

5. Alternatives to the Proposed Project

The CEQA Guidelines set forth the intent and extent of alternatives analysis to be provided in an EIR. Section 15126.6(a) of the CEQA Guidelines states that:

An EIR shall describe a range of reasonable alternatives to the project, or the location of the project, which would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project, and evaluate the comparative merits of the alternatives. An EIR need not consider every conceivable alternative to a project. Rather it must consider a reasonable range of potentially feasible alternatives that will foster informed decision making and public participation. An EIR is not required to consider alternatives which are infeasible. The lead agency is responsible for selecting a range of project alternatives for examination and must publicly disclose its reasoning for selecting those alternatives. There is no ironclad rule governing the nature or scope of the alternatives to be discussed other than the rule of reason.

The following discussion is intended to inform the public and decision makers of feasible alternatives to the proposed project that would avoid or substantially lessen any significant effects of the proposed project. This chapter describes the purpose of the alternatives discussion; provides a summary of the reasonable range of alternatives, including a summary of potentially significant impacts and the relationship of each alternative to the project objectives; and identifies the environmentally superior alternative.

5.1 PURPOSE

The alternatives evaluated in this Draft EIR were developed consistent with Section 15126.6(b) of the CEQA Guidelines, which states that:

Because an EIR must identify ways to mitigate or avoid the significant effects that a project may have on the environment (Public Resources Code Section 21002.1), the discussion of alternatives shall focus on alternatives to the project or its location which are capable of avoiding or substantially lessening any significant effects of the project, even if these alternatives would impede to some degree the attainment of the project objectives, or would be more costly.

5.2 POTENTIALLY SIGNIFICANT IMPACTS

All of the potential environmental impacts associated with development of the proposed project were found to be either less than significant without mitigation or less than significant with mitigation. No significant and unavoidable impacts would occur as a result of construction and operation of the proposed project. A list of the potential impacts is provided in Table 2-1 in Chapter 2, Executive Summary,

ALTERNATIVES TO THE PROPOSED PROJECT

of this Draft EIR. The choice of alternatives to the proposed project for analysis in this Draft EIR focused on those alternatives that would further reduce and avoid the impacts found to be potentially significant, but less than significant with mitigation measures, as listed in Table 2-1.

The significant-but-mitigable impacts of the proposed project include the following:

- Air Quality: construction impacts from construction emissions of fine particulate matter (PM₁₀ and PM_{2.5}) and toxic air contaminants (TAC).
- Biological Resources: construction impacts to nesting birds and compliance with the City's tree preservation regulations.
- Cultural and Tribal Cultural Resources: construction impacts to unknown subsurface cultural and tribal cultural resources.
- Geology and Soils: construction impacts related to erosion and the potential to destabilize soils, and development on expansive soils.
- Utilities and Service Systems: operational impacts to wastewater treatment infrastructure (i.e., the Homestead Pump Station).

5.3 PROJECT OBJECTIVES

As stated above, the range of alternatives to the project shall include those that could feasibly accomplish most of the basic objectives of the proposed project. The project objectives are as follows:

- Renovate The Forum at Rancho San Antonio in Cupertino in accordance with the Forum's Senior Community Update plans in order to strengthen its character as a private, attractive, and resident-owned CCRC, and to ensure the ability of its 500 senior residents and staff to continue to build community and continue to provide high-quality care for each other.
- Modernize and expand existing facilities at The Forum to meet pending healthcare requirements and regulations, as well as to adapt to evolving patient needs in terms of privacy, dignity, amenities, and seamlessness in transitions in the continuum of care, including improving the facilities associated with the Skilled Nursing Facility including a Rehabilitation Center, Assisted Living, Memory Care, and Independent Living.
- Employ high-quality architectural and landscaping features to ensure that the renovation harmonizes with The Forum's beautiful physical setting, including the site's gently sloping topography and existing nearby homes.
- Provide 25 independent living villas as integrated additions to The Forum community to create a financial engine that will enable the implementation of The Forum Senior Community Update.
- Implement The Forum Senior Community Update that ensures the long-term financial viability and sustainability of The Forum's senior community.
- Implement The Forum Senior Community Update consistent with Cupertino's *General Plan: Community Vision 2015–2040*, including the Land Use and Community Design Element, Goal LU-29, "Retain and enhance the Oak Valley as a unique neighborhood surrounded by natural hillside areas and private and public space."

ALTERNATIVES TO THE PROPOSED PROJECT

5.4 SELECTION OF A REASONABLE RANGE OF ALTERNATIVES

Section 15126.6(c) of the State CEQA Guidelines states:

The range of potential alternatives to the proposed project shall include those that could feasibly accomplish most of the basic objectives of the project and could avoid or substantially lessen one or more of the significant effects. The EIR should briefly describe the rationale for selecting the alternatives to be discussed. The EIR should also identify any alternatives that were considered by the lead agency but were rejected as infeasible during the scoping process and briefly explain the reasons underlying the lead agency's determination. Additional information explaining the choice of alternatives may be included in the administrative record. Among the factors that may be used to eliminate alternatives from detailed consideration in an EIR are: (i) failure to meet most of the basic project objectives, (ii) infeasibility, or (iii) inability to avoid significant environmental impacts.

5.4.1 ALTERNATIVES CONSIDERED AND REJECTED AS BEING INFEASIBLE

As described above, Section 15126.6(c) of the State CEQA Guidelines requires EIRs to identify any alternatives that were considered by the lead agency but were rejected as infeasible during the scoping process, and briefly explain the reasons underlying the lead agency's determination. Section 15126.6(c) provides that among the factors that may be used to eliminate alternatives from detailed consideration in an EIR are: (i) failure to meet most of the basic project objectives, (ii) infeasibility, or (iii) inability to avoid significant environmental impacts. The following is a discussion of alternatives that were considered and rejected, along with the reasons they were not included in the analysis.

5.4.1.1 ALTERNATE LOCATION

Development of the proposed project at an alternate location on County parkland with an agreement between the project applicant and the County was considered and rejected because it would not meet the objectives of the project, would be infeasible, and would not avoid a significant environmental impact. Because the proposed project is a renovation, modernization, and expansion of an existing Continuing Care Retirement Community (CCRC), which offers a variety of services within a single location to guarantee lifetime housing, social activities, and increased levels of care as needs change on the project site, locating services and housing off site would directly conflict with the purpose of the of the CCRC. As described in Chapter 3, Project Description, of this Draft EIR, a CCRC is part independent living, part assisted living, and part skilled nursing home, which offers a tiered approach to the aging process, by accommodating residents' changing needs. Furthermore, unlike the County parkland site, the proposed project is consistent with the General Plan land use designation and zoning for the project site. There is no other site within Cupertino that could accommodate the project or meet the objective to provide a continuum of care within a single location, as envisioned by The Forum Senior Community Update. The project applicant does not currently own or control other potential sites for the proposed project in Cupertino, including the alternate location considered. Nor can the project applicant reasonably acquire or otherwise have access to such alternate sites (refer to Section 15126.6(f) of the CEQA Guidelines). Additionally, any expansion off site in an undeveloped area could cause greater construction-related impacts than that of the infill and redevelopment proposed of the project and would create additional

ALTERNATIVES TO THE PROPOSED PROJECT

vehicular trips as residents make use of off-site supplemental care, which could result in greater air quality, GHG emissions and traffic impacts than the proposed project. As such, no feasible alternative locations were identified for the proposed project and no further discussion is warranted.

5.4.1.2 REDUCED CARE FACILITY ALTERNATIVE

A reduced facility alternative was considered and rejected because it would not meet the objectives of the proposed project and would not avoid a significant environmental impact. As described in Chapter 3, Project Description, the proposed project is a renovation, modernization, and expansion of an existing CCRC in order to remain viable and responsive to the current needs of existing and future residents within one community that guarantees lifetime housing, social activities, and increased levels of care as needs change. The project objectives, listed above in Section 5.3, include modernizing and expanding the existing facilities at The Forum to meet pending healthcare requirements and regulations, as well as to adapt to evolving patient needs in terms of privacy, dignity, amenities, and seamless transitions in the continuum of care, including improving the facilities associated with the skilled nursing facility including a rehabilitation center, assisted living, memory care, and independent living. Reducing the scale, size, or number of proposed care facilities would not allow the project to meet the project objectives. Furthermore, reducing on-site care facilities would create additional vehicular trips as residents make use of off-site supplemental care, which could result in greater air quality, GHG emissions and traffic impacts than the proposed project. Accordingly, no further discussion of a reduced care facility is warranted.

5.4.1.3 RELOCATE VILLAS ON THE NORTHEAST RIDGE

Relocating some of the independent living villas to the northeast ridge on the project site's border east of 23300 Via Esplendor shown on Figure 5-1 was considered and rejected because it would not avoid a significant environmental impact. As shown on Figure 5-1, there are limited opportunities on the project site to locate the independent living villas and relocating some of the villas to this location on the northeast ridge would result in the loss of some of the project site's large oak trees. Furthermore, this alternative would require additional grading as well as a longer construction timeline when compared to the proposed project. As such, no further discussion of this alternative is warranted.

5.4.2 ALTERNATIVES ANALYSIS

In accordance with the CEQA Guidelines, in addition to the No Project Alternative, this EIR discusses two project alternatives and compares them to the proposed project, as discussed below. As previously stated, the alternatives were selected because of their potential to reduce the significant-but-mitigable impacts of the proposed project related to air quality, biological resources, cultural and tribal cultural resources, and geology and soils. The three alternatives include:

- No Project Alternative
- Revised Villa Location Alternative
- Reduced Unit Alternative

The first alternative is the CEQA-required "No Project" Alternative. The Revised Villa Location Alternative would construct four fewer independent living villas than the proposed project, but the location of some of the independent living villas would be changed. The Reduced Unit Alternative would also only construct 21 rather than 25 independent living villas, but the locations would be the same as the proposed project.

ALTERNATIVES TO THE PROPOSED PROJECT



Source: Google Earth Professional, 2017; PlaceWorks, 2017.



Rejected Alternative: Relocate Villas on the Northeast Ridge

Figure 5-1

ALTERNATIVES TO THE PROPOSED PROJECT

5.4.3 ASSUMPTIONS AND METHODOLOGY

The alternatives analysis is presented as a comparative analysis to the proposed project. With the exception of the No Project Alternative, which assumes no change in the existing site and no new development, the overall extent of the development on the project site for the other two alternatives is similar to the proposed project, but with fewer new independent living villas (21 villas compared to 25 villas).

As described in Chapters 4.2, Air Quality, Chapter 4.3, Biological Resources, Chapter 4.4, Cultural and Tribal Cultural Resources, Chapter 4.5, Geology and Soils, and Chapter 4.11, Utilities and Service Systems, mitigation measures would be required to reduce construction related impacts only in each of the following resource categories except for Chapter 4.11, which requires mitigation for the operational impacts associated with wastewater generation. This alternatives analysis assumes that all regulations and mitigation measures recommended for the proposed project would be implemented for the Revised Villa Location Alternative and the Reduced Unit Alternative.

The following analysis compares the potentially significant environmental impacts of the three alternatives with those of the project-related impacts for each of the environmental topics analyzed in detail in Chapters 4.1 through 4.11 of this Draft EIR. The impacts of each alternative are classified as greater, reduced, or essentially similar to (or comparable to) the level of impacts associated with the proposed project. Table 5-1 summarizes the relative impacts of each of the alternatives compared to the proposed project.

TABLE 5-1 COMPARISON OF IMPACTS FROM PROJECT ALTERNATIVES AND THE PROPOSED PROJECT

Topic	Proposed Project	No Project Alternative	Revised Villa Location Alternative	Reduced Unit Alternative
Aesthetics	LTS	<	=	=
Air Quality	LTS/M	<	>	<
Biological Resources	LTS/M	<	>	=
Cultural and Tribal Cultural Resources	LTS/M	<	>	=
Geology and Soils	LTS/M	<	>	=
Greenhouse Gas Emissions	LTS	<	>	<
Hazards and Hazardous Materials	LTS	=	=	=
Hydrology and Water Quality	LTS	=	=	<
Noise	LTS	<	<	<
Transportation and Circulation	LTS	<	<	<

ALTERNATIVES TO THE PROPOSED PROJECT

TABLE 5-1 COMPARISON OF IMPACTS FROM PROJECT ALTERNATIVES AND THE PROPOSED PROJECT

Topic	Proposed Project	No Project Alternative	Revised Villa Location Alternative	Reduced Unit Alternative
Utilities and Service Systems	LTS/M	<	<	<
Notes:				
LTS	Less Than Significant	<	Reduced impact in comparison to the proposed project	
LTS/M	Less Than Significant with Mitigation	=	Similar impacts in comparison to the proposed project	
		>	Greater impact in comparison to the proposed project	

5.5 NO PROJECT ALTERNATIVE

5.5.1 DESCRIPTION

Pursuant to CEQA Guidelines Section 15126.6(e)(1), the No Project Alternative is required as part of the “reasonable range of alternatives” to allow decision makers to compare the impacts of approving the proposed project with the impacts of taking no action or not approving the proposed project. Under this alternative, the proposed project would not be constructed, and the project site would remain in its current condition. The existing development is a Continuing Care Retirement Community (CCRC), which has 60 1- and 2-story single and duplex villas located throughout the site, a 72,750-square-foot healthcare center, and a 40,000-square-foot commons building, and is institutional in nature. The CCRC is accessible from Foothill Boulevard via Cristo Rey Drive.

5.5.2 IMPACT DISCUSSION

The potential environmental impacts associated with the No Project Alternative when compared to the proposed project are described below.

5.5.2.1 AESTHETICS

The impacts related to aesthetics of the proposed project are less than significant and no mitigation measures are required. Under the No Project Alternative, no grading, tree and vegetation removal, or new development would occur on the project site and the existing aesthetic characteristics would remain unchanged. Same as the proposed project, the No Project Alternative would not block the intermittent views of the foothills of the Coast Range and the Santa Cruz Mountains that are visible from the Cristo Rey Drive and Rancho San Antonio County Park/Open Space Preserve, and would not degrade the existing visual character or quality of the site and its surroundings; thus, aesthetic impacts related to these topics would be essentially similar to those of the proposed project.

Under the No Project Alternative, the redevelopment of the project site would not occur; thus, no change to the visual setting would occur and impacts to visual character would be less than that of the proposed project. Accordingly, overall impacts related to aesthetics would be *reduced* from those of the proposed project under this alternative.

ALTERNATIVES TO THE PROPOSED PROJECT

5.5.2.2 AIR QUALITY

The construction-related air quality impacts of the proposed project are fully mitigable with implementation of Mitigation Measures AQ-2, AQ-3 and AQ-4. Project-generated fugitive dust and other pollutant emissions associated with construction activities at the site would not occur under this alternative; thereby, eliminating the proposed projects significant-but-mitigable construction-related air quality impacts. Like the proposed project, the No Project Alternative would not conflict or obstruct the implementation of Bay Area Air Quality Management District's 2017 *Clean Air Plan, Spare the Air, Cool the Climate* or violate any air quality standards, and would not expose on-site sensitive receptors to substantial concentrations of toxic air contaminants (TACs) and PM_{2.5} as a result of operation; thus, impacts would be essentially similar under both the proposed project and the No Project Alternative. Under the No Project Alternative, pollutant emissions associated with vehicle trips would continue to occur and no additional trips from the proposed project would contribute related emissions. Therefore, impacts would be reduced under the No Project Alternative as a result of those added vehicle trips. Therefore, overall air quality impacts of the No Project Alternative would be *reduced* from those of the proposed project.

It should be noted that without the renovation of the skilled nursing facility and assisted living facility, and the addition of the memory care facility, vehicular trips could increase as residents seek off-site services; thus, resulting in subsequent air quality emissions.

5.5.2.3 BIOLOGICAL RESOURCES

The biological resources impacts of the proposed project are fully mitigable with implementation of Mitigation Measures BIO-1a, BIO-1b, BIO-1c, and BIO-3. Under the No Project Alternative the potential to modify habitat for any special-status species identified would not occur. No trees would be removed under the No Project Alternative; thus, no potential for conflicts with the City's Tree Preservation regulations would occur. This would eliminate the proposed project's significant-but-mitigable adverse effects on bird species protected under the Migratory Bird Treaty Act, as well as conflicts with local policies or ordinances protecting biological resources. Therefore, overall impacts to biological resources would be *reduced* from those of the proposed project under this alternative because no development on the project site would occur.

5.5.2.4 CULTURAL AND TRIBAL CULTURAL RESOURCES

The cultural and tribal cultural resources impacts under the proposed project are fully mitigable with implementation of Mitigation Measures CULT-1, CULT-2, and CULT-4. There are no known historic resources within the project site; therefore, impacts to known historic resources would be the same under both the No Project Alternative and the proposed project. However, no ground-disturbing activities would occur under the No Project Alternative; therefore, this alternative would not have the potential to damage or destroy unknown archaeological (tribal or non-tribal) or paleontological resources, human remains, and tribal cultural resources. Accordingly, the No Project Alternative would result in *reduced* impacts from those of the proposed project.

ALTERNATIVES TO THE PROPOSED PROJECT

5.5.2.5 GEOLOGY AND SOILS

The impacts related to geology and soils of the proposed project are fully mitigable with implementation of Mitigation Measures GEO-1a, GEO-1b, GEO-2, and GEO-3. Under the No Project Alternative, no new development would occur on the site, which reduces the potential for damage from soil/geologic conditions (i.e., soil instabilities; soil erosion/loss of topsoil; expansive and soils). Therefore, this alternative would *reduce* impacts related to geology and soils when compared to impacts of the proposed project.

5.5.2.6 GREENHOUSE GAS EMISSIONS

The impacts related to greenhouse gas (GHG) emissions of the proposed project are less than significant and no mitigation measures are required. Under the No Project Alternative, no additions or renovations to existing structures, nor new buildings, would be constructed; subsequently, no new vehicular trips would occur. Therefore, the No Project Alternative would result in *reduced* GHG emissions when compared to the proposed project. However, it is important to note that under this alternative, no improvements required under updated building regulations described in Chapter 4.6, Greenhouse Gas Emissions, of this Draft EIR, that would result in cleaner and reduced emissions would also not occur. Further as described of the air quality discussion, without the renovation of the skilled nursing facility and assisted living facility, and the addition of the memory care facility, vehicular trips could increase as residents seek off-site services; thus, resulting in subsequent GHG emissions impacts.

5.5.2.7 HAZARDS AND HAZARDOUS MATERIALS

The impacts related to hazards and hazardous materials of the proposed project are less than significant and no mitigation measures are required. Like the proposed project, the existing conditions under the No Project Alternative would not release hazardous materials or interfere with an adopted emergency response plan; therefore, impacts related to these topics would be essentially *similar* under both scenarios.

5.5.2.8 HYDROLOGY AND WATER QUALITY

The impacts related to hydrology and water quality of the proposed project are less than significant and no mitigation measures are required. Like the proposed project, the existing conditions under the No Project Alternative would not alter drainage patterns or exceed runoff capacity; therefore, impacts related to these topics would be essentially *similar* under both scenarios.

5.5.2.9 NOISE

The impacts related to noise of the proposed project are less than significant and no mitigation measures are required. Under the No Project Alternative no short-term noise from construction would occur; however, like the existing conditions, long-term noise from operation would continue under both scenarios. Therefore, impacts related to noise impacts of the proposed project would be *reduced* under the No Project scenario when compared to the proposed project.

ALTERNATIVES TO THE PROPOSED PROJECT

5.5.2.10 TRANSPORTATION AND CIRCULATION

The transportation and circulation impacts of the proposed project are less than significant and no mitigation measures are required. Under the No Project Alternative, no development activities on the site would occur and no new traffic trips would be generated. As such, no traffic impacts as a result of new development on the project site would occur. Accordingly, overall impacts to transportation and circulation would be *reduced* when compared to those of the proposed project. However, it should be noted that without the renovation of the skilled nursing facility and assisted living facility, and the addition of the memory care facility, vehicular trips could increase as residents seek off-site services.

5.5.2.11 UTILITIES AND SERVICE SYSTEMS

The utilities and service systems impacts of the proposed project are fully mitigable with implementation of Mitigation UTIL-3. While water supply impacts of the proposed project would be less than significant without mitigation, under the No Project Alternative, no new development on the site would occur and there would be no changes to water demand on the project site. Although the proposed project would be constructed consistent with California Green Building Standards Code (CALGreen) standards, which would help to ensure best construction practices for conserving water, it would still generate greater water demands than existing conditions. Likewise, there would be no wastewater increase under the No Project Alternative. Accordingly, overall impacts to utilities and service systems with regard to water supply and wastewater generation would be *reduced* when compared to the proposed project.

5.5.3 RELATIONSHIP OF THE ALTERNATIVE TO THE OBJECTIVES

Under the No Project Alternative, the proposed project would not be constructed and therefore, this alternative does not meet any of the project objectives.

5.6 REVISED VILLA LOCATION ALTERNATIVE

5.6.1 DESCRIPTION

The Revised Villa Location Alternative would change the location of the independent living villas as shown on Figure 5-2. The villas are denoted with a “V” and the villa number (e.g., villa 67 is shown as V67). This alternative would add three villas (V86, V87, and V88) at a new location on the stretch of Via Esplendor on the southeast side of the project site (note that this location is south of the area that was considered but rejected due to the loss of oak trees that was previously discussed under Section 5.4.1 of this chapter) and removing the single villa (V65) at the Via Esplendor/Capilla Way location as shown on Figure 3-11 in Chapter 3, Project Description, of this Draft EIR. This alternative would result in construction of four fewer villas (i.e., 21 rather than 25 villas) and greater setbacks between the project site and the existing single-family homes to the southwest of the project site than what is proposed under the project. Like the proposed project described in Chapter 3, Project Description, of this Draft EIR, the proposed independent living villas under this alternative would consist of new 1-story villas that range in size from 1,630 to 1,890 square feet and would each include an attached garage. However, no 2-story villas are proposed under this alternative.

ALTERNATIVES TO THE PROPOSED PROJECT



Source: SmithGroupJJR, 2017; PlaceWorks, 2017.



Figure 5-2

Revised Villa Location Alternative Conceptual Site Plan

ALTERNATIVES TO THE PROPOSED PROJECT

As shown on Figure 5-2, under this alternative the proposed new villas would be located in the following locations:

- **East Via Esplendor Villas:** Three new villas (V86, V87, and V88) would be built on the east side of Via Esplendor near the site's eastern border. These new single villas would be directly accessed from Via Esplendor and would be bounded by open space directly to the north, and the Via Esplendor and the property line to the south. These villas would be located in an area of the site that has existing villas.
- **West Via Esplendor Villas:** One of the two proposed single villas (V62) would not be built near the site's south border near the skilled nursing facility. As a result only a single new villa (V61) would be built at this location. This single villa would be bounded by Via Esplendor to the north, on-site open space to the east, Stonehaven Drive to the south, and an existing villa to the west. The off-site uses near this villa include open space and an off-site single-family home to the south.
- **Serano Court Villas:** The proposed 2-story duplex unit (V63 and V64) under the proposed project would be reduced to a single, 1-story unit (V63) located off of Serano Court, which is centrally located on the project site and surrounded by other existing villas. This single villa would be bounded by Serano Way to the north and west, an existing villa to the east, and Serano Court to the south.
- **Cristo Rey Drive Villas:** Four villas (V67, V68, V78, and V83) would not be built in this location near the entrance to the project site and on the site's southern border. The remaining 16 units, made up of two single villas (V66 and V71) and 14 duplex villas (V69, V70, V72 to V77, and V79 to V82), would be bounded by Cristo Rey Drive to the north and west, Oak Valley Road to the east and south, existing off-site single-family homes.

Pursuant to CMC development regulations, these villas are required to be set back 25 feet or greater from the property line between the proposed villas and the existing, off-site, single-family homes.¹ Under this alternative, the 14 villas (V66, V69 to V77, and V79 to V82) would be set back an additional 5 to 31 feet from the property line. This would increase the overall property line setbacks from the existing off-site homes to the 10 proposed villas to between 44 and 73 feet. However, the setbacks between existing off-site homes and the proposed villas would increase to between 68 and 100 feet. These increased setbacks would be possible by narrowing a portion of the proposed new frontage road to the minimum allowable width of 20 feet and relocating the parallel on-street parking stalls that are proposed by the project along this new road.

In addition to eliminating two villas (V67 and V68) near the Oak Valley property line, two villas (V78 and V83) at the southern end of the site near the corner of Oak Valley Road and Cristo Rey Drive would also be removed. This reduction would result in an increased setback of 23 feet along Oak Valley Road creating a setback of 57 feet or greater between proposed villas and Oak Valley Road, which would provide a larger greenspace and planting buffer at the entrance to the Oak Valley neighborhood.

The Revised Villa Location Alternative would involve moving the frontage road 8 feet closer to Cristo Rey Drive near the Oak Valley neighbor edge. This alternative would also increase the planter area along Cristo

¹ Cupertino Municipal Code, Title 19, Zoning, Chapter 19.76, Quasi-Public Building (BQ), Site Development Regulations.

ALTERNATIVES TO THE PROPOSED PROJECT

Rey Drive by 920 square feet (a 13 percent increase). The 12 parallel parking stalls along the southwest side of Cristo Rey Drive under the proposed project would be removed and four, 90-degree stalls would be relocated to the opposite side of the access road.

The Revised Villa Location Alternative would involve the same building renovations and new facilities as proposed by the project, including the skilled nursing facility, assisted living facility, and the new memory care building. Under this alternative, these facilities would be the same as under the proposed project.

5.6.2 IMPACT DISCUSSION

The potential environmental impacts associated with the Revised Villa Location Alternative are described below and are compared to the proposed project. As previously stated, this alternative was selected because of its potential to reduce the significant-but-mitigable construction-related impacts of the proposed project related to air quality, biological resources, cultural and tribal cultural resources, geology and soils, and utilities and services systems.

5.6.2.1 AESTHETICS

The impacts related to aesthetics of the proposed project are less than significant and no mitigation measures are required. Like the proposed project, the Revised Villa Location Alternative would allow development on the project site. Like the proposed project, development under this alternative would be required to comply with the setback and height requirements in the Municipal Code that would have the potential to obstruct a publically-accessible view of the foothills of the Coastal Range, including the Montebello Ridge, to the southwest, and ridgelines of the Santa Cruz Mountains to the north. Development under this alternative would occur in the same general areas of the project site as the proposed project but would instead build three of the proposed independent living villas to the eastern order of the project site. The location of these three villas would not be visible from public viewing locations. This alternative would construct fewer independent living villas (21 villas compared to 25 villas) than the proposed project. Therefore, views of this this alternative from the Rancho Sn Antonio County Park/Open Space Preserve and from Cristo Rey Drive would be different than views of the proposed project. However due to the natural topography and landscaping, and because these villas would be 1-story in height, development allowed by this alternative would alter the existing setting similar to the proposed project. Likewise, development under this alternative would be compatible with the existing visual character of the site and the surrounding. The changes to the proposed project on the site of the Revised Villa Location Alternative would be similar to visual resources in comparison to the proposed project, as both scenarios would involve introducing similar development on the same project site. Accordingly, this alternative would have a *similar* impact in comparison to the proposed project.

5.6.2.2 AIR QUALITY

The air quality impacts of the proposed project are fully mitigable with implementation of Mitigation Measures AQ-2, AQ-3 and AQ-4. Development under this alternative would disturb more land than the proposed project by locating more housing on the hillside on the site's eastern border as shown on Figure 5-2, but would construct fewer independent living villas (21 villas compared to 25 villas) than the proposed project.

ALTERNATIVES TO THE PROPOSED PROJECT

Under this alternative fugitive dust and other pollutant emissions associated with construction activities at the site would occur, as would pollutant emissions associated with day-to-day operations and associated vehicle trips, but these emissions would be slightly less than the proposed project due to less development. Like the proposed project, this alternative would not conflict or obstruct the implementation of Bay Area Air Quality Management District's 2017 *Clean Air Plan, Spare the Air, Cool the Climate* or violate any air quality standards. Although the mitigation measures listed above to reduce air quality-related impacts would apply to both scenarios, the changes to the proposed project on the site of the Revised Villa Location Alternative would disturb more land than the proposed project by introducing more housing on the hillside on the site's eastern border and result in more grading and construction related emissions in comparison to the proposed project. Accordingly, the Revised Villa Location Alternative would result in slightly *greater* impacts when compared to the proposed project.

5.6.2.3 BIOLOGICAL RESOURCES

The biological resources impacts of the proposed project are fully mitigable with implementation of Mitigation Measures BIO-1a, BIO-1b, BIO-1c, and BIO-3.

The relationship to the natural resources on the project site as described in Chapter 4.3, Biological Resources, of this Draft EIR would be similar under both this alternative and the proposed project. However, the Revised Villa Location Alternative would disturb more undeveloped land than the proposed project by building more housing on the hillside on the site's eastern border and result in fewer villas as shown on Figure 5-2.

As described in Chapter 4.3, Arborist Reports and a Biological Resources Assessment were prepared for the proposed project and are included in Appendix E of this Draft EIR. These reports considered impacts from the development of the proposed project as well as the proposed alternatives. As part of the Arborist Reports prepared for the proposed project 327 trees were assessed. Nineteen additional trees were assessed as part of the Arborist Report dated June 30, 2017 prepared for this alternative for a total of 346 trees were assessed. Of these 346 trees, 47 trees qualified as *Specimen* trees. The June 2017 Arborist Report evaluated the trees at the location where the three villas (V86 to V88) would be located. The report found that nine of the 19 trees would need to be removed as part of this new development area. Based on the City's criteria for protected trees, six of the 19 trees (3 Deodar pines and 3 coast live oaks) qualified as protected "Specimen" trees. Of these six trees, three trees would be proposed for removal under this alternative (1 Deodar cedar, 2 coast live oaks). Under this alternative, the number of trees protected of the City's Tree Protection Ordinance that would be impacted would be greater than the number of trees affected by the proposed project. While 10 trees would be preserved by reducing the proposed Serano Court Villas from two to one villa, the new alignment of the single-story villa would remove six additional trees, for a net increase of four trees affected.

The mitigation measures listed above, as well as compliance with the City's existing ordinances, including City's Tree Preservation Ordinance, would apply under this alternative. Therefore, the potential impacts to nesting birds and potential habitat for special-status birds and burrowing owls that may be present on site during construction related activities and removal of trees protected of the City's Tree Preservation Ordinance would be greater. Although fewer villas would be constructed, new development would occur in an area that would otherwise not be disturbed if not for the introduction of these three new villas, and

ALTERNATIVES TO THE PROPOSED PROJECT

impacts to biological resources in comparison to the proposed project would be slightly *greater* when compared to the proposed project.

5.6.2.4 CULTURAL AND TRIBAL CULTURAL RESOURCES

The cultural resources impacts of the proposed project are fully mitigable with implementation of Mitigation Measures CULT-1, CULT-2, and CULT-4. Development under this alternative would reduce the number of units, but increase the area of ground disturbance and the likelihood of encountering an unknown historic (tribal or non-tribal) resource due to the construction of the three new independent living villas on the hillside. Compliance with the mitigation measures listed above, as well as State regulations to protect buried human remains and cultural and tribal cultural resources would apply under this alternative, same as the proposed project. However, because more land would be disturbed, the potential to damage or destroy unknown historic, archaeological (tribal or non-tribal) or paleontological resources, human remains, and tribal cultural resources would be slightly *greater* when compared to the proposed project.

5.6.2.5 GEOLOGY AND SOILS

The impacts related to geology and soils of the proposed project are fully mitigable with implementation of Mitigation Measures GEO-1a, GEO-1b, GEO-2, and GEO-3. The Revised Villa Location Alternative would disturb more land than the proposed project by constructing more housing on the hillside on the site's eastern border and result in more ground disturbance, as shown on Figure 5-2. While development under both scenarios would be subject to the same potential for damage from soil and geologic conditions (i.e., soil instabilities; soil erosion/loss of topsoil; and expansive soils), because the expansion of development on the hillside would increase the risk associated with soil and geologic conditions, this alternative would result in slightly *greater* impacts when compared to impacts of the proposed project.

5.6.2.6 GREENHOUSE GAS EMISSIONS

The impacts related to GHG emissions of the proposed project are less than significant and no mitigation measures are required. Development proposed of the Revised Villa Location Alternative would occur over a larger area by developing on the hillside but with fewer independent living villas (21 villas compared to 25 villas). Development of the proposed project would not result in any significant GHG emissions impacts because it would not exceed the per capita significance threshold for GHG emissions, nor would the proposed project conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of GHG emissions, as described in Chapter 4.6, Greenhouse Gas Emissions, of this Draft EIR. However, because the Revised Villa Location Alternative would result in fewer units and more construction related emissions, although temporary in nature than the proposed project, this alternative would result in slightly *greater* GHG emissions when compared to the proposed project.

5.6.2.7 HAZARDS AND HAZARDOUS MATERIALS

The impacts related to hazards and hazardous materials of the proposed project are less than significant and no mitigation measures are required. While development under this alternative would reduce the number of villas, the overall area of ground disturbance would be greater due to developing three new villas on the hillside. However, like the proposed project, the Revised Villa Alternative would not release

ALTERNATIVES TO THE PROPOSED PROJECT

hazardous materials or interfere with an adopted emergency response plan; therefore, impacts related to these topics would be essentially *similar* under both scenarios.

5.6.2.8 HYDROLOGY AND WATER QUALITY

The impacts related to hydrology and water quality of the proposed project are less than significant and no mitigation measures are required. The Revised Villa Location Alternative would result in slightly less overall development on the project site compared to the proposed project, but by locating three new villas on a hillside that was not proposed for development of the project, the development potential under this alternative would be greater than the proposed project. Additionally, during construction more ground disturbance would occur under this alternative. However, compliance with the same regulations described in Chapter 4.8, Hydrology and Water Quality, required to protect water quality would be required under both scenarios and neither would alter drainage patterns or exceed runoff capacity. Therefore, impacts related to hydrology and water quality would be *similar* when compared to the proposed project.

5.6.2.9 NOISE

The impacts related to noise of the proposed project are less than significant and no mitigation measures are required. The Revised Villa Location Alternative would involve the same type of development as that of the proposed project; however, this alternative would reduce the number and relocate development of the independent living villas. Under this alternative the property line setback between the existing homes in the Oak Valley neighborhood to the south and adjacent to the proposed independent living villas off of Cristo Rey Drive would be increased between 5 and 31 feet, and the setbacks between existing off-site homes and the proposed villas would be increased to between 68 and 100 feet. These increased setbacks would serve as an additional buffer from noise generated by the proposed villas, although they not considered a significant noise generator. Development under both scenarios would be subject to the same General Plan policies and Municipal Code provisions that regulate noise in Cupertino. However, the expanded development on the hillside could cause the construction phase to be longer due to additional grading and soil haul. Because there would be slightly fewer villas on the site with greater setbacks to noise-sensitive residents, impacts related to noise from operation would be slightly less than the proposed project. Therefore, noise related impacts as a result of implementing the Revised Villa Location Alternative would be *reduced* when compared to the proposed project.

5.6.2.10 TRANSPORTATION AND CIRCULATION

The transportation and circulation impacts of the proposed project are less than significant and no mitigation measures are required. Buildout of the Revised Villa Location Alternative would result in fewer independent living villas (21 villas compared to 25 villas) than buildout of the proposed project; thus, slightly fewer vehicle trips from the proposed villas would occur (77 daily trips compared to 92 daily trips). Under both the Revised Villa Location Alternative and the proposed project, no conflicts with an applicable transportation, or bicycle and pedestrian policy would occur, no hazardous roadway design features would be implemented, and emergency access would be adequate. Overall, because this alternative would result in essentially the same type of development albeit with slightly fewer villas, impacts related to these topics would be *reduced* under this alternative compared to the proposed project.

ALTERNATIVES TO THE PROPOSED PROJECT

5.6.2.11 UTILITIES AND SERVICE SYSTEMS

The utilities and service systems impacts of the proposed project are fully mitigable with implementation of Mitigation Measure UTIL-3. Under the Revised Villa Location Alternative, new development on the project site would be similar to that of the proposed project, albeit slightly reduced; therefore, demand for water supply and wastewater generation would be *reduced* when compared to the proposed project.

5.6.3 RELATIONSHIP OF THE ALTERNATIVE TO THE OBJECTIVES

Although development proposed under the Revised Villa Location Alternative would result in slightly less development than that of the proposed project (21 villas compared to 25 villas), the site would essentially be redeveloped similar to the proposed project and a larger ground area would be disturbed due to construction of three of the proposed independent living villas on a hillside area of the site that is not proposed for development under the proposed project. Similar to the proposed project, this alternative would increase development on an already developed site; would offer a variety of services within one community; and would provide a complete CCRC that adapts to evolving patient needs in the continuum of care. However, as described in the project objectives, the sale of the 25 villas would provide the financial engine to support the proposed update, which subsequently ensure the long-term financial viability and sustainability of The Forum's senior community and ensure the ability of its 500 senior residents and staff to continue to build community and continue to provide high-quality care for each other. While the sale of 21 villas would provide some financial support, it would not be as great of that of the proposed project. Accordingly, the Revised Villas Location Alternative would meet most of the project objectives, with the exception of those that are financially-related.

5.7 REDUCED UNIT ALTERNATIVE

5.7.1 DESCRIPTION

The Reduced Unit Alternative would develop fewer independent living villas in the same locations as the proposed project on Figure 5-3. The villas are denoted with a "V" and the villa number (e.g., villa 67 is shown as V67). This alternative would have in four fewer villas and greater setbacks between the project site and the existing single-family homes to the southwest of the project site than what is proposed under the project. Like the proposed project described in Chapter 3, Project Description, of this Draft EIR, the proposed independent living villas under this alternative would consist of new 1-story and 2-story villas that range in size from 1,630 to 1,890 square feet and would each include an attached garage. As shown on Figure 5-3, the villas would be located in the following locations:

ALTERNATIVES TO THE PROPOSED PROJECT



Source: SmithGroupJJR, 2017; PlaceWorks, 2017.



Figure 5-3
Reduced Unit Alternative Conceptual Site Plan

ALTERNATIVES TO THE PROPOSED PROJECT

- **West Via Esplendor Villas:** No changes are proposed to these two single villas (V61 and V62) that would be located on the south border of the project site near the skilled nursing facility. These villas would be bounded by Via Esplendor to the north, on-site open space to the east, Stonehaven Drive to the south, and an existing villa to the west. The off-site uses near these villas include open space and an off-site single-family home to the south.
- **Serano Court Villas:** No changes are proposed to this duplex unit (V63 and V64), which would include two 2-story villas that would be located off of Serano Court. This area is centrally located on the project site and surrounded by other existing villas. These villas would be bounded by Serano Way to the north and west, an existing villa to the east, and Serano Court to the south.
- **Via Esplendor/Capilla Way Villa:** No changes are proposed to this single villa (V65) that would be located near the entrance to the project site. This villa would be bounded by Via Esplendor to the north, open space to the east, Cristo Rey Drive to the south and an existing villa to the west. This villa would be accessed via Capilla Way.
- **Cristo Rey Drive Villas:** Four of the proposed villas (V67, V68, V78, and V83) would not be built at this location near the entrance to the project site and on the sites southern border. The remaining 16 units, made up of two single villas (V66 and V71) and 14 duplex villas (V69, V70, V72 to V77, and V79 to V82) would be bounded by Cristo Rey Drive to the north and west, Oak Valley Road to the east and south, existing off-site single-family homes.

Pursuant to CMC development regulations, these villas are required to be setback 25 feet or greater from the property line between the proposed villas and the existing, off-site, single-family homes.² Under this alternative, the 14 villas (V66, V69 to V77, and V79 to V82) would be set back an additional 5 to 31 feet from the property line. This would increase the overall property line setbacks from the existing off-site homes to the 10 proposed villas to between 44 and 73 feet. However, the setbacks between existing off-site homes and the proposed villas would increase to between 68 and 100 feet. These increased setbacks would be possible by narrowing a portion of the proposed new frontage road to the minimum allowable width of 20 feet and relocating the parallel on-street parking stalls that are proposed by the project along this new road.

In addition to eliminating two of the proposed villas (V67 and V68) near the Oak Valley property line, two proposed villas (V78 and V83) at the southern end of the site near the corner of Oak Valley Road and Cristo Rey Drive also would not be built. This reduction would result in an increased setback of 23 feet along Oak Valley Road creating a setback of approximately 57 feet or greater between proposed villas and Oak Valley Road, which would provide a larger greenspace and planting buffer at the entrance to the Oak Valley neighborhood.

The Reduced Unit Alternative would involve moving the frontage road 8 feet closer to Cristo Rey Drive near the Oak Valley neighbor edge. This alternative would also increase the proposed planter area along Cristo Rey Drive by 920 square feet (a 13 percent increase). The 12 parallel parking stalls along the

² Cupertino Municipal Code, Title 19, Zoning, Chapter 19.76, Quasi-Public Building (BQ), Site Development Regulations.

ALTERNATIVES TO THE PROPOSED PROJECT

southwest side of Cristo Rey Drive under the proposed project would be removed and four, 90-degree stalls would be relocated to the opposite side of the access road.

The Reduced Unit Location Alternative would incorporate the same building renovations and new facilities as proposed for the project, including the skilled nursing facility, assisted living facility, and the new memory care building. Under this alternative, these facilities would be the same as under the proposed project.

5.7.2 IMPACT DISCUSSION

The potential environmental impacts associated with the Reduced Unit Alternative are described below and are compared to the proposed project. As previously stated, this alternative was selected because of its potential to reduce the significant-but-mitigable construction-related impacts of the proposed project related to air quality, biological resources, cultural and tribal cultural resources, geology and soils, and utilizes and service systems.

5.7.2.1 AESTHETICS

The impacts related to aesthetics of the proposed project are less than significant and no mitigation measures are required.

Similar to the proposed project, the Reduced Unit Alternative would allow development on the project site. Like the proposed project, development under this alternative would be required to comply with the setback and height requirements outlined in the Municipal Code that would have the potential to obstruct a publically-accessible view of the foothills of the Coastal Range, including the Montebello Ridge, to the southwest, and ridgelines of the Santa Cruz Mountains to the north. Development under this alternative would occur in the same areas of the project site as the proposed project but would not construct some villas near the sites southern border and on the interior of the site. Ultimately this alternative would construct fewer independent living villas (21 villas compared to 25 villas) than the proposed project site. As such, views from the Rancho San Antonio County Park/Open Space Preserve and from Cristo Rey Drive would be different than those of the proposed project, but due to the natural topography and landscaping, and because these villas would remain at 1- and 2-stories, development allowed by this alternative would alter the existing setting similar to the proposed project. Likewise, development under this alternative would also be compatible with the existing visual character and the surroundings. The changes to the proposed project on the site of the Reduced Unit Alternative would be similar to visual resources in comparison to the proposed project, because both scenarios would involve a similar amount of new development on the same project site. Accordingly, this alternative would have a *similar* impact to the proposed project.

5.7.2.2 AIR QUALITY

The air quality impacts of the proposed project are fully mitigable with implementation of Mitigation Measures AQ-2, AQ-3 and AQ-4. Development under this alternative would occur on the same project site as the proposed project, but would the relocate some of the independent living villas as shown on Figure 5-3 and construct fewer independent living villas (21 villas compared to 25 villas) than that of the proposed project.

ALTERNATIVES TO THE PROPOSED PROJECT

Under this alternative fugitive dust and other pollutant emissions associated with construction activities at the site would occur, as would pollutant emissions associated with day-to-day operations and associated vehicle trips, but these emissions would be slightly less. Like the proposed project, this alternative would not conflict or obstruct the implementation of Bay Area Air Quality Management District's 2017 *Clean Air Plan, Spare the Air, Cool the Climate* or violate any air quality standards. Although the mitigation measures listed above to reduce air quality-related impacts would apply to both scenarios, the changes to the proposed project on the site under the Reduced Unit Alternative would result in slightly less development in comparison to the proposed project. Nonetheless, the Reduced Unit Alternative would with less development and less construction-related emissions would result in slightly *reduced* impacts when compared to the proposed project.

5.7.2.3 BIOLOGICAL RESOURCES

The biological resources impacts of the proposed project are fully mitigable with implementation of Mitigation Measures BIO-1a, BIO-1b, BIO-1c, and BIO-3. The Reduced Unit Alternative would result in similar development on the project site as that of the proposed project, but with fewer villas and villas in new locations as shown on Figure 5-3. The relationship to the natural resources on the project site as described in Chapter 4.3, Biological Resources, of this Draft EIR would be similar under both this alternative and the proposed project.

As described in Chapter 4.3, Arborist Reports and a Biological Resources Assessment were prepared for the proposed project and are included in Appendix E of this Draft EIR. These reports considered impacts from the development of the proposed project as well as the proposed alternatives. When combined with the 327 trees assessed as part of the Arborist Reports prepared for the proposed project, a total of 346 trees were assessed across the site with the Arborist Report dated June 30, 2017 prepared for this alternative. Of these, 47 trees qualified as *Specimen* trees. As described in the June 2017 Arborist Report no additional trees would be removed as a result of reducing the units. Under this alternative, trees protected of the City's Tree Protection Ordinance would be impacted the same as the proposed project, although fewer trees would be affected due to less disturbance at the sites where the villas would be removed (i.e., V78 and V83).

The mitigation measures listed above, as well as compliance with the City's existing ordinances, including City's Tree Preservation Ordinance, would apply under this alternative. Therefore, the potential impacts to nesting birds and potential habitat for special-status birds and burrowing owls that may be present on site during construction related activities and removal of trees protected of the City's Tree Preservation Ordinance would be similar. Therefore, although less development would occur, impacts to biological resources in comparison to the proposed project would be *similar*.

5.7.2.4 CULTURAL AND TRIBAL CULTURAL RESOURCES

The cultural and tribal cultural resources impacts of the proposed project are fully mitigable with implementation of Mitigation Measures CULT-1, CULT-2, and CULT-4. Development under this alternative would lessen the overall area of the project site by reducing the overall number and relocating the construction of the independent living villas. However, the area of ground disturbance would be similar and the chance of disturbing a subsurface cultural or tribal cultural resource would still occur. Compliance with the mitigation measures listed above, as well as State regulations to protect buried human remains

ALTERNATIVES TO THE PROPOSED PROJECT

that would protect cultural and tribal cultural resources would apply under this alternative, same as the proposed project. Therefore, the potential to damage or destroy unknown historic, archaeological or paleontological resources, human remains, and tribal cultural resources would be *similar* when compared to the proposed project.

5.7.2.5 GEOLOGY AND SOILS

The impacts related to geology and soils of the proposed project are fully mitigable with implementation of Mitigation Measures GEO-1a, GEO-1b, GEO-2, and GEO-3. The Reduced Unit Alternative would result in the same overall development pattern on the project site, but with fewer independent living villas and some villas relocated as shown on Figure 5-3. While this alternative would result in a reduced area of construction, development under both scenarios would be subject to the same potential for damage from soil and geologic conditions (i.e., soil instabilities; soil erosion/loss of topsoil; and expansive soils). Overall, this alternative would result in *similar* impacts related to geology and soils when compared to impacts of the proposed project.

5.7.2.6 GREENHOUSE GAS EMISSIONS

The impacts related to GHG emissions of the proposed project are less than significant and no mitigation measures are required. Development proposed of the Reduced Unit Alternative would occur within the same boundaries as the proposed project with fewer independent living villas (21 villas compared to 25 villas). Development of the proposed project would not result in any significant GHG emissions impacts as it would not exceed the per capita significance threshold for GHG emissions, nor would the proposed project conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of GHG emissions, as described in Chapter 4.6, Greenhouse Gas Emissions, of this Draft EIR. However, because the Reduced Unit Alternative would result in slightly less development than the proposed project, this alternative would result in *reduced* GHG emissions when compared to the proposed project.

5.7.2.7 HAZARDS AND HAZARDOUS MATERIALS

The impacts related to hazards and hazardous materials of the proposed project are less than significant and no mitigation measures are required. While development under this alternative would scale down the overall area of the project site by reducing the overall number and relocating the construction of the independent living villas, like the proposed project, the Reduced Unit Alternative would not release hazardous materials or interfere with an adopted emergency response plan; therefore, impacts related to these topics would be essentially *similar* under both scenarios.

5.7.2.8 HYDROLOGY AND WATER QUALITY

The impacts related to hydrology and water quality of the proposed project are less than significant and no mitigation measures are required. The Reduced Unit Alternative would result in similar development on the project site, but it would be slightly less than that of the proposed project. However, during construction the same general level of disturbance would occur under both scenarios and as such, compliance with the same regulations described in Chapter 4.8, Hydrology and Water Quality, required to protect water quality would be required under both scenarios and neither would alter drainage patterns

ALTERNATIVES TO THE PROPOSED PROJECT

or exceed runoff capacity. However, because development of the Reduced Unit Alternative would slightly decrease the amount of impervious surface, therefore resulting in slightly less surface runoff, impacts related to hydrology and water quality would be *reduced* when compared to the proposed project.

5.7.2.9 NOISE

The impacts related to noise of the proposed project are less than significant and no mitigation measures are required. The Reduced Unit Alternative would result in the same type of development as that of the proposed project; however, this alternative would reduce the number and relocate development of the independent living villas. Under this alternative the property line setback between the existing homes in the Oak Valley neighborhood to the south and adjacent to the proposed independent living villas off of Cristo Rey Drive would be increased by 5 to 31 feet, and the setbacks between existing off-site homes and the proposed villas would increase to between 68 to 100 feet. These increased setbacks would serve as an additional noise buffer from noise from the proposed villas, although they not considered a significant noise generator. Development under both scenarios would be subject to the same General Plan policies and Municipal Code that regulate noise in Cupertino. Because there would be slightly fewer villas on the site with greater setbacks to noise-sensitive residents, impacts related to noise from operation would be slightly less than the proposed project. Therefore, noise related impacts as a result of implementing the Revised Villa Location Alternative would be *reduced* when compared to the proposed project.

5.7.2.10 TRANSPORTATION AND CIRCULATION

The transportation and circulation impacts of the proposed project are less than significant and no mitigation measures are required. Buildout of the Reduced Unit Alternative would result in fewer independent living villas (21 villas compared to 25 villas) than buildout of the proposed project; thus, slightly fewer vehicle trips from the proposed villas would occur (77 daily trips compared to 92 daily trips). Under both the Reduced Unit Alternative and the proposed project, no conflicts with an applicable transportation, or bicycle and pedestrian policy would occur, no hazardous roadway design features would be implemented, and emergency access would be adequate. Overall, because this alternative would result in essentially the same type of development albeit with slightly fewer villas, impacts related to these topics would be *reduced* under both scenarios.

5.7.2.11 UTILITIES AND SERVICE SYSTEMS

The utilities and service systems impacts of the proposed project are fully mitigable with implementation of Mitigation Measure UTIL-3. Under the Reduced Unit Alternative, new development on the project site would occur similar to that of the proposed project, albeit slightly reduced; therefore, demand for water supply and wastewater generation would be *reduced* when compared to the proposed project.

5.7.3 RELATIONSHIP OF THE ALTERNATIVE TO THE OBJECTIVES

Although development proposed under the Reduced Unit Alternative would result in slightly less intense development than that of the proposed project (21 villas compared to 25 villas), the site would essentially be redeveloped similar to the proposed project. Similar to the proposed project, this alternative would: increased development on an already developed site; would offer a variety of services within one community; and would provide a complete CCRC that adapts to evolving patient needs in the continuum

ALTERNATIVES TO THE PROPOSED PROJECT

of care. However, as described in the project objectives, the sale of the 25 villas would provide the financial engine to support the proposed update, which subsequently would ensure the long-term financial viability and sustainability of The Forum's senior community and ensure the ability of its 500 senior residents and staff to continue to build community and continue to provide high-quality care for each other. While the sale of 21 villas would provide some financial support, it would not be as great as that of the proposed project. Accordingly, the Revised Villas Location Alternative would meet most of the project objectives, with the exception of those that are financially-related.

5.8 ENVIRONMENTALLY SUPERIOR ALTERNATIVE

In addition to the discussion and comparison of impacts of the project and the alternatives, Section 15126.6 of the State CEQA Guidelines requires that an "environmentally superior" alternative be selected and the reasons for such a selection be disclosed. In general, the environmentally superior alternative is the alternative that would be expected to generate the least environmental impact.

As shown in Table 5-1, the No Project Alternative would have the fewest environmental impacts as compared to the Revised Villa Location Alternative and the Reduced Unit Alternative, and would therefore be considered the environmentally superior alternative. However, in accordance with State CEQA Guidelines Section 15126.6(e)(2), if the environmentally superior alternative is the "No Project" alternative, the EIR shall also identify an environmentally superior alternative among the other alternatives.

As shown in Table 5-1, the Revised Villa Location Alternative and the Reduced Unit Alternative would reduce impacts from that of the proposed project. However, due to the additional hillside development proposed of the Revised Villa Location Alternative, impacts related to additional grading and ground disturbance have the potential to slightly increase impacts when compared to the proposed project.

The Reduced Unit Alternative would slightly reduce impacts to air quality, GHG emissions, hydrology and water quality, noise, transportation and circulation, and utilities and service systems when compared to the proposed project. Therefore, the Revised Villa Location Alternative would be the environmentally superior alternative.

6. *CEQA-Required Assessment Conclusions*

This chapter provides an overview of the impacts of the proposed project based on the analyses presented in Chapters 4.0 through 5.0 of this Draft EIR. The topics covered in this chapter include impacts found not to be significant, growth-inducing impacts, and significant irreversible changes to the environment. A more detailed analysis of the effects that the proposed project would have on the environment, and proposed mitigation measures to minimize significant impacts, are provided in Chapters 4.1 through 4.11.

6.1 IMPACTS FOUND NOT TO BE SIGNIFICANT

The California Environmental Quality Act (CEQA) Guidelines Section 15128 allows environmental issues, for which there is no likelihood of significant impact to be briefly discussed and not analyzed further in the EIR. An Initial Study was prepared for the project (see Appendix A, Initial Study, of this Draft EIR). Based on the analysis contained in the Initial Study and due to existing conditions on the project site and surrounding area it was determined that development of the proposed project would not result in significant environmental impacts for the following topic areas and therefore, impacts related to these topics are not analyzed further in this Draft EIR:

- Agricultural and Forestry Resources
- Land Use and Planning
- Mineral Resources
- Population & Housing
- Public Services
- Recreation

Additionally, based on the analysis contained in the Initial Study it was determined that development of the proposed project would not result in significant environmental impacts for some of the significance criteria in the following topic areas and therefore, impacts related to these criteria are not analyzed further in this Draft EIR:

- Aesthetics
 - Substantially damage scenic resources, including but not limited to, tree, outcroppings, and historic buildings within a State scenic highway.
 - Create a new source of substantial light or glare that would adversely affect day or nighttime views in the area.
- Biological Resources
 - Have a substantial adverse effect on any riparian habitat or other sensitive natural community type.

CEQA-REQUIRED ASSESSMENT CONCLUSIONS

- Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act, through direct removal, filling, hydrological interruption, or other means.
- Interfere substantially with the movement of any native resident or migratory fish or wildlife species, their wildlife corridors or nursery sites.
- Conflict with an adopted Habitat Conservation Plan, Natural Community Conservation Plan or other approved local, regional, or State habitat conservation plan.
- Cultural Resources
 - Cause a substantial adverse change in the significance of a historical resource as defined in Section 15064.5.
- Geology and Soils
 - Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:
 - Surface rupture along a known active fault, including those faults identified on recent Alquist-Priolo Earthquake Fault Zoning Maps issued by the State Geologist, or active faults identified through other means (i.e. site-specific geotechnical studies, etc.).
 - Strong seismic ground shaking.
 - Seismic-related ground failure, including liquefaction.
 - Landslides.
 - Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater.
- Hazards and Hazardous Materials
 - Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials.
 - Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school.
 - Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, create a significant hazard to the public or the environment.
 - Be located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport it results in a safety hazard for people residing or working in the project area.
 - Be within the vicinity of a private airstrip and result in a safety hazard for people residing or working in the project area.
 - Expose people or structures to a significant risk of loss, injury, or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands.
- Hydrology and Water Quality
 - Violate any water quality standards or waste discharge requirements.
 - Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (the production rate of pre-existing nearby wells would drop to a level that would not support existing land uses or planned uses for which permits have been granted).
 - Otherwise substantially degrade water quality.

CEQA-REQUIRED ASSESSMENT CONCLUSIONS

- Place housing within a 100-year flood hazard area as mapped on a Federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map or place structures that would impede or redirect flood flows within a 100-year flood hazard area.
- Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam.
- Inundation by seiche, tsunami, or mudflow.
- Noise
 - For projects within an area covered by an airport land use plan or within 2 miles of a public airport or public use airport when such an airport land use plan has not been adopted, or within the vicinity of a private airstrip, expose people residing or working in the project area to excessive aircraft noise levels.
 - For a project within the vicinity of a private airstrip, expose people residing or working in the project area to excessive noise levels.
- Transportation and Circulation
 - Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks.
 - Substantially increase hazards due to a design feature (e.g. sharp curves or dangerous intersections) or incompatible uses (e.g. farm equipment).
 - Result in inadequate emergency access.
 - Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities.
 - Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings and historic buildings within a State scenic highway.
- Utilities and Service Systems
 - Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board.
 - Require or result in the construction of new stormwater drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects.
 - Not be served by a landfill with sufficient permitted capacity to accommodate the buildout of the project's solid waste disposal needs.
 - Comply with federal, state, and local statutes and regulations related to solid waste.
 - Result in a substantial increase in natural gas and electrical service demands requiring new energy supply facilities and distribution infrastructure or capacity enhancing alterations to existing facilities.

6.2 GROWTH INDUCEMENT

Section 15126.2(d) of the CEQA Guidelines requires that an EIR discuss the ways in which a proposed project could foster economic or population growth, or the construction of additional housing, either directly or indirectly, in the surrounding environment. Typical growth inducing factors might include the extension of urban services or transportation infrastructure to a previously unserved or under-served area, or the removal of major barriers to development. This section evaluates the proposed project's potential to create such growth inducements. Not all aspects of growth inducement are negative; rather,

CEQA-REQUIRED ASSESSMENT CONCLUSIONS

negative impacts associated with growth inducement occur only where the growth associated with the proposed project would cause adverse environmental impacts.

The proposed project would involve direct growth inducement through the construction of 25 new independent living villas, 10 new beds and approximately 45,000 square feet of renovations and additions to the skilled nursing facility, approximately 10,500 square feet of renovations to the assisted living facility, 26 new beds in an approximately 39,000-square-foot new memory care building, and approximately 27,000 square feet of renovations and additions to the commons facilities (dining, fitness and multi-purpose room). As described in Chapter 3, Project Description, the proposed project would accommodate up to 61 new residents to the City of Cupertino, and approximately 48 additional employees.

The proposed project is not expected to result in indirect growth inducement because all development associated with the proposed project would occur on the project site. The project site is a previously developed site containing the existing continuing care retirement community (The Forum) and is within a developed area in Cupertino, and would not involve the extension of infrastructure or services to a previously unserved area.

Development of the proposed project would involve demolition and construction activities that could generate some temporary employment opportunities; however, given the temporary nature of such opportunities, it is unlikely that construction workers would relocate to Cupertino as a result of the proposed project. Likewise, as shown in Table 3-3 of Chapter 3, Project Description, the new employees associated with the proposed project would likely come from the Bay Area because the project is not considered to be regionally significant. Thus, the proposed project would not be considered growth-inducing from an employment perspective.

6.3 SIGNIFICANT AND IRREVERSIBLE CHANGES

Section 15126.2(c) of the CEQA Guidelines requires an EIR to discuss the extent to which a proposed Project would commit nonrenewable resources to uses that future generation would probably be unable to reverse. The three CEQA-required categories of irreversible changes are discussed below.

6.3.1 LAND USE CHANGES THAT COMMIT FUTURE GENERATIONS

The proposed project involves the redevelopment of a site that is currently developed with 60 one- and two-story single and duplex villas; a 72,750 square feet healthcare center; and a 40,000 square feet commons building with administrative/emergency room, community/commons room, and fitness center. Because the project site is already developed and is located in an urban area with existing residential and open space uses, the proposed project is not expected to result in any land use changes that would commit future generations to uses that are not already prevalent in the project site vicinity.

CEQA-REQUIRED ASSESSMENT CONCLUSIONS

6.3.2 IRREVERSIBLE DAMAGE FROM ENVIRONMENTAL ACCIDENTS

Potential environmental accidents of concern include those that would have adverse effects on the environment or public health due to the nature or quantity of material released during an accident and the receptors exposed to that release. Demolition and construction activities associated with development of the proposed project would involve some risk for environmental accidents. However, these activities would be monitored by City, State, and federal agencies, and would follow professional industry standards for safety and construction. Additionally, the land uses proposed by the proposed project would not include any uses or activities that are likely to contribute to or be the cause of a significant environmental accident. As a result, the proposed project would not pose a substantial risk of environmental accidents.

6.3.3 LARGE COMMITMENT OF NON-RENEWABLE RESOURCES

Consumption of nonrenewable resources includes issues related to increased energy consumption, conversion of agricultural lands, and lost access to mining reserves. The proposed project would require water, electric, and gas service, as well as additional resources for construction. Additionally, the ongoing operation of the proposed project would involve the use of nonrenewable resources. Construction and ongoing maintenance of the proposed project would irreversibly commit some materials and nonrenewable energy resources. Materials and resources used would include, but are not limited to, nonrenewable and limited resources such as oil, gasoline, sand, gravel, asphalt, and steel. These materials and energy resources would be used for infrastructure development, transportation of people and goods, as well as utilities. During the operational phase of the proposed project (post-construction), energy sources including oil and gasoline would be used for lighting, heating, and cooling of residences, as well as transportation of people to and from the project site.

However, the proposed project would include several features that would offset or reduce the need for nonrenewable resources. The proposed project would be required to comply with all applicable building and design requirements, including those set forth in California Code of Regulations Title 24 relating to energy conservation. In compliance with CALGreen, the State's Green Building Standards Code, the proposed project would be required to reduce water consumption by 20 percent, divert 50 percent of construction waste from landfills, and install low pollutant-emitting materials. In addition, buildings that are constructed in accordance with the 2013 Building and Energy Efficiency Standards (Title 24, Part 6) are 25 percent (residential) to 30 percent (non-residential) more energy efficient than those constructed under the prior 2008 standards as a result of better windows, insulation, lighting, ventilation systems, and other features that reduce energy consumption in homes and businesses. The proposed project would also apply environmentally sustainable standards for demolition, construction, and operation.

Although the construction and ongoing operation of the proposed project would involve the use of nonrenewable resources, through the inclusion of energy-conserving project features and compliance with applicable standards and regulations, the proposed project would not represent a large commitment of nonrenewable resources.

CEQA-REQUIRED ASSESSMENT CONCLUSIONS

The project site does not contain any agricultural land or a mining reserve, so it would not affect those natural resources (see Section 6.1, Impacts Found Not to be Significant, above).

7. Organizations and Persons Consulted

This Draft EIR was prepared by the following consultants and individuals:

Lead Agency

City of Cupertino

Catarina Kidd, Senior Planner

Chad Mosley, Senior Civil Engineer

David Stillman, Senior Civil Engineer

Report Preparers

PlaceWorks

Steve Noack, AICP, Principal, Principal-in-Charge

Terri McCracken, Associate Principal, Project Manager

Ashley James, Associate, Assistant Project Manager

Nicole Vermillion, Associate Principal, Air Quality and Greenhouse Gas Emissions

Fernando Sotelo, P.E, Senior Traffic Engineer

Bob Mantey, Manager, Noise, Vibration & Acoustics

Cameron Sullivan, Project Engineer, Noise, Vibration & Acoustics

Steve Bush, P.E, Senior Engineer

Alexis Whitaker, LEED AP, Project Scientist

Grant Reddy, Graphic Design Specialist

ORGANIZATIONS AND PERSONS CONSULTED

This page intentionally left blank.