

**ACTION MINUTES OF THE SPECIAL MEETING OF THE ENVIRONMENTAL
REVIEW COMMITTEE HELD ON August 31, 2018**

Committee Members: Geoff Paulsen
Aarti Shrivastava
Amy Chan
Darcy Paul
Chad Mosley

Committee Members absent: Timm Borden

Staff present: Piu Ghosh, Principal Planner
Consultant Presenters: Judy Shanley, David J Powers (Environmental Report)
Franziska Church, Fehr & Peers (Traffic Analysis)

APPROVAL OF MINUTES:

July 5, 2018

The minutes of the July 5, 2018 were approved as written

ORAL COMMUNICATIONS

(Reserved for persons wishing to address the Committee on issues that are not already included in the regular Order of Business)

Three speakers addressed the Committee regarding a new hotel project at Stern Avenue and Stevens Creek Boulevard in San Jose. One of the speakers also mentioned concerns regarding street improvement plans that were received in response to a request for the Vallco frontage on Stevens Creek Boulevard.

PUBLIC HEARING:

1. Application No.(s): EA-2017-05, GPA-2018-02, Z-2018-01, SPA-2017-01, MCA-2018-01, DA-2015-02
Applicant(s): City of Cupertino (Specific Plan, General Plan and Municipal Code Amendments, Zoning and Environmental Review)
Vallco Property Owner, LLC (Development Agreement)
Location: 10101 to 10333 N Wolfe Rd APN#(s) 316-20-080, 316-20-081, 316-20-103, 316-20-107, 316-20-101, 316-20-105, 316-20-106, 316-20-104, 316-20-088, 316-20-092, 316-20-094, 316-20-099, 316-20-100, 316-20-095

Consider the Vallco Special Area Specific Plan Environmental Impact Report (EIR), pursuant to the requirements of the California Environmental Quality Act (CEQA). The City has prepared the

Vallco Specific Plan EIR (SCH No. 2018022021) to evaluate whether the proposed Vallco Shopping District Special Area Specific Plan (“Vallco Specific Plan”), which contains the vision and specific development parameters for redevelopment of the current Vallco Shopping District, associated changes to the General Plan (text amendments related to development at the current Vallco Shopping District Special Area, development allocations for commercial, office, hotel and residential use and development standards for the current Vallco Shopping District, including amendments to Table LU-1 and Figure LU-2, and other conforming/clarifying edits), Zoning map and text amendments (related to rezoning of the parcels at the current Vallco Shopping District Special Area and amendments to the Zoning Title to allow implementation of the Vallco Specific Plan), and the proposed Development Agreement between the City and Vallco Property Owner, LLC (“Development Agreement”), would have a significant effect on the environment.

❑ Discussion

- The EIR initiated in December 2017 and completed in May 2018.
- Analyzed a range of alternatives in the Draft EIR including the proposed project, GP buildout with Maximum Residential Density, Retail/Residential and Occupied/Re-Tenanted Mall.
- An EIR Amendment prepared upon receiving input from community member, charrettes and the June 4, 2018 Study Session to study another alternative – Housing Rich. It incorporated community benefits such as City Hall, Performing Arts Center and space for an adult education center etc.
- Final EIR included further revisions to the project and included an analysis of another alternative called the Revised Project, included Responses to Comments and Text Revisions to the Draft EIR and the EIR Amendment.
- Supplemental Text Revisions dated August 2018 prepared to refine Mitigation Measures and make corrections. No material changes to the analysis.
- Table of comparison of alternatives shown
- EIR includes Mitigation Measures for all topics of environmental study.
- Traffic Analysis was discussed – 18 intersections out of 67 intersections study have Significant and Unavoidable Impacts. 31 freeway segments out of over 50 freeway segments studied have Significant and Unavoidable Impacts. Many may be mitigated through the City’s Transportation Impact Fee program or may be located in an adjacent jurisdiction or some other agency (e.g. Caltrans) has jurisdiction. These mitigations are not guaranteed and the timing is unknown therefore called Significant and Unavoidable. Graphic shown of these impacts identified. Vehicle Miles Traveled data shared.
- Significant and Unavoidable Impacts and mitigation measures identified discussed in the following environmental topics:
 - ❑ Air Quality – Construction and Operational
 - ❑ Noise –Construction, Operational and Long Term Noise level
- Impacts reduced to Less than Significant with mitigation measures identified discussed in the following environmental topics:
 - ❑ Construction Air Quality – TACs
 - ❑ Cultural Resources
 - ❑ Greenhouse Gas Emissions
 - ❑ Hazardous Materials

- ❑ Construction Vibration
 - ❑ Utilities
- There was a comparison of Impacts for the different project and project alternatives studied. It was pointed out that there would be Significant and Unavoidable Impacts in Greenhouse Gas Emissions, Noise and Transportation in the Occupied/Re-Tenanted Mall Alternative since mitigation measures cannot be imposed in the event the mall is simply re-tenanted. However, in the other alternatives, mitigation measures can be imposed which will reduce some of the impacts though not below the thresholds of significance.
- It was also pointed out that additional environmental studies would be required, if there was a desire to change the mix of land uses. Some study would be required to determine the reductions in allocation numbers (ie; maximum number of office units would need a reduction in number of residential and commercial units) if other allocations were to be increased.
- Traffic technology innovations have been identified in the analysis (ITS) to aid in mitigating impacts to intersections in the future. Such technologies can be used in signal optimization and pedestrian crosswalks
- Five speakers addressed the Committee:
 - Questioned the direction to staff to change the numbers in the proposals
 - Wanted to know how much of the traffic analysis was for commute traffic
 - Suggestions that the best option would be to re-tenant the mall
 - Spoke against excessive tree removal
 - Desire to maintain the Heart of the City setbacks
 - Wanted to slow the development process for more time to study the options
 - Questioned the logic that mitigation measures cannot be imposed if the mall were to be re-tenanted, mitigations could be handled through the tenant improvement construction process
 - Felt that the Air Quality study wasn't inclusive of all types of air pollutants
 - Didn't like the use of units (for residential uses) rather than square footage in the analysis
 - Wanted the ERC presentation to be posted online
 - Would like a clear answer to understand the mix of what was studied and how the envelope was established
 - Asked for a Phase II environmental report due to the discovery of an abandoned underground storage tank for waste oil, air quality concerns and soil remediation for the 50 acres that contain various chemicals
- The Committee thanked Staff for their work in getting the EIR produced.
- The power point presentation shall be included in the public record for the meeting.
- The mitigations for the storage tank were addressed in the EIR. Additional soils studies were conducted. It was determined that the current soil and groundwater studies were sufficient, but not complete. A Soil and Groundwater Management Plan is being developed for implementation (additional testing requirements) as the project moves forward. The complete technical appendices can be found with the Fire Department.
- Project Consultant Shanley confirmed that the purpose of an EIR is to do a complete analysis for all the proposed alternatives for a project calculated with the maximum

numbers in order to be conservative. The original (previous) project, the revised project (preferred) and four alternatives were all analyzed fully in the EIR.

ACTION: Recommend that the City Council certify the Environmental Impact Report and adopt the statement of overriding considerations, mitigation measures and the Mitigation Monitoring and Reporting Program, EA-2017-05

MOTION: Paulsen

SECOND: Mosley

NOES: none

VOTE: 5-0-0

OLD BUSINESS

None

NEW BUSINESS

None

STAFF AND COMMITTEE REPORTS

None

ADJOURNMENT

Respectfully submitted,

_____/s/Piu Ghosh_____
Piu Ghosh
Principal Planner