

## RESPONSE TO COMMENT MEMORANDUM

DATE May 15, 2023

TO Gian Martire, Senior Planner, City of Cupertino

FROM Terri McCracken, Associate Principal, PlaceWorks  
Jacqueline Protsman Rohr, Associate II, PlaceWorks

SUBJECT 1655 South De Anza Boulevard Mixed-Use Project Initial Study and Mitigated Negative Declaration  
– Responses to Comments Memorandum

### INTRODUCTION

The City of Cupertino distributed a Notice of Intent to adopt a Mitigated Negative Declaration for the 1655 South De Anza Boulevard Mixed-Use Project on Friday, October 14, 2022. This started a 20-day public comment period for agencies and the public to submit comments on the Public Review Draft Initial Study and Mitigated Negative Declaration (IS/MND). The comment period ended on Wednesday, November 2, 2022. Two comments were received during the 20-day public comment period. Furthermore, additional comments were received at the Environmental Review Committee meeting held on Thursday, October 20, 2022.

Although California Environmental Quality Act (CEQA) and the CEQA Guidelines do not require a Lead Agency to prepare written responses to comments received on an IS/MND, the City has prepared the following written responses with the intent of conducting a comprehensive evaluation of the proposed project.

Responses to comment letters and oral comments received during the Environmental Review Committee meeting are provided in Table 1, *Responses to Comments on the Public Review Draft Initial Study and Mitigated Negative Declaration*. The table is organized by comment letter number, name of commenter, date of comment letter, the comment, and a response to each comment raising environmental issues. The two comment letters received by the City are attached to this Memorandum in the original format that they were received. The comments made orally at the Environmental Review Committee meeting are organized by the corresponding environmental topic of the CEQA Guidelines Appendix G, *Environmental Checklist*.

The comments and responses, and text revisions (shown as ~~strike through~~ format for deleted text and underlined format for added text) described in this Responses to Comments Memorandum do not require any “substantial revisions” to the IS/MND as defined in the CEQA Guidelines Section 15073.5. No new, avoidable significant impacts have been identified, and no mitigation measures or project revisions are required to reduce the environmental effects of the proposed project to a less-than-significant level. In addition, revisions to the text of the IS/MND merely clarify, amplify, or make insignificant modifications to the IS/MND. Accordingly, no recirculation of the Public Review Draft IS/MND is required. This Responses to Comments Memorandum together with the revised Public Review Draft IS/MND constitutes the Final Draft IS/MND for the proposed project.

**Attachment:**  
**Letters Received During the 20-day Public Review Period**

## RESPONSES TO COMMENTS

**TABLE 1 RESPONSES TO COMMENTS ON THE PUBLIC REVIEW DRAFT INITIAL STUDY AND MITIGATED NEGATIVE DECLARATION**

Comment No.	Comment	Response
<b>Jourdan Alvarado, Santa Clara Valley Water District, Wednesday, November 2, 2022</b>		
1.1	The Santa Clara Valley Water District (Valley Water) has reviewed the Initial Study/Mitigated Negative Declaration (IS/MND) for the proposed 1655 South De Anza Boulevard Mixed-Use Project in the City of Cupertino, received by Valley Water on October 18, 2022.	Comment noted.
1.2	The proposed project is not located adjacent or within any Valley Water facilities or right-of-way; therefore, in accordance with Valley Water's Water Resources Protection Ordinance, a Valley Water encroachment permit is not required for this project.	Comment noted.
1.3	The Introduction in Section 1 on page 2-1 should list APN 366-10-126, in addition to APN 366-10-061 as the project area as shown on Figure 3-2 also includes this parcel.	Chapter 1, <i>Introduction</i> , on page 2-1 of the IS/MND has been revised to include the second parcel assigned Assessor Parcel Number (APN) 366-10-126 as follows: The project site is assigned Assessor's Parcel Numbers (APNs) 366-10-061 <u>and 366-10-126</u> .
1.4	Section 3.2.4 on page 3-16 and Figure 3-13 on page 3-17 propose the use of glossy privet. As this is an invasive species, it is recommended that glossy privet be deleted from the landscape plan.	As described on page 3-8 of the IS/MND in Section 3.1.5, <i>Cupertino Municipal Code Requirements</i> , the proposed project is subject to compliance with the Cupertino Municipal Code (CMC) Chapter 14.15, <i>Landscape Ordinance</i> , which implements the California Water Conservation in Landscaping Act of 2006 by establishing new water-efficient landscaping and irrigation requirements. Project plans submitted for final review will be cross-checked by the City for the use of invasive species which are not permitted pursuant to CMC Section 14.15.060, <i>Water-Efficient Design Elements</i> . As described in CMC Section 14.15.060(A), all plant material shall be chosen and arranged pursuant to the requirements of Table 14.15.060(A) which states the installation of invasive plant species/noxious weeds is prohibited.

**TABLE 1 RESPONSES TO COMMENTS ON THE PUBLIC REVIEW DRAFT INITIAL STUDY AND MITIGATED NEGATIVE DECLARATION**

Comment No.	Comment	Response
1.5	The discussion of Existing Conditions in Section IX on page 4-48 should refer to Calabazas Creek as that is where the site drains.	<p>Section IX, <i>Hydrology and Water Quality</i>, on page 4-48 of the IS/MND has been revised as follows:</p> <p>The project site lies within the Calabazas Creek watershed. No creeks are present on the project site; <u>however, the project site drains to Calabazas Creek.</u></p>
1.6	Section IX on page 4-49 states that the “rest of the water used in the county is purchased from the Santa Clara Valley Water District.” While Valley Water is a wholesale water supplier for Santa Clara County, not all water retailers in the county rely solely on groundwater or Valley Water supplies. The text should be revised for accuracy.	<p>Section IX, <i>Hydrology and Water Quality</i>, on page 4-49 of the IS/MND has been revised as follows:</p> <p><u>The rest of the water used in the county While most of the water supplied to the county is purchased from the Santa Clara Valley Water District (SCVWD), which receives surface water from the State Water Project and the Central Valley Project, not all water retailers in the county rely solely on groundwater or Valley Water supplies.</u></p>
1.7	Section IX on page 4-49 states that the “project site is not located in a FEMA-designated 100-year floodplain.” While this is true for most of the site, according to the FEMA Letter of Map Revision (LOMR) 13-09-1209P, effective April 11, 2013, a small portion of the site is located within Zone X (shaded), representing areas of 0.2% annual chance flood, areas of 1% annual chance flood with average depths of less than 1 foot and areas protected by levees from 1% annual chance flood. The text should be revised accordingly.	<p>Section IX, <i>Hydrology and Water Quality</i>, on page 4-49 of the IS/MND has been revised as follows:</p> <p><u>According to FEMA, any place with a 1.0 percent chance or higher chance of experiencing a flood each year is considered to have a high risk of flooding. While the majority of the project site is not located in a FEMA-designated 100-year floodplain or Special Flood Hazard Area (1.0 percent chance of annual flooding), a small portion of the easternmost edge of the project site fronting South De Anza Boulevard is within the FEMA-designated Zone X (shaded). According to FEMA, the Zone X (shaded) is an area of moderate flood hazard, usually the area between the limits of the 100- and 500-year floods (0.2 percent of annual flood risk).</u></p> <p>Section IX, <i>Hydrology and Water Quality</i>, under criterion (d) on page 4-52 of the IS/MND has been revised as follows:</p> <p>In addition, the site is in a relatively flat area of the city, <u>it has a low to moderate risk of flooding,</u> and is outside of the ABAG mapped zones for earthquake-induced landslides or</p>

**TABLE 1 RESPONSES TO COMMENTS ON THE PUBLIC REVIEW DRAFT INITIAL STUDY AND MITIGATED NEGATIVE DECLARATION**

Comment No.	Comment	Response
		debris flow source areas. <sup>1</sup> <u>The proposed project would not include grading or changing the elevation of the project site and would increase pervious surface from existing conditions (16,406 square feet from 2,473 square feet). Additionally, as described in criterion (c), the proposed project would be required to implement a SWPPP to control erosion and sediment during construction, as well as stormwater treatment measures to contain site runoff during operation of the proposed project. These measures would prevent the release of pollutants in the event of a flood event.</u>
1.8	Part e of Section IX on page 4-52 incorrectly states that the “project site is not within the purview of a sustainable groundwater management plan.” In accordance with the 2014 Sustainable Groundwater Management Act, Valley Water as the local groundwater sustainability agency, prepared the 2021 Ground Water Management Plan which covers the project site. Part e should be revised to include a discussion of the 2021 Ground Water Management Plan.	<p>Section IX, <i>Hydrology and Water Quality</i>, Criterion (e) on page 5-52 of the IS/MND has been revised as follows:</p> <p>The project site is <del>not</del> within the purview of <del>a sustainable groundwater management plan.</del> <u>Valley Water’s 2021 Groundwater Management Plan for the Santa Clara and Llagas Subbasins.</u> The proposed project would obtain water from the San Jose Water Company, <u>which obtains groundwater from the Santa Clara Subbasin. San Jose Water Company works with Valley Water to implement numerous programs to protect groundwater resources, including comprehensive monitoring programs related to groundwater levels, land subsidence, overdraft, groundwater quality, recharge water quality, and surface water flow. The groundwater management activities have resulted in sustainable groundwater conditions in the Santa Clara and Llagas subbasins.</u></p> <p>The San Francisco Bay RWQCB monitors surface water quality through implementation of the Water Quality Control Plan for the San Francisco Bay Basin, also referred to as the “Basin Plan” and designates beneficial uses for surface water bodies and groundwater within the Santa Clara Valley. The Basin Plan also contains water quality criteria for groundwater.</p> <p>As required by stormwater management guidelines discussed under criterion (a), BMPs and low impact development measures would be implemented across the project site during both construction and operation of the proposed project. These measures would control and</p>

<sup>1</sup> Association of Bay Area Governments, March 2020. Hazard Viewer, <https://abag.ca.gov/our-work/resilience/data-research/hazard-viewer>, accessed December 21, 2021.

**TABLE 1 RESPONSES TO COMMENTS ON THE PUBLIC REVIEW DRAFT INITIAL STUDY AND MITIGATED NEGATIVE DECLARATION**

Comment No.	Comment	Response
		<p>prevent the release of sediment, debris, and other pollutants into the storm drain system. Implementation of best management practices during construction would be in accordance with the provisions of the SWPPP, which would minimize the release of sediment, soil, and other pollutants. Operational best management practices would be required to meet the C.3 provisions of the MRP. These best management practices include the incorporation of site design, source control, and treatment control measures to treat and control runoff before it enters the storm drain system. The proposed treatment measures would include the use of Silva cells and flow-through planters to treat and detain runoff prior to discharge to the City's storm drain system. In addition, as discussed in criterion (b), the project would be connected to municipal water supplies and does not propose any groundwater wells on the property. The depth of groundwater is estimated to be 38 to 61 feet below ground surface and the proposed project would not disturb groundwater during construction.<sup>2</sup> With implementation of these best management practices and low impact development measures in accordance with City and MRP requirements, the potential impact on water quality would be <i>less than significant</i>. Accordingly, the proposed project would not conflict with or obstruct the implementation of the Basin Plan <u>or the 2021 Groundwater Management Plan for the Santa Clara and Llagas Subbasins</u>.</p>
1.9	<p>The IS/MND concludes that the project is consistent with planned growth in Cupertino's General Plan. The water supply analysis from the General Plan relied on the Urban Water Management Plans (UWMP) for the San Jose Water Company and for Valley Water, which both assume substantial increases in water conservation to manage future water demands. Consistent with Goal 3 of the Climate Action Plan, and</p>	<p>As described in Section 3.2.7, <i>Sustainability Features</i>, all landscape zones would be irrigated with sub-surface drip irrigation and tree bubblers to maximize irrigation efficiency and comply with the Cupertino Landscape Ordinance, and water uses would be tailored to meet CALGreen Building Standards, which requires water conservation and new buildings to reduce water consumption by 20 percent. Irrigation controls would use smart weather sensing technology to minimize irrigation water use.</p> <p>With respect to the Climate Action Plan, as described in Section VII, <i>Greenhouse Gas Emissions</i>, of the IS/MND, the <i>City of Cupertino Climate Action Plan 2.0</i> (CAP 2.0) was adopted by City</p>

<sup>2</sup> Partner Engineering and Science, Inc., April 13, 2020. *Phase I Environmental Site Assessment Report, 1655 South De Anza Boulevard and 7357 Prospect Road, Cupertino, California 95014*.

**TABLE 1 RESPONSES TO COMMENTS ON THE PUBLIC REVIEW DRAFT INITIAL STUDY AND MITIGATED NEGATIVE DECLARATION**

Comment No.	Comment	Response
	to meet water conservation targets assumed in the UWMPs, Valley Water suggests that all new separate residential units be required to install a submeter to encourage efficient water use. Studies have shown that adding submeters can reduce water use 15 to 30 percent.	<p>Council in August 2022 as a qualified GHG reduction strategy. As shown in Table 4-3, <i>Cupertino Climate Action Plan 2.0 Consistency Matrix</i>, of the IS/MND, the proposed project is consistent with the CAP 2.0 GHG reduction strategies, including Measure WW-1, which states to reduce per capita water consumption by 15 percent compared to 2019 levels by 2030 and maintain through 2040.</p> <p>As described in Section XVII, <i>Utilizes and Service Systems</i>, of the IS/MND, impacts related to water supply were found to be less than significant. The commenter's request for additional water conservation measures is acknowledged for the record and will be forwarded to the decision-making bodies as part of this Response to Comments memo for their consideration in reviewing the project.</p>
<b>Kelly Gibson, Santa Clara County Parks, Monday, October 31, 2022</b>		
2.1	I reviewed the Development Permit, Architectural and Site Approval, Tentative Map, Tree Removal Permit, and Use for 1655 S De Anza Blvd, Cupertino 95014 (APN 366-10-061 and -126). There are no impacts to the Countywide Trails Master Plan or County Parks, therefore the County Parks Department has no comments at this time.	Comment noted.
<b>Environmental Review Committee Oral Comments, Thursday, October 20, 2022</b>		
3.1	<b>Biological Resources.</b> Commenters expressed concern over the potential harm to trees not subject to removal and/or those adjacent to the site during construction.	As described in the IS/MND, according to the Arborist Reports prepared for the project site, <sup>3</sup> there are 51 trees on the project site and eight trees that are on private property directly adjacent to the project site with the potential for removal and/or to incur root damage from construction. The Arborist Reports were included in Appendix C of the IS/MND. As identified in the Chapter 3, Project Description, of the IS/MND, a Tree Removal Permit would be required as

<sup>3</sup> Tso, Jennifer. 2020, September. *Arborist Report for 1655 De Anza Blvd, Cupertino*. Traverso Tree Service. Prepared for Ryan Lin, Ronsdale Management LLC; West Coast Arborist. 2022. March. *Arborist Peer Review 1655 S. De Anza: City of Cupertino*, Prepared for City of Cupertino.

**TABLE 1 RESPONSES TO COMMENTS ON THE PUBLIC REVIEW DRAFT INITIAL STUDY AND MITIGATED NEGATIVE DECLARATION**

Comment No.	Comment	Response
		part of the approval of the proposed project. As stated in the IS/MND, the Cupertino Municipal Code (CMC) Chapter 14.12, <i>Trees</i> , and Chapter 14.18, <i>Protected Trees</i> , include the mandatory requirements for the management of trees in the city, including the protection of trees during construction. See CMC Section 14.18.060(A) <i>Plan of Protection</i> , CMC Section 14.18.200, <i>Protection During Construction</i> , and CMC Section 14.18.210, <i>Protection Plan Before Demolition, Grading or Building Permit Granted</i> . The Arborist Reports will serve as the basis for the tree protection plans and tree removal permits required by the City prior to the issuance of building permits.
3.2	<b>Hazards and Hazardous Materials.</b> Commenters expressed concern over the need for and requirements of soil testing specifically from the past agricultural use and the potential presence of past dry-cleaning facilities on the site or currently in the area of the project site.	<p>Pursuant to CMC Section 17.04.040, <i>Standard Environmental Protection Technical Report Submittal Requirements</i>, every project shall implement the standard environmental protection technical report submittal requirements, which reports are subject to third-party peer review under the direction of the City at the applicant's cost, prior to the approval of the project unless they are not applicable to the project as demonstrated by a written explanation of why any standard environmental protection technical report submittal requirement is not applicable to the project, subject to the review and approval of the Director of Community Development and/or the City Engineer, or his or her designee, as appropriate. With respect to soil testing from past agricultural uses and dry-cleaning facilities either on the site or in close proximity to the project site, the project is subject to CMC Section 17.04.040(B)(1), <i>Phase I ESA</i>, and potentially to CMC Section 17.04.040(B)(2), <i>Phase II ESA</i>, or CMC Section 17.04.040(B)(3), <i>Focused Phase I and II ESAs</i>.</p> <p>In compliance with CMC Section 17.04.040(B)(1), a Phase I Environmental Site Assessment (ESA) was prepared for the proposed project by the project applicant in accordance with ASTM Practice E1527-13 and the All Appropriate Inquiry Final Rule 40 Code of Federal Regulations Part 312. The Phase I ESA was peer reviewed by PlaceWorks staff as part of the IS/MND preparation process. The Phase I ESA is included as Appendix D of the IS/MND.</p> <p>With respect to the commenter's concerns about a dry-cleaning facility on the project site, as described in the Phase I ESA, according to the records search from the Bay Area Air Quality Management District (BAAQMD), no Permits to Operate (PTO), Notices of Violation (NOV), or Notices to Comply (NTC) or the presence of AULs, dry cleaning machines, or underground</p>

**TABLE 1 RESPONSES TO COMMENTS ON THE PUBLIC REVIEW DRAFT INITIAL STUDY AND MITIGATED NEGATIVE DECLARATION**

Comment No.	Comment	Response
		<p>storage tanks (USTs) were on file for the project site with BAAQMD. Therefore, there is no record of a dry-cleaning facility ever being located on the project site; however, the Phase I ESA identified a dry-cleaning facility within 0.25-miles of the project site (i.e., Swift Cleaners at 1628 South De Anza Boulevard).</p> <p>With respect to the commenter’s concerns about soil testing, as described in the IS/MND in Section VIII, <i>Hazards and Hazardous Materials</i>, on page 4-42, the results of the Phase I ESA, found no recognized environmental conditions (RECs), controlled recognized environmental conditions (CRECs), historical recognized environmental conditions (HRECs), or environmental uses during the course of the assessment, including those associated with the dry-cleaning facility at 1628 South De Anza Boulevard. The Phase I ESA did not find documentation or physical evidence of soil, groundwater, or soil gas impairments associated with the use or past use of the project site, including those associated with dry-cleaning facility. A recent search of the Department of Toxic Substances Control EnviroStor Database, which is the data management system for tracking our cleanup, permitting, enforcement and investigation efforts at hazardous waste facilities and sites with known contamination or sites where there may be reasons to investigate further, did not include any hazardous materials sites on the project site, including any associated with the dry-cleaning facility. According to a previous subsurface investigation conducted on the south and east adjacent properties (Regional Water Quality Control Board GeoTracker Case #T0608500352 and T0608501264), the depth of groundwater in the vicinity of the project site is approximately 38 to 61 feet below ground surface and groundwater flow is variable with an overall southern gradient. The project proposes no deep grading and no excavation. No vapor migration is expected to represent a significant environmental concern at this time.</p> <p>As described in the IS/MND on page 4-42 in Section VIII, <i>Hazards and Hazardous Materials</i>, the subject property is either paved over or covered by structures that minimize direct contact to any remaining concentrations in the soil. Further, as identified in the IS/MND on pages 4-43 and 4-44, because during previous site development activities in 1962 the near surface soils, which are the same soils that will be disturbed as part of the proposed project, were likely mixed with</p>



**TABLE 1 RESPONSES TO COMMENTS ON THE PUBLIC REVIEW DRAFT INITIAL STUDY AND MITIGATED NEGATIVE DECLARATION**

Comment No.	Comment	Response
		<p>fill material or disturbed during grading, further reducing the potential for exposure to residual agricultural chemicals, if any.</p> <p>For these reasons (no vapor migration, highly disturbed soils from previous development, no deep excavation or grading), it was determined that the project applicant is not subject to CMC Section 17.04.040(B)(2), <i>Phase II ESA</i>, or CMC Section 17.04.040(B)(3), <i>Focused Phase I and II ESAs</i>, and no soil testing was required for the preparation of the IS/MND. This is consistent with CMC Section 17.04.040 which allows for a written explanation of why any standard environmental protection technical report submittal requirement is not applicable to the project.</p> <p>However, due to the commenters concerns, the project applicant conducted soil testing by a qualified environmental consultant pursuant to CMC Section 17.04.040(B)(3)(A), which states that if the Focused Phase I ESA (or in this case the Phase I ESA) identifies no other unacceptable or potentially unacceptable health risks, then the project applicant shall prepare a Focused Phase II ESA that addresses only the potential hazards associated with organic pesticides. A Limited Subsurface Investigation (Focused Phase II ESA) was prepared for the applicant by AEI Consultants, dated February 6, 2023, and reviewed by PlaceWorks. The soil sampling was conducted on January 26, 2023, and included four soil borings at locations across the site from depths from one and three feet below ground surface (bgs). Each of the samples collected were evaluated for organochlorine pesticides (OCPs) based in accordance with the <i>User's Guide: Derivation and Application of Environmental Screening Levels (ESLs) Interim Final 2019, Revision 2</i>, July 2019, issued by the San Francisco Bay Regional Water Quality Control Board. The soil evaluation found that no OCPs were detected at or near concentrations that would pose an unacceptable risk to residents, workers, or other users of the project site. Pursuant to CMC Section 17.04.040(B)(3), no further investigations are warranted.</p> <p>Section VIII, <i>Hazards and Hazardous Materials</i>, in the existing conditions discussion on page 4-42 of the IS/MND, has been revised as follows:</p>

**TABLE 1 RESPONSES TO COMMENTS ON THE PUBLIC REVIEW DRAFT INITIAL STUDY AND MITIGATED NEGATIVE DECLARATION**

Comment No.	Comment	Response
		<p>Due to the orchard uses, agricultural chemicals (e.g., pesticides) and farm equipment may have been used or stored onsite. The subject property is either paved over or covered by structures that minimize direct contact to any remaining concentrations in the soil. Additionally, during previous site development activities, near surface soils were likely mixed with fill material or disturbed during grading, further reducing the potential for exposure to residual agricultural chemicals, if any. <u>A Limited Subsurface Investigation (Focused Phase II ESA) was prepared by AEI Consultants, dated February 6, 2023, which is included as Appendix G, Focused Phase II Environmental Site Assessment, of this Initial Study. The soil sampling was conducted on January 26, 2023, and included four soil borings at locations across the site from depths from one and three feet below ground surface (bgs). Each of the samples collected were evaluated for organochlorine pesticides (OCPs) based in accordance with the User's Guide: Derivation and Application of Environmental Screening Levels (ESLs) Interim Final 2019, Revision 2, July 2019, issued by the San Francisco Bay Regional Water Quality Control Board. The soil evaluation found that no OCPs were detected at or near concentrations that would pose an unacceptable risk to residents, workers, or other users of the project site. Pursuant to CMC Section 17.04.040(B)(3), no further investigations are warranted.</u></p>
3.3	<p><b>Transportation.</b> Commenters expressed concerns about the potential connection to the adjacent property to the north where the Santa Clara County Sheriff's office is located. Concerns included the loss of parking on the adjacent lot and the potential for hazardous conditions from cut-through traffic, specifically from the Santa Clara County Sheriff's office.</p> <p>Commenters also requested specific details regarding Mitigation Measures TRANS-1 with respect to 1) how the payment for the bicycle improvements along Prospect Road was determined; and 2) what kind of</p>	<p><b>Connectivity</b></p> <p>With respect to the loss of parking and access to the adjacent site, as described in Section 3.2.3, <i>Circulation and Access</i>, on page 3-15 of the IS/MND, the two main egress/ingress access points on South De Anza Boulevard and Prospect Road are the same as those under existing conditions. The proposed mixed-use project would generate less vehicle trips than the existing use (475 average daily vehicle trips compared to 526 average daily vehicle trips). Therefore, the proposed project would reduce the amount of vehicle movement to and from the project site by 51 daily trips thereby reducing the potential for hazards as a result entering and exiting the project site. Therefore, no hazards or unsafe conditions to access to and from the project site are anticipated. General Plan Policy LU-3.3, <i>Building Design</i>, encourages building layouts to be compatible with the surrounding environment and enhance both streetscape and pedestrian activity. Accordingly, the proposed project includes a potential access point to the adjacent</p>

**TABLE 1 RESPONSES TO COMMENTS ON THE PUBLIC REVIEW DRAFT INITIAL STUDY AND MITIGATED NEGATIVE DECLARATION**

Comment No.	Comment	Response
	electric bikes, the duration of the bike program, and what defines “resident” (e.g., is it a unit or occupant).	<p>property to the north. While such an access point could result in the loss of one or two parking spaces, the loss of parking spaces is not a CEQA issue. It is important to note that access to the adjacent site would only occur with a mutually agreed upon memorandum of understanding (MOU) with both property owners, and the City. Such an MOU would establish how the connection would be permitted to be used, including potential access restrictions, turning movements, and speed limits. With respect to cut-through traffic, including the Sheriff’s office, all drivers are expected to follow all driving rules, including complying with posted speed limits, turning movements, etc. It is outside the scope of CEQA to speculate impacts from illegal driving maneuvers. In the event of an emergency requiring the Sherriff’s office to drive through the project site, it is assumed they would apply sirens and other standard methods to alert drivers and others on the site accordingly to ensure safe crossing from their office to Prospect Road or South De Anza Boulevard. Connected access to the adjacent site is only anticipated to be open only when the adjacent office parcel is redeveloped. There is not a current proposal to redevelop this site and it is unknown if the Sherriff’s office, which is in the current space, would remain at this location with the redevelopment project. Because the proposed access would not occur until redevelopment of the adjacent site, it would not adversely affect the Sherriff’s office as it currently operates.</p> <p>With respect the bicycle improvements along Prospect Road and the applicant’s fair-share Payment, as described in the Vehicles Miles Traveled Analysis prepared by Hexagon Transportation Consultants and included in Appendix F of the IS/MND, the project would pay a fair-share contribution toward the planned bicycle improvements along Prospect Road. The City transportation engineer, who is managing the improvement project, estimated the City’s cost to construct the buffered bike lanes would total approximately \$100,000. This cost estimate is based on an itemized cost to install striping. In order to determine the project’s fair share, the Santa Clara VTA Countywide Transportation Model was utilized to calculate the annual traffic growth expected to occur along this segment of Prospect Road. The 2015 model volumes were compared against 2040 model volumes to determine the amount of annual traffic growth.</p>

**TABLE 1 RESPONSES TO COMMENTS ON THE PUBLIC REVIEW DRAFT INITIAL STUDY AND MITIGATED NEGATIVE DECLARATION**

Comment No.	Comment	Response
		<p>Based on the total amount of traffic growth that is estimated to occur along this segment of Prospect Road between now (2022) and 2040, the project-generated trips – calculated by applying the ITE trip generation rates for Multifamily Housing (ITE Land Use 221) – make up approximately 10 percent of the traffic growth (prior to applying trip credits associated with the existing uses to be replaced by the project). Accordingly, a fair-share contribution for the project equates to \$10,000, based on a cost of \$100,000 to construct buffered bike lanes on Prospect Road between De Anza Boulevard and Stelling Road.</p> <p>With respect to the proposed Bicycle Program, As described in the IS/MND, Mitigation Measure TRANS-1 would include an electric bicycle (e-bike) program to reduce VMT. The e-bike program would serve as a lower barrier to entry-level bicycling for residents who may not otherwise consider bicycling as a viable mode of transportation and the electric assist allows users of all fitness levels to participate in biking and help users to reach farther away destinations that they may have previously considered too far to bike to. The introduction of e-bikes would promote bicycling as an alternative to driving, thereby reducing VMT. Upon further research by the City and PlaceWorks, and additional details provided by the applicant in response to the City comments, it was determined that the proposed e-bike program originally described in Mitigation Measures TRANS-1 of the Public Draft IS/MND should be revised to address the comments and provide additional details regarding the implementation of the program. Because there is no one definitive source of information on e-bikes and e-bike programs for residential developments, the additional research conducted for the revised e-bike program included the following sources:</p> <ul style="list-style-type: none"> <li>■ <b>California Bicycle Coalition.</b> <a href="https://www.calbike.org/bike_purchase_incentives/">https://www.calbike.org/bike_purchase_incentives/</a>, accessed March 8, 2023</li> <li>■ <b>People for Bikes.</b> <a href="https://www.peopleforbikes.org/news/what-makes-a-good-electric-bike-incentive-program">https://www.peopleforbikes.org/news/what-makes-a-good-electric-bike-incentive-program</a>, accessed March 8, 2023.</li> <li>■ <b>Recreational Equipment Incorporated.</b> <a href="https://www.rei.com/learn/expert-advice/cost-electric-">https://www.rei.com/learn/expert-advice/cost-electric-</a></li> </ul>

**TABLE 1 RESPONSES TO COMMENTS ON THE PUBLIC REVIEW DRAFT INITIAL STUDY AND MITIGATED NEGATIVE DECLARATION**

Comment No.	Comment	Response
		<p>bikes.html#:~:text=For%20a%20good%20quality%2C%20serviceable,can%20cost%20%246%2C000%20or%20more, accessed March 8, 2023.</p> <p>In addition to revising and improving the e-bike portion of Mitigation Measure TRANS-1, the applicant has included the addition of a Transportation Coordinator to identify who would manage the VMT reduction features of the mitigation measures. While some of the proposed features of the original e-bike program have been revised, the changes to the e-bike program are equal to or more effective than the original program and therefore the Public Draft IS/MND is not subject to recirculation pursuant to CEQA Guidelines Section 15073.5. The proposed Mitigation Measure TRANS-1 has been modified as described herein:</p> <p><b>Mitigation Measure TRANS-1:</b> The project applicant shall implement the following measures to reduce vehicle miles traveled (VMT) to meet the residential vehicle-miles traveled threshold of 11.50 VMT per capita.</p> <ul style="list-style-type: none"> <li>▪ <i>Project Fair Share Contribution.</i> Prior to issuance of building permits, the project applicant shall pay a fair share contribution of \$10,000 toward the bicycle improvements along Prospect Road that are planned in the City of Cupertino 2016 <i>Bicycle Transportation Plan</i>. The improvements include the addition of Class II buffered bike lanes along Prospect Road between De Anza Boulevard and Stelling Road, which would narrow the travel lanes on Prospect Road east of Galway Drive thereby reducing vehicle speeds to create a safer environment and promote walking and biking as alternatives to driving and reduce VMT.</li> <li>▪ <i>Transportation Coordinator.</i> <u>The project applicant would prepare a program that would provide individualized transportation information for each resident by encouraging residents to use travel modes other than single-occupant vehicles as part of the new resident move-in process. To implement this program, the project applicant would establish a “transportation coordinator” that will work with each resident to identify key destinations for that resident and map out feasible bicycle and transit routes for each destination, which may include locations such as work, school,</u></li> </ul>

TABLE 1 RESPONSES TO COMMENTS ON THE PUBLIC REVIEW DRAFT INITIAL STUDY AND MITIGATED NEGATIVE DECLARATION

Comment No.	Comment	Response
		<p><u>shopping and/or recreational destinations. Implementing this program would encourage the use of transit, shared ride modes, bicycling, and walking, thereby reducing drive-alone vehicle trips.</u></p> <ul style="list-style-type: none"> <li> <p><i>School Pool Program.</i> Prior to issuance of certificate of occupancy, the project applicant shall prepare a School Pool Program to the satisfaction of the City of Cupertino to reduce VMT by matching parents of the proposed residential development who transport students to and from schools without a bussing program, including private schools, charter schools, and neighborhood schools where students cannot walk or bike, or where parents would rather their children not walk or bike. The School Pool Program shall be:</p> <ul style="list-style-type: none"> <li>Included in resident welcome packets and clearly stated that the program is open to all residents. The building management would be responsible for preparing the welcome packet materials and distributing to all new residents; and,</li> <li>Provided via an online kiosk/webpage with current school pool program information available at all times. The online kiosk/webpage would provide resident and school information for residents interested in participating in the school carpool program. Those residents that register for the program online could connect with other residents participating in the program to schedule carpools. The building management would be responsible for creating the online kiosk/webpage so that it is up and running as soon as the residential development is ready for leasing. The building management (and/or website designer) would be responsible for adding new information to the website so that the online kiosk remains current and informative.</li> </ul> </li> <li> <p><i>Electric Bicycle Program.</i> <del>Prior to issuance of certificate of occupancy, the project applicant shall demonstrate to the satisfaction of the City of Cupertino that an adequate number of electric bicycles have been purchased and are available to be distributed to each resident so that each resident will receive one properly sized electric bicycle upon move in. Electric bicycles serve as a low barrier to entry level</del></p> </li> </ul>

TABLE 1 RESPONSES TO COMMENTS ON THE PUBLIC REVIEW DRAFT INITIAL STUDY AND MITIGATED NEGATIVE DECLARATION

Comment No.	Comment	Response
		<p>bicycling for residents who may not otherwise consider bicycling as a viable mode of transportation and the electric assist allows users of all fitness levels to participate in biking and help users to reach farther away destinations that they may have previously considered too far to bike to. This strategy would promote bicycling as an alternative to driving, thereby reducing VMT. All residents would be eligible to receive an electric bicycle. <u>Prior to the issuance of building permits, the project applicant shall submit a site-wide Electric Bicycle Program (EBP) to the Community Development Department, for review and approval. The EBP shall include the following:</u></p> <ul style="list-style-type: none"> <li>▪ <u>The project applicant shall initially purchase a total of 20 mid-range (\$1,500 to \$2,500), commuter/leisure electric bicycles (e-bikes), to form an e-bike pool. These e-bikes shall be purchased prior to certificate of occupancy.</u></li> <li>▪ <u>The e-bikes shall be available for use to any resident of the project (apartment units and townhomes) by advanced reservation on an hourly or daily basis.</u></li> <li>▪ <u>The EBP shall identify how the reservation system will be managed and by whom. For example, the reservation system could be a pen and paper sign up system, online, etc. and would be coordinated through the Transportation Coordinator.</u></li> <li>▪ <u>The EBP shall identify where the secure e-bike parking will be located and how it will be accessed by future residents of the apartments and townhomes. For example, the e-bike parking area could be located in the covered parking area or on the roof and would be accessible by distributing electronic key cards or fobs to residents.</u></li> <li>▪ <u>The e-bike parking shall provide 20 charging stations so that each e-bike is fully charged each day, secure, and accessible to residents only.</u></li> <li>▪ <u>The EBP shall identify who is responsible for coordinating the routine maintenance of the e-bike fleet by a professional e-bike service semi-annually or as needed when a bike is operational. For example, the Homeowners Association, or equivalent body, could be responsible for this task.</u></li> <li>▪ <u>The EBP shall identify where the bike maintenance station would be provided on site to allow residents to perform basic maintenance and repairs on their own</u></li> </ul>

TABLE 1 RESPONSES TO COMMENTS ON THE PUBLIC REVIEW DRAFT INITIAL STUDY AND MITIGATED NEGATIVE DECLARATION

Comment No.	Comment	Response
		<p><u>personal bicycles (e-bikes and non-e-bikes) without having to purchase their own tools and also make basic adjustments to an e-bike from the e-bike pool for seat adjustments, etc.</u></p> <ul style="list-style-type: none"> <li>▪ <u>The bike maintenance station shall be in the e-bike storage location or in close proximity and shall include, at a minimum, a bicycle pump, wrenches, a chain tool, lubricants, tire levers, hex keys/Allen wrenches, torx keys, screwdrivers, and spoke wrenches. The bike repair station shall be available for residents to maintain and fix their bicycles without having to purchase their own tools.</u></li> <li>▪ <u>The EBP shall identify who is responsible for maintaining the bike maintenance station. For example, the Homeowners Association, or equivalent body, could be responsible for this as part of their job assignment.</u></li> <li>▪ <u>The EBP shall include the procedures for implementing an annual e-bike program survey to be given to residents to gather information on the success of the program and ascertain information on how to make the program more successful. The procedures shall state that first survey shall be conducted within six months of initiating the program, the second within 12 months, and then on an annual basis.</u></li> <li>▪ <u>The project applicant shall provide this program to residents of the project site at no cost for at least five years. If the annual e-bike program survey generates the need for more bikes, then it may be appropriate to add a fee structure at that time.</u></li> </ul>



Attachment:

Letters Received During the 20-day  
Public Review Period

**From:** Jourdan Alvarado <[JAlvarado@valleywater.org](mailto:JAlvarado@valleywater.org)>

**Sent:** Wednesday, November 2, 2022 9:54 AM

**To:** Gian Martire <[GianM@cupertino.org](mailto:GianM@cupertino.org)>

**Cc:** Colleen Haggerty <[CHaggerty@valleywater.org](mailto:CHaggerty@valleywater.org)>; Michael Martin <[MichaelMartin@valleywater.org](mailto:MichaelMartin@valleywater.org)>

**Subject:** 1655 S De Anza Blvd Mixed-Use Project

**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Gian,

The Santa Clara Valley Water District (Valley Water) has reviewed the Initial Study/Mitigated Negative Declaration (IS/MND) for the proposed 1655 South De Anza Boulevard Mixed-Use Project in the City of Cupertino, received by Valley Water on October 18, 2022.

The proposed project is not located adjacent or within any Valley Water facilities or right-of-way; therefore, in accordance with Valley Water's Water Resources Protection Ordinance, a Valley Water encroachment permit is not required for this project.

Valley Water has the following comments regarding the IS/MND:

1. The *Introduction* in **Section 1** on page 2-1 should list APN 366-10-126, in addition to APN 366-10-061 as the project area as shown on Figure 3-2 also includes this parcel.
2. **Section 3.2.4** on page 3-16 and **Figure 3-13** on page 3-17 propose the use of glossy privet. As this is an invasive species, it is recommended that glossy privet be deleted from the landscape plan.
3. The discussion of *Existing Conditions* in **Section IX** on page 4-48 should refer to Calabazas Creek as that is where the site drains.
4. **Section IX** on page 4-49 states that the "rest of the water used in the county is purchased from the Santa Clara Valley Water District." While Valley Water is a wholesale water supplier for Santa Clara County, not all water retailers in the county rely solely on groundwater or Valley Water supplies. The text should be revised for accuracy.
5. **Section IX** on page 4-49 states that the "project site is not located in a FEMA-designated 100-year floodplain." While this is true for most of the site, according to the FEMA Letter of Map Revision (LOMR) 13-09-1209P, effective April 11, 2013, a small portion of the site is located within Zone X (shaded), representing areas of 0.2% annual chance flood, areas of 1% annual chance flood with average depths of less than 1 foot and areas protected by levees from 1% annual chance flood. The text should be revised accordingly.
6. **Part e of Section IX** on page 4-52 incorrectly states that the "project site is not within the purview of a sustainable groundwater management plan." In accordance with the 2014 Sustainable Groundwater Management Act, Valley Water as the local groundwater sustainability agency, prepared the *2021 Ground Water Management Plan* which covers the project site. Part e should be revised to include a discussion of the *2021 Ground Water Management Plan*.

7. The IS/MND concludes that the project is consistent with planned growth in Cupertino's General Plan. The water supply analysis from the General Plan relied on the Urban Water Management Plans (UWMP) for the San Jose Water Company and for Valley Water, which both assume substantial increases in water conservation to manage future water demands. Consistent with Goal 3 of the Climate Action Plan, and to meet water conservation targets assumed in the UWMPs, Valley Water suggests that all new separate residential units be required to install a submeter to encourage efficient water use. Studies have shown that adding submeters can reduce water use 15 to 30 percent.

Thank you for the opportunity to review the IS/MND. If you have any questions, or need further information, you can reach me at (408) 596-4364, or by e-mail at [JAlvarado@valleywater.org](mailto:JAlvarado@valleywater.org). Please reference Valley Water File No. 34799 on future correspondence regarding this project.

Sincerely,

**JOURDAN ALVARADO, CFM**

ASSISTANT ENGINEER II – CIVIL (TEMP)

Community Projects Review Unit

[jalvarado@valleywater.org](mailto:jalvarado@valleywater.org)

Tel. (408) 596-4364 CPRU Hotline (408) 630-2650



**SANTA CLARA VALLEY WATER DISTRICT**

5750 Almaden Expressway, San Jose CA 95118

[www.valleywater.org](http://www.valleywater.org)

Clean Water · Healthy Environment · Flood Protection

**From:** Gibson, Kelly <[kelly.gibson@PRK.SCCGOV.ORG](mailto:kelly.gibson@PRK.SCCGOV.ORG)>  
**Sent:** Monday, October 31, 2022 12:59 PM  
**To:** Gian Martire <[GianM@cupertino.org](mailto:GianM@cupertino.org)>  
**Subject:** 1655 S De Anza Blvd

**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hi Gian Paolo Martire,

I reviewed the **Development Permit, Architectural and Site Approval, Tentative Map, Tree Removal Permit, and Use for 1655 S De Anza Blvd, Cupertino 95014 (APN 366-10-061 and -126).**

There are no impacts to the Countywide Trails Master Plan or County Parks, therefore the County Parks Department has no comments at this time.

**Kelly Gibson**

*Associate Planner*

Santa Clara County Parks

298 Garden Hill Drive

Los Gatos, CA 95032

[parkhere.org](http://parkhere.org)

