs, they would not result in a new substantial increase in population growth.

- b) Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?**

**No Impact.** The Master Plan serves as a guide to expand, preserve, and enhance the City’s park land and recreational facilities. Master Plan recommendations would not displace existing people or housing such that the construction of replacement housing would be necessary.

**3.15 PUBLIC SERVICES**

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<i>Would the project:</i>				
a) 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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
ii) Police protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
iii) Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
iv) Parks?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
v) Other public facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**3.15.1 Environmental Setting**

The City of Cupertino is a full-service city with public works and park and recreation departments, library and cultural arts programs, educational institutions, as well as youth, senior and childcare services, and public safety services provided by County Sheriff and County Fire.

**Emergency Services**

*Fire Protection*

The Santa Clara County Fire Department (SCCFD) provides fire protection services for the City of Cupertino from the Cupertino Fire Station, located at 20215 Stevens Creek Boulevard (<http://www.sccfd.org/about-sccfd/fire-station-locations/cupertino-fire-station>). Additional fire stations are located at 21000 Seven Springs Parkway and 22620 Stevens Creek Boulevard. The department employs personnel for fire prevention, suppression, investigation, administration, and maintenance, as well as a daily emergency response team. The department's suppression force is also augmented by volunteer firefighters (<https://www.cupertino.org/our-city/departments/public-safety/fire>). SCCFD maintains minimum or target response time standards for fire and emergency service calls. For calls for Emergency Medical Services (EMS), a fire company with one paramedic is expected to arrive in under 8 minutes, 90 percent of the time. For structure fire calls, the first unit is expected to arrive in under 8 minutes, 90 percent of the time; also, an effective firefighting force is expected on-scene in less than 15 minutes from dispatch of alarm at least 90 percent of the time. According to the 2017 Annual Report, the SCCFD is currently meeting response time standards (SCCFD 2017).

*Law Enforcement*

The City, and a number of surrounding jurisdictions, contract with the Santa Clara County Sheriff's Office, West Valley Division, for law enforcement services. The West Valley Division

Substation is located in Cupertino at 1601 S. De Anza Blvd., Suite #148. There are twenty-eight deputies allocated to the City of Cupertino, of which twenty-one deputies perform routine patrol functions within the City, twenty-four hours a day (seven deputies have special assignments).

### ***Emergency Operations Center***

The City's Emergency Operations Center (EOC) is located on the first floor of City Hall, with an alternate location in the Service Center on Mary Avenue. In coordination with the fire department County Sheriff's Office and teams of volunteer responders, the OES assures that emergency preparedness and disaster response resources are in place. OES operations include, but are not limited to, having an emergency communication plan, having means to provide emergency water, food, and medical supplies on hand and being trained to provide CPR and first aid. The City's emergency communications plan includes several information methods: Alert SCC, Cupertino.org, the City Channel, Radio Cupertino, and social media sites such as Facebook and Nextdoor.

### ***Schools***

The City of Cupertino is served by three different school districts: Cupertino Union School District (CUSD), Fremont Union High School District (FUHSD), and Santa Clara Unified School District (SCUSD). The CUSD and FUHSD are two main school districts serving Cupertino, and SCUSD serves a small area in the northeast corner of the City.

The CUSD serves the majority of Cupertino and some of neighboring cities, including Los Altos, San Jose, Santa Clara, Saratoga, and some unincorporated Santa Clara County areas. The CUSD operates 27 schools, including 22 elementary schools and five middle schools. Among 25 schools, eight elementary schools and three middle schools are located within the Cupertino city boundary (CUSD 2019h).

The SCUSD serves the small area in the northeast corner that neither CUSD nor FUHSD serves. Cupertino students within the SCUSD attend Laurelwood Elementary School, Peterson Middle School, and Wilcox High School (Cupertino 2019h).

The FUHSD operates five comprehensive high schools, three of which are located within the Cupertino city boundary – Cupertino, Homestead, and Monta Vista High Schools. The District also provides an adult school, a community day school, and numerous alternative programs which serve targeted student populations and/or those students who may benefit from a different educational environment, such as Middle College and College Now (located on the De Anza College campus) (FUHSD).

### ***Parks***

The City of Cupertino has approximately 224 acres of park, trails, and sports fields at 32 sites managed by the City. These include a variety of parks ranging from smaller neighborhood parks to large parks that attract people from across the community. Residents also benefit from nearby Santa Clara County parks, open space preserves, as well as other local parks and recreation resources owned and managed by other providers (see Figure 2-2).

The parks contain typical park amenities for both active and passive recreation, including lawn areas, BBQ areas, walking paths, sports fields, sports courts, restrooms and playgrounds. Cupertino's parks are well maintained, with standardized landscapes. Some newer parks, such as Sterling Barnhart, provide newer design features and higher amenity levels, and the Environmental Education Center in McClellan Ranch Preserve is a state-of-the-art green building. Trails along creeks owned and managed by Valley Water supplement Cupertino's overall open space and park system. Valley Water helped with the acquisition of lands within McClellan Ranch Preserve.



City parks and recreation facilities are also home to numerous events and programs offered in a variety of different program service areas, ranging from Aquatics to Life-long Learning & Enrichment. Within the park system, 9 indoor facilities support recreation:

- Portal Park Building
- Creekside Park Building
- Wilson Ceramic Center
- Environmental Education Center (McClellan Ranch Preserve)
- Monta Vista Recreation Center
- Quinlan Community Center
- Senior Center
- Sports Center
- Community Hall

### **Library**

The Cupertino Library is located in Cupertino's Civic Center complex and is operated by the Santa Clara County Library system. The library facility is owned and maintained by the City of Cupertino, located at 10800 Torre Avenue, which is across from City Hall. A Civic Center Master Plan was adopted in 2015 to meet the facility and parking needs of the various site elements, including the Library, Library Field, City Hall, Community Hall, and the plaza (City of Cupertino).

### **Community Centers**

The Quinlan Community Center is located at 10185 N. Stelling Road in Cupertino. Opened to the public in 1990, this 27,000 square foot facility is home to the City of Cupertino's Parks and Recreation Department and the Cupertino Historical Museum, with the art of the Cupertino Fine Arts League often lining the walls throughout the building. The Quinlan Community Center is a multi-use building, offering classrooms for recreation classes, events and programs, as well as a variety of other rooms available to rent.

The Cupertino Senior Center is located at 21251 Stevens Creek Boulevard. The center offers opportunities for education, recreation, travel, socializing, volunteering, and other services for those aged 50 and older.

## **3.15.2 Regulatory Setting**

### **Local Regulations**

#### **General Plan**

The following policies from the General Plan relate to public services in the project area:

- *Policy LU-8.5.* Plan land use and design projects to allow the City to maintain efficient operations in the delivery of services including, community centers, parks, roads, and storm drainage, and other infrastructure.
- *Policy LU-11.1.* Create pedestrian and bicycle access between new developments and community facilities. Review existing neighborhood circulation to improve safety and access for students to walk and bike to schools, parks, and community facilities such as the library.
- *Policy LU-16.2.* Create a civic heart for Cupertino that enables community building by providing community facilities, meeting and gathering spaces, public art, and space for recreation and community events.
- *Policy LU-27.9.* Improve equitable distribution of community amenities such as parks and access to shopping within walking and bicycling distance of neighborhoods.

- *Policy M-2.3.* Promote pedestrian and bicycle improvements that improve connectivity between planning areas, neighborhoods and services, and foster a sense of community.
- *Policy HS-3.1.* Coordinate wildland fire prevention efforts with adjacent jurisdictions. Encourage the County and the Midpeninsula Open Space District to implement measures to reduce fire hazards, including putting into effect the fire reduction policies of the County Public Safety Element, continuing efforts in fuel management, and considering the use of “green” fire break uses for open space lands.
- *Policy HS-3.2.* Involve the Fire Department in the early design stage of all projects requiring public review to assure Fire Department input and modifications as needed.
- *Policy HS-4.2.* Consider appropriate design techniques to reduce crime and vandalism when designing public spaces and reviewing development proposals.
- *Policy RPC-1.1.* Prepare a citywide Parks and Recreation Master Plan that outlines policies and strategies to plan for the communities open space and recreational needs.
- *Policy RPC-1.2.* Continue to implement a park land acquisition and implementation program that provides a minimum of three acres per 1,000 residents.
- *Policy RPC-2.1.* The City’s park land acquisition strategy should be based upon three broad objectives:
  - Distributing parks equitably throughout the City;
  - Connecting and providing access by providing paths, improved pedestrian and bike connectivity and signage; and
  - Obtaining creek lands and restoring creeks and other natural open space areas, including strips of land adjacent to creeks that may be utilized in creating buffer areas, trails and trail amenities.
- *Policy RPC-2.2.* Encourage the continued existence and profitability of private open space and recreation facilities through incentives and development controls.
- *Policy RPC-2.3.* Strive for an equitable distribution of parks and recreational facilities throughout the City. Park acquisition should be based on the following priority list. Accessibility to parks should be a component of the acquisition plan.
  - High Priority: Parks in neighborhoods or areas that have few or no park and recreational areas.
  - Medium Priority: Parks in neighborhoods that have other agency facilities such as school fields and district facilities, but no City parks.
  - Low Priority: Neighborhoods and areas that have park and recreational areas which may be slightly less than the adopted City’s park land standard.
  - Private Development: Consider pocket parks in new and renovated projects to provide opportunities for publicly-accessible park areas.
- *Policy RPC-2.4.* Ensure that each home is within a half-mile walk of a neighborhood park or community park with neighborhood facilities; ensure that walking and Municipal Code biking routes are reasonably free of physical barriers, including streets with heavy traffic; provide pedestrian links between parks, wherever possible; and provide adequate directional and site signage to identify public parks.
- *Policy RPC-3.1.* Design parks to utilize natural features and the topography of the site in order to protect natural features and keep maintenance costs low.

- *Policy RPC-4.1.* Design parks appropriately to address the facility and recreational programming required by each special area and neighborhood based on current and future plans for the areas.
- *Policy RPC-4.2.* Design parks to enhance public safety by providing visibility to the street and access for public safety responders.
- *Policy RPC-6.2.* Enhance the City's recreational programs and library service through partnerships with other agencies and non-profit organizations. Maintain and strengthen existing agreements with agencies and non-profit organizations, including the Library District, to ensure progressive excellence in the facilities, programs, and services provided to the diverse and growing Cupertino population.
- *Policy RPC-8.1.* Partner with school districts to allow community use of their sports fields and facilities.

### **Municipal Code**

*Title 13, Parks,* contains regulations and standards for parks and recreation buildings in the City for all people to enjoy while protecting the rights of surrounding areas. Title 13 regulates any activities that may occur at parks and recreation buildings at the time of events and/or use, which includes, but is not limited to, sanitation requirements, vehicle requirements, picnic area requirements, advertising and sale restrictions, administrative and enforcement authority, and violation penalties. It also regulates the provision of park and recreational facilities upon development for which dedication of land and/or payment of a fee is required in accordance with the adopted General Plan.

*Chapter 14.05, Park Maintenance Fee,* in Title 14, Streets, Sidewalks and Landscaping, establishes impact fees to finance the establishment, rehabilitation and maintenance of neighborhood and community parks and recreation facilities in order to reduce the impacts of declining open space within the City created by new single-lot residential development within the City. The fee is used solely to finance the acquisition and maintenance of parks and recreation facilities. The fee is calculated by multiplying the park acreage standard, average number of persons per residential dwelling unit, and value per acre.

*Title 18, Subdivisions,* contains regulations for subdivisions, including park dedication and/or in-lieu fees. Chapter 18.24 (Dedications and Reservations) includes different dedication requirements for the City in Article II (Park Land Dedication). The Park Land Dedication regulations are applied to all development except commercial or industrial subdivisions, condominium conversion, convalescent hospitals, and similar dependent care facilities. The amount of dedicated land is determined by multiplying the average number of persons per unit and the park acreage standard of 3 acres of park land for every 1,000 residents as allowed by the Quimby Act. The amount of the in-lieu fee is based on the fair market value of the land which would otherwise be required to be dedicated.

*Title 19, Zoning,* sets regulations and standards for land uses within the City. Chapters 19.88 (Open Space Zones), 19.92 (Park and Recreation Zones), and 19.96 (Private Recreation Zone) contain land use and development standards for open space, parks, and recreation buildings and uses. Chapter 19.88 (Open Space Zones) applies to open space uses in private natural areas in order to avoid urban sprawl and to preserve environmentally sensitive areas; Chapter 19.92 (Park and Recreation Zones) applies to land uses and recreational activities in publicly-owned parks and recreation areas. Chapter 19.96 (Private Recreation Zone) provides development standards for private recreational activities, including indoor recreational facilities.

### 3.15.3 Discussion

Would the proposed project:

- 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?**

ii) **Police?**

**No Impact.** (Responses i and ii). The Master Plan does not propose additional residential or other population-inducing development that would contribute to the need for the construction of additional facilities to maintain acceptable performance standards for fire protection or police facilities. Many of projects, opportunities, and actions contemplated in the Master Plan are minor in nature and would involve improving existing parks (see Section 2.6.1 in Project Description). These minor projects would not substantially alter the accessibility or response time of emergency personnel to these sites and would have no impact on police or fire protection services.

Table 2-4 identifies types of potential new major park and recreation facilities including potential new neighborhood parks, potential major new facilities such as an aquatics center, gymnasium complex and multi-use recreation center, or performing/fine arts center. Once constructed, these new facilities would require police and fire protection services but would be unlikely to impact response times or require the construction of new or altered services that would cause significant environmental impacts. While the Master Plan identifies specific types of park improvements contemplated, it does not present project-level design plans for any specific improvement or project. New park and recreation facilities would be designed and constructed in conformance with all City plans, policies and ordinances related to police and fire protection, and they would require separate environmental review once project-specific design information becomes available.

iii) **Schools?**

**No Impact.** Table 2-3 identifies general Master Plan opportunities for continued joint-use agreements for field use and improved public access on school campuses. The Master Plan does not make specific improvement recommendations or propose additional residential or other population-inducing development that would require the provision of new or physically altered governmental facilities, or the need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts related to schools.

The City and school districts would coordinate to determine the lead agency for future projects. Once design and implementation information become available for specific projects, the City and or school district would evaluate the project to determine if its impacts are covered by this programmatic IS/MND or whether subsequent environmental review is required.

iv) **Parks?**

**Less Than Significant Impact with Mitigation.** Implementation of the Master Plan may result in the acquisition of new City-owned parks and recreational facilities. Parks and recreation facilities maybe developed when opportunities for acquisition presented themselves and as funding allows. The Master Plan as a whole was designed to maintain acceptable performance standards for parks and recreational activities within the City of Cupertino. Each proposed new park would be considered, designed, and constructed consistent with adopted City policy, including but not limited to the City's standard design and construction measures as listed in the Project Description Table 2-5, and the General Plan and Municipal Code requirements.

Adoption of the Master Plan would not authorize any specific development, or the construction of park improvements contemplated in the Master Plan. Once design and implementation information become available for specific projects, the City would evaluate the project to determine if its impacts are covered by this programmatic IS/MND or whether subsequent environmental review is required. This IS/MND has included programmatic mitigation measures that would be applied to all future park projects under the Master Plan for aesthetics, biology, and cultural/tribal resources (AES-1, BIO-1, CULT-1) that mitigate potentially significant impacts to those resource areas to less than significant levels. Therefore, adoption of the Master Plan, as mitigated, would result in less-than-significant significant impacts, including cumulative impacts, with respect to the construction or improvement of parks and recreational facilities and the impact associated with the provision of new or physically altered parks is considered less than significant with mitigation.

**v) Other public facilities?**

**No Impact.** The park improvement opportunities presented in the Master Plan, such as improving playgrounds and play areas, picnic areas, adding community gardens, improving or constructing new pathways and trail linkages, and improving landscaping, would not require the provision of other new or physically altered governmental facilities that are not discussed in i-iv, above, such as libraries. Adoption of the Master Plan would not result in any significant impacts, including cumulative impacts, with respect to other public facilities such as libraries.

**3.16 RECREATION**

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<i>Would the project:</i>				
a) Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**3.16.1 Environmental Setting**

The City of Cupertino owns or manages approximately 224 acres of parks, trails, creek corridors, sports fields, and recreation facilities at 32 sites located throughout the City. Cupertino’s existing parks and recreational facilities are described in detail in Section 2.2.1, Figure 2-2, and Table 2-1 of this IS/MND. These recreational opportunities include community parks, neighborhood parks, special use sites, trail corridors, and school fields managed by the City. There are also a number of Santa Clara County or regional open space parks along the Montebello foothills and Santa Cruz Mountains within the City’s sphere of influence which provide recreation opportunities for Cupertino residents. However, these areas are not owned, operated or managed by the City and are primarily outside the City limits, and are thus not part of the Master Plan.

**3.16.2 Regulatory Setting**

**Local Regulations**

**General Plan**

The following are goals, policies, and strategies of the General Plan regarding parks and recreation that are related to the proposed Master Plan.

- *Policy LU-16.2.* Create a civic heart for Cupertino that enables community building by providing community facilities, meeting and gathering spaces, public art, and space for recreation and community events.
- *Policy ES-5.5.* Limit recreation in natural areas to activities compatible and appropriate with preserving natural vegetation, such as hiking, horseback riding, mountain biking and camping.
- *Policy ES-5.6.* Provide open space linkages within and between properties for both recreational and wildlife activities, most specifically for the benefit of wildlife that is threatened, endangered, or designated as species of special concern.
- *Strategy ES-6.1.2.* Consider designating abandoned quarries for passive recreation to enhance plant and wildlife habitat and rehabilitate the land.
- *Policy ES-7.5.* Support the Santa Clara Valley Water District efforts to find and develop groundwater recharge sites within Cupertino and provide public recreation where possible.



- *Policy ES-7.8.* Retain and restore creek beds, riparian corridors, watercourses and associated vegetation in their natural state to protect wildlife habitat and recreation potential and assist in groundwater percolation. Encourage land acquisition or dedication of such areas.
- *Policy HS-7.3.* Allow commercial and recreational uses that are now exclusively within the flood plain to remain in their present use or to be used for agriculture, provided it doesn't conflict with Federal, State, and regional requirements.
- *Goal RPC-1.* Create a full range of park and recreational resources and preserve natural resources
- *Policy RPC-1.1.* Prepare a citywide Parks and Recreation Master Plan that outlines policies and strategies to plan for the community's open space and recreational needs.
- *Policy RPC-2.2.* Encourage the continued existence and profitability of private open space and recreation facilities through incentives and development controls.
- *Policy RPC-2.3.* Strive for an equitable distribution of parks and recreational facilities throughout the City. Park acquisition should be based on the following priority list. Accessibility to parks should be a component of the acquisition plan.
  - High Priority: Parks in neighborhoods or areas that have few or no park and recreational areas.
  - Medium Priority: Parks in neighborhoods that have other agency facilities such as school fields and district facilities, but no City parks.
  - Low Priority: Neighborhoods and areas that have park and recreational areas which may be slightly less than the adopted City's park land standard.
  - Private Development: Consider pocket parks in new and renovated projects to provide opportunities for publicly-accessible park areas.
- *Policy RPC-2.5.* Provide parks and recreational facilities for a variety of recreational activities.
- *Policy RPC-4.1.* Design parks appropriately to address the facility and recreational programming required by each special area and neighborhood based on current and future plans for the areas.
- *Goal RPC-6.* Create and maintain a broad range of recreation programs and services that meet the needs of a diverse population.
- *Policy RPC-6.1.* Ensure that the City continues to offer a wide range of programs to serve diverse populations of all ages and abilities.
- *Policy RPC-7.2.* Design facilities to be flexible to address changing community needs.
- *Policy RPC-7.3.* Design facilities to reduce maintenance and ensure that facilities are maintained and upgraded adequately.
- *Policy RPC-8.1.* Partner with school districts to allow community use of their sports fields and facilities.

### ***Municipal Code***

The Municipal Code, organized by Title, Chapter, and Section, contains all ordinances for the City. The following provisions of the Municipal Code apply to parks and recreational services in Cupertino:

- *Title 13, Parks,* sets regulations and standards for parks and recreation buildings in the city for all people to enjoy and protects the rights of surrounding areas as well. Title 13

regulates any activities that may occur at parks and recreation buildings at the time of the events and/or use, which includes, but is not limited to, sanitation requirements, vehicle requirements, picnic area requirements, advertising and sale restrictions, administrative and enforcement authority, and violation penalties.

- *Chapter 14.05, Park Maintenance Fee*, in *Title 14, Streets, Sidewalks and Landscaping*, establishes impact fees to finance the establishment, rehabilitation and maintenance of neighborhood and community parks and recreation facilities in order to reduce the impacts of declining open space within the City created by new single-lot residential development within the City. The fee is used solely to finance the acquisition and maintenance of parks and recreation facilities. The fee is calculated by multiplying the park acreage standard, average number of persons per residential dwelling unit, and value per acre.
- *Title 18, Subdivisions*, sets regulations for subdivisions, including park dedication and/or in-lieu fees. Chapter 18.24 (Dedications and Reservations) includes different dedication requirements for the City in Article II (Park Land Dedication). The Park Land Dedication regulations are applied to all development except commercial or industrial subdivisions, condominium conversion, convalescent hospitals, and similar dependent care facilities. The amount of dedicated land is determined by multiplying the average number of persons per unit and the park acreage standard of 3 acres of park land for every 1,000 residents as allowed by the Quimby Act. The in-lieu fee would be determined based upon the fair market value of the land which would otherwise be required to be dedicated.
- *Title 19, Zoning*, sets regulations and standards for land uses within the City. Chapters 19.88 (Open Space Zones), 19.92 (Park and Recreation Zones), and 19.96 (Private Recreation Zone) contain land use and development standards for open space, parks, and recreation buildings and uses. Chapter 19.88 (Open Space Zones) applies to open space uses in private natural areas in order to avoid urban sprawl and to preserve environmentally sensitive areas; Chapter 19.92 (Park and Recreation Zone) applies to land uses and recreational activities in publicly-owned parks and recreation areas. Chapter 19.96 (Private Recreation Zone) provides development standards for private recreational activities, including indoor recreational facilities.

### ***Cupertino Bicycle Transportation Plan, June 2016***

In June 2016, the City Council adopted the 2016 Bicycle Transportation Plan. The Plan is a long-range planning document designed to encourage bicycling as a safe, practical and healthy alternative to motor vehicles. It addresses present and future needs of the bicycling community, lays the groundwork for grant funding eligibility for bicycle projects, and is in close alignment with the goals set by the Cupertino Bicycle Pedestrian Commission to significantly increase the attractiveness and safety of bicycling throughout the City, with a particular focus on safe connectivity to schools. A goal of the Cupertino Bicycle Transportation Plan that relates to parks and recreation is as follows:

- Goal 3: Increase and improve bicycle access to community destinations across the City of Cupertino for all ages and abilities.

### ***Cupertino Pedestrian Transportation Plan, February 2018***

To encourage walking as a viable way to get around Cupertino, the City Council adopted the 2018 Pedestrian Transportation Plan in February 2018. The Plan outlines physical improvements to the City that will provide improved access for all ages and abilities. The following goals of the plan apply to parks and recreation:

- Goal 1: Improve pedestrian safety and reduce the number and severity of pedestrian-related collisions, injuries, and fatalities.

- Goal 2: Increase and improve pedestrian access to community destinations across the City of Cupertino for people of all ages and abilities.
- Goal 3: Continue to develop a connected pedestrian network that fosters an enjoyable walking experience.

### 3.16.3 Discussion

The Master Plan focuses on improvements to existing City parks and recreation infrastructure and assess the need for new parks within the City. The Master Plan provides overall guidance for long-term decision making by City staff and priorities for park improvements and development. The Master Plan does not include an analysis of open space or undeveloped open space. The General Plan is the City's primary policy document, including for parks and recreation. The General Plan includes an analysis and policies for a Recreation, Parks, and Community Services Element. The Master Plan was written to be consistent with the definitions and standards contained in the General Plan.

The Master Plan aligns with the City's Bicycle Transportation Plan and Pedestrian Transportation Plan, adopted in 2016 and 2018 respectively, by identifying needs for connections to parks, identifying some opportunities for activities that could occur near or adjacent to the trails, and supporting the need for better access and connections to outdoor spaces and recreation throughout the City.

*Would the proposed project:*

- 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?**

**Less than Significant Impact.** The proposed project is the adoption and implementation of a Master Plan with aims to improve existing park and recreational facilities including accessibility. The result of the Master Plan is therefore likely to increase use of City parks by allowing more people to be able to visit parks and recreational facilities and by attracting people who do not currently use these sites with improved facilities. Many of the potential improvements would be considered an upgrade or enhancement to an existing facility due to the addition of amenities, landscaping, or minor improvements. Despite the anticipated increase in park use related to the implementation of the Master Plan, the Master Plan is designed to accommodate both existing and future populations. Increased sustainability and effective maintenance of City Parks are goals of the Master Plan. Thus, the Master Plan, by itself, would not cause an increase in use of the City's parks that wasn't previously anticipated [in the General Plan and that would have a negative impact on recreational facilities.

The City currently has about 3.7 acres of park land per 1,000 residents, when land publicly accessible through agreements is counted (using U.S. Census Bureau data for the City's July 2018 population estimate). The General Plan standard is a minimum of 3 acres per 1,000 residents. If the amount of land accessible due to an agreement with Cupertino Union School District is excluded, the available park land is about 178 acres (or approximately 2.96 acres per 1,000 residents).

The Master Plan standard is a minimum of 3 acres per 1,000 residents, and strives to maintain a standard of 3.7 acres of park land for every 1,000 residents (including land accessible through agreements) to serve the community's anticipated population in 2040. This new park acreage would be met by the acquisition, dedication, or other means of securing new park and recreation facilities. Each development of new park and recreation space would be undertaken as a separate project and would undergo separate CEQA review once project plans were developed.

By following Master Plan goals and ensuring that appropriate level of maintenance occurs, as outlined in the goals, objectives, and policies in the City's General Plan, impacts to parks would be at a less than significant level.

**b) Include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?**

**Less than Significant Impact with Mitigation.** The Master Plan identifies opportunities for new park and recreational facilities as well as the enhancement of existing park and recreation facilities. Improvement and updating facilities are addressed in a series of policies within the City's Municipal Code (*Title 14, Streets, Sidewalks and Landscaping*). Furthermore, the Master Plan was developed to be consistent with the General Plan, the Bicycle Transportation Plan, and the Pedestrian Transportation Plan. All park projects would be designed, constructed, and managed according to adopted City policy including the General Plan, other adopted plans, the Municipal Code, and regional storm water runoff management requirements. The City would also implement construction contract requirements to protect the environment during construction as referenced in Section 2.9 and Table 2-5 in Project Description).

Future projects proposed by the Master Plan may have impacts to the environment which would be considered in project-specific CEQA documents. Implementation of the Master Plan would have potential impacts to aesthetics (light/glare), biological resources, and cultural/tribal resources which are considered in this IS/MND. Mitigation (AES-1, BIO-1, CULT-1) is identified in the relevant sections of this IS/MND to reduce impacts to less than significant levels. Adoption and implementation of the Master Plan would have a less than significant impact effect on the environment with mitigation included this CEQA document.

### 3.17 TRANSPORTATION

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<i>Would the project:</i>				
a) Conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle, and pedestrian facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict or be inconsistent with CEQA Guidelines section 15064.3(b), which pertains to vehicle miles travelled?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

#### 3.17.1 Environmental Setting

This analysis summarizes and draws relevant from the environmental and regulatory setting information for transportation and traffic contained in the General Plan Final EIR (2014b), Bicycle Transportation Plan (2016), and Pedestrian Transportation Plan (2018).

#### Roadway Network

##### Freeways

The City of Cupertino is served by the following highways:

- I-280 is a north-south freeway that extends from US 101 in San Jose to I-80 in San Francisco. Within the City of Cupertino, it is generally an east-west oriented eight-lane freeway with six mixed-flow lanes and two carpool/High Occupancy Vehicle (HOV) lanes. Auxiliary lanes, which run from an entrance ramp to the next exit ramp, are provided along I-280 from Winchester Boulevard to SR 85, except for the segment between Wolfe Road and De Anza Boulevard. Access to/from the City of Cupertino is provided via interchanges at Foothill Boulevard, SR85, De Anza Boulevard, Wolfe Road, Stevens Creek Boulevard, and Lawrence Expressway.
- SR 85 is a north-south freeway that extends from US 101 in South San Jose to US 101 in Mountain View. The freeway has four mixed-flow lanes and two HOV lanes. Access to/from the City of Cupertino is provided via its interchange with I-280 and interchanges at Homestead Road, Stevens Creek Boulevard, and De Anza Boulevard.

##### Major Arterials

A major arterial is a through-road that is expected to carry large volumes of traffic. The major arterials within and near the City of Cupertino are described below.

- Stevens Creek Boulevard is a major east-west roadway, extending from Permanente Road in unincorporated Santa Clara County to West San Carlos Street in San Jose. The number of lanes ranges from two lanes in the western part of the City, to six lanes east of SR 85.

- Homestead Road is a four-lane, east-west arterial that extends from Foothill Expressway in the west to Lafayette Street in the east. Much of Homestead Road runs along the northern border of the City of Cupertino. It has a partial freeway interchange with access to southbound SR 85 and access from southbound SR 85.
- De Anza Boulevard is an eight-lane, north-south arterial that extends from the City of Sunnyvale to the City of Saratoga. De Anza Boulevard becomes Sunnyvale-Saratoga Road north of Homestead Road and Saratoga-Sunnyvale Road south of Prospect Road. Access is provided to/from I-280 and SR 85 via full interchanges at each freeway.
- Wolfe Road is a four- to six-lane, north-south arterial that extends from Stevens Creek Boulevard in Cupertino to Arques Avenue in Sunnyvale. North of Arques Avenue, it merges with Fair Oaks Avenue. South of Stevens Creek Boulevard it transitions into Miller Avenue, which is a four-lane roadway. Wolfe Road provides access to/from I-280 via a partial cloverleaf interchange.
- Lawrence Expressway is an eight-lane north-south expressway. Between US 101 and I-280, the right-most lane in each direction of travel is designated as a HOV lane. The HOV lane designation is in effect in both directions of travel during both the AM and PM peak commute hours. During other times, the lane is open to all users. South of I-280, Lawrence Expressway is a six-lane expressway. Lawrence Expressway begins at its junction with SR 237 and extends southward into Saratoga, where it transitions into Quito Road at Saratoga Avenue. Full interchanges are located at SR 237, US 101, and I-280.

### Existing Bicycle and Pedestrian Network Facilities

The following information is summarized from the Cupertino 2016 Bicycle Transportation Plan. Bicycle facilities are categorized into the following three types of bikeways:

- **Class I Bike/Shared Use Path:** A Class I Bicycle or Shared Use Path provides for bicycle and pedestrian travel on a paved right-of-way completely separated from streets or highways. Cupertino has approximately five miles of Class I bikeways, most of which parallel creek corridors in the community or run through open space.

One regional trail passes through Cupertino. The Stevens Creek Trail is a six-mile long discontinuous trail that runs parallel to Stevens Creek. In Cupertino, the trail runs south from Stevens Creek Boulevard to McClellan Road. The Hammond Snyder Loop Trail connects Cupertino to several regional trails in northwest Cupertino. The Saratoga Creek Trail, which forms part of the San Tomas Aquino Creek Trail system, runs down the eastern-most city border.

- **Class II Bike Lanes** provide a signed, striped, and stenciled lane for one-way travel on a roadway. Bicycle lanes are often recommended on roadways where traffic volumes and speeds are too high for comfortably sharing the travel lane. Approximately 27 miles of Class II facilities currently exist in Cupertino. They generally provide for bicyclist travel along select arterial corridors. Some Class II bike lanes in Cupertino are enhanced with green paint and/or buffer striping for an increase in visibility or lateral separation from motorized traffic.
- **Class III Bike Routes** provide for shared travel lane use and are generally only identified with signs, but some have “sharrow” markings. A wide curb lane and/or use of shared use arrow stencil marking on the pavement is known as a “sharrow.” Bike routes may have a wide travel lane or shoulder that allow for parallel travel with automobiles. They may also be appropriate on low volume, low speed streets. There are approximately 8.5 miles of Class III bike paths within the City.



- **Class IV Bike Lane (Separated Bikeway):** A Class IV Bike Lane is an exclusive facility for bicyclists that is located within or directly adjacent to the roadway and is physically separated from motor vehicle traffic with a vertical element. Two such facilities within the City will be located on Stevens Creek Boulevard between Tantau Avenue and Wolfe Road with plans to extend to Foothill Boulevard and on McClellan Road from Imperial Ave to Stelling Boulevard, with plans to extend to Byrne Avenue.

For a map of these facilities, please refer to Figure 1-4 in the Cupertino Bicycle Transportation Plan. The City's Bicycle Transportation Plan Update Initial Study (2016) noted that the bike network in the City is largely disjointed and does not provide adequate connectivity. The Bicycle Transportation Plan's intent is to improve existing facilities and to connect those facilities to a larger network of bikeways to provide for greater usage (Cupertino 2016).

### **Pedestrian Facilities**

The following information is summarized from the City of Cupertino Pedestrian Transportation Plan (PTP, 2018). The PTP is being used to achieve the City's vision for an inviting, safe, and connected pedestrian network that enhances the quality of life for all community members and visitors. The document complements the bicycle network envisioned in the Bicycle Transportation Plan, to create comprehensive active transportation options of safe routes for pedestrians and bicyclists. Pedestrian facilities are primarily composed of sidewalks and pedestrian signals at intersections along most major streets in Cupertino. The PTP identifies a number of parks that do not provide continuous sidewalks on surrounding roadways including: Three Oaks Park, Hoover Park, Civic Hall/Center, Memorial Park/Quinlan Community Center, Varian Park, Stevens Creek Corridor Park, and Monta Vista Park. See additional description of the PTP and proposed improvements, below, in Regulatory Setting.

### **Transit Services**

The Santa Clara Valley Transportation Authority (VTA) bus routes circulate throughout Cupertino. Bus stops are located along major streets including Stevens Creek Boulevard, De Anza Boulevard, Stelling Road, Bollinger Road, Homestead Road, Wolfe Road, and Tantau Avenue.

The City of Cupertino is in the process of launching an 18-month pilot program for a 10-van, on-demand micro-transit system powered by Via, an on-demand shuttle transportation service (Cupertino 2019). Anticipated to launch in fall 2019, this will bring transit service to all of Cupertino, including several locations outside of Cupertino, such as Sunnyvale Caltrain and Kaiser-Permanente Santa Clara. On-demand ride-sharing has no fixed routes and relies on a mobile phone application (App) or phone number to request rides. Initial hours of operation will be Monday – Friday from 6am – 8pm and Saturday from 9am – 5pm.

### **3.17.2 Regulatory Setting**

This section describes federal, State, regional, and local environmental laws and policies that are relevant to the CEQA review process for transportation and circulation.

#### ***Federal Regulations***

##### **Americans with Disabilities Act**

The Americans with Disabilities Act (ADA) of 1990 provides comprehensive rights and protections to individuals with disabilities. The goal of the ADA is to assure equality of opportunity, full participation, independent living, and economic self-sufficiency for people with disabilities. To implement this goal, the US Access Board, an independent Federal agency created in 1973 to ensure accessibility for people with disabilities, has created accessibility guidelines for public rights-of-way. While these guidelines have not been formally adopted, they have been widely followed by jurisdictions and agencies nationwide in the last decade. These

guidelines, last revised in July 2011, address various issues, including roadway design practices, slope and terrain issues, and pedestrian access to streets, sidewalks, curb ramps, street furnishings, pedestrian signals, parking, public transit, and other components of public rights-of-way. These guidelines would apply to proposed roadways in the City and facilities within City parks.

### **State Regulations**

#### **California Complete Streets Act of 2008 (AB 1358)**

Originally passed in 2008, California's Complete Streets Act took effect in 2011 and requires local jurisdictions to plan for land use transportation policies that reflect a "complete streets" approach to mobility. "Complete streets" comprises a suite of policies and street design guidelines which provide for the needs of all road users, including pedestrians, bicyclists, transit operators and riders, children, the elderly, and the disabled. From 2011 onward, any local jurisdiction—county or city—that undertakes a substantive update of the circulation element of its general plan must consider "complete streets" and incorporate corresponding policies and programs.

#### **Senate Bill 743**

Senate Bill (SB) 743 was signed into law on September 27, 2013. SB 743 started a process that is fundamentally changing transportation impact analysis as part of CEQA compliance. These changes include the elimination of auto delay, level of service (LOS), and other similar measures of vehicular capacity or traffic congestion as a basis for determining significant impacts. Further, parking impacts are not considered significant impacts on the environment. The new revised CEQA Guidelines were adopted on December 28, 2018 and incorporate a vehicle mile traveled (VMT) standard to evaluate traffic impacts. This evaluation approach will go into effect by July 2020 as noted below.

### **Local Regulations**

#### **General Plan**

Cupertino's traffic and transportation-related policies are found within General Plan Chapter 5: Mobility. Specific policies regarding traffic and transportation that are relevant to the proposed Master Plan include:

- *Policy M-1.2: Transportation Impact Analysis.* Participate in the development of new multi-modal analysis methods and impact thresholds as required by Senate Bill 743. However, until such impact thresholds are developed, continue to optimize mobility for all modes of transportation while striving to maintain the following intersection Levels of Service (LOS) at a.m. and p.m. peak traffic hours:
  - Major intersections: LOS D
  - Stevens Creek Boulevard and De Anza Boulevard: LOS E+
  - Stevens Creek Boulevard and Stelling Road: LOS E+
  - De Anza Boulevard and Bollinger Road: LOS E+
- *Policy M-1.3: Regional Trail Development.* Continue to plan and provide for a comprehensive system of trails and pathways consistent with regional systems including the Bay Trail, Stevens Creek Corridor, and Ridge Trail.
- *Policy M-2.1: Street Design.* Adopt and maintain street design standards to optimize mobility for all transportation modes including automobiles, walking, bicycling, and transit.

- *Policy M-2.2: Adjacent Land Use.* Design roadway alignments, lane widths, medians, parking and bicycle lanes, crosswalks and sidewalks to complement adjacent land uses in keeping with the vision of the Planning Area. Strive to minimize adverse impacts and expand alternative transportation options for all Planning Areas (Special Areas and Neighborhoods). Improvement standards shall also consider the urban, suburban and rural environments found within the City.
- *Policy M-2.3: Connectivity.* Promote pedestrian and bicycle improvements that improve connectivity between planning areas, neighborhoods and services, and foster a sense of community.
- *Policy M-2.5: Public Accessibility.* Ensure all new public and private streets are publicly accessible to improve walkability and reduce impacts on existing streets.
- *Policy M-2.6: Traffic Calming.* Consider the implementation of best practices on streets to reduce speeds and make them user-friendly for alternative modes of transportation, including pedestrians and bicyclists.
- *Policy M-3.1: Bicycle and Pedestrian Master Plan.* Adopt and maintain a Bicycle and Pedestrian master plan, which outlines policies and improvements to streets, extension of trails, and pathways to create a safe way for people of all ages to bike and walk on a daily basis.
- *Policy M-3.2: Development.* Require new development and redevelopment to increase connectivity through direct and safe pedestrian connections to public amenities, neighborhoods, shopping, and employment destinations throughout the city.
- *Policy M-3.3: Pedestrian and Bicycle Crossings.* Enhance pedestrian and bicycle crossings and pathways at key locations across physical barriers such as creeks, highways, and road barriers.
- *Policy M-3.6: Safe Spaces for Pedestrians.* Require parking lots to include clearly defined paths for pedestrians to provide a safe path to building entrances.
- *Policy M-5.3: Connections to Trails.* Connect schools to the citywide trail system.
- *Policy M-8.2: Land Use.* Support development and transportation improvements that help reduce greenhouse gas emissions by reducing per capita Vehicle Miles Traveled (VMT), reducing impacts on the City's transportation network and maintaining the desired levels of service for all modes of transportation.

### **Municipal Code**

Title 11 of the City's Municipal Code outlines numerous policies relating to vehicles, bicycles, pedestrians, parking, and traffic. Chapters relating to the project discuss bicycle use (Chapter 11.08), pedestrians (Chapter 11.09), parking regulations (Chapter 11.24-11.28), and truck routes (11.32), and roadway design features (Chapter 11.34).

### **Cupertino 2016 Bicycle Transportation Plan**

Cupertino prepared a Bicycle Transportation Plan in 2016 to guide the development and implementation of improving the City's bicycling environment. The Plan included a needs analysis, infrastructure recommendations, trail feasibility study, recommended programs, and implementation strategy. Three main goals of the plan were identified:

Goal 1: Increase awareness and value of biking through encouragement, enforcement, and evaluation programs.

Goal 2: Safety: Improve bicyclist safety through the design and maintenance of roadway improvements.

Goal 3: Mobility: Increase and improve bicycle access to community destinations across the City of Cupertino for all ages and abilities.

It also identified the following recommendations related to the Master Plan:

- Develop a comprehensive bicycle wayfinding program that offers guidance to key destinations including schools, parking, regional trails, landmarks, and civic buildings.
- Update the existing bike parking ordinance requiring all new major development to provide bicycle parking in accordance with the rates specified:
  - Parks; bicycle parking should be located next to restrooms, picnic areas, fields and other attractions, 8 bicycle parking spaces per acre.
  - Public Facilities (libraries, community centers): bicycle parking should be located near the main entrance with good visibility, 8 bicycle parking spaces per location.
- Develop special driveway standards on key bicycle corridors that allow an easier transition to and from the roadway for bicyclists.
- Recommends bikeway and bike boulevard locations (road) and mileage.

### **Cupertino Pedestrian Transportation Plan (2018)**

The City of Cupertino recently approved a Pedestrian Master Plan (February 2018) to achieve its vision of an inviting, safe and connected pedestrian network that enhances the quality of life for all community members and visitors. The plan is a guiding framework for the development and maintenance of pedestrian facilities throughout the City and recommend policies, programs, and messaging to support and promote walking.

The three primary goals of the plan are to improve safety, access, and connectivity.

- **Safety:** Improve pedestrian safety and reduce the number and severity of pedestrian-related collisions, injuries, and fatalities.
- **Access:** Increase and improve pedestrian access to community destinations across the City of Cupertino for people of all ages and abilities.
- **Connectivity:** Continue to develop a connected pedestrian network that fosters an enjoyable walking experience.

The plan also outlines a strategy to prioritize projects/improvements that should be implemented, with the lowest cost improvements (that do not require curb or drainage improvements) to be implemented within the Capital Improvement Program (CIP) as on-going pedestrian infrastructure maintenance.

General recommendations related to park and recreation facilities include:

- Ensure that pedestrian improvements are included in other ...projects.
- Continue to fund elimination of high-priority sidewalk gaps through the CIP.

Various improvements included in the Pedestrian Transportation Plan include:

- Pedestrian pathway projects (shared use paths for non-motorized users) (Stevens Creek Corridor Park, Creekside Park, Wilson Park, and Civic Center)
- Sidewalk improvements (near Stevens Creek Corridor Park, Monta Vista Park, and Memorial Park),
- Traffic calming projects (near Stevens Creek Boulevard and Stevens Creek Corridor Park),
- Intersection improvements (Stevens Creek Corridor Park, Memorial Park and Quinlan Community Center, Civic Hall), and
- Other pedestrian projects.

### **Cupertino ADA Transition Plan (2015)**

In 2015, the City of Cupertino adopted an Americans with Disabilities Act (ADA) Self-Evaluation and Transition Plan in accordance with the requirements of the ADA for public entities. The ADA Transition Plan reviews the programs, activities, and services provided by the City and identifies and prioritizes removal of current barriers to accessibility.

The Transition Plan also includes a ten-year plan for accessibility barrier removal (15-year schedule for barrier removal within the public rights-of-way). The Plan prioritizes the criteria for barrier removal on public rights-of-way as follows:

1. Government offices and facilities
2. Bus stops and transportation facilities
3. Places of public accommodation such as commercial and business areas
4. Facilities containing employers
5. Other areas such as residential neighborhoods and underdeveloped regions of the City

The Plan notes that the City has an annual curb ramp program, and that a park accessibility project was completed, including curb ramps and accessibility upgrades installed at Varian Park, Hoover Park, Three Oaks Park, Jollyman Park, and at Homestead Road and Barranca Drive. The Appendix of the ADA Transition Plan reviews public right-of-way accessibility compliance adjacent to City properties; the largest projects include Stevens Creek Boulevard and Monta Vista Park.

### **Heart of the City Specific Plan**

The Heart of the City Specific Plan guides development and redevelopment of the Stevens Creek Boulevard corridor to implement the vision of “pedestrian-inclusive gathering places” to support a sense of place for Cupertino residents and visitors. According to the Specific Plan, new development projects “should include pedestrian and bicycle pathways.” The Specific Plan also includes streetscape design guidelines that emphasize improving the pedestrian environment. Plan Bay Area, the 2013 long-range regional transportation plan adopted by the Association of Bay Area Governments (ABAG) and the Metropolitan Transportation Commission (MTC), identified the Heart of the City area as a Priority Development Area.

#### **3.17.3 Discussion**

Would the project:

- a) **Conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle, and pedestrian facilities?**

**No Impact.** Goal 2 of the Master Plan is to improve connectivity of people to parks and recreation facilities and includes policies to implement the proposed trails and paths identified in the Bicycle Transportation Plan, Pedestrian Transportation Plan, General Plan, Countywide Trails Master Plan, and other local and regional plans to improve access to parks and expand walking and biking opportunities in Cupertino. Master Plan Objective 3.C addresses expansion of recreation opportunities by enhancing park and facility access. Policy 3.C.iv includes consideration of programmatic and physical improvements to improve access by motorized and public transportation, improve drop-off areas and loading/unloading zones, facilitation or connection of residents to shuttle, transit, or transportation options. Policy 3.C.vii also promotes universal design features to ensure access is also planned with specific user groups with special needs in mind. The Master Plan is consistent with adopted plans, ordinances, and policies addressing circulation, transit, and bicycle and pedestrian facilities. Therefore, there is no impact.

Adoption of the Master Plan would not authorize any specific development, or the construction of park improvements contemplated in the Master Plan. Once design and implementation information become available for specific projects, the City would evaluate the project to

determine if its impacts are covered by this programmatic IS/MND or whether subsequent environmental review is required.

**b) Conflict or be inconsistent with CEQA Guidelines section 15064.3(b), which pertains to vehicle miles travelled?**

**Less than Significant Impact.** Amendments to the CEQA Guidelines were adopted at the end of December 2018 to give the lead agency the option of analyzing CEQA traffic impacts using the VMT approach rather than the LOS approach until July 1, 2020, at which time the use of the VMT analysis approach will be mandatory in all CEQA documents (see CEQA Guidelines Section 15064.3(c)). CEQA Guidelines section 15064.3(a), defines VMT as the amount and distance of automobile travel attributable to a project. The City has not approved local guidance or thresholds for VMT; however, guidance from the Governor's Office of Planning and Research (OPR) is available (OPR 2018). The City has however, included an advisory VMT discussion in CEQA documents since 2014. The General Plan EIR (2015) provides a City-wide discussion on the VMT impacts associated with the proposed General Plan updates. The General Plan EIR estimated the total VMT per capita to be 10.9 miles per service population per day in 2040 (see the Transportation and Traffic Chapter of the 2015 General Plan EIR for a comprehensive discussion of City-wide VMT under the proposed General Plan update conditions).

Daily and per capita VMT reflects a community's land use patterns, particularly housing and employment patterns. The Parks and Recreation System Master Plan has been developed to be consistent with the City's existing adopted planning and land use documents. As such, implementation of the Master Plan enhancement opportunities is not anticipated to increase population, employment patterns, or alter existing land use patterns in a manner that would result in a significant increase in VMT. Implementation of certain enhancement opportunities at individual parks may increase usage of that park (increased vehicle trips and VMT) but this increase is not anticipated to be significant because most trips are assumed to be generated within Cupertino and the distances to neighborhood and local parks is relatively short.

The proposed Master Plan is also not anticipated to increase VMT because it is consistent with City policies for multi-modal transportation which would decrease vehicle trips to City parks. Master Plan Goal 2A, 2B, 2C, and 2D all promote improved trails for bicycle and pedestrian access to parks, support facilities for park users who need shade, water and benches along pathways, and physical and programmatic enhancements to facilitate walking and bicycling to parks. Master Plan Goal 3A establishes a goal of providing parks within walking distance of most residential areas, consistent with Land Use/Community Design General Plan Policy 2-84.

- *Policy 2-84: Park Walking Distance.* Ensure that each household is within a half-mile walk of a neighborhood park, or community park with neighborhood facilities, and that the route is reasonably free of physical barriers, including streets with heavy traffic. Wherever possible, provide pedestrian links between parks.

Because the Master Plan would not alter existing land use patterns and is consistent with adopted City transportation, and multi-modal planning policies the adoption and implementation of Master Plan would not result in a significant VMT impact. This impact is therefore less than significant.

General Plan Policy M-1.2 directs the City to optimize mobility for all modes of transportation and use LOS standards until such time as new multi-modal method and impact thresholds are established.

General Plan Policy M-1.2 directs the City to maintain the following LOS standards at AM and PM peak hours until such time new thresholds are adopted:

- Major intersections – LOS D;
- Stevens Creek Boulevard and De Anza Boulevard – LOS E or better;
- Stevens Creek Boulevard and Stelling Road – LOS E or better



- De Anza Boulevard and Bollinger Road – LOS E or better.

The Master Plan identifies enhancement opportunities at each City park, many of which would not result in any changes to existing traffic patterns or volumes and as such, would not significantly affect LOS associated with the park or recreation facility use (see list of small-scale projects listed in Section 2.7).

The impact of these small-scale projects is considered less than significant because they are not likely to affect peak hour travel to and from City parks. Some of the small-scale projects may improve bicycling and/or pedestrian access and may therefore slightly reduce vehicle trips to City parks.

Some enhancement opportunities do include activities or facilities which may change traffic patterns around a specific park, particularly the Potential New Major Features identified in the Master Plan (such as new aquatic or gym facilities or a new performing arts center). Adoption of the Master Plan would not authorize any specific development, or the construction of park improvements contemplated in the Master Plan. Once project-level information is developed for improvements identified in the Master Plan, the City would review the project under CEQA and determine the appropriate level of environmental review. In the absence of even conceptual-level design and implementation information, this IS/MND cannot evaluate the potential environmental impacts of some of the actions contemplated in the Master Plan. Projects with the likelihood to generate traffic impacts would be evaluated under a separate CEQA determination process and according to the requirements of CEQA Guidelines section 15064.3(b).

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

**Less than Significant Impact.** As the City carries out park improvement projects noted in the Master Plan, all projects would be designed according to relevant design and circulation policies for vehicles, bicycles, and pedestrians and would be considerate of design hazards or traffic conflicts from incompatible uses. Implementation of the Master Plan would have a less than significant impact on traffic hazards.

- d) Result in inadequate emergency access?**

**No Impact.** The Master Plan does not propose any specific improvements that would alter the roadway system in a manner that would affect emergency access. As stated above, one of the goals of the Master Plan is to improve access and connectivity. All new recreation facilities would be designed according to adopted City policies, roadway and multi-modal design requirements and would be designed to meet all standards for emergency access.

**3.18 TRIBAL CULTURAL RESOURCES**

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

**3.18.1 Environmental Setting**

The area encompassed by the City of Cupertino is a region historically occupied by the Tamyen linguistic group of the Ohlone (first called the Costanoan, or “coastal dwellers” by the Spanish), near the linguistic boundary with the Ramaytush group (Cupertino 2014b).

The Ohlone lived in tribelets or nations that were dialect distinct from each other, autonomous, and territorially separated from each other. Each tribelet consisted of one or more permanent villages, with various seasonal temporary encampments located throughout their territory for the gathering of raw material resources, hunting, and fishing.

The Ohlone lived in extended family units in domed dwellings constructed from tule, grass, wild alfalfa, and ferns. The subsistence practices included the consumption of plant resources such as acorns, buckeyes, and seeds that were supplemented with the hunting of elk, deer, grizzly bear, mountain lions, sea lions, whales, and waterfowl. The Ohlone peoples practiced controlled burning on an annual basis throughout their territory as a form of land management to insure plant and animal yields for the coming year (Levy 1987).

The first Europeans to reach the San Francisco Bay area were Spanish explorers in 1769 as part of the Portolá expedition. In 1774, the de Anza expedition had set out to convert the Native American tribes to Christianity, resulting in the establishment of Mission Santa Clara de Asis, founded in 1777 (also known as *Mission Santa Clara de Thamien* in reference to the Tamyen people).

The native Tamyen people were slowly subjugated and absorbed into the Mission system. By 1795, all the Tamyen villages had been abandoned and the people baptized into the Christian faith (Cupertino 2014b).

### **3.18.2 Regulatory Setting**

#### ***Federal Regulations***

##### **Native American Graves Protection and Repatriation Act of 1990**

The Native American Graves Protection and Repatriation Act (NAGPRA) of 1990 sets provisions for the intentional removal and inadvertent discovery of human remains and other cultural items from federal and tribal lands. It clarifies the ownership of human remains, and it sets forth a process for repatriation of human remains and associated funerary objects and sacred religious objects to the Native American groups claiming to be lineal descendants or culturally affiliated with the remains or objects. It requires any federally funded institution housing Native American remains or artifacts to compile an inventory of all cultural items within the museum or with its agency and to provide a summary to any Native American tribe claiming affiliation.

#### ***State Regulations***

##### **California Environmental Quality Act: Unique Archaeological Resources**

A unique archaeological resource is an archaeological artifact, object, or site that has a high probability of meeting any of the following criteria:

1. The archaeological resource contains information needed to answer important scientific research questions and there is a demonstrable public interest in that information.
2. The archaeological resource has a special and particular quality such as being the oldest of its type or the best available example of its type.
3. The archaeological resource is directly associated with a scientifically recognized important prehistoric or historic event or person.

##### **Native American Heritage Commission, Public Resources Code Sections 5097.9 – 5097.991**

Section 5097.91 of the Public Resources Code (PRC) established the Native American Heritage Commission (NAHC), whose duties include the inventory of places of religious or social significance to Native Americans and the identification of known graves and cemeteries of Native Americans on private lands. Under Section 5097.9 of the PRC, a state policy of noninterference with the free expression or exercise of Native American religion was articulated along with a prohibition of severe or irreparable damage to Native American sanctified cemeteries, places of worship, religious or ceremonial sites or sacred shrines located on public property. Section 5097.98 of the PRC specifies a protocol to be followed when the NAHC receives notification of a discovery of Native American human remains from a county coroner. Section 5097.5 defines as a misdemeanor the unauthorized disturbance or removal of archaeological, historic, or paleontological resources located on public lands.

##### **California Native American Graves Protection and Repatriation Act of 2001**

Codified in the California H&SC Sections 8010–8030, the California Native American Graves Protection Act (NAGPRA) is consistent with the federal NAGPRA. Intended to “provide a seamless and consistent state policy to ensure that all California Indian human remains and cultural items be treated with dignity and respect,” the California NAGPRA also encourages and provides a mechanism for the return of remains and cultural items to lineal descendants. Section 8025 established a Repatriation Oversight Commission to oversee this process. The act

also provides a process for non–federally recognized tribes to file claims with agencies and museums for repatriation of human remains and cultural items.

### **Public Resource Code 21074**

Pursuant to the PRC, a Tribal Cultural Resource is:

- A site, feature, place, cultural landscape, sacred place, or object with cultural value to a California Native American tribe that is either included or determined to be eligible for inclusion in the California Register of Historical Resources, or included in a local register of historical resources, as defined in subdivision (k) of PRC Section 5020.1.
- A cultural landscape that meets the criteria above is a tribal cultural resource to the extent that the landscape is geographically defined in terms of the size and scope of the landscape.
- A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Section 5024.1. In applying the criteria set forth in subdivision (c) of Section 5024.1 for the purposes of this paragraph, the lead agency shall consider the significance of the resource to a California Native American tribe.
- A historical resource described in Section 21084.1, a unique archaeological resource as defined in subdivision (g) of Section 21083.2, or a “nonunique archaeological resource” as defined in subdivision (h) of Section 21083.2 may also be a tribal cultural resource if it conforms with the criteria of subdivision (a).

### **Assembly Bill 52**

Assembly Bill (AB) 52 specifies that a project that may cause a substantial adverse change in the significance of a tribal cultural resource, as defined, is a project that may have a significant effect on the environment. AB 52 requires a lead agency to begin consultation with a California Native American tribe that is traditionally and culturally affiliated with the geographic area of the proposed project, if the tribe requests in writing to the lead agency, to be informed by the lead agency of proposed projects in that geographic area and the tribe requests consultation, prior to determining whether a negative declaration, mitigated negative declaration, or environmental impact report is required for a project. AB 52 specifies examples of mitigation measures that may be considered to avoid or minimize impacts on tribal cultural resources.

### **Local Regulations**

The Land Use Element of the City’s General Plan includes goals, policies, and strategies to help the City protect tribal cultural resources. The following policies from the Cupertino General Plan relate to Tribal Cultural Resources:

- *Policy LU-6.1: Historic Preservation.* Maintain and update an inventory of historically significant structures and sites in order to protect resources and promote awareness of the City’s history in the following four categories: Historic Sites, Commemorative Sites, Community Landmarks and Historic Mention Sites.
- *Policy LU-6.2: Historic Sites.* Projects on Historic Sites shall meet the Secretary of Interior Standards for Treatment of Historic Properties.
- *Policy LU-6.3: Historic Sites, Commemorative Sites and Community Landmarks.* Projects on Historic Sites, Commemorative Sites and Community Landmarks shall provide a plaque, reader board and/or other educational tools on the site to explain the historic significance of the resource. The plaque shall include the city seal, name of resource, date it was built, a written description and photograph. The plaque shall be placed in a location where the public can view the information.

- *Policy LU-6.4: Public Access.* Coordinate with property owners of public and quasi-public sites to allow public access of Historic and Commemorative Sites to foster public awareness and education. Private property owners will be highly encouraged, but not required, to provide public access to Historic and Commemorative Sites.
- *Policy LU-6.6: Incentives for Preservation of Historic Resources.* Utilize a variety of techniques to serve as incentives to foster the preservation and rehabilitation of Historic Resources including: 1. Allow flexible interpretation of the zoning ordinance not essential to public health and safety. This could include land use, parking requirements and/or setback requirements. 2. Use the California Historical Building Codes standards for rehabilitation of historic structures. 3. Tax rebates (Milles Act or Local tax rebates). 4. Financial incentives such as grants/loans to assist rehabilitation efforts.
- *Policy LU-6.8: Cultural Resources.* Promote education related to the City's history through public art in public and private developments.

### 3.18.3 Discussion

*Would the proposed project:*

- (a) Cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code Section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:**
- i) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code Section 5020.1(k); or**
  - ii) Cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code Section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is a resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resource Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe**

**Less Than Significant Impact with Mitigation.** There is a single recorded Native American archaeological resource within a park facility. The recorded archaeological site is within Stevens Creek Corridor Park (Basin 2006). Several other parks/recreational facilities, including Community Hall, Creekside Park, Library Field, Jollyman Park, and Varian Park are situated adjacent to creeks. Creeks were important to the Native American tribes in the Bay Area, and sites and burials are often associated with tribal artifacts and remains. Although excavation in areas adjacent to creeks is expected to be minimal, there is a potential to encounter native soils and, therefore, historic or prehistoric tribal cultural artifacts may be encountered during construction of Master Plan recommended improvements. Disturbance of Tribal Cultural Resources would constitute a significant impact under CEQA.

The City plans to undertake a separate site-specific master planning effort for Stevens Creek Corridor Park including appropriate environmental review. Like all City projects, compliance with federal, state, General Plan, and Municipal Code policies would be required.

Any ground disturbing work in undeveloped land has the potential for archaeological discovery which, if Native American in origin, could be considered to be a Tribal Cultural Resource. To

safeguard potential tribal resources from impacts during construction, mitigation measure CULT-1 described in Section 3-5 will be implemented for park projects not subject to project-specific CEQA review that require ground moving activity below the existing topsoil, or the prior depth of excavation.

Archaeological artifacts or sites may not meet the criteria for being a “unique archaeological resource” and therefore not considered significant under CEQA. However, it is possible for a lead agency to determine that an artifact is considered significant to a local tribe, and thus considered a significant resource under CEQA. Thus, mitigation measure CULT-1 includes language that all Native American tribal finds that are discovered as part of construction or operation of Master Plan project are to be considered a Tribal Cultural Resource, and thus significant under CEQA, until the lead agency has enough evidence to make a determination of significance.

With the implementation of mitigation measure CULT-1, impacts to Tribal Cultural Resources would be less than significant.

**3.19 UTILITIES AND SERVICE SYSTEMS**

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

**3.19.1 Environmental Setting**

**Potable Water**

**Water Supply Sources**

Cupertino has two major water suppliers: the California Water Service Company (Cal Water) and the San Jose Water Company. Both retailers purchase their water supply from Valley Water (formerly SCVWD). Valley Water, the water management agency in Santa Clara County, manages groundwater recharge through percolation ponds and in-stream recharge of creeks. The McClellan Pond recharge facility (located in Cupertino) and the Stevens Creek Reservoir (located outside the City near its southwest boundary) also contribute to Cupertino's water supply.

The amount of yearly groundwater production versus purchased treated water varies depending on the supply available from Valley Water which imports surface water to its service area from the South Bay Aqueduct of the State Water Project (SWP), the San Felipe Division of the federal Central Valley Project (CVP) and the San Francisco Public Utilities Commission's (SFPUC) Regional Water System. However, Cal Water only receives Valley Water water from the SWP and CVP sources.



## **Wastewater**

Wastewater collection and treatment are provided to the City by the Cupertino Sanitary District and the City of Sunnyvale. The majority of the City is served by the Cupertino Sanitary District, while the City of Sunnyvale serves only a small portion of the Cupertino Urban Service area within the Rancho Rinconada area.

### *Cupertino Sanitary District*

The Cupertino Sanitary District (CSD) collects and transports waste water collected in Cupertino, as well as portions of Los Altos and Saratoga, to the San Jose/Santa Clara Water Pollution Control Plant located in North San Jose. The District maintains approximately one million linear feet of sewer lines and 500,000 linear feet of sewer laterals and 17 pump stations. Sewer lines serving the City Center development, Stevens Creek Boulevard between Randy Lane and Wolfe Road, Wolfe Road south of Interstate 280, Stelling Road and Foothill Boulevard are at capacity or nearing capacity.

Eleven of the seventeen CSD pumps are located in Cupertino. Primary trunk lines serving the Study Area include 12-inch pipelines in Homestead Road, 15- and 18-inch pipelines along the north side of Interstate 280 (I-280), 12- and 15-inch pipelines on Wolfe Road, 10-inch pipelines on De Anza Boulevard, 18-inch pipelines on Shetland Place, and 27-inch pipelines on Pruneridge Avenue. A metered outfall to the City of Santa Clara sanitary sewer system is located on Homestead Road near Tantau Avenue. Other minor outfalls to the City of San Jose are located in the southern part of Cupertino (Cupertino Sanitary District 2016).

### *Sunnyvale Sewer Collection System*

The City of Sunnyvale provides wastewater treatment service for Cupertino's commercial properties along Stevens Creek Boulevard, east of Finch Avenue, and a portion of the Rancho Rinconada neighborhood. The City of Sunnyvale sanitary sewer collection system serves a 25-square-mile service area. The sewer system consists of 283 miles of gravity sewers, five sewer lift (pump) stations, and over two miles of sewer force main. Service is provided to all Sunnyvale residents, and to a portion of the City of Cupertino, including two blocks of Cupertino's commercial properties along east Stevens Creek Boulevard. The Sunnyvale Water Pollution Control Plant has a daily treatment capacity of 29 million gallons per day (mgd).

### *San Jose/Santa Clara Water Pollution Control Plant*

The San Jose/Santa Clara Water Pollution Control Plant (SJ/SC WPCP) cleans and treats the wastewater of approximately 1,500,000 people that live and work in the 300-square-mile area encompassing the cities of San Jose, Santa Clara, Milpitas, Campbell, Cupertino, Los Gatos, Saratoga and Monte Sereno. CSD entered into a master agreement with the cities of San Jose and Santa Clara for wastewater treatment in 1983. The agreement establishes capacity rights and obligations for the operation and operating, maintenance and capital costs of the plant by member agencies. The SJ/SC WPCP has the capacity to treat 167 mgd utilizing an advanced, tertiary wastewater system. Most of the final treated water from the SJ/SC WPCP is discharged as fresh water through Artesian Slough and into South San Francisco Bay. About 13 percent is recycled through South Bay Water Recycling pipelines for landscaping, agricultural irrigation, and industrial needs around the South Bay. According to the SJ/SC WPCP Master Plan, the SJ/SC WPCP wet weather capacity will be increased to 450 mgd. Should the SJ/SC WPCP be upgraded as described in the WPCP Master Plan, the recycling capabilities would be increased, with much of the recycled water used in groundwater recharge ponds. The CSD has a contract with the City of San Jose to use a percentage of the capacity of the City's sewage treatment facilities. In return, the contract requires the CSD to pay its share of debt service, operation, maintenance and improvement costs (City of San Jose 2016).

### *Sunnyvale Water Pollution Control Plant*

The City of Sunnyvale sewer collection system, which serves a small area of the City along Stevens Creek Boulevard, directs wastewater to the Sunnyvale Water Pollution Control Plant (SWPCP). The SWPCP has an average dry weather flow of 11.9 mgd. The current total service area population is approximately 148,000. The SWPCP provides advanced secondary treatment of wastewater from domestic, commercial, and industrial sources from its service areas. The City of Sunnyvale owns and operates the SWPCP and its associated collection system (collectively the facility). Wastewater treatment processes at the SWPCP include grinding and grit removal, primary sedimentation, secondary treatment through the use of oxidation ponds, fixed-film reactor nitrification, dissolved air flotation, dual media filtration, chlorine disinfection, and de-chlorination. The SWPCP's collection system is a 100 percent separate sanitary sewer (Sunnyvale Clean Water Program 2018).

### **Stormwater Drainage**

According to the Infrastructure Element of the General Plan, the City's storm drain system currently operates adequately, with some targeted upgrades or improvements likely over the next 25 years. There is only localized flooding in the storm drain system, limited primarily to unimproved streets. The City continues to update its infrastructure planning to ensure that future improvements include best practices for stormwater management.

The City, along with 76 other agencies throughout the Bay Area, is regulated by the Municipal Regional Stormwater National Pollutant Discharge Elimination System Permit (MRP). The MRP, issued by the California Regional Water Quality Control Board, requires the City to carry out a comprehensive stormwater pollution prevention program. In order to comply with these requirements, the City joined with 15 other adjoining agencies to form the Santa Clara Valley Urban Runoff Pollution Prevention Program (SCVURPP).

### **Solid Waste**

All non-hazardous solid waste, including mixed construction and demolition (C&D) waste, in Cupertino is collected by Recology South Bay, and taken to Newby Island Sanitary Landfill for processing and/or disposal. The City has a contract with Newby Island Sanitary Landfill until 2023. Recology provides residential customers with two bulky item collections per year and hosts quarterly resident drop off events for bulky items, universal waste, salvageable material donation, and document shredding. Self-hauled mixed C&D waste generated from private development and construction projects is hauled to an approved C&D processing facility by the property owner or the contractor.

### *Newby Island Landfill*

The Newby Island Sanitary Landfill is a subsidiary of Republic Services and is located at 1601 Dixon Landing Road in the City of Milpitas. This 352-acre landfill's total capacity is 66 million cubic yards as of 2016. The landfill is anticipated to have sufficient overall capacity until January 2041, its estimated closure date (City of San Jose 2016). Changes to the design or operation of the facility could extend the estimated closure date. According to the franchise agreement, the Newby Island Sanitary Landfill is prepared to accept all of the waste generated in Cupertino.

### *Recycling and Composting*

The City of Cupertino has a franchise agreement with Recology to provide recycling and composting services for the City. Under the franchise agreement, recyclable materials including organics, are also handled by Recology and taken to processing facilities that Recology either owns or contracts with for processing of those materials. The recycling and composting programs for Cupertino expanded in 2017 with the adoption of the Zero Waste Policy to include more items for recycling and expand collection of recycling and compostable material.

## **Electric, Gas and Telecommunications Services**

### *Electricity and Gas Providers*

Pacific Gas and Electric Company (PG&E) provides electricity and natural gas services to the City of Cupertino. PG&E owns and maintains above and below ground networks of electric and gas transmission and distribution facilities throughout the city. In March 2016, twelve communities in Santa Clara County, including Cupertino, formed the Silicon Valley Clean Energy Authority, a community-owned agency established to operate a Community Choice Aggregation program. Silicon Valley Clean Energy (SVCE) sources the electricity; PG&E then delivers it over existing utility lines and provides maintenance, billing, and customer service (SVCE 2018). Both gas and electrical service is available throughout the Master Plan area.

Regulatory requirements for efficient use of electricity and gas are contained in Title 24, Part 6, of the California Code of Regulations, entitled “Energy Efficiency Standards for Residential and Nonresidential Buildings.” These regulations specify the State’s minimum energy efficiency standards and apply to new construction of both residential and nonresidential buildings. The standards regulate energy consumed for heating, cooling, ventilation, water heating, and lighting. Compliance with these standards is verified and enforced through the local building permit process.

### *Telecommunications Services*

The City does not directly supply telecommunications utilities; however, it plays an important role by coordinating with providers, allowing access to public rights-of-way, and ensuring that proposed improvements or changes in service meet community expectations and are integrated in a compatible manner.

## **3.19.2 Regulatory Setting**

### ***Federal and State Regulations***

No federal or state regulations are directly applicable to the Master Plan.

### ***Regional Regulations***

#### **Comprehensive Water Resources Management Plan**

The Comprehensive Water Resources Management Plan presents Valley Water’s overall plan for water resource management in Santa Clara County. Valley Water is the primary water resources agency for Santa Clara County. This Plan outlines the key water resource issues facing the county and provides a framework for understanding Valley Water’s policies related to water supply, natural flood protection, and water resources stewardship. The Plan provides factsheets for all cities within Santa Clara County, that include shared responsibilities with SCVWD, City-wide Programs and Projects related to water resources management issues, and a list of related Plan Elements.

#### **Santa Clara County Integrated Waste Management Plan, November 1995**

The Santa Clara County Integrated Waste Management Plan sets policies for reducing waste and implementing waste management programs, including the Santa Clara County Integrated Waste Management (IWM) Program. The policies are intended to reduce costs, streamline administration programs, and encourage a coordinated and carefully planned approach to implementing integrated waste management.

<https://www.sccgov.org/sites/rwr/Documents/CoIWMP/IWM-Summary-plan-and-siting-element.pdf>

## Local Regulations

### General Plan

The Infrastructure Element of Cupertino's General Plan focuses on finding ways to reduce demand on infrastructure through sustainable measures and balancing modes of transportation. This Element includes goals, policies, and strategies for the development and maintenance of a system of high-quality and adequate infrastructure to support community needs and future development anticipated in the General Plan. It also ensures that the City's existing infrastructure is maintained, upgraded, replaced, and expanded when needed. The following policies of the Infrastructure Element apply to the Parks Master Plan:

- *Policy INF-1.2: Maintenance.* Ensure that existing facilities are maintained to meet the community's needs.
- *Policy INF-5.2: Demand.* Look for ways to reduce demand on the City's wastewater system through implementation of water conservation measures.
- *Policy INF-7.2: Facilities.* Ensure that public and private developments build new and on-site facilities and/or retrofit existing on-site facilities to meet the City's waste diversion requirements.

### Municipal Code

The Municipal Code includes the following provisions regarding utilities and service systems:

- *Chapter 14.15, Landscaping Ordinance,* establishes water-efficient landscaping standards to conserve water use for irrigation. The provisions of this chapter apply to landscaping projects that include irrigated landscape areas exceeding 2,500 square feet when these projects are associated with new water service, subdivision improvements, grading and drainage improvements, a new construction subject to a building permit, or building additions or modifications subject to grading and drainage plan approval.
- *Chapter 15.20, Sewage Disposal Systems,* establishes standards for the approval, installation, and operation of individual on-site sewage disposal systems consistent with the RWQCB standards. The chapter sets regulation for connecting to public sanitary sewer system.
- *Chapter 16.58, Green Building Ordinance,* includes the CALGreen requirements with local amendments for projects in the City. The City's Green Building Ordinance codifies green building techniques, including measures affecting water use efficiency and water conservation. Section 16.58.220 includes Table 101.10 that identifies the green building requirements by type of building. Section 16.58.230 permits applicants to apply an alternate green building standard for a project in lieu of the minimum standards outlined in Section 16.58.220 that meet the same intent of conserving resources and reducing solid waste.
- *Chapter 16.72, Recycling and Diversion of Construction and Demolition Waste* requires all projects within the City that involve construction, demolition, or renovation of 3,000 square feet or more to comply with the provisions of the chapter, and the compliance with the chapter will be attached as conditions of approval of any building or demolition permit issued. An applicant for a covered project is required to recycle or divert at least 60 percent of all generated construction and demolition (C&D) waste by salvage or by transfer to an approved facility. Prior to the permit issuance, the applicant is required to submit a properly completed Waste Management Plan, which includes the estimated maximum amount of C&D waste that can feasibly be diverted, which facility will handle the waste, and the total amount of C&D waste that will be landfilled.

### **Cupertino Climate Action Plan (CAP), 2015**

The City prepared a CAP as part of a Santa Clara County regional climate mitigation and adaptation initiative named Silicon Valley 2.0 (SV 2.0). The CAP's primary goal is to create a roadmap to reduce greenhouse gas emissions in Cupertino. The City's CAP strategies comprise a framework of goals, measures, and actions through which near-term (i.e., 2020) targets can be achieved, and progress can be made on longer-term (i.e., 2035, 2050) targets. The following goals of the CAP are relevant to the Master Plan regarding utilities and public services:

- Goal 1 – Reduce Energy Use / Improve Facilities: recommends ways to increase energy efficiency in existing buildings and increase use of renewable energy community-wide.
- Goal 3 – Conserve Potable Water: promotes the efficient use and conservation of water in buildings and landscapes.
- Goal 4 – Reduce Solid Waste: increases waste diversion through recycling and organics collection and reducing consumption of materials that will otherwise end up in landfills.
- Goal 5 – Expand Green Infrastructure Enhance the City's existing urban forest on public and private lands.

### **Cupertino Urban Water Management Plan, 2015**

Pursuant to State Water Code requirements, water suppliers providing water for municipal purposes to more than 3,000 customers or supplying more than 3,000 acre-feet (approximately 980 million gallons) of water annually must prepare and adopt an urban water management plan (UWMP) and update it every five years. The State Water Code requires water agencies to evaluate and describe their water resource supplies and projected needs over a 20-year planning horizon, and to address a number of related subjects including water conservation, water service reliability, water recycling, opportunities for water transfers, and contingency plans for drought events. The City of Cupertino adopted its most recent UWMP prepared by SCVWD in 2015.

### **City of Cupertino Zero Waste Policy**

The purpose of the Zero Waste Policy, adopted under Resolution 17-2249 in 2017, is to protect the environment and conserve natural resources; prevent pollutants from entering the air, land, and water; follow the principle of highest and best use so that reducing and reusing waste materials occurs first, followed by recycling and composting, so that eventually no material goes to landfills or high-temperature destruction; create a more sustainable, efficient economy; and preserve the environment for future generations. Elements of the Zero Waste Policy that are relevant to the Master Plan include:

- 13) Require that all private construction projects that come through the City's permitting process, and all City projects (through contract requirements), to recover and divert at least 65% of the construction waste generated by the project.

### **3.19.3 Discussion**

Tables 2-2, 2-3 and 2-4 contains Master Plan actions with the potential for environmental impacts. These are the actions that are evaluated in the discussion below. While the Master Plan identifies specific park enhancement opportunities, it does not present project level design plans for any specific improvement or project. Once design and implementation information become available for specific projects, the City would evaluate the project to determine if its impacts are covered by this programmatic IS/MND or whether subsequent environmental review is required.

Would the project:

- a) **Require or result in the relocation or construction of new or expanded water, wastewater treatment or stormwater drainage, electric power, natural gas, or telecommunication facilities, the construction or relocation of which could cause significant environmental effects?**

**Less Than Significant Impact.** Many of the Master Plan opportunities identified for park projects and improvements would be minor in nature and would not cause a change in the public utility infrastructure. However, park improvements requiring the use of water or electricity would likely require the installation of new water and electrical lines and projects with substantial new pavement would likely require new storm drains. The relocation of existing utility infrastructure or the construction of new infrastructure (new water lines, storm drains, etc.) would be done according to City policy and would include the implementation of construction BMPs that are included in the City's construction contracts (see discussion in Section 2.9). Therefore, this impact would be less than significant.

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

**Less Than Significant Impact.** Implementation of the Master Plan could result in an increased need for potable water because the Master Plan has identified opportunities for new park features such as water play, new community gardens, new picnic areas, and new types of landscaping. In addition, public use of the parks will increase overtime as the population of Cupertino grows because water usage within the parks would increase as a result of the increase in use.

The 2015 UWMP has determined that Valley Water's water supply is adequate to supply the service area in future Normal Year, Single Dry Year, and Multiple Dry Year conditions (SCVWD 2016). The Master Plan incorporates sustainability recommendations and measures for promoting water use efficiencies and demand at existing park sites in as presented in Goal 7 (see Table 2-2). All park projects would be designed and constructed consistent with adopted City policy and would incorporate water conservation measures as appropriate. Many small improvements identified in the Master Plan would not result in an increase in potable water use. These projects would have a less than significant on potable water service.

Once project-level information is developed for improvements identified in the Master Plan, the City would review the project under CEQA and determine the appropriate level of environmental review. In the absence of even conceptual-level design and implementation information, this IS/MND cannot evaluate the potential environmental impacts of some of the actions contemplated in the Master Plan. Future review of these projects would focus on site-specific environmental issues that could not be examined in sufficient detail as part of this IS/MND.

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

**Less Than Significant Impact.** Many of the Master Plan park enhancement opportunities are small in nature and are related to improving park amenities, park infrastructure or landscaping and would not result in an increase in the generation of wastewater. These projects would have no impact on the wastewater treatment facility capacity. Other identified opportunities for projects such as renovation of existing park buildings and adding restrooms where they are not currently located would result in a small increase in the wastewater generated by the park system. Implementation of the Master Plan would not exceed wastewater treatment requirements as determined by the CSD or result in a determination by the wastewater treatment provider that it has inadequate capacity to serve the project (City of San Jose 2016, CSD 2016, SCWP 2016). Therefore, these impacts would be less than significant.

Potential New Major Features presented in the Master Plan (such as new aquatic or gym facilities or a new performing arts center) would result in an increase in the generation of wastewater. Once project-level information is developed for improvements identified in the Master Plan, the City would review the project under CEQA and determine the appropriate level of environmental review. In the absence of even conceptual-level design and implementation information, this IS/MND cannot evaluate the potential environmental impacts of some of the actions contemplated in the Master Plan. Future review of these projects would focus on site-specific environmental issues that could not be examined in sufficient detail as part of this IS/MND.

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

**Less Than Significant Impact.** The majority of the City's solid waste is sent to the Newby Island Sanitary Landfill, which is estimated to have a closure date of January 2041 (City of San Jose 2016), Master Plan improvements would generate construction and landscape waste as facilities are improved. The City would plan and implement park improvement projects consistent with adopted City policy including sustainability measures (waste reduction) and Cupertino's Zero Waste Policy (recycling of construction debris) and park construction projects would not generate waste that would impair the attainment of solid waste reduction goals.

The amount of municipal solid waste produced by park users usually reflects the number of people who use the parks, and may increase over time as a result of implementing the Master Plan because more people would be using the parks. Any additional waste generated because of an increase in the use of city parks would be a reflection of the overall population of Cupertino and would not impair the attainment of solid waste reductions goals because the amount of increased waste is not anticipated to be large. Many Master Plan projects focus on infrastructure improvements that would not result in significant new users (incorporation of sustainable practices in the maintenance and management of parks, improvement of landscaping with sustainable plantings or native planting providing wildlife habitat, repaving trails).

The potential new major park projects identified in the Master Plan, such as a new aquatic facility, gym or performing arts center would create an increase in solid waste generation. However, the increase would be reflective of the population using the facility and would not induce population growth on its own; rather, the goal of the Master Plan is to provide improved recreational facilities for the existing and projected population of Cupertino. Thus, while adoption of the Master Plan could potentially increase solid waste generation due to increased uses of recreational facilities, it would not be in substantial amounts that would be in excess of State or local standards, or in excess of the capacity of local landfill, or otherwise impair the attainment of solid waste reduction goals. This impact would be less than significant.

**e) Comply with Federal, State, and local management and reduction statutes and regulations related to solid waste?**

**No impact.** The City contracts for municipal waste disposal services according to all federal state, and local statutes and regulations related to solid waste. Implementation of future park projects and improvements envisioned in the Master Plan would be required to comply with all relevant regulations pertaining to solid waste. The City would ensure that all park projects comply with the City of Cupertino Zero Waste Policy and would recover and divert at least 65% of the construction waste generated by the project. No impact would occur.



**3.20 WILDFIRE**

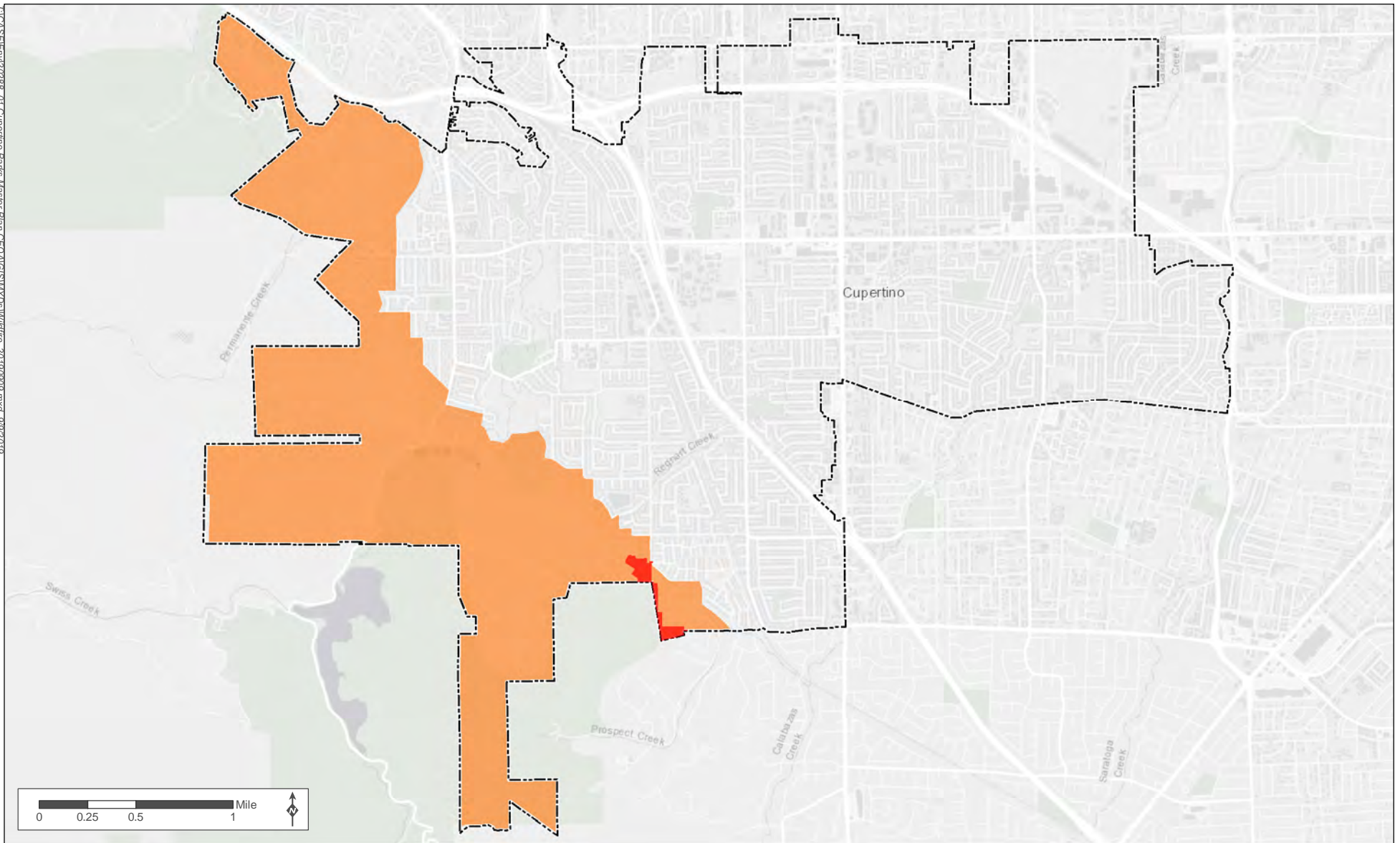
Is the project located near state responsibility areas or lands classified as very high fire hazard severity zones?	<input checked="" type="checkbox"/> Yes		<input type="checkbox"/> No	
	<b>Potentially Significant Impact</b>	<b>Less Than Significant with Mitigation Incorporated</b>	<b>Less Than Significant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

**3.20.1 Environmental Setting**




The California Department of Forestry and Fire Protection (CalFire) maps areas of significant fire hazards in the state. These areas are identified based on weather, terrain, fuels, and other factors. There is a small area of Very High Fire Severity located at the southern edge of the City, in the vicinity of Upland Way, where the Fremont Older Open Space Preserve crosses the boundary of the City (City of Cupertino 2014b). A larger area of High Fire Severity exists in the sparsely populated western reaches of the City. A map of the fire severity zones in the City is included as Figure 3.20-1 Fire Hazard Severity Zones.

CalFire also designates land as either a State or Local Responsibility Area (SRA and LRA) to designate who has financial responsibility for the prevention and suppression of wildfire (the state or a local municipality or special service district). The City of Cupertino has the responsibility for fighting wildland fires within the City limits. The unincorporated area to the west of the City in Santa Clara County is a State Responsibility Area.

None of the parks or recreational facilities included in the Master Plan is within or near lands classified as Very High Fire Hazard Severity Zones (VHFHSZ). However, a number of parks are located within a High Fire Hazard Severity Zone (HFHSZ). These include Little Rancho Park, Canyon Oak Park, Monta Vista Park & Recreation Center, and Linda Vista Park. These parks are all within the more lightly populated western side of the City.



Source: Source: ESRI, 2017; California Department of Forestry and Fire Protection, 2007; MIG, Inc, 2019

-  City Boundary
-  Very High Fire Hazard
-  High Fire Hazard

**Figure 3.20-1 Fire Hazard Severity Zones**

*City of Cupertino Parks and Recreation System Plan*

Both Little Rancho Park and Canyon Oak Park are in the north western tip of the City and are located near a state responsibility area (SRA) at a distance of 650 feet and 2000 feet, respectively.

There are three fire stations in the City, operated by the Santa Clara County Fire Department, serving as fire protection for the City and nearby unincorporated areas (SCCFD 2019).

### **3.20.2 Regulatory Setting**

#### ***State Regulations***

##### **California Department of Forestry and Fire Protection**

CalFire has mapped fire threat potential throughout California. CalFire ranks fire threat based on the availability of fuel and the likelihood of an area burning (based on topography, fire history, and climate). The rankings include no fire threat and moderate, high, and very high fire threat. Additionally, CalFire produced a 2010 Strategic Fire Plan for California that contains goals, objectives, and policies to prepare for and mitigate the effects of fire on California's natural and built environments. CalFire's Office of the State Fire Marshal provides oversight of enforcement of the California Fire Code as well as overseeing hazardous liquid pipeline safety.

##### **California Fire Code**

The California Fire Code (CFC) is Part 9 of Title 24. Updated every three years, the CFC includes provisions and standards for emergency planning and preparedness, fire service features, fire protection systems, hazardous materials, fire flow requirements, fire hydrant locations and distribution, and the clearance of debris and vegetation within a prescribed distance from occupied structures in wildlife hazard areas. The Santa Clara County Fire Department provides fire protection services for the City as well as in Campbell, Los Altos, Los Altos Hills, Los Gatos, Monte Sereno, Saratoga, and other unincorporated areas. The Fire Department implements and enforces the CFC in Cupertino.

##### **California Strategic Fire Plan**

In 2010, the State Board of Forestry and Fire Protection issued the California Strategic Fire Plan, a statewide fire plan developed in concert between the State Board of Forestry and Fire Protection and CalFire. Goals included improved availability and use of information on hazard and risk assessment, land use planning, development of shared vision in plans such as Community Wildfire Protection Plans (CWPPs), establishment of fire resistance in assets at risk, shared vision among fire protection jurisdictions and agencies, levels of suppression, and post-fire recovery. In support of this plan, several policies are noted, including creation of defensible space, improving home fire resistance, fuel hazard reduction that creates resilient landscapes and protects wildland and natural resources, adequate and appropriate fire suppression, and commitment by individuals and communities to wildfire prevention and protection through local planning.

#### ***Regional Locations***

##### **Santa Clara County Fire Department**

Firefighting and emergency medical services are provided to the City by the Santa Clara County Fire Department (SCCFD). SCCFD is a full-service department that provides similar services to seven other West Valley cities and adjacent county areas. Mutual aid agreements with the neighboring jurisdictions augment SCCFD's fire response capabilities.

##### **Santa Clara County Emergency Operation Plan**

The Santa Clara County Office of Emergency Services (OES) has adopted an Emergency Operations Plan (EOP), which identifies hazards, incidents, events, and emergencies believed

to be important to the operational area. It is applicable to a wide variety of anticipated incident events, including wildland fires. As part of the EOP, Fire agencies in the county have signed a countywide mutual aid agreement to ensure firefighting resources and personnel will be available to combat wildland / urban interface fires. If these resources within the county are not enough to meet the threat, fire resources from throughout California can be summoned under the State's Master Mutual Aid Agreement administered by the Cal OES. All fire agencies in Santa Clara County have signed the California Master Mutual Aid Agreement and participate in mutual aid operations as required.

### **Santa Clara County Community Wildfire Protection Plan**

This CWPP is a countywide strategic plan with goals for creating a safer wildland urban interface community, accompanied by report annexes that address specific issues and projects by jurisdiction and stakeholder organizations to meet the strategic goals. The purpose of the CWPP is to assist in protecting human life and reducing property loss due to wildfire throughout the planning area.

### **Cupertino Emergency Plan**

State law requires cities to prepare an emergency plan in order to effectively respond to natural or human-caused disasters that threaten lives, the natural environment or property. The Cupertino Emergency Plan establishes an organizational framework to enable the City to manage its emergency response activities and to coordinate with County, State and Federal agencies. The Emergency Plan was prepared in accordance with the National Incident Management System (NIMS) and is used in conjunction with the State Emergency Plan, the Santa Clara Operational Disaster Response and Recovery Area Interim Agreement, Santa Clara County Emergency Plan, as well as plans and Standard Operating Procedures (SOPs) of contract agencies and special districts. Support personnel such as City staff, special districts and volunteer groups are trained to perform specific functions in the Emergency Operations Center. The plan is reviewed annually and tested through periodic emergency disaster drills.

### **3.20.3 Discussion**

*Would the project:*

- a) **Substantially impair an adopted emergency response plan or emergency evacuation plan?**
- b) **Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?**
- c) **Require the installation of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?**
- d) **Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?**

**No Impact.** (Impacts a-d). Of the two parks that are near a State Responsible Area (Little Rancho Park, and Canyon Oak Park), neither has any improvements identified under the Master Plan, and there would be no requirement for the installation of associated infrastructure. Implementation of the Master Plan enhancement opportunities would not change the existing conditions in a VHFHSZ or in/near an SRA, and therefore would not exacerbate wildfire risks, and would not expose people or structures to significant risk from wildfire.

The two additional parks in a HFHSZ (Monta Vista Park & Recreation Center, and Linda Vista Park), have more substantial potential improvements identified, such as the renovation or

replacement of the existing buildings at Monta Vista, and the addition of a picnic shelter or pavilion, a destination nature play and/or water play area, and potentially including adventure or challenge elements at Linda Vista. Enhancement opportunities to these parks would not exacerbate wildfire risks or expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire.

Enhancement opportunities to these parks would not require the installation of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment because they are located in an already urbanized areas with urban infrastructure in place.

Monta Vista Park & Recreation Center is located in a relatively flat area of the City and if there were a wildland fire, the project would not increase exposure of people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes.

Linda Vista is located in fairly steep terrain and any future improvements would need to be evaluated for potential to exacerbate wildland fire risk. Once project-level information is developed for enhancement opportunities at Linda Vista Park, the City would evaluate the project to determine if its impacts are covered by this programmatic IS/MND or whether subsequent environmental review is required.

The Master Plan would not interfere with either the Cupertino or Santa Clara County Emergency Plans. Nor would it change existing conditions to exacerbate wildfire risks beyond those that are currently present.

Implementation of the project would not expose people to a significant risk as a result of wildfire, because wildfire risk would remain at the current level. Therefore, projects implementing the Master Plan would have no impact on wildfire risks.

**3.21 MANDATORY FINDINGS OF SIGNIFICANCE**

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Does the project have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Does the project have impacts that are individually limited, but cumulatively considerable? (“Cumulatively considerable” means the incremental effects of a project are considerable when viewed in connection with the efforts of past projects, the effects of other current projects, and the effects of probable future projects)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**3.21.1 Discussion**

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

**Less Than Significant with Mitigation.** The adoption of the Parks and Recreation System Master Plan would not substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, or substantially reduce the number or restrict the range of a rare or endangered plant or animal. Impacts to all resource areas except aesthetics (light and glare), biological resources, cultural resources, and tribal resources have been found to be less than significant because all Master Plan projects would be designed and implemented consistent with the General Plan, Municipal Code, and all relevant regional, state, and federal regulations related to the protection of the environment and natural resources. The City would require implementation of standard construction measures per the City’s contract language as described in Section 2.9.

Adoption of the Master Plan would not authorize any specific development, or the construction of park improvements contemplated in the Master Plan. Once design and implementation information become available for specific projects, the City would evaluate the project to determine if its impacts are covered by this programmatic IS/MND or whether subsequent environmental review is required.

Potential light and glare impacts would be reduced to less than significant levels through implementation of AES-1. Several special-status species or sensitive habitats occur or have the potential to occur on or near existing parks. Mitigation Measure BIO-1 identified in this IS/MND would reduce the impacts of future park projects on sensitive habitats and special-status species to less than significant levels.

Construction of the identified Master Plan enhancement opportunities could impact unknown cultural and/or tribal resources. The General Plan, Municipal Code, and construction contract language requirements would ensure projects are planned, designed, and constructed in a manner that would avoid significant impacts on cultural and/or tribal resources. The City would incorporate standard construction measures in the City's contract language (see discussion in Section 2.9), which will ensure that proper protocols are followed if cultural resources or tribal resources are discovered during construction. Mitigation Measure CULT-1, which is identified in this IS/MND, would ensure that if previously undiscovered cultural resources are encountered during construction they are protected and appropriately catalogued and preserved. The adoption and implementation of the Parks and Recreation System Master Plan would have a less than significant impact on these resources. As a result, the project would not eliminate important examples of the major periods of California history or prehistory.

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

**Less Than Significant.** Most of the projects identified under the Master Plan would not contribute to cumulative impacts in connection with past projects nor with the effects of other current projects or probable future projects. As described in the Project Description, many of the projects and improvements are small in nature and limited in scope and would not contribute to cumulative impacts. These projects may include, but are not limited to, the following:

- Improving walking trails with parks;
- Adding shade to existing parks;
- Replacing/Improving play equipment;
- Removal/replacement of existing picnic tables;
- Construction of new restrooms or other small structures in parks;
- Incorporation of sustainable practices in the maintenance and management of parks;
- Improvement of landscaping with sustainable plantings or native planting providing wildlife habitat,
- Improvements that may assist the City in meeting or exceeding Americans with Disabilities Act requirements;
- Improvement of trail connections and access;
- Development of fitness areas in parks;
- Integration of nature into parks;
- Enhancement of seating areas in parks;
- Enhancement of existing sports fields (excluding field lighting, additional evening events, or increase in spectators);
- Creation of wayfinding signage or safe routes to parks;
- Replacing, renovating, or repurposing buildings within the parks and recreation system.

Table 2-4 presents opportunities for new parks and for potential major new features such as an aquatics facility, a gymnasium and multi-use recreation facility, performing arts center, or senior center expansion. Adoption of the Master Plan would not authorize any specific development, or the construction of park improvements contemplated in the Master Plan. Once design and



implementation information become available for specific projects, the City would evaluate the project to determine if its impacts are covered by this programmatic IS/MND or whether subsequent environmental review is required, and the potential cumulative impacts of these larger project would be evaluated at that time.

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

**Less Than Significant.** Individual projects carried out under the Master Plan would be planned, designed, constructed, and operated in conformance with relevant federal and state regulations, as well as adopted City regulations, policy, and plans. Relevant regulations and policies are described throughout this IS/MND and would work to ensure projects would not have substantial adverse effects on humans, either directly or indirectly. For example, the City requires stormwater pollution prevention and watershed protection, stream resource protections, erosion and sediment control, pursuant to Municipal Code Chapters 9.18, 9.19 and 16.18. Compliance with the regulatory and Municipal Code requirements protecting surface and water quality ensure the project would not violate water quality standards or waste discharge requirements or otherwise substantially degrade surface or groundwater quality. Additionally, the City has developed standard measures or BMPs that are required to be included in construction bid documents and construction contracts that outline the City's requirements for storm water runoff management, storm drain protection from road work, fresh concrete, and paints/solvents.

Additionally, park projects would be designed and constructed according to the measures listed in Table 2-5. Conformance with federal, state and local regulations related to air quality, traffic management, and energy use would ensure that significant greenhouse gas emission impacts do not occur. Conformance with the City's Noise Ordinance would ensure construction noise does not cause significant noise impacts. All projects would be designed in conformance with City policy and the Municipal Code.

The primary goals of the Master Plan are to enhance the existing park and recreation infrastructure to ensure the park system will meet the needs of the Cupertino community, and to guide the City in allocating resources for future development, renovation, and management of City parks. Mitigation measures adopted and incorporated into the project will ensure that implementation of the Master Plan does not have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly.

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