

3. Project Description

3.1 INTRODUCTION

The project applicant, KT Urban, is proposing the Westport Mixed-Use Project, herein referred to as “proposed project.” The proposed project would involve the demolition of existing buildings and construction and operation of 242 residential units comprised of 19 rowhouse units, 69 townhouse units, 115 multi-family units, and 39 senior residential units, as well as 20,000 square feet of retail space. The proposed project would also include above- and below-grade parking, as well as associated internal roadways, sidewalks, and landscaping, and off-site improvements for a Class IV bikeway and a bus stop.

This chapter provides a detailed description of the proposed project, including the location, setting, and characteristics of the project site, as well as the proposed project objectives, the principal project features, project phasing, approximate construction schedule, and required permits and approvals. Additional descriptions of the environmental setting as they relate to each of the environmental issues analyzed in Chapter 4, Environmental Assessment, of this Draft EIR, are included in the environmental setting discussions contained within Chapters 4.1 through 4.9.

3.2 OVERVIEW AND SETTING

3.2.1 BACKGROUND

The 8.1-acre project site is identified as a Priority Housing Element Site A3 in the City of Cupertino General Plan (Community Vision 2015-2040) to accommodate the Regional Housing Needs Allocation (RHNA) for the 2014 to 2022 planning period and meet Cupertino’s fair-share housing obligation of 1,064 units.¹ The City certified the Environmental Impact Report (EIR) for the General Plan Amendment, Housing Element Update, and associated Rezoning Project,² which included an evaluation of the project site as “Housing Element Site 18 (The Oaks Shopping Center)” with a new mixed-use development including residential uses that could have up to 235 net residential units. The EIR evaluated a maximum height of 75 feet with a retail component and a permitted residential density of up to 35 dwelling units per acre and a Zoning designation change to Planned Development with General Commercial, Residential (P(CG, Res)), to allow for future mixed-use development including residential uses.

¹ City of Cupertino General Plan (Community Vision 2015-2040), Chapter 4, Housing Element, Table HE-5: Summary of Priority Housing Element Sites to Meet the RHNA - Scenario A, page HE-18.

² City of Cupertino, certified General Plan Amendment, Housing Element Update, and Associated Rezoning EIR, (December 2014) and approved General Plan Amendment, Housing Element Update, and Associated Rezoning EIR Final Addendum, State Clearinghouse Number 2014032007 (October 2015).

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3.2.2 REGIONAL LOCATION

Figure 3-1 shows the relationship of the project site to Cupertino and the greater San Francisco Bay area. The project site is located in the central portion of Cupertino, which is in Santa Clara County. Cupertino is approximately 46 miles southeast of San Francisco and is one of the cities that make up the area commonly known as Silicon Valley. Cupertino is located north of the City of Saratoga, east of unincorporated Santa Clara County, south of the City of Sunnyvale, and west of the City of San José. Cupertino also shares a boundary with the City of Los Altos to the north.

Regional access to the project site is provided by Interstate 280 (I-280), State Route 85 (SR-85), Stevens Creek Boulevard, Santa Clara Valley Transportation Authority (VTA) bus service, and by Caltrain via the Sunnyvale, Lawrence, and Santa Clara Caltrain Stations. Caltrain is operated by the Peninsula Corridor Joint Powers Board.

3.2.3 LOCAL SETTING

The 8.1-acre project site is the existing Oaks Shopping Center on Stevens Creek Boulevard. The project site includes several street addresses on Stevens Creek Boulevard; therefore, the most centrally located 21267 Stevens Creek Boulevard address is used to identify the site.³ As shown in Figure 3-2, the project site is bounded by Mary Avenue to the north and east, Stevens Creek Boulevard to the south, and a SR-85 on-ramp to the west off Stevens Creek Boulevard. The project site is surrounded by the Glenbrook Apartments to the north, the Cupertino Senior Center and Cupertino Memorial Park to the east, De Anza College to the south, and residential and industrial land uses to the west beyond SR-85. The project site is directly accessible from Stevens Creek Boulevard and Mary Avenue.

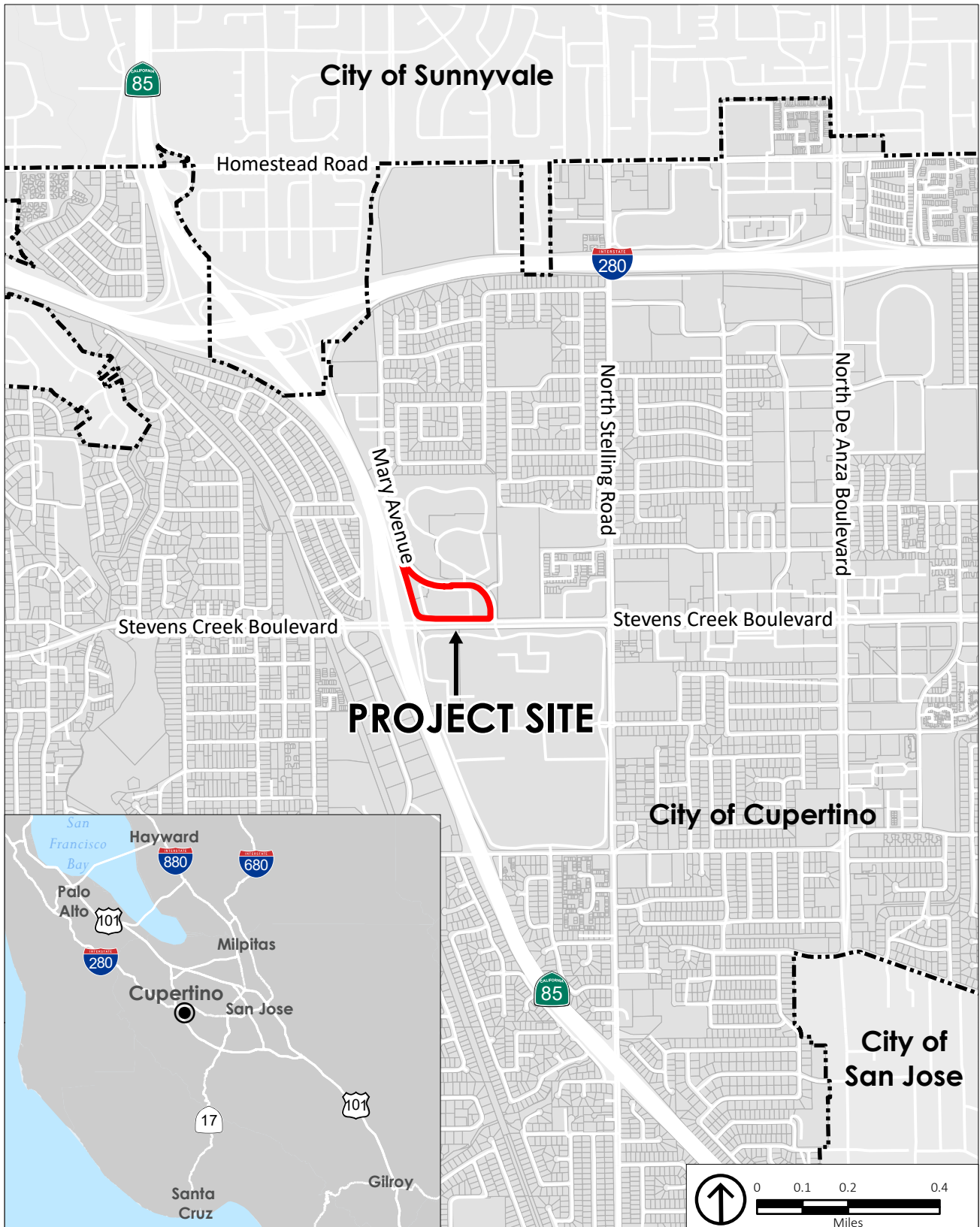
The closest VTA bus stop (Line 81) is located at the Mary Avenue/Stevens Creek Boulevard intersection, approximately 200 feet east of the site, and bus stops are located at De Anza College, approximately 1,900 feet to the east at the Stevens Creek Boulevard/South Stelling Road intersection. The nearest Caltrain station to the project site is the Sunnyvale station, which is located approximately 4 miles to north.

The nearest public airports are San José International Airport, approximately 7 miles to the northeast, and Palo Alto Airport, approximately 9.5 miles to the northwest. The nearest heliports are McCandless Towers Heliport, approximately 5.5 miles to the northeast, and County Medical Center Heliport, approximately 6 miles to the east. The nearest private airport is Moffett Federal Airfield, approximately 6 miles to the north.⁴



³ The site's addresses are 21255, 21265, 21267, 21269 and 21271 Stevens Creek Boulevard.

⁴ Moffett Federal Airport is a joint civil-military airport.

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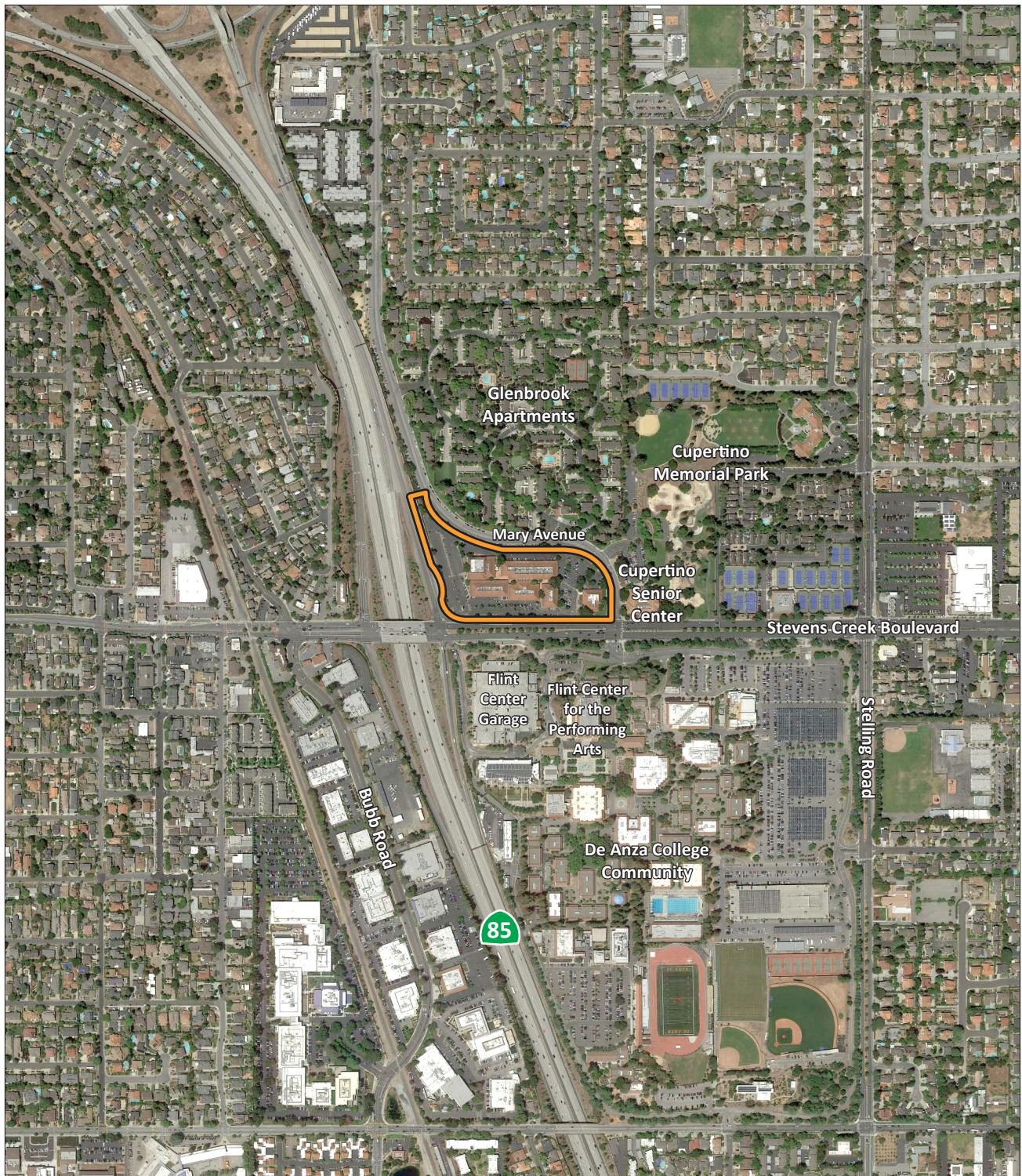
Source: ESRI, 2017; PlaceWorks, 2019.

-  Project Site
-  Cupertino City Limit

PLACEWORKS

Figure 3-1
Regional and Vicinity Map

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Source: Google Earth Professional, 2018; PlaceWorks, 2019.



Figure 3-2
Aerial View of Project Site

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3.2.4 EXISTING SITE CONDITIONS

3.2.4.1 SITE CHARACTER

The project site is currently developed with a one-story shopping center, consisting of five occupied buildings with retail stores and restaurants, which was built between 1973 and 1976. The existing shopping center is approximately 71,250 square feet and is about 85 percent occupied (or 60,560 square feet). The project site also has 201,831 square feet of paved area, which includes associated parking, sidewalks, patios, and driveways, and 45,486 square feet of native and non-native landscaping. See Figure 3-3. Due to the age of the buildings, the buildings have the potential to be considered historic buildings; however, they are not currently listed on the National Register of Historic Places or the list of California Historical resources.⁵

3.2.4.2 VEGETATION AND LANDCOVER

Using data from the Classification and Assessment with Landsat of Visible Ecological Groupings (CALVEG)⁶ habitat mapping program, the site is classified as an “urban area”. The urban area classification areas tend to have low to poor wildlife habitat value due to replacement of natural communities, fragmentation of remaining open space areas and parks, and intensive human disturbance. The project site does not contain and is not adjacent to habitat for special-status plant or animal species.⁷ According to the California Natural Diversity Database, the nearest special-status animals (White-tailed kite and Yuma myotis) are located approximately 0.5 miles to the southwest.

The California Department of Forestry and Fire Protection (CAL FIRE) has designated the project site as a Local Responsibility Area (LRA) and a non-very high fire hazard severity zone (NVHFHSZ). The project site is not near lands designated as a State Responsibility Area (SRA) by CAL FIRE. The nearest SRA is approximately 2 miles to the west of the project site.⁸ The proposed project is not located within the wildland-urban interface, which is an area of transition between wildland (unoccupied land) and land with human development (occupied land).⁹

⁵ California Office of Historic Preservation, 2019, California Historical Resources, accessed June 11, 2019 at <http://ohp.parks.ca.gov/ListedResources/?view=county&criteria=43>.

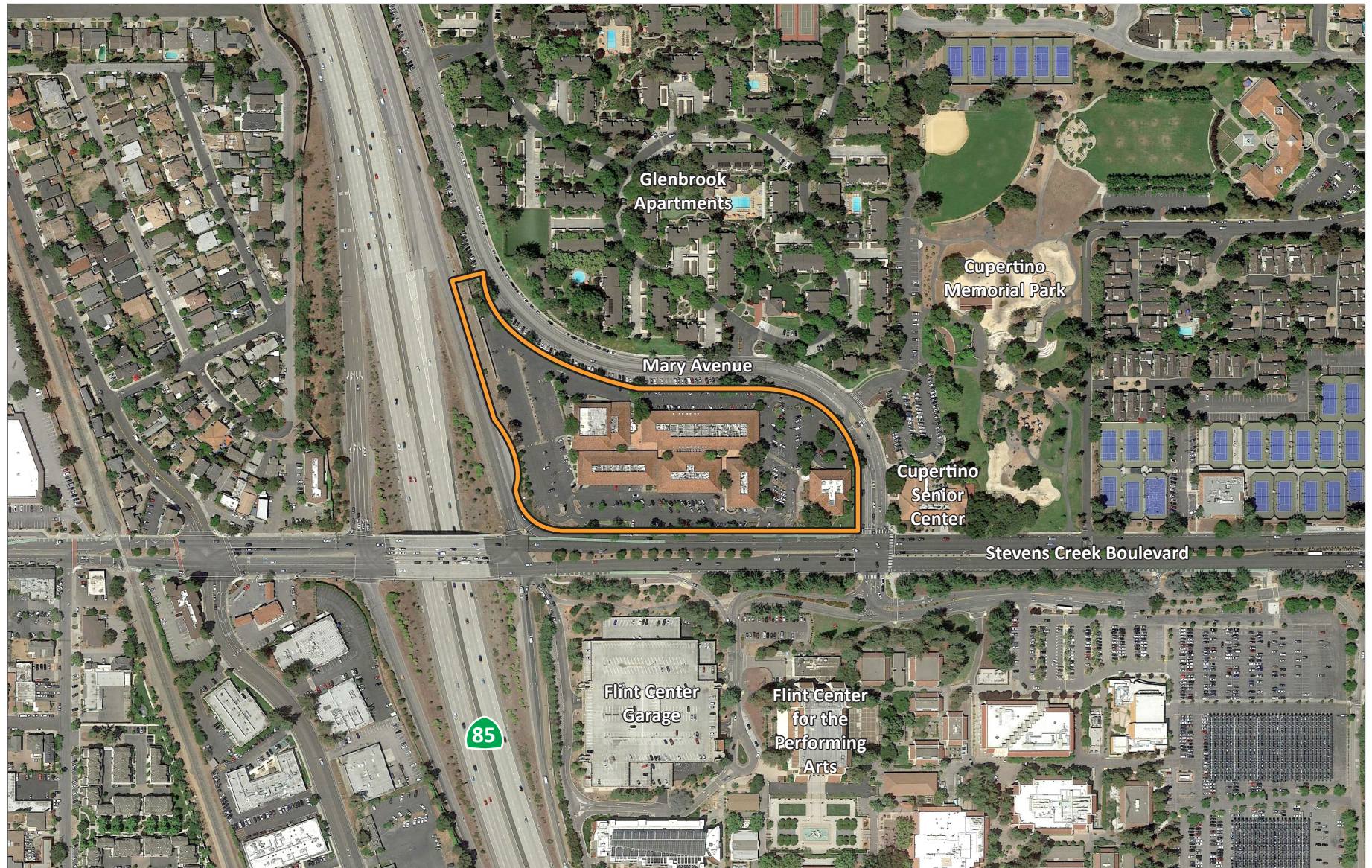
⁶ The CALVEG system was initiated in January 1978 by the Region 5 Ecology Group of the US Forest Service to classify California’s existing vegetation communities for use in statewide resource planning. CALVEG maps use a hierarchical classification on the following categories: forest; woodland; chaparral; shrubs; and herbaceous.

⁷ Special-status species are plants and animals that are legally protected under the Endangered Species Act/California Endangered Species Act (ESA/CESA) or other regulations, as well as other species that are considered rare enough by the scientific community and trustee agencies to warrant special consideration, particularly with regard to protection of isolated populations, nesting or denning locations, communal roosts, and other essential habitat.

⁸ CAL FIRE, 2008, Cupertino, Very High Fire Hazard Severity Zones in LRA. http://www.fire.ca.gov/fire_prevention/fhsz_maps/FHSZ/santa_clara/Cupertino.pdf.

⁹ CAL FIRE, 2018, Wildland-Urban Interface Fire Threat, accessed June 11, 2019 at <http://www.arcgis.com/home/item.html?id=d45bf08448354073a26675776f2d09cb>.

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Source: Google Earth Professional, 2018; PlaceWorks, 2019.



Figure 3-3
Existing Conditions

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The project site is generally flat with elevations ranging from approximately 290 feet above sea level on the northeast portion of the site to approximately 300 feet above sea level on the northwest portion of the site. Site topography generally slopes downward to the east or southeast towards the intersection of Stevens Creek Boulevard and Mary Avenue. Groundwater likely flows to the east, generally following surface topography. The surficial geology is described as young, unconsolidated Quaternary Valley Floor Alluvium.¹⁰

The existing impervious surface totals 307,444 square feet. Stormwater from the site would drain to a network of City-maintained storm drains that collect runoff from city streets and carries it to the creeks that run through Cupertino to San Francisco Bay.

3.2.5 LAND USE AND ZONING

The project site is assigned Assessor's Parcel Numbers (APNs) 326-27-042 and 326-27-043. The General Plan describes the vision and standards for future development on the site in the defined special planning area, gateway, Housing Element, and land use designation. In addition, the General Plan identifies the site as being within a regional priority development area or "PDA." A description of the applicable General Plan policies and permitted development is provided below.

3.2.5.1 GENERAL PLAN

Special Planning Area

The project site is within the Heart of the City Special Area, which is a key mixed-use, commercial corridor in Cupertino. The Heart of the City Special Area covers development within this Special Area is guided by the *Heart of the City Specific Plan*. The *Heart of the City Specific Plan* is split into five subareas, including the Oaks Gateway within the West Stevens Creek Boulevard subarea along Stevens Creek Boulevard between SR-85 and Stelling Road, which encompasses the project site. The primary use for the West Stevens Creek Boulevard subarea is quasi-public/public facilities, with supporting uses including mixed commercial/residential. Development in the Heart of the City Special Area is envisioned to create a greater sense of place, more community identity, and a positive and memorable experience for residents, workers, and visitors of Cupertino.¹¹

Designated Gateway

The project site is in the Oaks Gateway. Gateways represent key entry points to the city. As shown on the Heart of the City Special Area Diagram¹² and the Community Form Diagram in the General Plan,¹³ the

¹⁰ City of Cupertino General Plan EIR, Chapter 4.5 Geology, Soils, Seismicity, Figure 4.5-1 Geologic Map, Cupertino, California.

¹¹ City of Cupertino General Plan (Community Vision 2015-2040), Chapter 2, Planning Areas, page PA-5.

¹² City of Cupertino General Plan (Community Vision 2015-2040), Chapter 2, Planning Area, Heart of the City Special Area Diagram, page PA-7.

¹³ City of Cupertino General Plan (Community Vision 2015-2040), Chapter 3, Land Use and Community Design, Figure LU-2, Community Form Diagram, page LU-16 and LU-17.

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Oaks Gateway is a neighborhood center. A neighborhood center is an area intended to provide shopping and gathering spaces for local residents. Mixed-use development is allowed in the Oaks Gateway if it promotes revitalization of retail uses, creation of new gathering spaces, and parcel assembly. General Plan Policy LU-14.5 (Oaks Gateway Node) states that the Oaks Gateway is a retail and shopping node and that new residential, if allowed, should be designed on the “mixed-use village” concept.¹⁴ The mixed-use urban village concept includes providing parcel assembly, complete site redevelopment, mixed-use village layout with streets, alley, sidewalks, and open spaces, mix of retail uses, public open spaces, and high-quality, pedestrian-oriented design.¹⁵

Priority Housing Element Site

The project site is Priority Housing Element Site A3 (The Oaks Shopping Center). As described in the General Plan, many of the City’s Housing Element sites, including the project site, are located in major corridors to reduce traffic and environmental impacts and preserve neighborhoods.¹⁶ The maximum building height for the project site is 45 feet, and the maximum density is 30 dwelling units per acre (du/ac).¹⁷ Housing Element Strategy HE-2.3.7 (Density Bonus Ordinance) states that for projects that are consistent with the Density Bonus Ordinance (CMC Chapter 19.56), density bonuses, and incentives and concession that result in identifiable cost reductions needed to make the housing affordable, would apply.¹⁸

Land Use Designation

The General Plan land use designation for the project site is Commercial/Residential. This land use designation allows primarily commercial uses and secondarily residential uses or a compatible combination of the two. Commercial use means retail sales, businesses, limited professional offices, and service establishments with direct contact with customers. This applies to commercial activities ranging from neighborhood convenience stores to regionally oriented specialty stores. Retail stores that would be a nuisance for adjoining neighborhoods or harmful to the community identity would be regulated by the commercial zoning ordinance and use permit procedure. Smaller commercial parcels in existing residential areas may be needed to provide local neighborhood serving retail; otherwise, they may be redeveloped at residential densities compatible with the surroundings.

¹⁴ City of Cupertino General Plan (Community Vision 2015-2040), Chapter 3, Land Use and Community Design Element, page LU-44.

¹⁵ City of Cupertino General Plan (Community Vision 2015-2040), Chapter 3, Land Use and Community Design Element, page LU-18.

¹⁶ City of Cupertino General Plan (Community Vision 2015-2040), Chapter 3, Land Use and Community Design Element, page LU-18.

¹⁷ *Heart of the City Specific Plan* (2014) page 15 (height), and City of Cupertino General Plan (Community Vision 2015-2040), Chapter 4, Housing Element, Table HE-5: Summary of Priority Housing Element Sites to Meet the RHNA - Scenario A, page HE-17 (density).

¹⁸ City of Cupertino Municipal Code, Title 19, Zoning, Chapter 19.56 Density Bonus, Sections 19.56.030, Density Bonus, and 19.56.040, Incentives or Concessions, Waivers and Reduction of Parking Standards.

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Priority Development Area/Transit Priority Area

Plan Bay Area 2040 is the Bay Area's current Regional Transportation Plan (RTP)/Sustainable Community Strategy (SCS) that was adopted jointly by the Association of Bay Area Government's (ABAG) and Metropolitan Transportation Commission (MTC) on July 26, 2017. As part of the implementing framework for *Plan Bay Area*, local governments, including Cupertino, have identified Priority Development Areas (PDAs) to focus growth.¹⁹ PDAs are transit-oriented, infill development opportunity areas within existing communities. In addition to PDAs, *Plan Bay Area* identifies Transit Priority Areas (TPAs), which are areas within one-half mile of a major transit stop (that have 15 minute or less service level frequency) that is existing or planned, if the planned stop is scheduled to be completed within the planning horizon included in a Transportation Improvement Program adopted pursuant to Section 450.216 or 450.322 of Title 23 of the Code of Federal Regulations.

An overarching goal of the regional *Plan Bay Area 2040* is to concentrate development in areas where there are existing services and infrastructure rather than locating new growth in outlying areas where substantial transportation investments would be necessary to maximize energy conservation and achieve the per capita passenger vehicle, vehicle miles traveled (also referred to as "VMT"), and associated greenhouse gas (GHG) emissions reductions.

The project site is located in a Santa Clara Valley Transportation Authority City Cores, Corridors & Station Areas PDA. Because the proposed project is in close proximity to existing employment centers, roadways, transit, and bicycle and pedestrian routes, it is also a designated TPA.²⁰

3.2.5.2 ZONING ORDINANCE

Zoning District

The project site is zoned Planned Development with General Commercial and Residential (P(CG,RES)) on the City's Zoning Map. Pursuant to Cupertino Municipal Code (CMC) Section 19.80.030(B), all planned development districts are identified on the zoning map with the letter coding "P" followed by a reference to the general type of use allowed in the particular planning development zoning district.²¹ The general types of uses allowed on the project site are General Commercial and Residential.

As described in CMC Section 19.80.010, the planned development zoning district is intended to provide a means of guiding land development or redevelopment of the city that is uniquely suited for planned coordination of land uses.²² Development in "P" zoning district provides for a greater flexibility of land use

¹⁹ City of Cupertino General Plan (Community Vision 2015-2040), Chapter 3, Land Use and Community Design Element, page LU-7.

²⁰ *Plan Bay Area*, Association of Bay Area Governments (ABAG)/Metropolitan Transportation Commission (MTC) Priority Development Area (PDA) and Transit Priority Area (TPA) Map for CEQA Streamlining, <https://www.planbayarea.org/pda-tpa-map>, accessed on July 11, 2019.

²¹ Cupertino Municipal Code, Title 19, Zoning, Chapter 19.80, Planned Development, Section 19.80.030, Establishment of Districts-Permitted and Conditional Uses.

²² Cupertino Municipal Code, Title 19, Zoning, Chapter 19.80, Planned Development, Section 19.80.010, Purpose.

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intensity and design because of accessibility, ownership patterns, topographical considerations, and community design objectives. This zoning district is intended to accomplish the following:

- Encourage variety in the development pattern of the community.
- Promote a more desirable living environment.
- Encourage creative approaches in land development.
- Provide a means of reducing the amount of improvements required in development through better design and land planning.
- Conserve natural features.
- Facilitate a more aesthetic and efficient use of open spaces.
- Encourage the creation of public or private common open space.

Pursuant to CMC Chapter 19.60,²³ the General Commercial (CG) zoning district is intended to regulate retail, office, and service establishments offering goods and services to the general public to assure maximum compatibility with surrounding residential areas, as well as minimize adverse traffic impacts resulting from commercial development.

Density Bonus

Title 19, Zoning, Chapter 19.56 Density Bonus, is intended to comply with the State Density Bonus Law, Government Code Section 65915,²⁴ which provides that a local agency shall adopt an ordinance specifying how the agency will comply with that section. CMC Section 19.56.020 states that housing developments resulting in a net increase of at least five units (excluding density bonus units) are eligible for a density bonus when the applicant proposes at least one of the listed requirements and the requirements of CMC Section 19.56.020(C), if applicable. One of the criteria for eligibility for a density bonus is construction of senior housing (CMC Section 19.56.020(A)(1)(d)). CMC Section 19.56.020(C) is related to sites with existing rental housing and would not apply to the proposed project; therefore, CMC Section 19.56.030(B) applies. Section 19.56.030(B) states that senior housing developments are entitled to a maximum density bonus of 20 percent provided the development consists of at least 35 units, conforms to Civil Code Section 51.3,²⁵ and the units are reserved for qualifying residents whether or not the housing includes affordable units. Section 19.56.040, Incentives or Concessions, Waivers and Reduction of Parking Standards, states that changes to development standards or zoning code requirements may be allowed under certain conditions.²⁶ The granting of a density bonus, incentive or concession, in and of itself, shall not require a general plan amendment, zone change, or other discretionary approval and shall be reviewed concurrently with the review of the housing development.

²³ Cupertino Municipal Code, Title 19, Zoning, Chapter 19.60, General Commercial (CG) Zones, Section 19.60.010, Purpose.

²⁴ Government Code, Title 7, Planning and Land Use, Division 1, Planning and Zoning Sections, Chapter 4.3, Density Bonuses and Other Incentives Section 65915.

²⁵ Civil Code, Division 1, Persons, Part 2, Personal Rights, Section 51.3.

²⁶ City of Cupertino Municipal Code, Title 19, Zoning, Chapter 19.56 Density Bonus, Sections 19.56.030, Density Bonus, and 19.56.040, Incentives or Concessions, Waives and Reduction of Parking Standards.

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3.2.5.3 OTHER REQUIREMENTS

The CMC includes various directives to minimize adverse impacts from development in Cupertino. Such directives are related to setbacks for adequate light, air, and clear lines of sight at intersections, water quality, the protection of designated trees, energy conservation, the provisions of adequate infrastructure, as well as the reduction of solid waste. Descriptions of these directives are included in the environmental setting discussions and impact discussions contained within Chapters 4.1 through 4.9.

3.3 PROJECT OBJECTIVES

The objectives of the proposed project are as follows:

- Redevelop an existing retail center on Mary Avenue and Stevens Creek Boulevard with desirable amenities and housing.
- Meet the City's Regional Housing Needs Allocation (RHNA) for 2014-2022.
- Enhance the vibrancy of Cupertino's Heart of the City as a key mixed-use, commercial corridor by providing a pedestrian-friendly community that includes housing, open space and greenery, and neighborhood retail.
- Provide senior housing in close proximity to the Cupertino Senior Citizen Center.
- Create a prominent gateway development that incorporates quality architectural design and materials, open space, and artwork to announce entry into Cupertino's Heart of the City.
- Create a mixed-use development that places residential and commercial uses in close proximity to each other, and close to transit options.
- Help the City to achieve its affordable housing goals through the inclusion of senior housing units within a residential and mixed-use development project.

3.4 PROPOSED PROJECT

Implementation of the proposed project would result in the construction and operation of a residential mixed-use development on a site that is currently developed. The proposed development and construction phasing, population and employment projections, and the required permits and approvals are described in detail below. A complete set of conceptual site plans is provided at <https://www.cupertino.org/westport>.

3.4.1 PROPOSED DEVELOPMENT

The proposed development is summarized in Table 3-1 and described below. See Figures 3-4 through 3-9.

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TABLE 3-1 PROPOSED DEVELOPMENT BY LAND USE

Building Type	Buildings	Units	Square Footage			Common Open Space
			Residential	Garage	Retail	
Rowhouses	3	19	34,245	10,840		155 square feet per unit
Townhomes	13	69	139,850	39,450		
Residential-Retail Building 1	1	115	193,500	97,750	17,600	
Residential-Retail Building 2	1	39	38,800	n/a	2,400	
Total	18	242	406,395	148,040	20,000	37,601

Note: Square footages are rounded up and include residential and parking.
Source: C2K Architecture Inc. (project applicant), November 2018.

3.4.1.1 RESIDENTIAL

The proposed residential component consists of three rowhouse buildings (attached homes) located on the western edge of the project site, 13 townhouse buildings (attached homes) located at the center of the project site, and two mixed-use residential, including senior housing, located on the eastern portion of the project site. See Figure 3-4. The rowhouse buildings would be three stories tall (30 feet at the roofline) and have a total of 19 three-story units. See Figure 3-5. The townhouse buildings would also be three stories tall (30 feet at the roofline) and have a total of 69 three-story units. See Figure 3-6.

The two Residential-Retail Buildings (Building 1 and 2) would be located on the eastern edge of the project site. Residential-Retail Building 1 would be six stories tall (70 feet at the roofline). See Figures 3-7 and 3-8. Building 1 would have 115 market-rate units on floors two through six consisting of one-, two-, and three-bedroom units. Building 1 would also include a fitness center, lounge, and outdoor terrace on the second story for resident use only.

Residential-Retail Building 2 would be five stories tall (55 feet at the roofline). See Figure 3-9. Building 2 would have 39 senior housing units located on floors two through five, which would consist of studio and one-bedroom units. Building 2 would also include a common room on the ground level for use by residents only.

3.4.1.2 RETAIL

The proposed retail component would consist of a total of 20,000 square feet and would be located on the ground level of the Residential-Retail Buildings 1 and 2. Residential-Retail Building 1 would have 17,600 square feet of retail space located at the corner of Stevens Creek Boulevard and Mary Avenue. Residential-Retail Building 2 would have 2,400 square feet of retail space on the ground level fronting Stevens Creek Boulevard. At-grade parking for these retail uses would be provided along Mary Avenue for Building 1 and along the internal street along Building 2. A one-level subterranean parking garage would be provided below Building 1. See Figure 3-4.

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Source: C2K Architecture Inc., November 2018.



Figure 3-4
Conceptual Site Plan

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Source: C2K Architecture Inc., November 2018.

Figure 3-5
Site Sections: Rowhouses

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Source: C2K Architecture Inc., November 2018.

Figure 3-6
Site Section: Townhomes

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Source: C2K Architecture Inc., November 2018.

Figure 3-7
Elevations: Residential-Retail Building 1 (North, East)

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Source: C2K Architecture Inc., November 2018.

Figure 3-8
Elevations: Residential-Retail Building 1 (South, West)

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Source: C2K Architecture Inc., November 2018.

Figure 3-9
Elevations: Residential-Retail Building 2 (North, East, South, West)

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3.4.1.3 OPEN SPACE

Private open space areas would be provided for each residential unit either as a balcony or patio. The rowhouses would include private patios that range in size from 295 to 375 square feet per unit. The townhomes would include private patios that range in size from 104 to 125 square feet per unit. Building 1 would include private balconies that range in size from 60 to 132 square feet per unit. Building 2 would include private balconies that are 60 square feet per unit.

Common open space areas would be provided throughout the project site including a central green space. The project site would include 37,601 square feet of common open space. Common retail outdoor space totaling 2,400 square feet would be provided at Residential-Retail Building 1 and 2.

3.4.1.4 LANDSCAPING

The proposed project would include landscaping throughout the interior and the perimeter of the project site. See Figure 3-10. The proposed project would retain some existing trees and would plant approximately 400 additional trees. The proposed project would result in 45,486 square feet of replaced pervious surfaces and 42,360 square feet of new pervious surfaces for a total of 87,846 square feet of pervious landscaped surfaces and 6,852 square feet of pervious paving pursuant to the City's Landscape Ordinance (CMC Chapter 14.15). The proposed landscaping would be consistent with the surrounding Northern California landscape and would include native and/or adaptive, drought resistant plant materials grouped by hydrozones (i.e., areas similar water use). The majority of plantings would be drought tolerant grasses, shrubs, and trees that, once established, would be adapted to a dry summer and intermittent rain in the winter season. Landscaping would be specifically designed around the rowhouses, townhomes, and mixed-use units to provide privacy between adjacent land uses.

3.4.1.5 LIGHTING AND GLARE

The source, intensity, and type of exterior lighting for the project site would generally be provided for the purpose of orienting site users and for safety needs. All on-site lighting would be low-level illumination and shielded to reduce light spill or glare. There would be no up-lighting or spotlights on the project site and non-emergency lighting would be turned off at night. In landscaped and paved areas, light sources would be concealed and not visible from a public viewpoint, and landscaping would not funnel open space toward the building façade. All exterior surface and above-ground mounted fixtures would be complementary to the architectural theme. The proposed project would limit large areas of transparent or reflective glass by including solid wall buildings with recessed windows, mullions or muntins²⁷ to divide overall window size, non-reflective glass railings, fritted glass and opaque panels, arcades, and overhanging roofs that shield the windows. The proposed project would avoid transparent glass skyways, walkways, and entryways, as well as free-standing glass walls and transparent building corners. The proposed landscaping would also reduce reflections and view of foliage through glass.

²⁷ A *mullion* is a vertical element that forms a division between units of a window or screen or is used decoratively. When dividing adjacent window units is its primary purpose, it is a rigid support to the glazing of the window. *Muntins* on the other hand divide, reinforce and join glass within a single window or sash frame. These are the small vertical and horizontal bars that change large pieces of glass into small "divided lites."

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Source: C2K Architecture Inc., November 2018.

Figure 3-10
Landscape Plan

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3.4.1.6 BIRD SAFE DESIGN FEATURES

The proposed project includes bird safe design features to minimize the risk of collisions by nearby or migrating bird species. These design features include reducing large areas of transparent or reflective glass through constructing the building with solid walls with punched and recessed windows, the use of mullions and/or muttons to divide the window size, installation of balcony railings without reflective glass, using fritting or appliques on the retail storefront windows, setting back windows from the façade, and incorporating overhanging roofs and projected balconies that shield the windows from overhead flying birds. The proposed project would also avoid transparent glass skyways, walkways and entryways, free-standing transparent glass walls, and transparent building corners. Landscaping features that would increase bird safety would be the avoidance of funneling open space toward a building façade and adding landscaping that would reduce reflections and views of foliage through glass. Lighting features such as reduced or eliminated up-lighting and spotlights on buildings and turning off non-emergency lighting at night would be incorporated to increase bird safety on and in the vicinity of the project site.

3.4.1.7 ACCESS AND CIRCULATION

The proposed project would have one access point from Stevens Creek Boulevard and three access points from Mary Avenue. See Figure 3-4. The below-grade parking at Residential-Retail Building 1 would be accessed from the central access point on Mary Avenue. A series of internal roadways, sidewalks, and bike lanes would provide access to the proposed buildings. In addition to the on-site internal sidewalks, the proposed project would also include off-site sidewalk modifications along Stevens Creek Boulevard and Mary Avenue.

The proposed project would include the following on- and off-site improvements that are consistent with the recommendations in the 2016 *Bicycle Transportation Plan* (2016 Bike Plan):²⁸

- **Class I Bike Path.** The proposed project would install an on-site Class I bike path on the western portion of the project site that would connect to Stevens Creek Boulevard to the south and Mary Avenue to the north.
- **Class IV Separated Bikeway.** The proposed project would upgrade the bike lane on Stevens Creek Boulevard between Mary Avenue and the northbound SR-85 on-ramp from an Enhanced bike lane to a Class IV separated bikeway. The proposed project would reconfigure the existing westbound right turn movement from Stevens Creek Boulevard onto the northbound SR-85 on ramp to accommodate the proposed Class IV separated bikeway. The proposed project would include a signal control for the westbound right turn movement, the cars would have a continuous green right-turn arrow until a cyclist or pedestrian arrives and activates the proposed pedestrian or bike crossing signal, at which time a red right-turn arrow would stop the cars. This pedestrian/bicycle signal call could only occur on the east-west signal phasing plan of the intersection when there are no other conflicting movements with the pedestrian and/or bicycle phase. This reconfiguration would convert the existing westbound “free” right turn lane to a signal controlled right turn movement to allow for an exclusive, protected phase for pedestrians and cyclists to cross the on-ramp leg.

²⁸ City of Cupertino 2016 Bicycle Transportation Plan, Figure 3-7, Bikeway Projects, page 3-8.

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- **Bridge.** The proposed project would include public access easements on the northwest and southwest corners of the project site to accommodate the bridge over SR-85 connecting Mary Avenue to Alhambra Avenue.

The proposed project would include a total of 117 bicycle parking spaces,²⁹ consisting of five Class 1 facilities for retail uses, 18 Class 2 facilities for retail uses, 78 Class 1 facilities for residential uses, and 16 Class 2 facilities for residential uses. Bike facilities would be located adjacent to Buildings 1 and 2, in addition to within the proposed buildings.

The proposed project would also install a bus stop on the section of Stevens Creek Boulevard west of Mary Avenue and east of the SR-85 northbound ramp. The precise design-level details would need to be coordinated with VTA and City of Cupertino Public Works Department. For this EIR, it is assumed the bus stop would include a concrete bus pad and bus shelter.

3.4.1.8 UTILITIES AND SERVICE CONNECTIONS

Wastewater

The Cupertino Sanitary District (CSD) maintains approximately 194.5 miles of sewer mains including the infrastructure in the vicinity of the project site.³⁰ The collected wastewater from the CSD service area is conveyed to the San José/Santa Clara Water Pollution Control Plant (SJ/SCWPCP) through mains and interceptor lines shared with both the cities of San José and Santa Clara. The proposed project would connect to existing sanitary sewer lines in Stevens Creek Boulevard and Mary Avenue.

The CSD is one of five tributary agencies that have a contractual treatment allocation agreement with the SJ/SCWPCP. The CSD has a contractual treatment allocation with the SJ/SCWPCP of 7.85 million gallon per day (mgd), on average. CSD wastewater flow to the SJ/SCWPCP was 5.3 mgd at the time of the General Plan EIR.³¹ The CSD wastewater system also flows through a portion of the City of Santa Clara's sewer system. The contractual agreement between CSD and the City of Santa Clara is 13.8 mgd during peak wet weather flows. The existing CSD peak wet weather flow into the Santa Clara system is modeled at 13.29 mgd.³² Based on the May 2007 *City of Santa Clara Sewer Capacity Assessment*, the estimated wastewater generation rate for residential uses is 133 gallons per day (gpd) per unit, and 0.3 gpd per square foot of retail space. Applying this generation rate, the proposed 242 residential units and 20,000 square feet of retail space would generate up to 38,186 gpd or approximately 0.0382 mgpd of wastewater. The approximately 71,250 square-foot shopping center currently generates about 21,376 gpd or 0.0213 mgd. Therefore, the net increase for the proposed project is 16,810 gpd or 0.0168 mgd.³³

²⁹ Class 1 bicycle parking spaces include bicycle lockers or secure rooms and Class 2 bicycle parking spaces are publicly accessible bicycle racks.

³⁰ Cupertino Sanitary District, 2016, Sewer Management Plan, page 23.

³¹ City of Cupertino General Plan (Community Vision 2015–2040, Appendix B: Housing Element Technical Report, 4.3 Environmental, Infrastructure & Public Service Constraints, page B-93.

³² Mark Thomas, Cupertino Sanitary District Flow Modeling Analysis Homestead Flume Outfall to City of Santa Clara, February 20, 2019.

³³ 38,186 gpd proposed generation – 21,376 gpd existing generation = 16,810 gpd (or 0.0168 mgd) net increase.

PROJECT DESCRIPTION**Water Supply**

The San José Water Company (SJWC) provides groundwater, imported treated water, and local surface water for an area of approximately 139 square miles including the project site. The proposed project would connect to existing water lines in Stevens Creek Boulevard and Mary Avenue and would not encroach on undisturbed areas. The 2015 *Urban Water Management Plan* for the Santa Clara Valley Water District (SCVWD), which includes the area for the project site, states that there is sufficient water for SCVWD customers for normal, single-dry, and multiple-dry years until 2025. The SCVWD identifies actions within the water shortage contingency plan that would ensure water demand is met through 2040.³⁴ The proposed project would use approximately 37 acre-feet per year at buildout and is accounted for in the SJWC's anticipated future customer demands.³⁵

Stormwater Management

The City of Cupertino Department of Public Works is responsible for the design, construction, and maintenance of City-owned facilities including public streets, sidewalks, curb, gutter, and storm drains. The capacity of the storm drain facilities within the City of Cupertino was evaluated and documented in the 2018 *Storm Drain Master Plan*, which identifies the areas within the system that do not have the capacity to handle runoff during the 10-year storm event, which is the City's design standard. As described in the 2018 *Storm Drain Master Plan*, the project site is located in an area where the storm drains do not have sufficient capacity to convey water from a 10-year storm. The lines along Steven Creek Boulevard, to the south, and Mary Avenue, to the northeast, are currently under capacity and designated as low priority for replacement.³⁶

The proposed project is required to comply with the Santa Clara Valley Urban Runoff Pollution Prevention Program (SCVURPPP) C.3 requirements, which include the minimization of impervious surfaces, measures to detain or infiltrate runoff from peak flows to match pre-development conditions, and agreements to ensure that the stormwater treatment and flow control facilities are maintained in perpetuity. The proposed project also would comply with CMC Chapter 9.18, Stormwater Pollution Prevention and Watershed Protection, which regulates and implements certain requirements of the National Pollutant Discharge Elimination System permit issued to the City of Cupertino.

The proposed project would reduce the total amount of impervious surface from 307,444 square feet to 247,222 square feet which would reduce the peak flows into the storm drain system. Because the proposed project would include a total of 247,222 square feet of impervious surfaces, the proposed project would be required to include 10,268 square feet of bioretention areas (i.e., stormwater treatment

³⁴ Santa Clara Valley Water District, 2015, *2015 Urban Water Management Plan*, http://www.valleywater.org/uploadedFiles/Services/CleanReliableWater/WaterSupplyPlanning/Urban_Water_Managment_Plan/SCVWD%202015%20UWMP-Report%20Only.pdf, accessed on June 11, 2019.

³⁵ Tully & Young Comprehensive Water Planning, May 2018, Water Supply Evaluation for The Oaks Development in Cupertino.

³⁶ Schaaf & Wheeler Consulting Civil Engineers, 2018, Cupertino Storm Drain Master Plan.

PROJECT DESCRIPTION

areas).³⁷ The proposed project includes 10,320 square feet of bioretention areas, which is 52 square feet more than the required amount. See Figure 3-11. The bioretention areas would be incorporated into the landscaped areas throughout the project site. The proposed bioretention areas would provide treatment of site runoff and would further reduce peak flows prior to discharge to the City's storm drain system which would alleviate the existing storm drain capacity deficiency.

Solid Waste

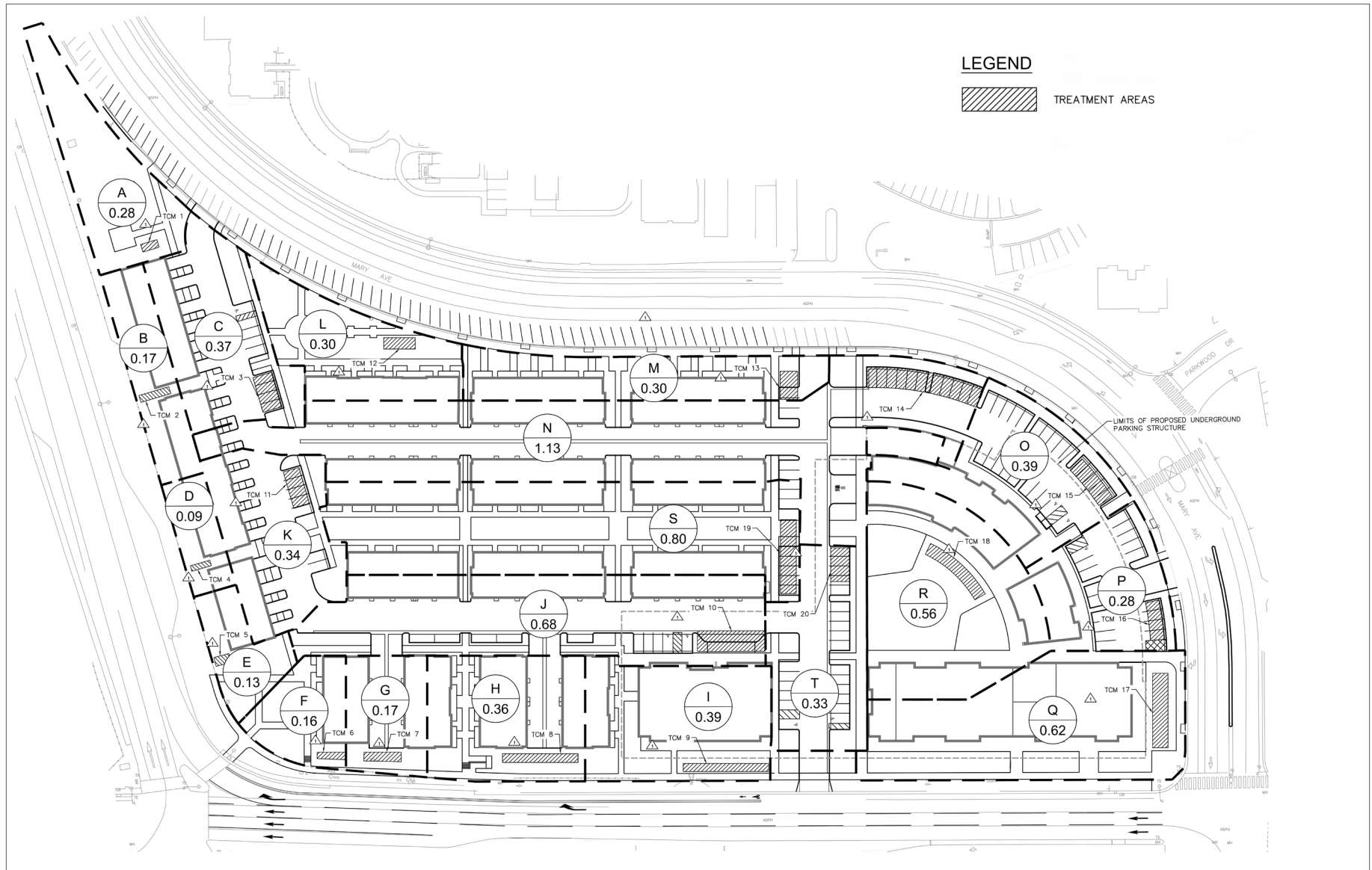
The proposed project would be served by the solid waste collection service provider and landfill that the City maintains contracts with. Currently the City contracts with Recology to provide solid waste collection services to residents and businesses in the city and Newby Island Sanitary Landfill until 2023. The Newby Island Sanitary Landfill has a permitted daily disposal capacity of 4,000 tons per day. In addition to the Newby Island Landfill, solid waste generated in Cupertino can be disposed of at the Altamont Landfill and Resource Recovery facility, the Corinda Los Trancos Landfill, Forward Landfill Inc., Guadalupe Sanitary Landfill, Kirby Canyon Recycling and Disposal Facility, the Monterey Peninsula Landfill, Recology Hay Road, the Vasco Road Sanitary Landfill, the Zanker Material Processing Facility, and the Zanker Road Class III Landfill.

The proposed project would include the management of waste, recycling, and composting from the residential and retail land uses. Solid waste generated by construction of the proposed project would largely consist of demolition waste from the existing buildings as well as construction debris. The proposed project would comply with CMC Chapter 16.72, Recycling and Diversion of Construction and Demolition Waste, and the City's Zero Waste Policy, which requires the recycling or diversion at least 65 percent of all generated construction and demolition (C&D) waste by salvage or by transfer to an approved facility. Prior to permit issuance, the applicant would submit a properly completed Waste Management Plan, which includes the estimated maximum amount of C&D waste that can feasibly be diverted, which facility would handle the waste, and the total amount of C&D waste that would be landfilled. Based on the population and employment generation discussed below in Section 3.4.3, the 695 new residents and the 70 new employees (which is 65 fewer than the number of employees currently on site) would generate approximately a net increase of 2,255 pounds per day (PPD) or 1.12 tons per day (TPD).³⁸

³⁷ Santa Clara Valley Water District Municipal Regional Stormwater NPDES Permit C.3 requires 4 percent of the proposed impervious surface to be treated to control the flow of stormwater and stormwater pollutants from new development, http://www.scvurppp-w2k.com/pdfs/1516/c3_handbook_2016/SCVURPPP_C.3_Technical_Guidance_Handbook_2016_Chapters.pdf.

³⁸ (Proposed Project (4.1 PPD x 70 employees = 287 PPD) + (3.6 PPD x 695 residents = 2,502 PPD) = 2,789 PPD) minus (Existing Conditions (4.1 PPD x 135 employees = 553.5 PPD) = 2,235 PPD).

PROJECT DESCRIPTION



Source: C2K Architecture Inc., November 2018.



PLACEWORKS

Figure 3-11
Stormwater Treatment Plan

PROJECT DESCRIPTION

Other Utility Facilities

Other utility facilities that serve the project site are electric power, natural gas, and telecommunications facilities. Pacific Gas & Electric (PG&E) would supply natural gas service and infrastructure and electricity infrastructure to the project site. Silicon Valley Clean Energy would provide electricity to the project site. AT&T and other providers would provide telephone service. Cable television service would be available from a number of providers, including Comcast. The project site is located in a portion of the city that has access to existing infrastructure and services. The proposed project would include appropriate on-site infrastructure to connect to the existing PG&E and telecommunication systems and would not require new off-site facilities and distribution infrastructure or capacity enhancing alterations to any existing facilities.

Energy

The current project site is served by both electricity and natural gas connections. Electricity is supplied to the project site via infrastructure maintained by Pacific Gas & Electric (PG&E). Silicon Valley Clean Energy (SVCE), a locally controlled public agency that has a partnership with PG&E, supplies the electricity to the project site. Natural gas and associated infrastructure are provided and maintained by PG&E. The nearest PG&E substation to the project site is the Stelling Substation on North Stelling Road approximately 1 mile northeast of the project site. The nearest electricity transmission lines to the project site are located south of the project site along Stevens Creek Boulevard.³⁹ The proposed project would require the construction or installation of new infrastructure and capacity enhancing alterations to existing on-site facilities to connect the new buildings to water, stormwater, sanitary sewer, electricity, and natural gas lines. Construction activities use energy from various sources, such as on-site heavy-duty construction vehicles, vehicles hauling materials to and from the site, and motor vehicles transporting the construction crew. The operation of the proposed mixed-use and residential buildings would use energy for cooling, heating, lighting, and landscape equipment, and for vehicle trips to and from the commercial building.

The proposed mixed-use and residential buildings would be required to meet the 2019 Building and Energy Efficiency Standards of the California Public Resources Code, Title 24, Part 6, which takes effect on January 1, 2020, and applies to any project that is proposed to begin construction on or after August 2020. The 2019 Building Energy Efficiency Standards improve upon the 2016 Standards and require 53 percent or more and 30 percent or more energy efficiency for residential and non-residential buildings, respectively.⁴⁰ As described above in Section 3.1.4.2, Zoning, the City enforces the CalGreen Building Standards, which establish planning and design standards for sustainable site development, energy efficiency (in excess of the California Energy Code requirements), in CMC Chapter 16.58, Green Building Standards Code Adopted. CMC Chapter 16.58, Section 16.58.220, Table 101.10 requires that non-residential new construction under 25,000 square feet shall achieve a minimum green building requirement of CALGreen Building Code pursuant to Chapter 5 of the California Green Building Standards

³⁹ California Energy Commission (CEC), 2012, October 25, Local Reliability Maps for 2013: Enlargement Maps, http://www.energy.ca.gov/maps/infrastructure/3part_enlargements.html, accessed on June 11, 2019.

⁴⁰ California Energy Commission, March 2018, 2019 Building Energy Efficiency Standards, https://www.energy.ca.gov/title24/2019standards/documents/2018_Title_24_2019_Building_Standards_FAQ.pdf, accessed on June 11, 2019.

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Code. CMC Chapter 16.58, Section 16.58.220, Table 101.10 also requires that residential new construction exceeding nine homes shall achieve a minimum green building requirement of GPR certified at minimum 50 points, Leadership in Energy and Environmental Design (LEED) Silver, or an alternate green building standard that is as stringent as LEED or other cited standards and is subject to third party verification.

Energy conserving features of the proposed project would include new landscaping that is native and/or adaptive, and drought resistant to conserve water and subsequently energy. Where glass features are considered, the proposed project would use non-reflective or “fritted glass” and opaque spandrel panels, in addition to incorporating overhanging roofs, projecting balconies, and set back facades that would reduce direct sunlight and reduce cooling costs.

3.4.2 CONSTRUCTION, DEMOLITION, AND SITE PREPARATION

Construction of the proposed project would occur in two phases over a 16-month period and is anticipated to be completed by the year 2023. See Figure 3-12. The proposed project would involve demolition of existing structures and parking stalls, and the removal of the existing landscaping on site, with the exception of four oak trees which will be relocated on the project site as shown in Figure 3-10. Site preparation would include export of 69,000 cubic yards of soil. No soil import would occur. Demolition debris, including soil from excavation, would be off hauled for disposal at the Zanker Materials Recovery and Landfill in San José, which is approximately 15 miles from the project site. Phase 1 would include the construction of Residential-Retail Buildings 1 and 2, as well as the underground parking garage on the eastern portion of the site. Phase 2 would include the construction of the rowhouses and townhouses on the western portion of the project site.

3.4.3 POPULATION AND EMPLOYMENT PROJECTIONS

As previously described, the Westport project site is identified as a Priority Housing Element Site in the City of Cupertino General Plan (Community Vision 2015-2040) to accommodate the Regional Housing Needs Allocation (RHNA) for the 2014 to 2022 planning period and meet its fair-share housing obligation of 1,064 units.⁴¹ There are no existing residential units on site. Therefore, based on an average household size of 2.87 persons,⁴² the proposed project would generate 695 new residents.⁴³ The project site has 71,250 square feet of existing retail uses that are currently 85 percent occupied. Using the generation rates applied in the General Plan EIR, the existing uses generate 135 employees.⁴⁴ The proposed project would generate 45 employees for the proposed retail uses⁴⁵ and a full service staff of 25 employees including leasing agents, security staff, and maintenance personnel, would be present on site to manage the property for a total of 70 employees. Accordingly, the proposed project would have a net decrease of

⁴¹ City of Cupertino General Plan (Community Vision 2015-2040), Chapter 4, Housing Element, Table HE-5: Summary of Priority Housing Element Sites to Meet the RHNA - Scenario A, page HE-18.

⁴² This analysis is based on the Association of Bay Area Governments (ABAG) 2019 projections of the average household size of 2.87 persons for Cupertino in 2025. This is the standard approach for population and housing analysis in Cupertino.

⁴³ 242 new units multiplied by 2.87 persons per unit equals 695 new residents.

⁴⁴ 85 percent of 71,250 square feet (about 60,560 square feet) of retail divided by 450 square feet per employee equals 135 employees

⁴⁵ 20,000 square feet of retail divided by 450 square feet per employee equals 45 employees.

PROJECT DESCRIPTION

65 employees. It is anticipated that future residents and employees would be drawn largely from Cupertino and other communities in the San Francisco Bay Area.

3.4.4 REQUIRED PERMITS AND APPROVALS

Following certification of the Final EIR and the approval of the proposed project by the Planning Commission, the following discretionary permits and approvals from the City would be required for the proposed project:

- Development Permit
- Architectural and Site Approval Permit
- Use Permit
- Subdivision Map Permit
- Heart of the City Exception
- Tree Removal Permit

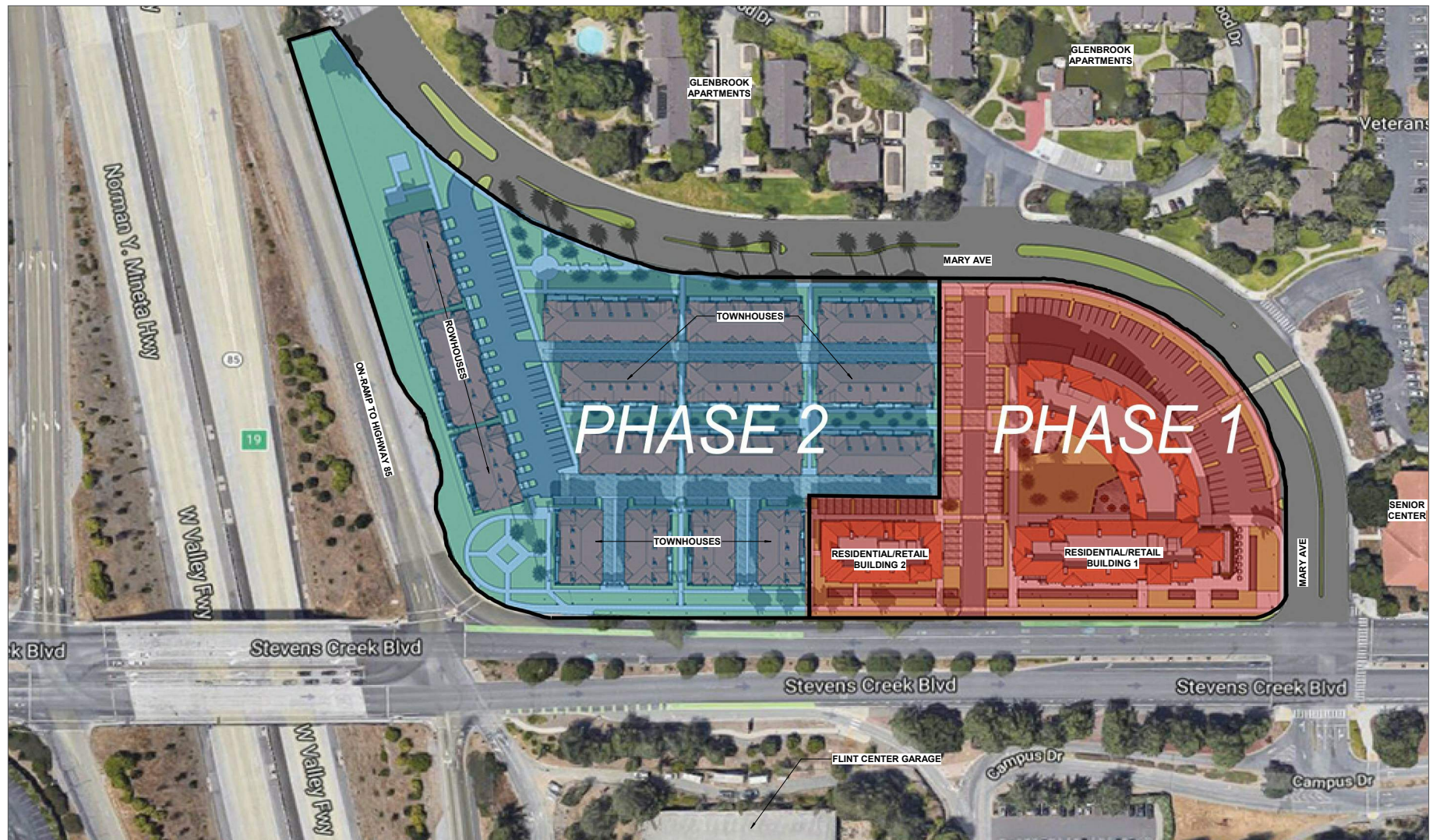
Encroachment permits from the City and Caltrans would also be required as well as design review and approval for the proposed bus stop by the VTA.

As part of the Development Permit, the proposed project is requesting a Density Bonus of 5 units pursuant to State Law as incorporated into the City's Housing Element⁴⁶ and CMC.⁴⁷ Pursuant to Density Bonus law, the applicant is also requesting waivers of development standards for height, slope setbacks, and the location of senior housing that the developer states would have the effect of physically precluding the development of the proposed project at the density proposed. In addition, permits for demolition, grading and building, and the certificate of occupancy would be required from the City.

⁴⁶ City of Cupertino Housing Element Strategy HE-2.3.7 (Density Bonus Ordinance), page H-29.

⁴⁷ City of Cupertino Municipal Code, Title 19, Zoning, Chapter 19.56 Density Bonus, Sections 19.56.030, Density Bonus, and 19.56.040, Incentives or Concessions, Waivers and Reduction of Parking Standards.

PROJECT DESCRIPTION



Source: C2K Architecture Inc., November 2018.



Figure 3-12
Construction Phasing Plan

PROJECT DESCRIPTION

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