



MEMORANDUM

DATE: September 12, 2018

TO: Piu Ghosh, City of Cupertino

FROM: Judy Shanley and Kristy Weis

SUBJECT: Supplemental Text Revisions to the Vallco Special Area Specific Plan Final Environmental Impact Report

This memorandum describes changes made to the text of the Final Environmental Impact Report for the Vallco Special Area Specific Plan (“Final EIR” or “EIR”) following publication of the Final EIR on August 27, 2018¹ and following the Supplemental Text Revisions to the Vallco Special Area Specific Plan Final Environmental Impact Report memorandum dated August 30, 2018.

The text revisions include typographical corrections, insignificant modifications, amplifications and clarifications of the EIR. These text revisions are not considered “significant new information” pursuant to CEQA Guidelines Section 15088.5 because: (1) the text revisions would not result in a new environmental impact; (2) the text revisions would not cause a substantial increase in the severity of an environmental impact; (3) the project sponsor would adopt the revised mitigation measures, if the measures are selected by the City Council; and (4) the text revisions do not preclude meaningful public review and comment because they are substantively similar to the previously-identified measures. Therefore, recirculation of the Draft EIR is not required.

Text revisions more recent than the August 30, 2018 memo are shown below. Underlined text represents language that has been added to the Final EIR; text with ~~strikeout~~ has been deleted from the Final EIR.

Final EIR page 55; MM UTIL-2.3 is revised as follows:

MM UTIL-2.3: No building permits shall be issued by the City for structures or units that would result in the permitted peak wet weather flow capacity of 13.8 mgd through the Santa Clara sanitary sewer system being exceeded. The Developer may demonstrate, to the satisfaction of the City and CuSD, that the project will not exceed the peak wet weather flow capacity of the Santa Clara sanitary sewer system by implementing one or more of the following methods: 1) Reduce inflow and infiltration in the CuSD system to reduce peak wet weather flows; 2) Increase on-site water reuse, such as increased grey water use, or reduce water consumption of the fixtures used within the project.

¹ The Final EIR consists of the May 2018 Draft Environmental Impact Report (“Draft EIR”), the July 2018 Environmental Impact Report Amendment (“EIR Amendment”), and the August 2018 Final EIR.

or other methods that are measurable and reduce sewer generation rates to acceptable levels, to the satisfaction of the CuSD; or 3) Revise the prior agreement between CuSD and the City of Santa Clara to increase the permitted peak wet weather flow to provide capacity for any development that would exceed the capacity of the system. The estimated sewage generation by the revised project shall be calculated using the sewer generation rates used by the San Jose - Santa Clara Water Pollution Control Plant Specific Use Code & Sewer Coefficient table, and from the City of Santa Clara Sanitary Sewer Capacity Assessment, May 2007,² unless alternative (i.e., lower) sewer generation rates achieved by future development are substantiated by the developer based on evidence to the satisfaction of the CuSD.

Final EIR page 845; Revisions to Draft EIR Page 16 Section 2.4.3 General Plan and Zoning Amendments: **ADD** the following text at the bottom of page 16 in the Draft EIR:

The proposed project, General Plan Buildout with Maximum Residential Alternative, and Retail and Residential Alternative would require Municipal Code and Zoning map amendments to allow implementation of the Vallco Town Center Specific Plan and the uses contemplated within the Specific Plan.

Final EIR page 873 and 938 (Revisions to Draft EIR Page 389 and EIR Amendment Page 255); Impact UTL-2; Project): **REVISE** the following text after the last paragraph on the page as follows:

The contractual agreement between CuSD and the City of Santa Clara is 13.8 mgd during peak wet weather flows. The existing CuSD peak wet weather flow into the Santa Clara system is modeled at 10.7 mgd.³ Therefore, there is an available capacity of approximately 3.1 mgd during peak wet weather flows for the CuSD service area (including the project). A peak wet weather flow multiplier of four (4) times the average dry weather flow was used to establish the available sewer generation capacity for average sewer flows for the project. A four (4) times multiplier is generally considered a conservative figure. Therefore, 3.1 mgd of capacity during peak wet weather flows equates to approximately 0.775 mgd of available capacity for average dry weather sewer flow. Incorporating estimated sewer generation rates from the project and from other potential projects as established by the General Plan, the total capacity needed to serve these projects is approximately 0.749 mgd.⁴ Because the needed capacity is less than the total available capacity, there is adequate sewer capacity in the contractual agreement between CuSD and the City of Santa Clara to serve the project and the General Plan Buildout.

If additional hydraulic modeling is performed on the CuSD system and the model indicates that the 13.8 mgd contractual limit through the City of Santa Clara would be surpassed by the project, the

² The average dry weather sewerage generation rates used by the San Jose - Santa Clara Water Pollution Control Plant Specific Use Code & Sewer Coefficient table, and the City of Santa Clara Sanitary Sewer Capacity Assessment, May 2007, for the different uses within the project are as follows: High Density Residential = 121 gpd/unit; Commercial/Retail = 0.076 gpd/SF; Commercial/Restaurant = 1.04 gpd/SF; Office = 0.1 gpd/SF; Hotel = 100 gpd/Room; Civic Space (office) = 0.21 gpd/SF; Adult Education = 15 gpd/Person; and Civic Space (Auditorium) = 0.11 gpd/SF.

³ Mark Thomas and Associates. Email communication with Cupertino Public Works. July 19, 2018.

⁴ Sewage coefficients use to calculate the sewer generation rates for the various uses in the project and the General Plan buildout were taken from the San Jose - Santa Clara Water Pollution Control Plant Specific Use Code & Sewer Coefficient table and from the City of Santa Clara Sanitary Sewer Capacity Assessment, May 2007.

future developer(s) would not be issued any building permit for ~~permitted to occupy~~ any structures or units that result in the contractual limit being exceeded until additional capacity is available through the City of Santa Clara's sewer system; improvements are made to the CuSD sewer system that reduce the peak wet weather flows that enter the City of Santa Clara system; improvements are made on the project site that ensure the contractual limit is not exceed; or the completion of any combination of these approaches that adequately addresses potential capacity issues.