

1. Introduction

Pursuant to Section 21080(d) of the California Environmental Quality Act (CEQA)¹ and Section 15378[a] of the CEQA Guidelines,² The Westport Mixed-Use Project is considered a “project” subject to environmental review because its approval is “an action [undertaken by a public agency] which has the potential for resulting in either a direct physical change in the environment or a reasonably foreseeable indirect physical change in the environment.” This Draft Environmental Impact Report (Draft EIR) provides an assessment of the potential environmental consequences of approval, construction and operation of The Westport Mixed-Use project, herein referred to as “proposed project.” This Draft EIR also identifies mitigation measures and alternatives to the proposed project that would avoid or reduce any of the significant effect of the project. This Draft EIR compares the development of the proposed project with the existing baseline condition, described in detail in each section of Chapter 4.0, Environmental Analysis. The City of Cupertino (City) is the lead agency for the proposed project. This assessment is intended to inform the City’s decision-makers, responsible and trustee agencies, and the public-at-large of the nature of the proposed project and its effect on the environment.

1.1 PROPOSED PROJECT

The 8.1-acre project site is identified as Priority Housing Element Site A3 (The Oaks Shopping Center) in the City of Cupertino General Plan (Community Vision 2015-2040). The site is currently developed with a one-story shopping center (The Oaks Shopping Center) consisting of five buildings occupied with retail stores, restaurants, and offices, which were built between 1973 and 1976. Existing development on the site consists of an approximately 71,250-square-foot shopping center that is currently 85 percent occupied. The project site has 201,831 square feet of paved area, which includes associated parking, sidewalks, patios, and driveways, in addition to 45,486 square feet of native and non-native landscaping.

The proposed project would demolish the existing buildings onsite and construct 18 new buildings, that would have 242 residential units and 20,000 square feet of retail space, as well as below and at-grade parking, and associated landscape and hardscape areas. The proposed residential component would consist of three rowhouse buildings, 13 townhouse buildings (attached homes), and two mixed-use (residential and retail) buildings, including market-rate units and senior housing. The proposed retail component would be located on the ground level of the two mixed-use residential buildings. Residential-Retail Building 1 would have approximately 17,600 square feet of retail space located at the corner of Stevens Creek Boulevard and Mary Avenue. Residential-Retail Building 2 would have approximately 2,400 square feet of retail space on the ground level fronting Stevens Creek Boulevard. The proposed project would include one access point off Stevens Creek Boulevard and three additional access points off Mary

¹ The California Environmental Quality Act is found at California Public Resources Code, Division 13, Sections 21000-21177.

² The CEQA Guidelines are found at California Code of Regulations, Title 14, Division 6, Chapter 3, Sections 15000-15387.

INTRODUCTION

Avenue. Below-grade parking would be located under Retail-Residential Building 1 and accessed from the central access point on Mary Avenue. Off-site improvements include the installation of a Class IV separated bikeway and a signal control to be activated by bicyclists and pedestrians for the westbound right-turn movement northbound SR-85 on ramp, as well as a bus stop on the section of Stevens Creek Boulevard west of Mary Avenue and east of the SR-85 northbound ramp. The proposed project is described in more detail in Chapter 3, Project Description, of this Draft EIR.

1.2 EIR SCOPE

This document is a project-level EIR that identifies and analyzes potential significant environmental impacts of the proposed project. As a project-level EIR, the environmental analysis describes the physical changes in the environment that would result from the development of the proposed project. This project-level EIR examines the short-term impacts (project construction) and long-term impacts (project operation) that would occur as a result of project approval. Prior to preparing this Draft EIR, the City of Cupertino conducted a scoping process. For a complete listing of environmental topics covered in this Draft EIR, see Chapter 4.0, Environmental Evaluation.

1.3 ENVIRONMENTAL REVIEW PROCESS

1.3.1 DRAFT EIR

An Initial Study was prepared for the proposed project in July 2019. Pursuant to CEQA Section 21080(d) and CEQA Guidelines Section 15063, the City of Cupertino determined that the proposed project could result in potentially significant environmental impacts, and that an EIR would be required. In compliance with CEQA Section 21080.4, the City circulated the Initial Study and Notice of Preparation (NOP) of an EIR for the proposed project to the Office of Planning and Research (OPR) State Clearinghouse and to responsible and trustee agencies on Thursday, July 11, 2019 for a 30-day review period. OPR posted the NOP with a start date of Friday, July 12, 2019 and an end date of Monday, August 12, 2019 to submit comments on the scope and content of the environmental information in the EIR. The NOP was filed with the County Clerk pursuant to CEQA Guidelines Section 15082(a). While not required under CEQA, a public Scoping Meeting was held on Thursday, July 18, 2019 at 6:30 p.m. at the Cupertino Community Hall (10350 Torre Avenue). A notice of the Scoping Meeting was circulated consistent with CEQA Guidelines Section 15082(c)(2) and mailed to all addresses within a 3,000-foot radius of the project site. The NOP and scoping process solicited comments from interested parties regarding the scope of the Draft EIR. Appendix A of this Draft EIR contains the Initial Study and Appendix B includes the NOP as well as the comments received by the City in response to the NOP.

INTRODUCTION

This Draft EIR will be available for public review for a 45-day comment period. During the comment period, the public is invited to submit written or e-mail comments on the Draft EIR or the proposed project to the City of Cupertino Community Development Department. Written comments should be submitted to:

Gian Martire, Senior Planner
City of Cupertino
10300 Torre Avenue
Cupertino, CA 95014
Phone: (408) 777-3319
Email: GianM@cupertino.org

1.3.2 FINAL EIR

Following the conclusion of the 45-day public review period for the Draft EIR, the City of Cupertino will review all comments received and prepare written responses to comments on environmental issues. A Final EIR will then be prepared, which contains all the comments received, responses to comments raising environmental issues, and any changes to the Draft EIR (if necessary). Responses to comments submitted on the Draft EIR by public agencies will be provided to those agencies at least 10 days prior to certification of the EIR. All agencies, organizations, and individuals who commented on the Draft EIR will be notified of the availability of the Final EIR and the date of the public hearing before the City Council. The Final EIR will then be presented to the City Council for certification. Public input is encouraged at all public hearings before the City.

Prior to the approval of the proposed project, the City Council must certify that the Final EIR was completed in compliance with CEQA. The City Council will also make findings regarding each significant environmental effect of the proposed project as identified in the Final EIR. If the City Council certifies the Final EIR, it may then consider whether to approve The Westport Mixed-Use Project. If the proposed project is approved, the City Council will adopt and make conditions of project approval all feasible mitigation measures identified in the EIR.

In some cases, the City Council may find that certain mitigation measures are within the responsibility and jurisdiction of other public agencies, and not the City of Cupertino, to implement, or that no feasible mitigation measures have been identified for a significant impact. In that case, the City Council may nonetheless determine that economic, legal, social, technological, or other benefits of the proposed project outweigh the unavoidable, significant effects on the environment.

1.3.3 MITIGATION MONITORING

Public Resources Code Section 21081.6 requires that the lead agency adopt a mitigation monitoring or reporting program (MMRP) for any project for which it has adopted mitigation measures. The MMRP is intended to ensure compliance with the adopted mitigation measures during the project implementation. The MMRP for the proposed project will be completed as part of the environmental review process.

INTRODUCTION

This page intentionally left blank.