

## MEMORANDUM

DATE June 8, 2016

TO Erick Serrano, Associate Planner, City of Cupertino

FROM Terri McCracken, Senior Associate, PlaceWorks

SUBJECT Marina Plaza Project Initial Study and Mitigated Negative Declaration Response to Comments Memo

The 30-day public comment period for the Marina Plaza Project Initial Study and Mitigated Negative Declaration (IS/MND) started on Friday, April 29, 2016 and comments were accepted through Tuesday, May 31, 2016. Comment letters submitted during this 30-day public comment period are attached to this Response to Comment Memo. Table 1, below, lists and provides a brief response to written comments that were received.

Text revisions to the IS/MND include typographical corrections, insignificant modification, amplifications and clarifications of the IS/MND. In each case, the revised page and location on the page is presented, followed by the textual, tabular, or graphical revision. Underline text represents language that has been added to the IS/MND; text with strikethrough has been deleted from the IS/MND.

The comments and responses, and text revisions shown in this Response to Comment Memo do not require any “substantial revisions” to the IS/MND as defined in the California Environmental Quality Act (CEQA) Guidelines Section 15073.5. No new, avoidable significant impacts have been identified and no mitigation measures or project revisions must be added in order to reduce the effect to insignificance. Accordingly, no recirculation of the IS/MND is required.

This Response to Comments Memo, together with the IS/MND dated April 29, 2016, constitutes the Final IS/MND for the proposed project.

### Attachments:

- » Comment Letter 1: Patricia Maurice, District Branch Chief, State of California- California State Transportation Agency, dated May 25, 2016.
- » Comment Letter 2: Roy Molseed, Senior Environmental Planner, Santa Clara Valley Transportation Authority (VTA), dated May 31, 2016.

**Table 1 Response to Comments on the Initial Study and Mitigated Negative Declaration**

| No. | Name/Agency/Organization  | Date    | Response   |
|-----|---|---------|--|
| 1   | Patricia Maurice<br>District Branch Chief<br>State of California- California<br>State Transportation Agency | 5/25/16 | <p><b>Comment 1:</b> The commenter introduces the California Department of Transportation (Caltrans) and describes their new mission to reduce statewide vehicle mile traveled (VMT) and increase non-auto modes of active transportation. The commenter also provides a summary of the proposed project and describes the City's role as the Lead Agency.</p> <p><b>Response 1:</b> Comment noted.</p> <p><b>Comment 2:</b> The commenter has requested that the Traffic Impact Analysis (TIA) for the proposed project include an analysis of potential impacts and mitigation measures of the ramps at the following intersections:</p> <ul style="list-style-type: none"> <li>▪ Interstate-280 (I-280) and De Anza Boulevard</li> <li>▪ State Route (SR) 85 and Stevens Creek Boulevard</li> <li>▪ Northbound (NB) SR 85 and Stevens Creek Boulevard and I-280 Connector (metered 6:00 a.m. to 11:00 a.m.)</li> <li>▪ NB I-280 and Saratoga Boulevard diagonal on-ramp (metered 6:00 a.m. to 9:00 a.m.)</li> <li>▪ Southbound (SB) I-280 and Lawrence Expressway diagonal on-ramp (Metered 3:00 p.m. to 7:00 p.m.)</li> <li>▪ SB I-280 and Wolfe Road diagonal on-ramp (metered 3:00 p.m. to 7:00 p.m.)</li> <li>▪ SB SR 85 and De Anza Boulevard diagonal on-ramp (metered 3:00 p.m. to 7:00 p.m.)</li> </ul> <p>The commenter has requested that the applicant provide additional storage on the on-ramps and local streets for the freeway on-ramp traffic to avoid such impacts. The commenter states that during the ramp metering hours, the on-ramp queues will likely be lengthened with the additional traffic demand by the project, which may impede onto the local streets affecting their operations.</p> <p><b>Response 2:</b> The proposed project will generate fewer trips during the PM peak hour than the existing uses on the site; thus the project will not add any new trips to any of the ramps listed. During the AM peak hour, the proposed project is not expected to add substantial traffic to these ramps. The maximum number of vehicles expected at any one ramp is 15 vehicles during the AM peak hour at the</p> |

**Table 1 Response to Comments on the Initial Study and Mitigated Negative Declaration**

| No. | Name/Agency/Organization | Date | Response   |
|-----|--------------------------|------|--|
|     |                          |      | <p>Southbound I-280/De Anza Boulevard on-ramp. Thus a ramp analysis was not conducted as part of this project.</p> <p><b>Comment 3:</b> The commenter has requested that the 2035 cumulative traffic impact analysis of State facilities and mitigation for the impacts be clearly stated in the TIA and environmental document.</p> <p><b>Response 3:</b> A separate Cumulative conditions analysis was not conducted because the Marina Plaza project was already evaluated in the General Plan 2040 EIR. Therefore, this TIA focuses on the evaluation of near-term impacts including Existing and Background conditions. As described in Chapter 1, Introduction, of the IS/MND, CEQA and the CEQA Guidelines encourage the use of tiered environmental documents to reduce delays and excessive paperwork in the environmental review process. This is accomplished in tiered documents by eliminating repetitive analyses of issues that were adequately addressed in the program EIR and by incorporating those analyses by reference. Section 15168(d) of the State CEQA Guidelines provides for simplifying the preparation of environmental documents on individual parts of the program by incorporating by reference analyses and discussions that apply to the program as a whole. Where an EIR has been prepared or certified for a program or plan, the environmental review for a later activity consistent with the program or plan should be limited to effects that were not analyzed as significant in the prior EIR or that are susceptible to substantial reduction or avoidance (CEQA Guidelines Section 15152[d]).</p> <p><b>Comment 4:</b> The commenter encourages the City to locate future housing and jobs near mass transit centers with connecting streets for easy access to walking and biking to reduce VMT and traffic impacts. The commenter provides suggestions for Transportation Demand Management (TDM) programs and encourages the project applicant to reduce parking supply to discourage driving and reduce impacts. The commenter provided sample parking ratios to support compact growth.</p> <p><b>Response 4:</b> Comment noted. The City of Cupertino is working with the project applicant to develop a TDM plan to be part of the project, which will likely include such features as Eco Passes for transit, bicycle repair stations, and other measures as appropriate.</p> |

**Table 1 Response to Comments on the Initial Study and Mitigated Negative Declaration**

| No. | Name/Agency/Organization   | Date    | Response   |
|-----|--|---------|--|
|     |  |         | <p><b>Comment 5:</b> The commenter has suggested that the project applicant be required to contribute VMT mitigation to improve mobility and transit in the project vicinity because of the project's overall contribution to area traffic and its proximity to SR 85 and I-280, but does not identify a specific impact that would warrant such mitigation.</p> <p><b>Response 5:</b> The project's freeway impacts were evaluated as part of the transportation analysis and freeway impacts on SR-85 and I-280 were determined to be less-than-significant. Under CEQA Sections 15126.4(a)(4)(A) and 15126.4(a)(4)(B), mitigation measures are intended to avoid or reduce a potentially significant impact and the mitigation measure(s) must have an essential "nexus" (i.e. connection) (<i>Nollan v. California Coastal Commission</i>, 483 U.S. 825 (1987)), and be "roughly proportional" to the impacts (<i>Dolan v. City of Tigard</i>, 512 U.S. 374 (1994)). Because no such significant impact has been identified as part of the TIA prepared for the project, no mitigation as requested by the commenter has been included in the IS/MND prepared for the project.</p> <p><b>Comment 6:</b> The commenter encourages the City to participate in the VTA voluntary contribution program and plan for the impact of future growth on the regional transportation system to improve the transportation system to improve mobility in the San Francisco Bay Area.</p> <p><b>Response 6:</b> Comment noted.</p> |
| 2   | Roy Molseed, Senior<br>Environmental Planner<br>Santa Clara Valley<br>Transportation Authority (VTA) | 5/31/16 | <p><b>Comment 1:</b> The commenter expresses support for the proposed land use intensification of this project site in the Stevens Creek Boulevard Corridor where the VTA is planning to implement Rapid 523 enhanced bus service. The commenter also identifies that the site is served by VTA Local Lines 23 and 55, and Limited Line 323, and is part of the greater Stevens Creek Boulevard Corridor in the VTA's Community Design &amp; Transportation (CDT) Programs Cores, Corridors and Station Areas framework, which shows both VTA and local jurisdiction priorities for supporting concentrated development in the County.</p> <p><b>Response 1:</b> Comment noted.</p>  |

**Table 1 Response to Comments on the Initial Study and Mitigated Negative Declaration**

| No. | Name/Agency/Organization | Date | Response  |
|-----|--------------------------|------|---|
|     |                          |      | <p><b>Comment 2:</b> The commenters also expresses support for the projects new sidewalks with street trees at appropriate locations to improve access to transit on Stevens Creek Boulevard, and these improvements are in alignment with the Highway Capacity Manual 2010 Pedestrian Level of Service methodology.</p> <p><b>Response 2:</b> Comment noted.</p>   |
|     |                          |      | <p><b>Comment 3:</b> The commenter encourages the City to work with the applicant to explore Transportation Demand Management (TDM) measures that would reduce the number of single – occupant vehicle trips generated by the project and increase transit ridership. Specifically, VTA encourages the City to require the applicant to provide transit incentives to residential and employees of the development, such as free or discounted transit passes on continuing basis, as a Condition of Approval of the project.</p> <p><b>Response 3:</b> The City will work with the applicant to explore the options to reduce trips as the commenter has requested, amongst other options as well.</p> |
|     |                          |      | <p><b>Comment 4:</b> The commenter has requested that the applicant be required to provide bus shelters and benches at both the northbound and southbound stops, paid for and maintained by the developer. The commenter has provided suggested specifications that can be referenced in the VTA Transit Passenger Environment Plan (TPEP).</p> <p><b>Response 4:</b> The City will work with the applicant to provide and maintain, for the duration of the project operation, adequate bus shelters and benches as requested by the commenter.</p>  |
|     |                          |      | <p><b>Comment 5:</b> The commenter also provided a VTA Development Review Program Contact List dated April 22, 2016.</p> <p><b>Response 5:</b> Comment noted.</p>   |

## Revisions to the Initial Study and Mitigated Negative Declaration

### *Revisions to Chapter 3, Project Description*

**The second sentence in the first paragraph under the subheading “3.1.2 General Plan and Zoning Designation” on page 3-1 is hereby amended as follows:**

The project site consists of two parcels, Assessor’s Parcel Numbers (APN) 326-34-066 (10118 to 10122 Bandley Drive), which is 4.35 acres in size, and 326-34-043 (10145 De Anza Boulevard), which is 0.77 acres in size. The Applicant proposes to decrease the size of the Bandley Drive parcel to 3.98 acres and increase the size of the De Anza Boulevard parcel to ~~4.14~~ 1.05 and 0.10 acres street dedication by means of a lot line adjustment. The project site is within the Commercial/Office/Retail (C/O/R) General Plan Land Use designation and is zoned Planned Development with General Commercial and Residential (P[CG, Res]) (see Figures 3-3 and 3-4). The C/O/R land use designation includes mixed-use areas that are primarily made up of commercial and office uses. Residential uses that are compatible with the non-residential character of the area may also be located within this designation to support and balance nearby commercial and office development. The P[CG, Res] zone includes a mix of General Commercial and Residential uses where the residential uses support the commercial development on the project site within a Planned Development zoning district.

**The text in the paragraph under the subheading “3.2.1.1 Residential,” which begins on page 3-8 and continues on page 3-11 is hereby amended as follows:**

The proposed project would include 188 housing units, of which 16 units would be Below Market Rate (BMR) units affordable to very-low-income households. Residential development would be located in both Buildings B and C, as identified on Figure 3-7. Building B would contain 108 apartments. The units would range in size from 782 to 1,942 square feet. The gross residential area of Building B would be approximately ~~111,346~~ 190,966 square feet in size. Building C would contain 80 apartments. The units would range in size from 616 to ~~1,631~~ 1,941 square feet. The gross residential area of Building C would be approximately ~~79,813~~ 107,458 square feet. Buildings B and C would both be oriented around a central courtyard. Amenities for Building B would include a community room, exercise room, bike lounge, and swimming pool, comprising approximately ~~6,675~~ 6,726 square feet. Amenities for Building C include a community room comprising approximately 882 square feet. The proposed project also would have residential common open space in the form of rooftop gardens, balconies, and an open courtyard. Building B would include 16,353 square feet of common open space and 6,480 square feet of private open space. Building C would include 12,297 square feet of common open space and 4,800 of private open space.

**The text in the paragraph under the subheading “3.2.1.3 Hotel” on page 3-11 is hereby amended as follows:**

A hotel would be located in Building A and would contain a total of 122 rooms, ranging from ~~303~~ 305 to ~~999~~ 1,079 square feet each. Hotel amenities would include meeting rooms and a fitness area, lounge, café and bar, restaurant, ~~and swimming pool,~~ totaling ~~12,373~~ 10,572 square feet. The hotel is expected to have 13 employees. Conceptual building floor plans and unit floor plans are included on Sheets A.20 through A.26 and Sheets A.40A through A.40C, respectively, in Appendix A. The hotel would also provide some open space along De Anza Boulevard with outdoor seating and terraces.

**The text in the paragraph under the subheading “3.2.2.2 Parking” on page 3-17 is hereby amended as follows:**

The proposed project would provide a total of ~~668~~ 669 vehicular parking spaces, with ~~627~~ 629 spaces in garages and 40 uncovered stalls on the proposed internal streets. The proposed project would include construction of two levels of parking for Buildings A and B and one level of parking for Building C. Building A (hotel) would have 61 stalls on the Basement 1 level and ~~60~~ 74 stalls on the Basement 2 level. For retail parking, Building B would have 64 stalls on Level 1 and ~~58~~ 60 stalls on the Basement level. For residential parking, Building B would have ~~101~~ 102 stalls on the Basement 1 level and 178 stalls on the Basement 2 level. Building C ~~would have 30 stalls for retail parking and 90 stalls for residential parking at the Basement level.~~ The on-grade private road would provide ~~38~~ 40 retail parking spaces. The project would have 25 parking stalls that meet the Americans with Disability Act (ADA) standards. The project would also provide 148 bicycling parking stalls. In exchange for providing BMR units, the proposed project is requesting a parking reduction, as allowed pursuant to the City’s density bonus ordinance, to allow one parking space per one-bedroom BMR unit ~~and two parking spaces per two-bedroom BMR unit.~~

**The text in the paragraph under the subheading “3.2.3.1 Form, Mass, and Scale,” which begins on page 3-17 and continues on page 3-21 is hereby amended as follows:**

As illustrated on Figures 3-9A through 3-9C, buildings are proposed to be four stories tall. Every façade would incorporate a mix of materials and a high amount of glazing. Building A would be setback ~~45~~ 43 feet ~~and 6 inches~~ from the face of curb on Alves Drive (north side), 10 feet from the rear property line (south side), ~~40~~ 37 feet from the face of curb on De Anza Boulevard (east side), and ~~20~~ 19 feet from the property line on the west side. Building B would be setback 35 feet from the face of curb along Alves Drive (north side), ~~92~~ 88 feet ~~and six inches~~ from Building C (south side), 35 feet from the face of curb along Bandle Drive (west side), and 20 feet from the east side property line. Building C would be setback ~~54~~ 48 feet from the front (east) side property line, 22.5 feet from the west side property line, 22.5 feet from the south side property line, and ~~92~~ 88 feet ~~and six inches~~ from Building B (north side). The project applicant is applying for a Heart of the City Exception to reduce the side and rear setbacks for the hotel from 22.5 feet to ten (10) feet, and to reduce the required setback for architectural features from 31 feet to 16 feet.

The first paragraph under the subheading “3.2.3.3 Landscaping” on page 3-21 is hereby amended as follows:

The tree removal plan for the proposed project shows that all but seven of the existing trees ~~on the project close to the adjacent~~ site would be removed as part of the proposed project (see Sheet L0.02 in Appendix A).

*Revisions to Chapter 4, General Plan EIR Consistency Analysis*

The second sentence in the first paragraph under the subheading “4.1.2 Land Use Designations” on pages 4-2 and 4-3 is hereby amended as follows:

The project site is designated Commercial/Office/Retail (C/O/R) in the General Plan, and as analyzed in the General Plan EIR, which allows for mixed-use development primarily made up of commercial and office uses. Residential uses that are compatible with the non-residential character of the Heart of the City Special Area may also be located within this designation to support and balance nearby commercial and office development. The project site consists of two parcels – one ~~larger-smaller~~ parcel on De Anza Boulevard that is ~~4.35~~ 0.77 acres in size and a ~~smaller~~ larger parcel on Bandley Drive that is ~~0.77~~ 4.35 acres in size – totaling 5.12 acres. The 5.12-acre project site is located in the North Crossroads Node within the Heart of the City Special Area’s Crossroads subarea and is a key commercial/retail destination with many small-scale stores and restaurants. Mixed-use residential development within the project site is permitted on the larger of the two project parcels at a density of 35 dwelling units per acre pursuant to the City’s General Plan and Housing Element. Commercial uses, including hotel development, are allowed on the second, smaller site if adequate hotel rooms are allocated in the General Plan. The maximum allowable height is 45 feet for both parcels.