

Office of Planning and Research State Clearinghouse  
Summary Form for Electronic Document Submittal

Date: July 2, 2019

Project Title: De Anza Hotel Project

CEQA Document: Initial Study and Mitigated Negative Declaration (IS/MND)

State Clearinghouse Number: none issued yet

Lead Agency: City of Cupertino

Lead Agency Contact Name: Gian Matire, Associate Planner

Email: GianM@cupertino.org Phone Number: 408-777-3319

Project Location (City and County): City of Cupertino, Santa Clara County

Project Description (Proposed actions, location, and/or consequences):

The project site is located on a 1.29-acre site at 10931 North De Anza Boulevard in Cupertino, which is currently developed with an existing one-story commercial building. The proposed project would involve demolishing the existing commercial building, and constructing a new six-story, 156-room hotel which would include a rooftop terrace, lounge, and bar, as well as ground-floor conference facilities and a restaurant.

Identify the project's significant or potentially significant effects and briefly describe any proposed mitigation measures that would reduce or avoid that effect.

See the attached Executive Summary of the IS/MND

If applicable, describe any of the project's areas of controversy known to the Lead Agency, including issues raised by agencies and the public.

N/A

Provide a list of the responsible or trustee agencies for the project.

N/A

Governor's Office of Planning & Research

JUL 02 2019

STATE CLEARINGHOUSE

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**CUPERTINO**

COMMUNITY DEVELOPMENT DEPARTMENT  
CITY HALL  
10300 TORRE AVENUE • CUPERTINO, CA 95014-3255  
TELEPHONE: (408) 777-3205 www.cupertino.org

**NOTICE OF INTENT TO ADOPT A  
MITIGATED NEGATIVE DECLARATION  
DE ANZA HOTEL PROJECT**

**NOTICE IS HEREBY GIVEN** that the City of Cupertino (the City) has prepared an Initial Study to evaluate the environmental impacts of the proposed De Anza Hotel Project, described below, and intends to adopt a Mitigated Negative Declaration in accordance with the California Environmental Quality Act. The Initial Study concludes that the proposed project would not have a significant adverse effect on the environment if the mitigation measures identified in the Initial Study are adopted and made conditions of approval of the proposed project.

**FROM:** City of Cupertino, Community Development Department  
10300 Torre Avenue  
Cupertino, CA 95014  
Contact: Gian Matire, Associate Planner (408-777-3319 or GianM@cupertino.org)

**PUBLIC REVIEW PERIOD:**

The Initial Study and Proposed Mitigated Negative Declaration are available for public review at the following location:

Cupertino Library  
10800 Torre Avenue  
Cupertino, CA

The Initial Study and proposed Mitigated Negative Declaration are available for a 30-day review period beginning Friday, June 28, 2019 and ending Monday, July 29, 2019. Comments on the Mitigated Negative Declaration must be submitted in writing within the 30-day review period and may be sent by mail, fax or email (highly encouraged) to:

City of Cupertino  
Planning Division  
Attn: Gian Matire, Associate Planner  
10300 Torre Avenue  
Cupertino, CA 95014  
Fax: 408-777-3319  
E-mail: GianM@cupertino.org

**PUBLIC MEETINGS:**

Tentative meeting dates at which actions will be undertaken are listed below. The Cupertino City Council is the decision-making body responsible for adopting the proposed Mitigated Negative Declaration and approving the proposed project.

Environmental Review Committee  
August 1, 2019 at 9:30 am  
10300 Torre Avenue, Room 100 (EOC)  
Cupertino, CA 95014

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**STATE CLEARINGHOUSE**

Planning Commission Hearing  
August 13, 2019 at 6:45 pm  
Cupertino Community Hall  
10350 Torre Avenue  
Cupertino, CA 95014

City Council Hearing  
August 20, 2019 at 6:45 pm  
Cupertino Community Hall  
10350 Torre Avenue  
Cupertino, CA 95014

**Please note that agendas are subject to change. Please contact the Planning Department at 408-777-3308 or the City's website at [www.cupertino.org/agenda](http://www.cupertino.org/agenda) to confirm the hearing dates.**

**LOCATION OF PROJECT:**

10931 North De Anza Boulevard  
Assessor's Parcel Number (APN) 326-10-061

**SUMMARY PROJECT DESCRIPTION:**

The project applicant is proposing the De Anza Hotel Project which would construct a hotel on a 1.29-acre site currently developed with commercial land uses. The project would also involve demolition of the existing Goodyear Tire commercial building on the site. The development would be a new six-story, 156-room hotel, which would include a rooftop terrace, lounge, and bar, as well as ground floor conference facilities and a restaurant.

Please contact Gian Matire, Associate Planner, at 408-777-3319 or [GianM@cupertino.org](mailto:GianM@cupertino.org) if you have questions regarding this notice.

## 2. Executive Summary

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### 2.1 INITIAL STUDY CHECKLIST

1. Project Title: The De Anza Hotel Project
2. Lead Agency Name and Address: City of Cupertino  
10300 Torre Avenue  
Cupertino, CA 95014
3. Contact Person and Phone Number: Gian Martire, Associate Planner  
GianM@cupertino.org  
408-777-3319
4. Project Location: 10931 North De Anza Boulevard  
Cupertino, CA 95014
5. Project Applicant's Name and Address: De Anza Properties  
960 North San Antonio Road  
Los Altos, CA 94703
6. General Plan Land Use Designation: Commercial/Residential
7. Zoning: General Commercial with special development regulation (CG-rg)
8. Description of Project: See Project Description in Chapter 3
9. Surrounding Land Uses and Setting: See page 1 of Chapter 3, Project Description
10. Other Public Agencies whose Approval is Required: See page 26 of Chapter 3, Project Description
11. Have California Native American tribes traditionally and culturally affiliated with the project area requested consultation pursuant to Public Resources Code Section 21080.3.1? If so, is there a plan for consultation that includes, for example, the determination of significance of impacts to tribal cultural resources, procedures regarding confidentiality, etc.? The City has not received any request from any Tribes in the geographic area with which they are traditionally and culturally affiliated or otherwise to be notified about projects in Cupertino.

## EXECUTIVE SUMMARY

### 2.2 ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED

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

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

### 2.3 DETERMINATION

On the basis of this initial evaluation:

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

APPROVED BY:

Gian Martire, Associate Planner

Date

7/11/19

## **2.4 SUMMARY OF IMPACTS AND MITIGATION MEASURES**

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

### **AIR QUALITY**

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

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

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

## EXECUTIVE SUMMARY

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

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

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

## BIOLOGICAL RESOURCES

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

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

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

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

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



## EXECUTIVE SUMMARY

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

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

## CULTURAL RESOURCES

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

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

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

## EXECUTIVE SUMMARY

### GEOLOGY AND SOILS

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

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

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

### GREENHOUSE GAS EMISSIONS

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

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

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### NOISE

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

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

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

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

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

**Mitigation Measure NOISE-2:** Mechanical equipment shall be selected and designed to reduce impacts on surrounding uses to meet the Cupertino Municipal Code noise limits of 60 dBA and 50 dBA at residential uses during daytime and nighttime, respectively, and 65 dBA and 55 dBA at non-residential sensitive uses (i.e., the Cupertino Hotel) during daytime and nighttime, respectively. A qualified acoustical consultant shall be retained to review mechanical noise as these systems are selected to determine specific noise reduction measures necessary to reduce noise to comply with the City's noise level requirements.

Mechanical equipment shall be selected and designed to reduce impacts on surrounding uses to meet the City's noise level requirements. Noise reduction measures could include, but are not limited to:

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

## TRIBAL CULTURAL RESOURCES

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

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

## EXECUTIVE SUMMARY

### UTILITIES AND SERVICE SYSTEMS

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

**Mitigation Measure UTIL-1:** No building permits shall be issued by the City for the proposed De Anza Hotel Project that would result in exceeding the permitted peak wet weather flow capacity of 13.8 mgd through the Santa Clara sanitary sewer system. The project applicant may demonstrate, to the satisfaction of the City of Cupertino and Cupertino Sanitary District (CSD), that the proposed hotel would not exceed the peak wet weather flow capacity of the Santa Clara sanitary sewer system by implementing one or more of the following methods:

- 1) Reduce inflow and infiltration in the CSD system to reduce peak wet weather flows; or
- 2) Increase on-site water reuse, such as increased grey water use, or reduce water consumption of the fixtures used within the proposed project, or other methods that are measurable and reduce sewer generation rates to acceptable levels, to the satisfaction of the CSD.
- 3) The proposed project's estimated wastewater generation shall be calculated using the generation rates used by the *San Jose-Santa Clara Water Pollution Control Plant Specific Use Code & Sewer Coefficient* table in the May 2007, *City of Santa Clara Sanitary Sewer Capacity Assessment*,<sup>11</sup> and *California Green Building Standards*, unless alternative (i.e., lower) generation rates achieved by the proposed project are substantiated by the project applicant based on evidence to the satisfaction of the CSD.

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<sup>11</sup> Mark Thomas and Associates. Email communication with Cupertino Public Works. July 19, 2018.

**EXECUTIVE SUMMARY**

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