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PLANNING COMMISSION STAFF REPORT

Agenda Item No. 1

Agenda Date: September 9, 2014

Application: GPA-2013-01, GPA-2013-02, Z-2013-01 and MCA-2014-01 (EA-2013-03)

Applicant: City of Cupertino

Property Location: City-wide

SUBJECT

Study Session on the Final Environmental Impact Report (EIR) for the proposed General Plan Amendment, Housing Element Update, and associated Rezoning Project.

RECOMMENDED ACTION

Staff recommends that the Planning Commission receive this report and comments on the Final EIR. The Final EIR consists of the Response to Comments (RTC) Document, published in August 2014 (Attachment 1), and the Draft EIR published in June 2014 (Attachment 2).

This is a study session and no action is required at this time.

DISCUSSION

Background

On August 21, 2012, the City Council directed staff to evaluate replenishing citywide office, commercial, and hotel development allocation. During the same time frame, several property owners, including some owners within the Vallco Shopping District, approached the City about potential General Plan amendments to allow future development of their properties. In order to comprehensively evaluate citywide needs and individual sites, in early 2013, the City Council directed staff to combine these individual requests into one comprehensive General Plan Amendment.

In addition, in November 2013, the City initiated a process to update the State-mandated Housing Element of the General Plan. The Housing Element, which is a required component of the General Plan, identifies appropriate locations and policies for future housing in Cupertino.

The City Council decided to combine the Housing Element Update process with the General Plan Amendment process so the City and community could fully evaluate and discuss mobility, urban design, economic development, and housing options in one comprehensive outreach and planning process.

The General Plan Amendment process has involved extensive community discussions and input provided during several public meetings, workshops, study sessions, and through online comment forms and surveys. The proposed Project considers citywide land use, urban design, mobility, and economic development choices but is not a complete revision of the City's 2000-2020 General Plan.

Environmental Impact Report

The California Environmental Quality Act (CEQA) requires that all State and local governments consider the physical changes that result as a consequence of projects over which they have discretionary authority. A Final EIR for the Project has been prepared in accordance with the requirements of the California Environmental Quality Act (CEQA). The purpose of the EIR is not to recommend approval or denial of a project but to provide information to be used in the planning and decision-making process. CEQA requires decision makers to balance the benefits of a proposed project against the environmental effects, along with other factors.

The EIR for the proposed Project evaluates three land use alternatives (Alternative A, B and C) for a focused General Plan Amendment. Proposed alternatives consist of options for city-wide development allocations (office, commercial, hotel, and residential), as well as building heights and densities for Major Mixed-Use Special Areas, seven Study Areas, and Other Special Areas. The proposed land use alternatives and changes to the General Plan goals, policies and strategies would require amendments to the City of Cupertino 2000-2020 General Plan adopted by the City Council on November 15, 2005.

CEQA Project

Alternative C includes the maximum development intensity considered; therefore, for purposes of studying the significant environmental impacts of the proposed General Plan Amendment and Housing Element Update, Alternative C is the proposed Project for purposes of the EIR. In this Alternative, the new growth for the 2040 horizon year studied is 4,040,231 square feet of office space, 1,343,679 square feet of commercial space, 1,339 hotel rooms, and 4,421 residential units. The proposed Project could result in up to 12,998¹ new residents and 16,855 new jobs.²

¹ Population is calculated by multiplying the number of residential units times 2.94 persons per household, which is the ABAG 2040 estimated generation rate.

² Jobs are calculated applying the City's generation rates as follows;

$$\left(\frac{4040231 \text{ sq. ft.}}{300 \text{ sq. ft./employee}} \right) + \left(\frac{1343679 \text{ sq. ft.}}{450 \text{ sq. ft./employee}} \right) + \left(\frac{1339 \text{ rooms}}{0.3 \text{ employee/room}} \right) = 13,467 + 2,986 + 402 = 16,855 \text{ Jobs}$$

Under the proposed Project, the total 2040 buildout (existing conditions plus proposed Project) would be as follows:

- Office: 12,970,005 square feet
- Commercial: 5,073,248 square feet
- Hotel: 2,429 rooms
- Residential: 25,820 units
- Population: 71,300
- Jobs: 44,242

Table 1 provides a summary of the total development allocation projections in Alternative C.

TABLE 1 ALTERNATIVE C (PROPOSED PROJECT) SUMMARY – ALL PROJECT COMPONENTS DEVELOPMENT ALLOCATIONS

		Remaining Allocation	Proposed Project	Difference
Special Areas including Gateways /Nodes along major transportation corridors, Study Areas and Housing Element Sites^a				
Office		17,113 sf	3,290,000 sf	+ 3,272,887 sf
Commercial		695,629 sf	1,250,000 sf	+ 554,371 sf
Hotel		339 room	1,339 rooms	+ 1,000 rooms
Residential		1,416 units	3,900 units	+ 2,484 units
Other Special Areas including Neighborhoods and Non-Residential/Mixed-Use Special Areas and Housing Element Sites^b				
Office		523,118 sf	750,231 sf	+ 227,113 sf
Commercial		5,784 sf	93,679 sf	+ 87,895 sf
Hotel		0 rooms	0 rooms	0 rooms
Residential		479 units	521 units	+ 42 units
Total	Built / Approved			
Office	8,929,774 sf	540,231 sf	4,040,231 sf	+ 3,500,000 sf
Commercial	3,729,569 sf	701,413 sf	1,343,679 sf	+ 642,266 sf ^c
Hotel	1,090 rooms	339 rooms	1,339 rooms	+ 1,000 rooms
Residential	21,399 units	1,895 units	4,421 units	+ 2,526 units

Note: sf = square feet

- a. Includes Homestead, North Vallco Park, Heart of the City, North De Anza, and South De Anza Major Mixed-Use Special Areas.
- b. Includes Bubb Road Mixed-Use Special Area, Monta Vista Village, Other Commercial/Mixed-Use Special Areas, Other Neighborhoods, Major Employers Category, and Housing Element Sites.
- c. Net new commercial is not proposed. This number assumes that the existing Vallco Shopping Mall square footage (1,267,601 sf) will be demolished and will go back into the City-wide commercial allocation pool. A total of 625,335 sf would be reserved for a future project in the Vallco district.

Source: City of Cupertino, 2014.

The EIR also studies an update to the General Plan's Housing Element to accommodate the Regional Housing Needs Allocation (RHNA) for the 2014–2022 planning period and meet the City's fair-share housing obligation of 1,064 units. As part of this process, the following zoning amendments would be made:

- Chapter 19.56 (Density Bonus) will be amended to be consistent with the 2007–2014 Housing Element Program 12 (Density Bonus Program);
- Chapter 19.20 (Permitted, Conditional and Excluded Uses in Agricultural and Residential Zones), Chapter 19.76 (Public Building (BA), Quasi-Public Building (BQ) and Transportation (T) Zones), and Chapter 19.92 (Park and Recreation Zones) will be amended to ensure conformance with SB 2 requirements pertaining to the permanent emergency shelters;
- Chapter 19.20 (Permitted, Conditional and Excluded Uses in Agricultural and Residential Zones) will also be amended to be consistent with the State Employee Housing Act with respect to farmworker housing and employee housing.

Changes proposed to the General Plan Land Use Map, Zoning text and Zoning map are proposed to achieve internal consistency as a result of changes to the following:

- Housing Element policies that are (1) required by State Law or (2) adopted by the City Council as a result the Project,
- Changes to General Plan Policy to address changes required as a result of recently adopted State Law (such as Assembly Bill 1358, Complete Streets)
- As a result of bringing non-conforming land use into conformance with the General Plan and Zoning Ordinance or for formatting or reorganizing the text.

Alternatives

In addition to the CEQA-required No Project alternative, the EIR also includes an analysis of two land use alternatives to the Proposed Project described above. These alternatives analyze the significant environmental impacts for lesser development intensities than the Proposed Project.

- The No Project alternative envisions no change to the current General Plan and no changes to the remaining development allocation. No changes to the residential density would be allowed on any property.
- In Alternative A, the proposed development intensity includes an increase in the office and hotel allocations but no increase in residential allocation. No increase in commercial allocation is proposed in Alternative A. In Alternative A, it is expected that some portions of the Vallco Shopping Mall may be re-tenanted or re-purposed. In addition, no maximum height increases are proposed under this Alternative. Residential density would be increased in the South De Anza Specific Plan area (south of Highway 85.)
- In Alternative B, increases in office, hotel and residential development allocations are proposed more than those studied in Alternative A. It is expected that the existing Vallco

Shopping Mall would be demolished and returned to the commercial allocation pool. No increase in commercial allocation is proposed in this alternative. Under this Alternative, the proposed maximum height limits are less than those of the proposed Project. Residential density would be increased in certain areas of the City but to densities less than those proposed in the Project.

The proposed development intensity in the alternatives to the proposed Project are presented in Table 2 below.

TABLE 2 ALTERNATIVES COMPARISON SUMMARY BY PROPOSED NEW DEVELOPMENT ALLOCATIONS

Category	Proposed Project (Alternative C)	No Project ^a	Land Use Alternative A	Land Use Alternative B
Office	4,040,231 sf	540,231 sf	1,040,231 sf	2,540,231 sf
Commercial	1,343,679 sf	701,413 sf	701,413 sf	1,343,679 sf
Hotel	1,339 rooms	339 rooms	600 rooms	839 rooms
Residential	4,421 units	1,895 units	1,895 units	3,316 units
Population ^b	12,998	5,571	5,571	9,749
Jobs	16,855 ^c	3,461 ^d	5,206 ^e	11,705 ^f

Notes: sf = square feet

a. No Project represents remaining development allocation under the existing 2000-2020 General Plan.

b. Population is calculated by multiplying the number of residential units studied in each alternative by 2.94 persons per household, which is the ABAG 2040 estimated generation rate.

c. Jobs are calculated applying the City’s employee generation rates for each category as follows;

$$\left(\frac{4040231 \text{ sq. ft.}}{300 \text{ sq. ft./employee}} \right) + \left(\frac{1343679 \text{ sq. ft.}}{450 \text{ sq. ft./employee}} \right) + \left(\frac{1339 \text{ rooms}}{0.3 \text{ employee/room}} \right) = 13,467 + 2,986 + 402 = 16,855 \text{ Jobs}$$

d. Jobs are calculated applying the City’s employee generation rates for each category as follows;

$$\left(\frac{540231 \text{ sq. ft.}}{300 \text{ sq. ft./employee}} \right) + \left(\frac{701413 \text{ sq. ft.}}{450 \text{ sq. ft./employee}} \right) + \left(\frac{339 \text{ rooms}}{0.3 \text{ employee/room}} \right) = 1,801 + 1,559 + 101 = 3,461 \text{ Jobs}$$

e. Jobs are calculated applying the City’s employee generation rates for each category as follows;

$$\left(\frac{1040231 \text{ sq. ft.}}{300 \text{ sq. ft./employee}} \right) + \left(\frac{701413 \text{ sq. ft.}}{450 \text{ sq. ft./employee}} \right) + \left(\frac{600 \text{ rooms}}{0.3 \text{ employee/room}} \right) = 3,467 + 1,559 + 180 = 5,206 \text{ Jobs}$$

f. Jobs are calculated applying the City’s employee generation rates for each category as follows;

$$\left(\frac{2540231 \text{ sq. ft.}}{300 \text{ sq. ft./employee}} \right) + \left(\frac{1343670 \text{ sq. ft.}}{450 \text{ sq. ft./employee}} \right) + \left(\frac{839 \text{ rooms}}{0.3 \text{ employee/room}} \right) = 8,467 + 2,986 + 252 = 11,705 \text{ Jobs}$$

Source: City of Cupertino, 2014.

Program EIR

As described in Section 15168 of the CEQA Guidelines, *program* EIRs are appropriate when a project consists of a series of actions related to the issuance of rules, regulations, and other planning criteria. In this case, this proposed Project consists of long-term plans that will be implemented over time as policy documents guiding future development activities and City

actions. No specific development projects are proposed as part of the Project. Therefore, this EIR is a program-level EIR that analyzes the potential significant environmental effects of adoption of the proposed Project.

As a program EIR, the EIR prepared is not project-specific, and does not evaluate the impacts of individual projects that may be proposed under the General Plan. However, if future, proposed activities are within scope of the effects examined in the program EIR, then additional environmental review may not be required for those future projects. (See CEQA Guidelines Section 15168[c] and CEQA streamlining provisions.)

If a subsequent activity, which is not exempt from CEQA, would have effects that are not within the scope of the program EIR, then the City will prepare an environmental checklist or Initial Study to determine what form of environmental review is required by CEQA, which could be a Negative Declaration, Mitigated Negative Declaration, or a Subsequent or Supplemental EIR or an Addendum, to secure the necessary development permits. For these subsequent environmental review documents, this Program EIR will serve as the first-tier environmental analysis. The program EIR can also serve to streamline future environmental review of subsequent projects. Therefore, while subsequent environmental review may be tiered from this EIR, this EIR is not intended to address project-specific impacts of individual projects.

The growth and development studied under the proposed Project would be gradual over the 26-year buildout horizon of the General Plan. Therefore, while the impacts identified as a result of implementation of the proposed Project may be significant and unavoidable in the cumulative scenario (2040), even if no action is taken or no additional growth is contemplated, regional growth, growth permitted under the provisions of the current 2000-2020 General Plan, and the associated environmental effects linked to this growth, would continue to occur resulting in significant and unavoidable impacts. Future growth under all of the land use alternatives studied in this program EIR would occur incrementally over approximately 26 years and would be guided by a policy framework that is generally consistent with many of the principal goals and objectives established in regional planning initiatives for the Bay Area, which concentrates new development within infill sites and near major transportation corridors.

The EIR created as a result of review under CEQA must disclose the significant environmental impacts of the project and, in addition, identify the following:

- Significant cumulative impacts of the project in combination with past, present and reasonably foreseeable future projects;
- Mitigation measures and alternatives to reduce these effects;
- Significant impacts that cannot be avoided;
- Growth-inducing impacts; and
- Effects found not to be significant.

Prior to approving the proposed Project, the Planning Commission must decide whether to recommend that the City Council certify that the Final EIR was prepared in compliance with

CEQA and whether to recommend that the City Council approve the General Plan Amendment, Housing Element Update, and associated Rezoning. The Commission's recommendations will be forwarded to the City Council for final action. Since this is a study session, an action is not required at this time.

The City Council will review the Final EIR for adequacy and will exercise its independent judgment regarding certification. If the Council certifies the Final EIR, it will then consider whether to approve the General Plan Amendment, Housing Element Update, and associated Rezoning. As part of this approval, findings on the feasibility of reducing or avoiding significant environmental effects will be made, including a Statement of Overriding Considerations balancing the benefits of the project against its unavoidable environmental risks.

EIR Process and Public Outreach

The EIR process started with the issuance of the Notice of Preparation (NOP) of an EIR for the proposed Project to the Office of Planning and Research (OPR) State Clearinghouse, interested agencies and persons on March 5, 2014 for a 30-day review period. A public Scoping Meeting was held on Tuesday, March 11, 2014 at 5:00 p.m. at the Cupertino Community Hall. The NOP and scoping process solicited comments from responsible and trustee agencies, as well as interested parties regarding the scope of the Draft EIR. Appendix A, Notice of Preparation Comment Letters, of the Draft EIR contains the NOP as well as the comments received by the City in response to the NOP. The City also established a website for the Project in early 2013 where all project-related documents including the Draft EIR and comments on the Project and the EIR were posted for public review.

Following the preparation of the Draft EIR, a Notice of Availability (NOA) was issued to the OPR State Clearinghouse, interested agencies and persons, as well as the Santa Clara County Clerk-Recorder for a 45-day review period from Wednesday, June 18, 2014 through Friday, August 1, 2014. Copies of the Draft EIR were made available for review to interested parties at:

- 10 public libraries in Cupertino and the surrounding area,
- Cupertino City Hall at 10300 Torre Avenue, Cupertino, CA 95014, and
- Project's website at: <http://www.cupertino.org/>

Postcards were mailed to all postal customers in the City of Cupertino and a notice was also published in the Cupertino Courier. A public meeting was held on Tuesday, June 24, 2014 at 5:00 p.m. at the Cupertino Community Hall to receive comments on the adequacy of the Draft EIR. The public was encouraged to provide written input regarding the adequacy of the Draft EIR.

Several comment letters were received during the 45-day review period of the Draft EIR. Responses to the written comments received during that period regarding the adequacy of the Draft EIR have been prepared and compiled in the RTC document along with minor text revisions, corrections and clarifications to the Draft EIR. The RTC document together with the Draft EIR is considered to be the Final EIR for the proposed Project.

The RTC document was posted on the Project website on August 29, 2014. The NOA for the Final EIR has been made available at the City Hall, sent to 10 local libraries and to the agencies that commented on the Draft EIR. A notice was also published in the Cupertino Courier and an email was sent to all interested persons who had signed up through the website.

Key Significance Findings And Mitigations

Revised Table 2-2, Summary of Impacts and Mitigation Measures from the RTC document, along with Table 2-2 of the Draft EIR summarize all significant Project impacts and mitigation measures. The list of mitigation measures does not include existing requirements (such as compliance with mandatory regulation (e.g. General Plan policies, zoning regulations) that are routinely applied to new development. This staff report highlights key findings only.

The EIR has identified mitigation measures for all significant impacts. However, even with mitigation, some significant impacts would remain significant and have been determined to be significant and unavoidable. In some cases, the significant impacts have been determined to be significant and unavoidable because the mitigation measures require approval from a public agency other than the City of Cupertino (e.g. the City of Santa Clara, Caltrans, etc.) and are not within the responsibility and jurisdiction of the City. If approval is not granted by that agency for implementation of the mitigation measure, the significant impact would remain and would, therefore, be considered significant and unavoidable. In other cases, a significant impact is unavoidable because the significant impact would not be fully mitigated even though mitigation measures have been identified to minimize/reduce the impact. A detailed discussion of the significant environmental impacts of the Proposed Project, as well as significant and unavoidable impacts, and mitigation measures and alternatives identified to lessen or avoid these impacts where feasible is provided in the Draft EIR (Attachment 2).

This section highlights key findings for cumulative impacts of the development proposed. Details are provided in the EIR.

1. Aesthetics

The land use or intensity changes proposed under the Project do not represent a substantial reimagining of the character of the Project Component locations including those within the I-280 viewshed. This is primarily because the existing conditions at these locations are largely urbanized and built out. The potential future development under the proposed Project would primarily involve gradual changes in development intensity similar to existing buildings, albeit with increased building height potential in limited locations. New and/or intensified uses as a result of the proposed Project would be dispersed within the Project Component locations and would occur gradually throughout the 26-year buildout horizon of the General Plan. The General Plan policies are an integral, inseparable component of the proposed Project, and amended policies under the proposed Project would not cause adverse physical changes that could create aesthetic impacts in Cupertino. Individual developments would continue to be subject to General Plan policies and Municipal Code provisions.

Additionally, the increases in heights are proposed in Planned Development areas where individual projects would also be subject to the Architectural and Site Review process as well as the Design Standards outlined in the Heart of the City Specific Plan, the South Vallco Specific Plan, and other applicable Conceptual Plans to ensure that the development is aesthetically pleasing and compatible with adjoining land uses with appropriate setbacks. With the development review mechanisms in place, approved future development under the proposed Project is not anticipated to create substantial impacts to visual resources. Moreover, certain policy changes would serve to reduce aesthetic impacts from new and existing developments. Therefore, the General Plan policy amendments under the proposed Project were determined to result in *less-than-significant* impacts to aesthetics.

2. Air Quality

Air pollutant emissions associated with the proposed Project would result in a cumulatively considerable contribution to air quality impacts.

The proposed Project would support the primary goals of the 2010 Bay Area Clean Air Plan; however, the buildout of the proposed Project would conflict with the Bay Area Air Quality Management District (BAAQMD) Bay Area Clean Air Plan goal for community-wide vehicles miles traveled (VMT) to increase at a slower rate compared to population and employment growth. The rate of growth in VMT would exceed the rate of population and employment growth, resulting in a substantial increase in regional criteria air pollutant emissions in Cupertino. The Plan Bay Area aims to improve transportation efficiency and reduce regional infrastructure costs in the region. Policies and development standards in the proposed Project would facilitate continued City participation/cooperation with BAAQMD and the Santa Clara Valley Transportation Authority (VTA) to achieve regional air quality improvement goals, promote energy conservation design and development techniques, encourage alternative transportation modes, and implement transportation demand management strategies.

In addition, future projects under the proposed Project would generate air pollutant emissions during operation and construction phases that could exceed BAAQMD's significance criteria.

a. Operational Emissions:

Future development under the proposed Project would result in a substantial long-term increase in criteria air pollutants over the 26-year General Plan horizon. Criteria air pollutant emissions would be generated from on-site area sources (e.g. fuel used for landscaping equipment, consumer products), vehicle trips generated by the Project, and energy use (e.g. natural gas used for cooking and heating). While the General Plan includes policies and strategies that once adopted would reduce operational emissions from development under the proposed Project to the maximum extent practicable, there are no additional measures available to mitigate this impact due to the level of growth forecast in the city.

In addition, Mitigation Measure AQ-4a, for new sources of Toxic Air Contaminants (TACs), would also reduce criteria air pollutants associated with light industrial land uses within the

city. Operational emissions from future development would be determined during project-level CEQA review for future projects. The total criteria air pollutant emissions from operation of future development projects under the proposed Project would be substantial and would contribute to increases in concentrations of air pollutants, which could contribute to ongoing violations of air quality standards. Therefore, the impact would be *significant and unavoidable*.

b. Construction Emissions:

Future construction emissions associated with individual development projects under the proposed Project would generate an increase in criteria air pollutants and TACs. Existing federal, State, and local regulations, and policies and strategies of the proposed Project described in the Draft EIR, protect local and regional air quality. Continued compliance with these regulations and implementation of General Plan policies and strategies, would reduce construction-related impacts to the extent feasible. However, if uncontrolled, fugitive dust (PM₁₀ and PM_{2.5}) levels downwind of actively disturbed areas during construction or overlapping construction activities could violate air quality standards or contribute substantially to an existing or projected air quality violation and expose sensitive receptors to elevated concentrations of pollutants during construction activities.

While Mitigation Measure AQ-2a would require adherence to the current Bay Area Air Quality Management District's basic control measures for reducing construction emissions of PM₁₀, and Mitigation Measure AQ-2b would require adherence to BAAQMD's basic control measures for fugitive dust control and would ensure impacts from fugitive dust generated during construction activities are less than significant, applicants for future development in Cupertino could generate construction exhaust emissions in excess of the BAAQMD significance thresholds. An analysis of emissions generated from the construction of specific future projects under the General Plan would be required to evaluate emissions compared to BAAQMD's project-level significance thresholds during individual environmental review.

It should be noted that the identification of these program-level impact does not preclude the finding of less-than-significant impacts for subsequent projects that comply with BAAQMD screening criteria or meet applicable thresholds of significance. However, due to the level of growth forecast in the city and the programmatic nature of the proposed Project, no additional mitigation measures are available and air quality impacts are considered *significant and unavoidable*.

3. Cultural Resources

There are 22 recorded cultural resources within the City of Cupertino and its Sphere of Influence (SOI) that are documented on the California Office of Historic Preservation's (OHP) *recording forms*. As of March 2011, there were 13 properties listed in the OHP's *Directory of Historic Properties*. Additionally, the City has identified 37 locally important cultural resources in the current General Plan. Although, most of the 37 sites have not been evaluated for listing on the National Register or State Register, they are still recognized as sites to be protected under

the current General Plan. The properties considered locally important are unique to the lists where they appear, which include Commemorative Sites, Community Landmarks, and Sites of Historic Mention. The sites of Historic Mention are sites outside of the City's jurisdiction, but still recognized as locally important to Cupertino. As part of the General Plan Amendment, the Seven Springs Ranch, built in 1866 and located at 11801 Dorothy Anne Way in Cupertino, and listed on the Office of Historic Preservation Directory Listings, would be added to the City's list of Historically Significant Resources. This site has been nominated for inclusion in the National Register; however, it is not currently listed in either the National Register of Historic Places or the California Register of Historical Resources.

As discussed in Chapter 4.4, Cultural Resources, several of the identified historical resources are within the boundaries of some Project Component locations. Therefore, implementation of the proposed Project could have the potential to directly impact cultural resources, by increasing commercial, office, hotel, and residential development allocations and providing for potential new development. However, the General Plan includes policies and strategies that, once adopted, would minimize potential impacts to historic resources. Implementation of these General Plan policies and strategies, as well as compliance with federal and State laws, would ensure future development would not be detrimental or injurious to property with cultural resources or improvements in the vicinity of property with cultural resources, and impacts were found to be *less than significant*.

4. Greenhouse Gas Emissions

As explained in Chapter 4.6 of the EIR, the effects of greenhouse gas emissions on global climate change are evaluated on a cumulative basis, because no single project is large enough to result in a measurable increase in global concentrations of greenhouse gases. The EIR uses the methodology recommended by the Bay Area Air Quality Management District for evaluating the impacts of plan-level projects like the General Plan Amendment and Housing Element Update.

The General Plan includes policies and strategies that encourage use of alternative modes of transportation and focus new growth in mixed-use areas. The proposed Project is consistent with the objectives of Plan Bay Area for growth within the Priority Development Areas (PDAs). Therefore, the proposed Project is consistent with the regional Sustainable Communities Plan - Plan Bay Area.

In addition, a General Plan is a regulatory document and does not directly result in development without further approvals. Any development in the city is required to be analyzed for conformance with the General Plan, zoning requirements, and other applicable local and state requirements; comply with the requirements of CEQA; and obtain all necessary clearances and permits. Compliance with these regulations and implementation of General Plan policies would ensure that the City is on a trajectory that is consistent with statewide greenhouse gas reduction goals. Accordingly, impacts were found to be *less than significant*.

5. Noise

As a result of implementation of the proposed Project and ongoing regional growth, it is anticipated that there would be substantial permanent increases to the ambient noise levels throughout Cupertino, and that these increases would primarily result from increases to transportation-related noise, especially that of automobile traffic. The impact analysis found that there would be multiple major road segments that would experience substantial permanent increases in ambient noise levels, including at sensitive land uses.

While the General Plan contains numerous policies to address excessive roadway noise at existing sensitive land uses, which could in certain cases reduce or prevent significant increases in ambient noise at sensitive land uses due to the proposed Project, the measures described in these policies would not be necessarily be feasible in all locations or contexts. For example, some of the most effective noise-attenuation measures, including sound walls and berms, are inappropriate along streets with commercial or residential street frontage (due to financial and aesthetic considerations, and negative impacts to pedestrian and bicycle connectivity), and therefore would be infeasible or inappropriate in a majority of locations where sensitive land uses already exist.

For these reasons, there is no feasible mitigation that would substantially reduce or avoid significant increases in ambient noise levels, because in most cases all identified mitigations would be economically impractical, scientifically unachievable, outside the City's jurisdiction, and/or inconsistent with City planning goals and objectives. Therefore, the noise impacts of the Proposed Project would remain *significant and unavoidable* impact.

6. Population and Housing

The proposed Project would not induce a substantial amount of growth that has not been adequately planned for or require the construction of replacement housing elsewhere. Growth under the proposed Project would occur incrementally over a period of approximately 26 years and would be guided by the policy framework in the proposed Project that is generally consistent with most of the principal goals and objectives established in regional planning initiatives for the Bay Area. One of the key concepts of Plan Bay Area is the idea of focusing future growth into transit-oriented, infill development opportunity areas within existing communities that are expected to host the majority of future development. These areas are called Priority Development Areas (PDA).

The PDAs in Cupertino are located along Stevens Creek Boulevard between Highway 85 and the City of Santa Clara, and along De Anza Boulevard between Stevens Creek Boulevard and the City of Sunnyvale. These coincide with the Heart of the City and North De Anza Special Areas, portions of the Homestead and South De Anza Special Areas, and include three Study Areas and eleven potential Housing Element sites.

Accordingly, implementation of the proposed Project would facilitate infill growth and support regional planning efforts. Growth due to the proposed Project together with cumulative growth

would be consistent with regional planning efforts, and would not exceed regional growth projections, displace substantial numbers of people or housing, or exceed planned levels of growth. Therefore, the impact would be *less than significant*.

7. Transportation and Traffic

a. Intersection Analysis

The EIR included an analysis of forty-one (41) study intersections, all of which are signalized. Chapter 4.13, Transportation and Traffic, describes the traffic conditions that would result with the addition of the trips generated by the development under the proposed Project on the local roadway network, compared to traffic conditions with the 2040 No Project scenario. The roadway network is assumed to be the same as under the 2040 No Project scenario.

The results of the Level of Service (LOS) analysis show that, of the forty-one (41) study intersections, twenty-five (25) intersections would operate at an acceptable level of service under the proposed Project and sixteen (16) intersections would operate at an unacceptable level of service during the AM peak hour (7:00 a.m. – 10:00 a.m.), the PM peak hour (4:00 p.m. – 7:00 p.m.), or both peak hours. Eleven (11) of the sixteen (16) intersections expected to operate at unacceptable LOS are included in Santa Clara County's Congestion Management Program (CMP). Five (5) of the sixteen (16) intersections (shown with an asterisk[*]) that would operate at an unacceptable level of service for at least one peak hour under the proposed Project were also predicted to operate at an unacceptable level of service under the No Project scenario.

The following is a list of the sixteen (16) intersections that would result in a significant impact during at least one of the peak hours:

Intersection (#)	LOS	Peak Hour
1. SR 85 Northbound Ramps & Stevens Creek Blvd (#2) (CMP)	E	AM
2. Stelling Road and Stevens Creek Blvd (#3) (CMP)	F	PM
3. *Sunnyvale-Saratoga Rd/De Anza Blvd & Homestead Rd (#5) (CMP)	F	AM and PM
4. *De Anza Blvd & I-280 Northbound Ramp (#6) (CMP)	F	AM and PM
5. De Anza Blvd & I-280 Southbound Ramp (#7) (CMP)	F	AM and PM
6. *De Anza Blvd & Stevens Creek Boulevard (#8) (CMP)	F	PM
7. De Anza Blvd & McClellan Rd/Pacifica Dr (#9)	F	PM
8. Wolfe Rd & Homestead Rd (#16)	F	PM
9. *Wolfe Rd & I-280 Northbound Ramp (#18) (CMP)	F	AM
10. Wolfe Rd & I-280 Southbound Ramp (#19) (CMP)	F	AM and PM
11. *Stevens Creek Blvd & Wolfe Rd/Miller Ave (#21) (CMP)	E+	AM
12. North Tantau Ave/Quail Ave & Homestead Rd (#24)	E (E+)	AM (PM)
13. Stevens Creek Blvd & Tantau Ave (#27)	F	PM
14. Agilent Tech Drive Way & Stevens Creek Blvd (#30)	F	AM
15. Lawrence Expy Southbound Ramp & Stevens Creek Blvd (#31) (CMP)	F	AM
16. Stevens Creek Blvd & Lawrence Expy Northbound Ramp (#32) (CMP)	F	AM

b. Freeway Segment Analysis

Ten (10) freeway segments were analyzed for impacts due to implementation of the Project. If the existing level of service is LOS F and the number of net new trips added by the project is more than 1 percent of freeway capacity in that segment, there would be a significant impact.

Under the proposed Project, one (1) of the high-occupancy vehicle (HOV) lane segments and the following five (5) mixed-lane freeway segments would have significant impacts:

1. SR 85 Southbound between I-280 and Stevens Creek Blvd (+2.7%).
2. I-280 Southbound between Lawrence Exwy and Saratoga Ave (+2.2%)
3. I-280 Northbound between Saratoga Ave and Lawrence Exwy (+1.3%)
4. I-280 Northbound between Wolfe Rd and De Anza Blvd (+1.7%)
5. I-280 Northbound between De Anza Blvd and SR 85 (mixed-flow lanes & HOV lane) (+1.2%)

A mitigation measure has been identified to reduce impacts at these intersections and freeway segments. The mitigation measure requires the City to prepare and implement a Transportation Mitigation Fee Program to guarantee funding for roadway and infrastructure improvements that are necessary to mitigate impacts from future projects based on the then current City standards. As part of the preparation of the Transportation Mitigation Fee Program, the City shall also commit to preparing a "nexus" study to establish nexus between the improvements identified and the fee established. The EIR identifies examples of transportation improvements and facilities that would reduce impacts to acceptable level of service standards and these, among other improvements, including multimodal improvements that reduce automobile trips and relieve congestion that could be included in the development impact fees nexus study.

- SR 85 Northbound Ramps and Stevens Creek Boulevard (#2): An exclusive left-turn lane for the northbound leg of the intersection (freeway off-ramp) at the intersection of SR 85 and Stevens Creek Boulevard would result in one left-turn lane, one all-movement lane, and one right turn lane. The additional lane could be added within the existing Caltrans right-of-way.
- Stelling Road and Stevens Creek Boulevard (#3): The addition of a second exclusive left-turn lane for the eastbound leg of the intersection from Stevens Creek Boulevard to northbound Stelling Road, which could be accomplished by reworking the median. Right turns would share the bike lane.
- Sunnyvale-Saratoga Road/De Anza Boulevard and Homestead Road (#5): Widen De Anza Boulevard to four lanes in each direction or the installation of triple left-turn lanes.
- De Anza Boulevard and I-280 Northbound Ramp (#6): Restriping of De Anza Boulevard in the southbound direction to provide room for right turn vehicles to be separated from through traffic may be required. The bike lane would be maintained, and right turns would occur from the bike lane. The right turns would continue to be controlled by the signal and would need to yield to pedestrians.
- De Anza Boulevard and Stevens Creek Boulevard (#8): Restripe westbound Stevens Creek Boulevard to provide room for right turn vehicles to be separated from through vehicles may

be required. The right turn vehicles will share the bike lane and will still be controlled by the traffic signal. Paint a bike box at the front of the lane to provide bikes a place to wait at red lights. The pedestrian crossings will not be affected may enhance the bicycling experience.

- De Anza Boulevard and McClellan Road/Pacifica Drive (#9): Realign the intersection that is currently offset resulting in inefficient signal timing such that the McClellan Road and Pacifica Drive legs are across from each other may be required. In addition, double left turn lanes may be required to be added to De Anza Boulevard with sections of double lanes on McClellan Road and Pacifica Drive to receive the double left turn lanes. These improvements will require the acquisition of right-of-way and demolition of existing commercial buildings. However, some existing right-of-way could be abandoned, which would reduce the net right-of-way take.
- Wolfe Road and Homestead Road (#16): The addition of a third southbound through lane to the southbound approach of the intersection of Wolfe Road and Homestead Road may be required, as well as the addition of a southbound exclusive right-turn lane. Three southbound receiving lanes on the south side of the intersection currently exist. An additional westbound through lane for a total of three through-movement lanes, an additional receiving lane on Homestead westbound to receive the additional through lane, as well as the addition of a westbound exclusive right-turn lane may be required. This will require widening Homestead Road. An additional eastbound through lane for a total of three through-movement lanes, an additional receiving lane on Homestead eastbound to receive the additional through lane, as well as the addition of an eastbound exclusive left-turn lane for a total of two left-turn lanes may be required. These improvements will require the acquisition of right-of-way and demolition of parking areas.
- Wolfe Road and I-280 Northbound Ramp (#18): The Apple Campus 2 project will be adding a third northbound through lane starting at the northbound on ramp. This third lane will need to be extended farther south to effectively serve the additional northbound traffic due to the General Plan development. This could require widening the Wolfe Road overcrossing. Right-of-way acquisition may be required. In accordance with Caltrans procedures, a Project Study Report (PSR) will need to be prepared. The PSR will look at all interchange improvement options, which may include widening the overcrossing and may include redesign of the interchange to go from a partial cloverleaf design to a diamond design. This could help with heavy volumes in the right lane, which contributes to the level-of-service deficiency.
- Wolfe Road and I-280 Southbound Ramp (#19): An additional through lane for a total of three through-movement lanes for the northbound leg of the intersection at the Wolfe Road and I-280 Southbound Ramp may be required. This additional northbound through lane would require widening to the freeway overcrossing. In addition to widening the overcrossing, the City may wish to pursue a redesign of the interchange to go from a partial cloverleaf design to a diamond design. This could help with the problem of heavy volume in the right lane, which contributes to the level of service deficiency.
- Wolfe Road/Miller Avenue and Stevens Creek Boulevard (#21): The restriping of the westbound leg of the intersection to provide room so that right turn vehicles can be

separated from through vehicles may be required. Right turn vehicles would share the bike lane. Right turn vehicles would still be controlled by the signal, and pedestrian crossings would not be affected. Paint a bike box at the front of the lane to provide bikes a place to wait at red lights may enhance the bicycling experience.

- North Tantau Avenue/Quail Avenue and Homestead Road (#24): Restriping of the southbound leg of the intersection (Quail Avenue) to provide a separate left turn lane may be required. This will require the removal of on-street parking near the intersection. The level-of-service calculations show that with implementation of these improvements, the intersection would operate at an acceptable LOS D.
- Tantau Avenue and Stevens Creek Boulevard (#27): The addition of a separate left-turn lane to northbound Tantau Avenue may be required. Right-of-way acquisition and demolition of existing commercial buildings would be required.
- Stevens Creek Boulevard and Agilent Technologies Driveway (#30): The restriping of the westbound leg of the intersection to provide room so that right turn vehicles can be separated from through vehicles may be required. Right turn vehicles would share the bike lane. Right turn vehicles would still be controlled by the signal, and pedestrian crossings would not be affected. Paint a bike box at the front of the lane to provide bikes a place to wait at red lights may enhance the bicycling experience.
- Lawrence Expressway Southbound Ramp and Stevens Creek Boulevard (CMP, County) (#31): The addition of a second right-turn lane for the southbound leg of the intersection at the Lawrence Expressway Southbound Ramp and Stevens Creek Boulevard may be required. Both lanes would need to be controlled by the signal, and disallow right turns on red. Right-of-way acquisition may be required.
- Lawrence Expressway Northbound Ramp and Stevens Creek Boulevard (CMP, County) (#32): Redesign of the northbound leg of the intersection at the Lawrence Expressway Northbound Ramp and Stevens Creek Boulevard to provide one through-movement lane, and one exclusive right-turn lane may be required. Right-of-way acquisition would be required.

The fees shall be assessed when there is new construction, an increase in square footage in an existing building, or the conversion of existing square footage to a more intensive use. The fees collected shall be applied toward circulation improvements and right-of-way acquisition. The City shall use the transportation mitigation fees to fund construction (or to recoup fees advanced to fund construction) of the transportation improvements identified above, among other things that at the time of potential future development may be warranted to mitigate transportation impacts.

While implementation of Mitigation Measure TRAF-1 would secure a funding mechanism for future roadway and infrastructure improvements that are necessary to mitigate impacts from future projects based on then current standards, impacts would remain *significant and unavoidable*, because the City cannot guarantee improvements at these intersections at this time.

The exact type and timing of required transportation improvements are pending the timing and phasing of future development projects in Cupertino.

8. Utilities and Service Systems

a. Water Supply

A Water Supply Evaluation prepared for the proposed Project on May 20, 2014 concluded that there would be adequate water within the water utility service areas of Cal Water and San Jose Water Company for the proposed project during a single-dry year and multiple-dry years with the proposed and existing water conservation regulations and measures in place. Thus, water supply impacts were found to be *less than significant*.

b. Wastewater Treatment

While the current General Plan recognizes existing system deficiencies in both the Cupertino Sanitary District (CSD) and City of Sunnyvale wastewater service areas and includes policies to address this issue, potential future development under the proposed Project would exceed the current contractually available treatment capacity at San Jose/Santa Clara Water Pollution Control Plant (SJ/SCWPCP) by 0.85 million gallons per day. Mitigation Measures UTIL-6a through UTIL-6b have been identified to ensure that CSD has adequate capacity to serve the Project's projected demand in addition to the provider's existing commitments. Implementation of these mitigation measures requires the City to work with the CSD to increase the available citywide treatment and transmission capacity to 8.65 million gallons per day, or to a lesser threshold if studies justifying reduced wastewater generation rates are completed and accepted. With implementation of these mitigation measures, wastewater treatment impacts were found to be *less than significant*.

c. Solid Waste

Anticipated rates of solid waste disposal would have a *less-than-significant* impact on the achievement of the City's target disposal rates, and the City would continue its current recycling ordinances and zero-waste policies. Nevertheless, the 2023 termination of the agreement between the Newby Island Landfill facility, as well as the facility's estimated closure date in 2025 would result in insufficient solid waste disposal capacity at buildout of the proposed Project. Implementation of Mitigation Measure UTIL-8, which requires the City to continue its current recycling ordinances and zero-waste policies in an effort to further increase its diversion rate and lower its per capita disposal rate, monitor solid waste generation volumes in relation to capacities at receiving landfill sites to ensure that sufficient capacity exists to accommodate future growth, and seek new landfill sites to replace the Altamont and Newby Island landfills, at such time that these landfills are closed, would result in *less-than-significant* impacts to solid waste disposal capacity.

d. Energy

Future new development would be constructed using energy efficient modern building materials and construction practices, use new modern appliances and equipment, and would comply with the current CALGreen Building Code, which requires the use of recycled

construction materials, environmentally sustainable building materials, building designs that reduce the amount of energy used in building heating and cooling systems as compared to conventionally built structures, and landscaping that incorporates water efficient irrigation systems. In addition, there are several General Plan policies and strategies that once adopted would ensure energy conservation is practiced in Cupertino. Buildout of the proposed Project would not significantly increase energy demands in the context of the 70,000-square-mile PG&E service territory for electricity and natural gas generation, transmission and distribution. As a result, new energy supply facilities and distribution infrastructure, or capacity-enhancing alterations to existing facilities, would not be required and impacts would be *less than significant*.

Project Alternatives

In addition to the proposed Project, the Draft EIR evaluated three Project alternatives, including the CEQA-mandated No Project Alternative as previously discussed. The alternatives were intended to feasibly attain most of the basic objectives of the Project while avoiding or lessening any of the significant effects of the Project. Each of the Alternatives was analyzed at the same level of detail, independent of the proposed Project. Recommended mitigation measures in the EIR would apply to all alternatives. Furthermore, compliance with mandatory federal, State and local regulations, including both existing and proposed General Plan policies, designed to reduce environmental impacts would also apply to all future development in Cupertino.

The Table 3 shows a comparison of impacts from the Project Alternatives in each of the areas of study in the EIR. Within each area of study, specific impacts have been studied. Even if one impact has been identified as significant and unavoidable, Table 3 identifies the impact in this entire area of study as significant and unavoidable.

TABLE 3 COMPARISON OF IMPACTS FROM PROJECT ALTERNATIVES

Topic	Proposed Project (Alternative C)	No Project	Land Use Alternative A	Land Use Alternative B
Aesthetics	LTS	LTS	LTS	LTS
Air Quality	SU	SU	SU	SU
Biological Resources	LTS/M	LTS/M	LTS/M	LTS/M
Cultural Resources	LTS	LTS	LTS	LTS
Geology, Soils, And Mineral Resources	LTS	LTS	LTS	LTS
Greenhouse Gas Emissions	LTS	LTS	LTS	LTS
Hazards And Hazardous Materials	LTS/M	LTS/M	LTS/M	LTS/M
Hydrology And Water Quality	LTS	LTS	LTS	LTS
Land Use And Planning	LTS	LTS	LTS	LTS
Noise	SU	SU	SU	SU
Population And Housing	LTS	LTS	LTS	LTS
Public Services And Recreation	LTS	LTS	LTS	LTS
Transportation And Traffic	SU	SU	SU	SU
Utilities And Infrastructure	LTS/M	LTS/M	LTS/M	LTS/M

Note: SU = Significant and Unavoidable; LTS = Less Than Significant; LTS/M = Less Than Significant with mitigation

A comparison table of the specific impacts within each area of study is provided in Attachment 2 (Draft EIR Volume II Chapter 5.0 Page 5.7 – 5.15.)

Table 5.3 in the Draft EIR indicates that future development under Land Use Alternative B would result in a less-than-significant conclusion under Impact AQ-1 (Air Quality), whereas under the other three alternatives were found to be significant and unavoidable. This is because development anticipated under Land Use Alternative B would be consistent with the Bay Area Air Quality Management District's (BAAQMD) 2010 Bay Area Clean Air Plan based on the outcome of the vehicles miles traveled (VMT) analysis.³ The VMT estimates in the VTA model are sensitive to changes in land use. Generally, land uses that reflect a more balanced jobs-housing ratio in the VTA model result in lower per capita VMT. The BAAQMD's 2010 Bay Area Clean Air Plan requires that the VMT increase be less than or equal to the projected population increase and of the proposed Project.

The analysis indicates that daily VMT in the Project Study Area would increase at a slower rate (22.3 percent) between 2013 and 2040 than would the service population of the Project Study Area (25.0 percent). Whereas in the Proposed Project, the No Project Alternative, and in Alternative B, daily VMT would increase at a slightly greater rate between 2013 and 2040 than would the service population of the Project Study Area.

The potential impacts of future development under the No Project Alternative would be substantially less than the proposed Project (Alternative C) followed by Alternative A and then Alternative B. This is because Alternatives A and B would reduce development allocations, population and jobs when compared to the Proposed Project, which would reduce consumption of non-renewable resources, production of waste and pollutants, and decreasing the demand for public facilities and infrastructure compared to the Proposed Project in proportion to the reduction in development proposed for Alternative A and Alternative B. However, the Draft EIR indicates that Significant and Unavoidable Impacts would occur even under the No Project Alternative with the growth assumptions in the current 2000-2020 General Plan.

The EIR identifies Land Use Alternative A as the environmentally superior alternative,⁴ because less development would occur compared to both the proposed Project and Land Use Alternative B. Under Land Use Alternative A, no new office, commercial space or residential units would be permitted beyond what is approved in the current General Plan. Therefore, Alternative A is considered the environmentally superior alternative. Subsequently, less development would result in the reduction of the consumption of renewable and nonrenewable resources, and would place fewer demands on public service providers which could require new facilities, require fewer road, sewer, water, and energy infrastructure improvements, and generate less waste.

³ The vehicles miles traveled (VMT) refers to Cupertino trips multiplied by the trip distances. See Section 4.13.4.9 in Chapter 4.13, Transportation and Traffic, of this Draft EIR.

⁴ CEQA requires that an alternative other than the No Project Alternative be identified as the environmentally superior alternative. CEQA Guidelines Section 15126.6(e)(2).

Response to Comments and Text Revisions

Six comment letters were received from public agencies and 19 comment letters were received from members of the general public during the 45-day review period of the Draft EIR. A majority of the comments were either in support of or opposition to the Project or concerned the merits of the Project itself, and did not address a significant environmental issue implicating the adequacy of the EIR. Comments received included comments on traffic, aesthetics and the impacts on utilities and public services (sanitary/sewer facilities and schools.)

All comments received during the public review period and that raised a significant environmental issue have been addressed in the RTC document. Text revisions to clarify text in the Draft EIR and updates in response to comments have also been made. The revisions do not affect any conclusions or significance determinations provided in the Draft EIR. The RTC document and the Draft EIR together are considered to be the Final EIR for the proposed Project. Because no new or substantially more severe significant impacts, and no new mitigation measures or alternatives that would clearly lessen the significant impacts of the Project were identified after circulation of the Draft EIR, recirculation of the EIR is not required.

Comments were also received after the close of the EIR public review period. While CEQA does not require that the City respond to the comments received after the close of the public review period, staff will continue to provide responses to these comments. As of August 31, 2014, two comment letters were received. The comment letters received after the close of the comment period did not concern new or substantially more severe significant impacts, mitigation measures, or project alternatives, or change the findings of the Draft EIR (see Attachment 3.)

Next Steps

Staff will present the Final EIR to the Environmental Review Committee (ERC) for review and recommendation on October 2, 2014. The Final EIR and General Plan Amendment, Housing Element Update, and associated Rezoning Project will be presented to the Planning Commission for review and recommendation on October 14, 2014. The City Council's review on the certification of the EIR, General Plan Amendment, Draft 2014-2022 Housing Element, and associated rezoning is expected to be on November 3, 2014.

Prepared by: Piu Ghosh, Senior Planner

Reviewed by: Gary Chao, Assistant Director of Community Development

Approved for Submission by: Aarti Shrivastava, Assistant City Manager

Attachments:

- 1 - General Plan Amendment, Housing Element Update, and associated Rezoning Response to Comments Document, August 29, 2014
- 2 - General Plan Amendment, Housing Element Update, and associated Rezoning Draft Environmental Impact Report, June 18, 2014
- 3 - Late Comments Memo from PlaceWorks dated Sept. 4, 2014

PAPER COPIES OF ATTACHMENTS 1 & 2 WERE DELIVERED ON JUNE 18, 2014 AND AUGUST 29, 2014 RESPECTIVELY.

THESE ARE ALSO AVAILABLE ONLINE AT:

www.cupertinogpa.org and www.cupertino.org/records.

ATTACHMENT 1:

Response To Comments (RTC) Document: Click [here](#).

Appendix A To RTC Document Click [here](#).

ATTACHMENT 2:

Draft EIR Volume I: Click [here](#).

Draft EIR Volume II: Click [here](#).

Draft EIR Appendices: Click [here](#).