

APPENDIX B:
NOTICE OF PREPARATION AND
SCOPING COMMENTS





Notice of Preparation of an Environmental Impact Report City of Cupertino

Date: JULY 11, 2019

To: State Clearinghouse
State Responsible Agencies
State Trustee Agencies
Other Public Agencies
Interested Organizations

From: Gian Martire, Associate Planner
City of Cupertino
Community Development Department
10300 Torre Avenue
Cupertino, CA 95014

Subject: **Notice of Preparation (NOP) of a Draft Environmental Impact Report (EIR) for the Westport Mixed-Use Project**

Lead Agency: City of Cupertino Community Development Department

Project Title: Westport Mixed-Use Project

Project Applicant: Mark Tersini, KT Urban

Project Location: 21267 Stevens Creek Boulevard, Cupertino, California (see Figure 1)

Notice is hereby given that the City of Cupertino (City) will be the Lead Agency and will prepare a project-level EIR for the Westport Mixed-Use Project (proposed project) pursuant to the California Environmental Quality Act (CEQA) (Public Resources Code sections 21000 et seq.) and the CEQA Guidelines (Title 14, section 15000 et seq. of the California Code of Regulations). This Notice of Preparation (NOP) has been prepared in compliance with CEQA Guidelines section 15082. The purpose of this NOP is to solicit comments from public agencies and the public on the scope and content of the EIR for the project.

The City has determined that a Draft EIR will be prepared for the Westport Mixed-Use Project. An EIR is a detailed statement prepared under CEQA describing and analyzing the significant environmental effects of a project. For any identified potentially significant environmental impacts, the EIR will identify mitigation measures to avoid or reduce those impacts, as feasible. The EIR also will discuss a reasonable range of alternatives to the project that could reasonably attain most of the basic objectives of the project and would avoid or substantially lessen any of the significant environmental effects of the project (CEQA Guidelines section 15126.6(a)).

The City is requesting comments on the scope and content of the EIR from public agencies and the public. The City would like to know the views of your agency as to the scope and content of the environmental information germane to your agency's statutory responsibilities in connection with the proposed project.

You are encouraged to email your comments to GianM@cupertino.org with "Westport Mixed-Use Project EIR" as the subject. As an alternative, you may submit written comments to the following address:

City of Cupertino, Community Development Department
Attention: Gian Martire, Associate Planner
10300 Torre Avenue
Cupertino, CA 95014

If you submit comments on the scope and content of the EIR, you will automatically be added to the City's distribution list for future notices and information about the environmental review process for the project. If you do not wish to submit comments on the scope of the EIR, but would like to receive updates on the project, please submit your mailing address to receive mailed notices.

A **Public EIR Scoping Meeting** will be held to receive comments regarding the scope and content of the EIR on **Thursday, July 18, 2019** from **6:30 to 8:30 p.m.** at the **Cupertino Community Hall** (10350 Torre Avenue). Due to the time limits mandated by

state law, your comments on the NOP are due no later than the close of the 30-day review period at 4:30 p.m. on **Friday, August 9, 2019**.

The proposed project, its location, and potential effects are described on the following pages.

Introduction

The purpose of an Environmental Impact Report (EIR) is to inform decision makers and the public of the significant environmental effects of a proposed project. The EIR process is intended to provide environmental information sufficient to evaluate a project and its potential for significant effects on the environment; discuss methods of reducing or avoiding adverse environmental impacts; and consider alternatives to the project. Prior to taking any action on the proposed Westport Mixed-Use Project, the City Council must, at a public hearing, certify that the EIR has been completed in compliance with CEQA, and reflects the independent judgment of the City.

Project Location

The 8.1-acre project site is the existing Oaks Shopping Center on Stevens Creek Boulevard. The project site includes several street addresses; therefore, the centrally located 21267 Stevens Creek Boulevard location is used to identify the site.¹ As shown on Figure 1, the project site is located in the central portion of Cupertino. 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 Caltrain via the Sunnyvale, Lawrence, and Santa Clara Caltrain Stations. 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 as shown in Figure 2. The project site is surrounded by residential land uses to the north (Glenbrook Apartments), 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 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. Bus stops are also located at De Anza College (approximately 1,900 feet to the east at the intersection of Stevens Creek Boulevard and South Stelling Road).

Background

The 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 Cupertino's fair-share housing obligation of 1,064 units. The City certified the Environmental Impact Report (EIR) for the General Plan Amendment, Housing Element Update, and associated Rezoning Project, which included an evaluation of the project site with a new mixed-use development including residential use 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.

Project Description

As shown on Figure 2, the project site is currently developed with five occupied buildings totaling 71,254 square feet (The Oaks Shopping Center). The shopping center includes 53,701 square feet of retail stores and restaurants, and 17,503 square feet of office uses. The project site also has 201,831 square feet of paved area, which includes parking associated with the shopping center, sidewalks, patios, and driveways, and 45,486 square feet of native and non-native landscaping.

The proposed project would involve the demolition of the existing buildings and the construction of 242 residential units and up to 20,000 square feet of commercial space. The project would consist of a total of 18 buildings: 16 buildings with multi-family dwelling units, one building with retail and senior and below market rate housing, and one building with retail and market rate dwelling units. Open space would consist of 37,601 square feet of common open space, 29,068 square feet of common landscape space, 11,371 square feet of common hardscape space, and 2,400 square feet of common retail

¹ Multiple street addresses on Stevens Creek Boulevard are associated with the project site, including 21255, 21265, 21267, 21269, and 21271.

outdoor space. The proposed project would include two new internally accessible roadways for emergency vehicles as well as for the new residential units, and minor changes to the existing internal on-site circulation system.

Following approval of the EIR by the City Council, the following discretionary permits and approvals from the City would be required for the proposed project: Development Permit, Architectural and Site Approval Permit, and a Tree Removal Permit. In addition, permits for demolition, grading, and building, in addition to a certificate of occupancy, would be required from the City.

Probable Environmental Effects of the Project

An Initial Study was prepared pursuant to CEQA and the CEQA Guidelines. The Initial Study is available for review at the City's website at (www.cupertino.org/westport) and at the Community Development Department counter.

As shown in the Initial Study, the potential environmental effects of the project in the environmental topic areas listed below will be analyzed in the EIR. For the remaining environmental topic areas, the Initial Study concluded that the impacts would be less than significant.

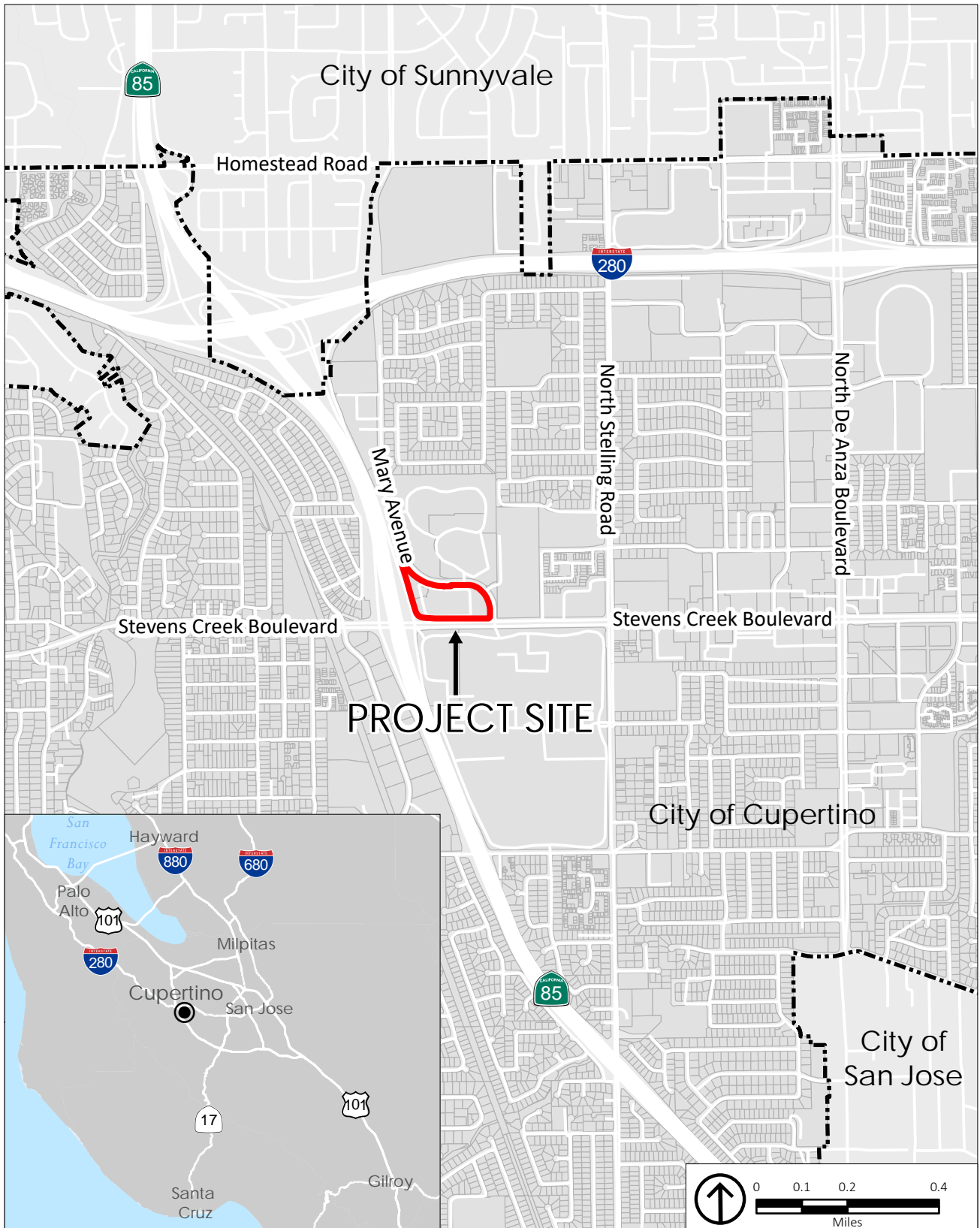
- **Air Quality.** The EIR will describe the regional air quality conditions of the San Francisco Bay Area and will evaluate air quality impacts to and from the project, in conformance with the criteria identified by the Bay Area Air Quality Management District. The project's consistency with 2017 Bay Area Clean Air Plan will also be discussed.
- **Biological Resources.** Given the urban and developed nature of the project site, the primary biological resources on-site are existing trees. The EIR will evaluate the project's impact on biological resources, such as removal of trees and impacts on nesting birds that may be present.
- **Cultural Resources.** Archeological resources could be present on the project site. The EIR will evaluate the potential for the project to impact historic resources that could be unearthed during project construction.
- **Geology and Soils.** Paleontological resources could be present on the project site. The EIR will evaluate the potential for the project to impact pre-historic resources that could be unearthed during project construction.
- **Greenhouse Gas Emissions.** The EIR will discuss the project's consistency and conformance with applicable plans, policies, and/or regulations adopted for the purpose of reducing greenhouse gas emissions, including the City's Climate Action Plan, and assess whether the project's greenhouse gas emission would have a significant impact on the environment.
- **Hazards and Hazardous Materials.** The EIR will evaluate the impacts to nearby sensitive receptors with respect to hazardous materials.
- **Noise.** The principal noise sources in the project area are traffic noise from I-280. The EIR will describe the existing noise conditions in the project area and will address noise and vibration impacts from the project, including those generated from project traffic and project demolition and construction activities.
- **Transportation.** The EIR will describe the existing transportation network serving the project site and will evaluate the transportation impacts resulting from the proposed project.
- **Tribal Cultural Resources.** No known tribal cultural resources are located on the project site; however, the potential to unearth unknown remains during ground disturbing activities associated with the construction of the project could occur. The EIR will evaluate the potential for the project to impact sites, features, places, or cultural landscaped with cultural value to a California Native American Tribe.
- **Utilities and Service Systems.** Impact related to wastewater treatment capacity may be potentially significant. The EIR will describe the existing conditions related to wastewater treatment and address the ability and capacity of the existing utilities to serve the project and will describe any utility improvements proposed by the project.

Attachments:

Figure 1 Regional and Vicinity Map

Figure 2 Aerial Photograph of the Project Site

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Source: ESRI, 2017; PlaceWorks, 2019.



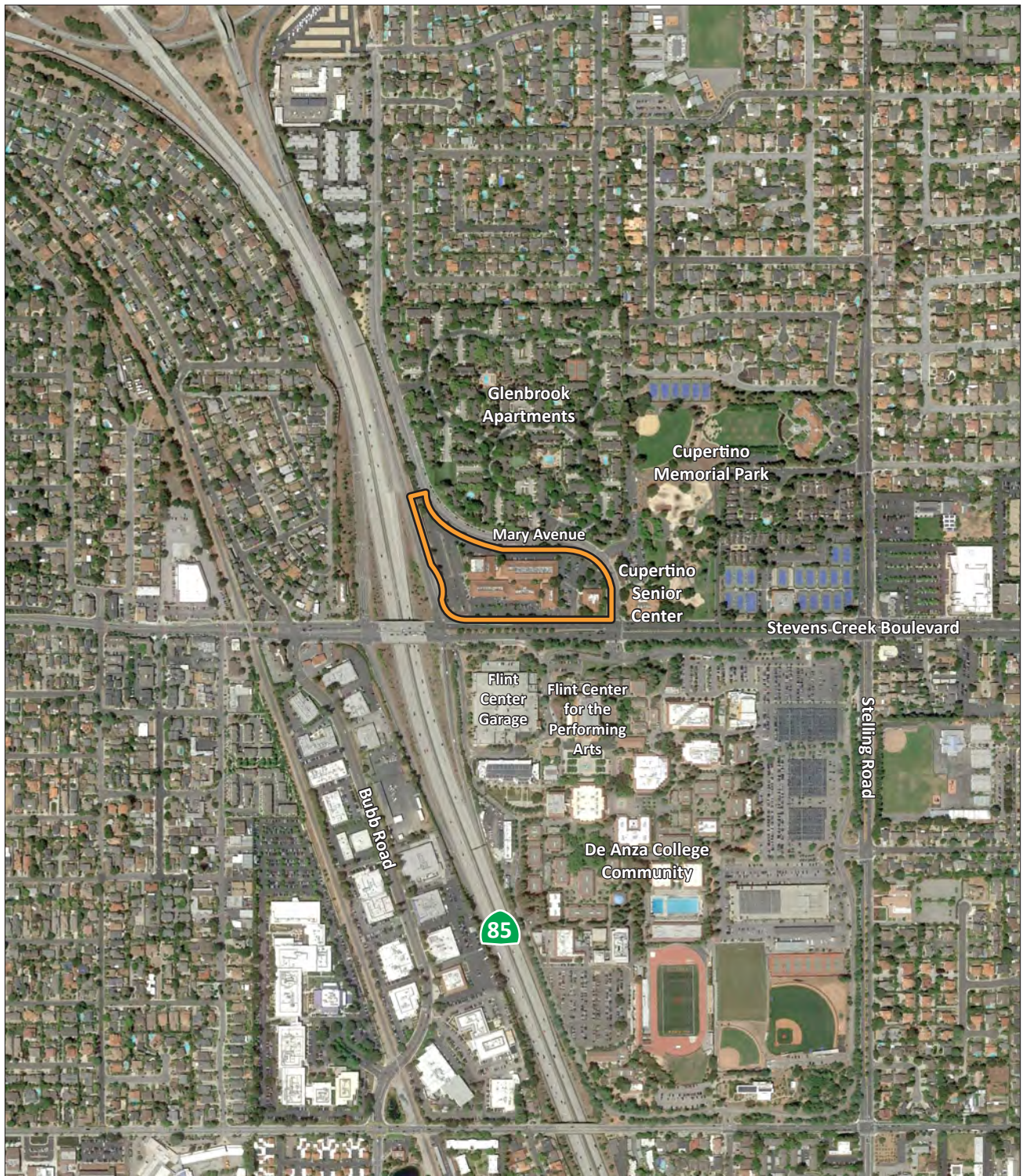
-  Project Site
-  Cupertino City Limit

Figure 1
Regional and Vicinity Map

NOTICE OF PREPARATION



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



Figure 2
Aerial View of Project Site

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Comments Received on the Notice of Preparation Westport Mixed-Use Project Environmental Impact Report

#	COMMENTS	Project Description	Aesthetics	Agriculture and Forestry	Air Quality	Biological Resources	Cultural / Tribal Cultural Resources	Geology / Soils	Greenhouse Gas Emissions	Hazards / Hazardous Materials / Wildfire	Hydrology / Water Quality	Land Use and Planning	Mineral Resources	Noise	Population / Housing	Public Services	Recreation	Transportation / Circulation	Utilities / Service Systems / Energy	Construction Impacts	Alternatives	Other	Requests to be Notified	SUMMARY OF ENVIRONMENTAL COMMENT
Written Comments Prior to Thursday, July 18, 2019 Scoping Meeting																								
1	Jean Marlowe jean@jeanmarlowe.com March 4, 2019																							<ul style="list-style-type: none"> Requests to be on notification list.
2	John Bai johngbai99@gmail.com July 9, 2019																							<ul style="list-style-type: none"> Voices opposition to project. Expresses concern that Highway 85 is already too crowded.
Verbal Comments from the Thursday, July 18, 2019 Scoping Meeting																								
	Various commenters																							<ul style="list-style-type: none"> Concerned about increased traffic, car idling, existing parking, spill-over parking into adjacent neighborhoods, operational and construction noise, lighting, public safety, existing unprotected left turns that take several light cycles to get through, unsafe for seniors and students to cross busy intersection, Oaks need to be replaced with established trees, bird safe design, compliance with City's Night Sky Ordinance underway.

Comments Received on the Notice of Preparation Westport Mixed-Use Project Environmental Impact Report

#	COMMENTS	Project Description	Aesthetics	Agriculture and Forestry	Air Quality	Biological Resources	Cultural / Tribal Cultural Resources	Geology / Soils	Greenhouse Gas Emissions	Hazards / Hazardous Materials / Wildfire	Hydrology / Water Quality	Land Use and Planning	Mineral Resources	Noise	Population / Housing	Public Services	Recreation	Transportation / Circulation	Utilities / Service Systems / Energy	Construction Impacts	Alternatives	Other	Requests to be Notified	SUMMARY OF ENVIRONMENTAL COMMENT
Written Comments Received at the Thursday, July 18, 2019 Scoping Meeting																								
1	Connie Cunningham ccunningham@cupertino.org July 18, 2019																							Requests that bicycle and pedestrian paths along Stevens Creek and Mary Avenue be consistent and asks if a bridge to De Anza College and the Senior Center can be built by the developer.
2	Hurnien Hsiu dehsiu@gmail.com July 18, 2019																							Voices concern of increased traffic congestion on Highway 85 and Stevens Creek Boulevard
3	Margaret Kopf ladybank@att.net July 18, 2019																							Voices concern for the proposed height, tenant parking, loss of mature trees. Requests name keep "The Oaks" in the title. Curious about the cost of the apartments.
Written Comment Received between Thursday, July 11, 2019 and Wednesday, October 16, 2019																								
1	Harris Au harrisau1@gmail.com July 11, 2019																							States the project has too many residential units and expresses concern for subsequent traffic, noise, and air quality impacts. Requests a reduced project; 40 housing units and 15,000 square feet of retail for supermarkets, fitness centers, and restaurants etc. Suggests a public vote for the project.
2	Gang Shen and Yun Fan fy9297@yahoo.com July 12, 2019																							Voices concern of increased traffic congestion
3	Varouj baghdasarian baghdasarianv@yahoo.com July 16, 2019																							Expresses concern of crowded schools and increased traffic. Suggests alternatives to housing is to keep commercial land use on the site.

Comments Received on the Notice of Preparation Westport Mixed-Use Project Environmental Impact Report

#	COMMENTER	Project Description	Aesthetics	Agriculture and Forestry	Air Quality	Biological Resources	Cultural / Tribal Cultural Resources	Geology / Soils	Greenhouse Gas Emissions	Hazards / Hazardous Materials / Wildfire	Hydrology / Water Quality	Land Use and Planning	Mineral Resources	Noise	Population / Housing	Public Services	Recreation	Transportation / Circulation	Utilities / Service Systems / Energy	Construction Impacts	Alternatives	Other	Requests to be Notified	SUMMARY OF ENVIRONMENTAL COMMENT
4	Sylvia Baghdasarian sylvia.baghdasarian@lmco.com July 17, 2019															•		•			•		Expresses concern of crowded schools and increased traffic. Suggests alternatives to housing is to keep commercial land use on the site.	
5	Albert Young ayoungs1@sbcglobal.net July 18, 2019																	•				•	Voices concern of increased traffic congestion on Highway 85 and Stevens Creek Boulevard. Expressed opposition to high density residential.	
6	Fatima Yu fayu02@yahoo.com July 18, 2019				•													•				•	Voices concern of increased traffic congestion on Highway 85 entrance and exit, air quality impacts, loss of trees. Suggests a reduced alternative and increased green spaces.	
7	Marty Zankich martyzankich@hotmail.com July 18, 2019				•													•				•	Voices concern of increased traffic congestion on Stevens Creek Boulevard. Expresses support for housing and retail; opposed to office and hotel uses.	
8	Gayle Totton Native American Heritage Commission Gayle.Totton@nahc.ca.gov July 23, 2019						•																Requests compliance with Assembly Bill 52 and Senate Bill 18 for tribal consultation. Recommends a Cultural Resources Assessment.	
9	Wahida Rashid California Department of Transportation August 12, 2019																	•				•	Requests inclusion of items in the travel demand analysis and consideration of multi-modal planning, vehicle trip reduction, and landscaping in the Caltrans' right-of-way and general compliance with Caltrans requirements.	
10	Lola Tomey Santa Clara VTA October 16, 2019																	•					Provided comments on transit, pedestrian and bike accommodations, and State Route 85 improvements.	

Comments Received on the Notice of Preparation Westport Mixed-Use Project Environmental Impact Report

#	COMMENTER	Project Description	Aesthetics	Agriculture and Forestry	Air Quality	Biological Resources	Cultural / Tribal Cultural Resources	Geology / Soils	Greenhouse Gas Emissions	Hazards / Hazardous Materials / Wildfire	Hydrology / Water Quality	Land Use and Planning	Mineral Resources	Noise	Population / Housing	Public Services	Recreation	Transportation / Circulation	Utilities / Service Systems / Energy	Construction Impacts	Alternatives	Other	Requests to be Notified	SUMMARY OF ENVIRONMENTAL COMMENT
<p>Notes: This matrix provides a summary of the comments made on the scope of the environmental impacts to be analyzed. A complete copy of the comments submitted by the commenter has been included in Appendix B of the Draft EIR.</p>																								

From: [Jean Marlowe](#)
To: [Gian Martire](#)
Cc: jean@jeanmarlowe.com
Subject: Westport Cupertino
Date: Monday, March 04, 2019 1:39:16 PM

Hi,

I was wondering what the status was of Westport Cupertino? Could you please put me on your list when there is a neighborhood community meeting?

thanks,

Jean Marlowe

Total Control Panel

[Login](#)

To: gianm@cupertino.org

Message Score: 1

High (60): **Pass**

From: jean@jeanmarlowe.com

My Spam Blocking Level: High

Medium (75): **Pass**

Low (90): **Pass**

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[Block](#) jeanmarlowe.com

This message was delivered because the content filter score did not exceed your filter level.

From: [JG Bai](#)
To: [Gian Martire](#)
Subject: Westport EIR
Date: Tuesday, July 09, 2019 7:32:06 PM

Hi Gian,

Thanks for noticing us on the Westport Cupertino project development!

We are against the Westport Cupertino development project since the Highway 85 is already too crowded.

Best,
John

Total Control Panel

[Login](#)

To: gianm@cupertino.org

Message Score: 1

High (60): **Pass**

From: johngbai99@gmail.com

My Spam Blocking Level: Custom

Medium (75): **Pass**

Low (90): **Pass**

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Custom (55): **Pass**

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The Westport Mixed-Use Project
Public Scoping Meeting Comment Card
Cupertino Community Hall (10300 Torre Avenue)
Thursday, July 18, 2019

Please fill out this card with any comments you have on issues the Environmental Impact Report (EIR) should address.

NAME: Connie Cunningham PHONE (OPTIONAL): 408-446-1793
ADDRESS: Milky Way EMAIL: ccunningham@cupertino.org

COMMENTS:

Remember to check the Bicycle / Pedestrian Paths along Stevens Creek / Mary Avenue to be consistent.

Can city work with developer to create bridge ways to DeAnza College & also to Senior Center.

Comments are due no later than the close of the 30-day review period at 5:00 p.m. on Friday, August 9, 2019.
Please leave your comment card before leaving tonight's scoping meeting or send your written comments to Gian Martire, City of Cupertino, 10300 Torre Avenue, Cupertino, CA 95014 or email to GianM@cupertino.org with "The Westport Mixed-Use Project EIR" as the subject.

For more information visit:
<http://www.cupertino.org>



**The Westport Mixed-Use Project
Public Scoping Meeting Comment Card**

Cupertino Community Hall (10300 Torre Avenue)
Thursday, July 18, 2019

Please fill out this card with any comments you have on issues the Environmental Impact Report (EIR) should address.

NAME: Hurnien Hsiu

PHONE (OPTIONAL):

ADDRESS: 21620 Fitzgerald

EMAIL: dehhsiu@gmail.com

COMMENTS: There are so many traffic lights and so many different entrances to the Steven creek Blvd & the highway 85. Especially, when the de Anza college and Apple offices are expanding, the traffic are already bad enough.

With the New project, we expected will be even worst and high way entrance will be added.

Please quantify the New development's impact to the Already congested traffic.

Comments are due no later than the close of the 30-day review period at 5:00 p.m. on Friday, August 9, 2019.

Please leave your comment card before leaving tonight's scoping meeting or send your written comments to Gian Martire, City of Cupertino, 10300 Torre Avenue, Cupertino, CA 95014 or email to GianM@cupertino.org with "The Westport Mixed-Use Project EIR" as the subject.

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<http://www.cupertino.org>



**The Westport Mixed-Use Project
Public Scoping Meeting Comment Card**

Cupertino Community Hall (10300 Torre Avenue)
Thursday, July 18, 2019

Please fill out this card with any comments you have on issues the Environmental Impact Report (EIR) should address.

NAME: Margaret Kept PHONE (OPTIONAL): _____

ADDRESS: 21850 San Fernando Ave EMAIL: Ladybank@att.net

- COMMENTS:
1. Too tall for the neighborhood
 2. With the additional housing, where will the tenants ~~live~~ park?
 3. Don't like the loss of mature trees. This area of Cupertino is "parklike", not naked commercial.
 4. Hate the loss of the Oaks name. How about Westport at the Oaks or the Oaks at Westport?
 5. What is expected cost of apartments?

Comments are due no later than the close of the 30-day review period at 5:00 p.m. on Friday, August 9, 2019.

Please leave your comment card before leaving tonight's scoping meeting or send your written comments to Gian Martire, City of Cupertino, 10300 Torre Avenue, Cupertino, CA 95014 or email to GianM@cupertino.org with "The Westport Mixed-Use Project EIR" as the subject.

For more information visit:
<http://www.cupertino.org>

From: [Harris Au](#)
To: [Gian Martire](#)
Cc: harrisau1@gmail.com
Subject: Westpoint EIR, The Westport Cupertino Project Development, My Comments
Date: Thursday, July 11, 2019 4:45:59 PM

Dear Sir/Madam,

The plan has way too many residential units. The traffic congestion and environmental detriments (noise and air etc) will be unbearable. Even today it is obvious how slow the traffic is in weekday work hours (8 am and 5 pm) at Steven's Creek Blvd/HWY 85/Hwy 280.

The current proposal of 242 housing units, 20,000 square feet of retail space should be reduced. It probably makes sense to have no more than 40 housing units and 15,000 square feet of retail for supermarkets, fitness centers, and restaurants etc.

Please don't rush the plan and leave the city to bear the consequences. Place the plan for public voting if necessary.

Sincerely,

Harris Au
10393 Noel Ave
Cupertino, CA 95014

Total Control Panel

[Login](#)

To: gianm@cupertino.org

Message Score: 50

High (60): **Pass**

From: harrisau1@gmail.com

My Spam Blocking Level: Custom

Medium (75): **Pass**

Low (90): **Pass**

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Custom (55): **Pass**

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From: [YF](#)
To: [Gian Martire](#)
Subject: Westport EIR
Date: Friday, July 12, 2019 9:47:03 AM

Hi! Dear Mr. Gian Martire,

We got a notice for the project of Westport Cupertino Development.

We remember that there was a similar project which was rejected by the people lived here years ago.

This time, the same project is put on table again.

We are maybe not able to attend the meeting on 7/18, so here give our opinion.

We oppose this project because this area is already crowded with traffic, I remembered in early this year

I sent my son to school, Monte Vista High School, we set off 25 minutes before school, but due to traffic

my was later, the distance from my home to the school is only 1.5 miles! If this project finished, we can not image how bad the traffic here is.

Thank you for considering our opinion.

Gang Shen and Yun Fan

10389 Mary Ave
Cupertino CA 95014

Total Control Panel

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To: gianm@cupertino.org
From: fy9297@yahoo.com

Message Score: 10
My Spam Blocking Level: Custom

High (60): **Pass**
Medium (75): **Pass**
Low (90): **Pass**
Custom (55): **Pass**

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Gian Martire

To: varouj baghdasarian
Subject: RE: Westport EIR

Hi Varouj,

Thank you for the email. I will include this in the file.



Gian Martire

Associate Planner
Planning Division
GianM@cupertino.org
(408) 777-3319



From: varouj baghdasarian <baghdasarianv@yahoo.com>
Sent: Tuesday, July 16, 2019 9:35 AM
To: Gian Martire <GianM@cupertino.org>
Cc: varouj baghdasarian <baghdasarianv@yahoo.com>
Subject: Westport EIR

Date: July 16, 2019

To: City of Cupertino Planning

Subject: Westport Project

Oaks property is one of the most commercially viable shopping center location in the entire Cupertino. If Cupertino wants to attract businesses and shops, this would be the location to offer. Turning Oaks property into residential would be the worst re-zoning City can do. As is, Cupertino is a bedroom town, residents shop, dine, and get their entertainment elsewhere. Converting the last commercial property into residential is unjustifiable. Cupertino schools are already overcrowded for their own residents, stop allowing developers to exploit Cupertino schools for their own financial gains. Cupertino needs more businesses, more vibrant restaurants and more shopping centers, but not more housing.

Has the City looked at the impact of adding 250 more families along with impact on traffic and schools? This intersection is already a traffic bottleneck, as is you can't even get on 85 for commuting. City should not cater to special interests at the expense of your own residents. Developers will make their money and move on, we are the ones holding the bag. Don't allow developers to manipulate the City planning by calling it "Mixed Use" and/or "Low Income Housing", developer is not paying for Low Income Housing, it's paid by the "High Income Housing".

City wouldn't let me to re-zone of my property from residential to commercial or visa-versa. Oaks is a commercial property and it should stay commercial. This is the last commercially viable property in Cupertino, don't waste it. Re-zoning Oaks to residential is not at the best interest of Cupertino residents, only the developer. Cupertino needs more shopping centers and more businesses, not more bedrooms.

Varouj Baghdasarian, resident.
22757 Stevens Creek Blvd.
Cupertino, CA 95014

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To: gianm@cupertino.org

Message Score: 10

High (60): **Pass**

From: baghdasarianv@yahoo.com

My Spam Blocking Level: Custom

Medium (75): **Pass**

Low (90): **Pass**

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Custom (55): **Pass**

[Block](#) yahoo.com

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From: [Baghdasarian, Sylvia](#)
To: [Gian Martire](#)
Subject: Westport EIR
Date: Wednesday, July 17, 2019 1:52:03 PM

Dear City of Cupertino Planning,

The news the city reviewing the application for 250 units at the Oaks was indeed very disturbing news to me and my Cupertino neighbors!

Cupertino is so over populated as is and the schools have reached their max capacity for years and someone comes with the brilliant proposal for more housing!!!!

De Anza college across the street from the Oaks has over 24,000 students coming and going all day and heading east on Stevens Creek the two lanes to get on 85 is a nightmare as is. Adding more residents on that corner is going to bring traffic to a halt!!

I have been residing in Cupertino for over 35 years and it pains me to see what this beautiful city is becoming oversaturated with homes and more homes.

We have no movie theaters no shopping malls but we sure have plenty of multi-family homes and more homes!!!

The oaks will serve the residence well if it was converted to businesses that will attract the college youth and the bright and outstanding students in Cupertino as well the current residence who have to go to neighboring cities for dining and entertainment.

I urge the city of Cupertino to decline any such residential development at the Oaks but instead use the space to improve the city amenities and encourage businesses and generate income.

Don't take the bait from these multi family tycoons. Their only interest is to generate money for themselves and could care less about the city of Cupertino or its residence.

R,
Sylvia Baghdasarian
22757 Stevens Creek Blvd
Cupertino, Ca 95014

Total Control Panel

[Login](#)

To: gianm@cupertino.org

Message Score: 1

High (60): **Pass**

From:
sylvia.baghdasarian@lmco.com

My Spam Blocking Level: Custom

Medium (75): **Pass**

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Low (90): **Pass**

Custom (55): **Pass**

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From: [Albert Young](#)
To: [Gian Martire](#)
Subject: Westport Project causing more traffic interlock
Date: Thursday, July 18, 2019 2:10:35 PM

Dear Gian,

I live in the Monta Vista Area. The interlock traffic between 85 and Steven's Creek is already very bad. If the Westport project doesn't have a plan to alleviate this problem, I would strongly against it. The area should not have high density residential.

Regards,

Albert

Total Control Panel

[Login](#)

To: gianm@cupertino.org

Message Score: 1

High (60): **Pass**

From: ayounsg1@sbcglobal.net My Spam Blocking Level: Custom

Medium (75): **Pass**

Low (90): **Pass**

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Custom (55): **Pass**

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From: [Fatima Yu](#)
To: [Gian Martire](#)
Subject: Westport EIR
Date: Thursday, July 18, 2019 2:25:07 PM

I am very much concerned about the future traffic jams at the Highway 85 entrance and exit, as it is already bad during busy hours. Secondly I am very much concerned about degradation in air quality in the Monta Vista neighborhood.

Scale of the development should be reduced to half, in my opinion.

Instead of high rises which look totally incompatible with current surrounding environment, the number of stories need to be reduced to at most 3 levels above ground.

The amount of green space should be increased. Cutting down such a large number of protected trees is bad for our city. On top of this, the exhaust gas of the increased traffic will make the air of our neighborhood really bad.

Our house at Monta Vista area is already dusty. I am really concerned about the air quality worsened by such a large scale project. Green areas should be retained around the homes facing Stevens Creek Blvd and Highway 85. Trees should remain around that corner.

Fatima Yu, Cupertino resident

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To: gianm@cupertino.org
From: fayu02@yahoo.com

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From: [marty](#)
To: [Gian Martire](#)
Subject: Oaks/ Westport
Date: Thursday, July 18, 2019 10:17:31 PM

I want to make sure that they address the traffic problems that this many units will cause. I like the idea of housing and retail and no office or hotel. I feel there should be fewer units and not so tall. Make sure there is enough parking for all the units and retail.

I live on Mann Dr and there are times in the morning and evenings that we cannot make a left turn eastbound on Stevens Creek because of the traffic that is backed up on Stevens Creek. Please keep me posted on any updates on the project.

Thanks, Marty Zankich

Sent from my iPad

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NATIVE AMERICAN HERITAGE COMMISSION
Cultural and Environmental Department
1550 Harbor Blvd., Suite 100
West Sacramento, CA 95691 Phone (916) 373-3710
Email: nahc@nahc.ca.gov
Website: <http://www.nahc.ca.gov>
Twitter: @CA_NAHC



RECEIVED

JUL 31 2019

By: 

July 23, 2019

Gian Martire
City of Cupertino
10300 Torre Avenue
Cupertino, CA 95014

RE: SCH# 2019070377 The Westport Mixed-Use Project, Santa Clara County

Dear Mr. Martire:

The Native American Heritage Commission (NAHC) has received the Notice of Preparation (NOP), Draft Environmental Impact Report (DEIR) or Early Consultation for the project referenced above. The California Environmental Quality Act (CEQA) (Pub. Resources Code §21000 et seq.), specifically Public Resources Code §21084.1, states that a project that may cause a substantial adverse change in the significance of a historical resource, is a project that may have a significant effect on the environment. (Pub. Resources Code § 21084.1; Cal. Code Regs., tit.14, §15064.5 (b) (CEQA Guidelines §15064.5 (b)). If there is substantial evidence, in light of the whole record before a lead agency, that a project may have a significant effect on the environment, an Environmental Impact Report (EIR) shall be prepared. (Pub. Resources Code §21080 (d); Cal. Code Regs., tit. 14, § 5064 subd.(a)(1) (CEQA Guidelines §15064 (a)(1)). In order to determine whether a project will cause a substantial adverse change in the significance of a historical resource, a lead agency will need to determine whether there are historical resources within the area of potential effect (APE).

CEQA was amended significantly in 2014. Assembly Bill 52 (Gatto, Chapter 532, Statutes of 2014) (AB 52) amended CEQA to create a separate category of cultural resources, "tribal cultural resources" (Pub. Resources Code §21074) and provides that a project with an effect that may cause a substantial adverse change in the significance of a tribal cultural resource is a project that may have a significant effect on the environment. (Pub. Resources Code §21084.2). Public agencies shall, when feasible, avoid damaging effects to any tribal cultural resource. (Pub. Resources Code §21084.3 (a)). **AB 52 applies to any project for which a notice of preparation, a notice of negative declaration, or a mitigated negative declaration is filed on or after July 1, 2015.** If your project involves the adoption of or amendment to a general plan or a specific plan, or the designation or proposed designation of open space, on or after March 1, 2005, it may also be subject to Senate Bill 18 (Burton, Chapter 905, Statutes of 2004) (SB 18). **Both SB 18 and AB 52 have tribal consultation requirements.** If your project is also subject to the federal National Environmental Policy Act (42 U.S.C. § 4321 et seq.) (NEPA), the tribal consultation requirements of Section 106 of the National Historic Preservation Act of 1966 (154 U.S.C. 300101, 36 C.F.R. §800 et seq.) may also apply.

The NAHC recommends consultation with California Native American tribes that are traditionally and culturally affiliated with the geographic area of your proposed project as early as possible in order to avoid inadvertent discoveries of Native American human remains and best protect tribal cultural resources. Below is a brief summary of portions of AB 52 and SB 18 as well as the NAHC's recommendations for conducting cultural resources assessments.

Consult your legal counsel about compliance with AB 52 and SB 18 as well as compliance with any other applicable laws.

AB 52

AB 52 has added to CEQA the additional requirements listed below, along with many other requirements:

1. Fourteen Day Period to Provide Notice of Completion of an Application/Decision to Undertake a Project: Within fourteen (14) days of determining that an application for a project is complete or of a decision by a public agency to undertake a project, a lead agency shall provide formal notification to a designated contact of, or tribal representative of, traditionally and culturally affiliated California Native American tribes that have requested notice, to be accomplished by at least one written notice that includes:
 - a. A brief description of the project.
 - b. The lead agency contact information.
 - c. Notification that the California Native American tribe has 30 days to request consultation. (Pub. Resources Code §21080.3.1 (d)).
 - d. A "California Native American tribe" is defined as a Native American tribe located in California that is on the contact list maintained by the NAHC for the purposes of Chapter 905 of Statutes of 2004 (SB 18). (Pub. Resources Code §21073).
2. Begin Consultation Within 30 Days of Receiving a Tribe's Request for Consultation and Before Releasing a Negative Declaration, Mitigated Negative Declaration, or Environmental Impact Report: A lead agency shall begin the consultation process within 30 days of receiving a request for consultation from a California Native American tribe that is traditionally and culturally affiliated with the geographic area of the proposed project. (Pub. Resources Code §21080.3.1, subds. (d) and (e)) and prior to the release of a negative declaration, mitigated negative declaration or Environmental Impact Report. (Pub. Resources Code §21080.3.1(b)).
 - a. For purposes of AB 52, "consultation shall have the same meaning as provided in Gov. Code §65352.4 (SB 18). (Pub. Resources Code §21080.3.1 (b)).
3. Mandatory Topics of Consultation If Requested by a Tribe: The following topics of consultation, if a tribe requests to discuss them, are mandatory topics of consultation:
 - a. Alternatives to the project.
 - b. Recommended mitigation measures.
 - c. Significant effects. (Pub. Resources Code §21080.3.2 (a)).
4. Discretionary Topics of Consultation: The following topics are discretionary topics of consultation:
 - a. Type of environmental review necessary.
 - b. Significance of the tribal cultural resources.
 - c. Significance of the project's impacts on tribal cultural resources.
 - d. If necessary, project alternatives or appropriate measures for preservation or mitigation that the tribe may recommend to the lead agency. (Pub. Resources Code §21080.3.2 (a)).
5. Confidentiality of Information Submitted by a Tribe During the Environmental Review Process: With some exceptions, any information, including but not limited to, the location, description, and use of tribal cultural resources submitted by a California Native American tribe during the environmental review process shall not be included in the environmental document or otherwise disclosed by the lead agency or any other public agency to the public, consistent with Government Code §6254 (r) and §6254.10. Any information submitted by a California Native American tribe during the consultation or environmental review process shall be published in a confidential appendix to the environmental document unless the tribe that provided the information consents, in writing, to the disclosure of some or all of the information to the public. (Pub. Resources Code §21082.3 (c)(1)).
6. Discussion of Impacts to Tribal Cultural Resources in the Environmental Document: If a project may have a significant impact on a tribal cultural resource, the lead agency's environmental document shall discuss both of the following:
 - a. Whether the proposed project has a significant impact on an identified tribal cultural resource.
 - b. Whether feasible alternatives or mitigation measures, including those measures that may be agreed to pursuant to Public Resources Code §21082.3, subdivision (a), avoid or substantially lessen the impact on the identified tribal cultural resource. (Pub. Resources Code §21082.3 (b)).

7. Conclusion of Consultation: Consultation with a tribe shall be considered concluded when either of the following occurs:
 - a. The parties agree to measures to mitigate or avoid a significant effect, if a significant effect exists, on a tribal cultural resource; or
 - b. A party, acting in good faith and after reasonable effort, concludes that mutual agreement cannot be reached. (Pub. Resources Code §21080.3.2 (b)).

8. Recommending Mitigation Measures Agreed Upon in Consultation in the Environmental Document: Any mitigation measures agreed upon in the consultation conducted pursuant to Public Resources Code §21080.3.2 shall be recommended for inclusion in the environmental document and in an adopted mitigation monitoring and reporting program, if determined to avoid or lessen the impact pursuant to Public Resources Code §21082.3, subdivision (b), paragraph 2, and shall be fully enforceable. (Pub. Resources Code §21082.3 (a)).

9. Required Consideration of Feasible Mitigation: If mitigation measures recommended by the staff of the lead agency as a result of the consultation process are not included in the environmental document or if there are no agreed upon mitigation measures at the conclusion of consultation, or if consultation does not occur, and if substantial evidence demonstrates that a project will cause a significant effect to a tribal cultural resource, the lead agency shall consider feasible mitigation pursuant to Public Resources Code §21084.3 (b). (Pub. Resources Code §21082.3 (e)).

10. Examples of Mitigation Measures That, If Feasible, May Be Considered to Avoid or Minimize Significant Adverse Impacts to Tribal Cultural Resources:
 - a. Avoidance and preservation of the resources in place, including, but not limited to:
 - i. Planning and construction to avoid the resources and protect the cultural and natural context.
 - ii. Planning greenspace, parks, or other open space, to incorporate the resources with culturally appropriate protection and management criteria.
 - b. Treating the resource with culturally appropriate dignity, taking into account the tribal cultural values and meaning of the resource, including, but not limited to, the following:
 - i. Protecting the cultural character and integrity of the resource.
 - ii. Protecting the traditional use of the resource.
 - iii. Protecting the confidentiality of the resource.
 - c. Permanent conservation easements or other interests in real property, with culturally appropriate management criteria for the purposes of preserving or utilizing the resources or places.
 - d. Protecting the resource. (Pub. Resource Code §21084.3 (b)).
 - e. Please note that a federally recognized California Native American tribe or a non-federally recognized California Native American tribe that is on the contact list maintained by the NAHC to protect a California prehistoric, archaeological, cultural, spiritual, or ceremonial place may acquire and hold conservation easements if the conservation easement is voluntarily conveyed. (Civ. Code §815.3 (c)).
 - f. Please note that it is the policy of the state that Native American remains and associated grave artifacts shall be repatriated. (Pub. Resources Code §5097.991).

11. Prerequisites for Certifying an Environmental Impact Report or Adopting a Mitigated Negative Declaration or Negative Declaration with a Significant Impact on an Identified Tribal Cultural Resource: An Environmental Impact Report may not be certified, nor may a mitigated negative declaration or a negative declaration be adopted unless one of the following occurs:
 - a. The consultation process between the tribes and the lead agency has occurred as provided in Public Resources Code §21080.3.1 and §21080.3.2 and concluded pursuant to Public Resources Code §21080.3.2.
 - b. The tribe that requested consultation failed to provide comments to the lead agency or otherwise failed to engage in the consultation process.
 - c. The lead agency provided notice of the project to the tribe in compliance with Public Resources Code §21080.3.1 (d) and the tribe failed to request consultation within 30 days. (Pub. Resources Code §21082.3 (d)).

The NAHC's PowerPoint presentation titled, "Tribal Consultation Under AB 52: Requirements and Best Practices" may be found online at: http://nahc.ca.gov/wp-content/uploads/2015/10/AB52TribalConsultation_CalEPAPDF.pdf

SB 18

SB 18 applies to local governments and requires local governments to contact, provide notice to, refer plans to, and consult with tribes prior to the adoption or amendment of a general plan or a specific plan, or the designation of open space. (Gov. Code §65352.3). Local governments should consult the Governor's Office of Planning and Research's "Tribal Consultation Guidelines," which can be found online at: https://www.opr.ca.gov/docs/09_14_05_Updated_Guidelines_922.pdf

Some of SB 18's provisions include:

1. **Tribal Consultation:** If a local government considers a proposal to adopt or amend a general plan or a specific plan, or to designate open space it is required to contact the appropriate tribes identified by the NAHC by requesting a "Tribal Consultation List." If a tribe, once contacted, requests consultation the local government must consult with the tribe on the plan proposal. **A tribe has 90 days from the date of receipt of notification to request consultation unless a shorter timeframe has been agreed to by the tribe.** (Gov. Code §65352.3 (a)(2)).
2. **No Statutory Time Limit on SB 18 Tribal Consultation:** There is no statutory time limit on SB 18 tribal consultation.
3. **Confidentiality:** Consistent with the guidelines developed and adopted by the Office of Planning and Research pursuant to Gov. Code §65040.2, the city or county shall protect the confidentiality of the information concerning the specific identity, location, character, and use of places, features and objects described in Public Resources Code §5097.9 and §5097.993 that are within the city's or county's jurisdiction. (Gov. Code §65352.3 (b)).
4. **Conclusion of SB 18 Tribal Consultation:** Consultation should be concluded at the point in which:
 - a. The parties to the consultation come to a mutual agreement concerning the appropriate measures for preservation or mitigation; or
 - b. Either the local government or the tribe, acting in good faith and after reasonable effort, concludes that mutual agreement cannot be reached concerning the appropriate measures of preservation or mitigation. (Tribal Consultation Guidelines, Governor's Office of Planning and Research (2005) at p. 18).

Agencies should be aware that neither AB 52 nor SB 18 precludes agencies from initiating tribal consultation with tribes that are traditionally and culturally affiliated with their jurisdictions before the timeframes provided in AB 52 and SB 18. For that reason, we urge you to continue to request Native American Tribal Contact Lists and "Sacred Lands File" searches from the NAHC. The request forms can be found online at: <http://nahc.ca.gov/resources/forms/>

NAHC Recommendations for Cultural Resources Assessments

To adequately assess the existence and significance of tribal cultural resources and plan for avoidance, preservation in place, or barring both, mitigation of project-related impacts to tribal cultural resources, the NAHC recommends the following actions:

1. Contact the appropriate regional California Historical Research Information System (CHRIS) Center (http://ohp.parks.ca.gov/?page_id=1068) for an archaeological records search. The records search will determine:
 - a. If part or all of the APE has been previously surveyed for cultural resources.
 - b. If any known cultural resources have already been recorded on or adjacent to the APE.
 - c. If the probability is low, moderate, or high that cultural resources are located in the APE.
 - d. If a survey is required to determine whether previously unrecorded cultural resources are present.
2. If an archaeological inventory survey is required, the final stage is the preparation of a professional report detailing the findings and recommendations of the records search and field survey.
 - a. The final report containing site forms, site significance, and mitigation measures should be submitted immediately to the planning department. All information regarding site locations, Native American human remains, and associated funerary objects should be in a separate confidential addendum and not be made available for public disclosure.
 - b. The final written report should be submitted within 3 months after work has been completed to the appropriate regional CHRIS center.

3. Contact the NAHC for:
 - a. A Sacred Lands File search. Remember that tribes do not always record their sacred sites in the Sacred Lands File, nor are they required to do so. A Sacred Lands File search is not a substitute for consultation with tribes that are traditionally and culturally affiliated with the geographic area of the project's APE.
 - b. A Native American Tribal Consultation List of appropriate tribes for consultation concerning the project site and to assist in planning for avoidance, preservation in place, or, failing both, mitigation measures.
4. Remember that the lack of surface evidence of archaeological resources (including tribal cultural resources) does not preclude their subsurface existence.
 - a. Lead agencies should include in their mitigation and monitoring reporting program plan provisions for the identification and evaluation of inadvertently discovered archaeological resources per Cal. Code Regs., tit. 14, §15064.5(f) (CEQA Guidelines §15064.5(f)). In areas of identified archaeological sensitivity, a certified archaeologist and a culturally affiliated Native American with knowledge of cultural resources should monitor all ground-disturbing activities.
 - b. Lead agencies should include in their mitigation and monitoring reporting program plans provisions for the disposition of recovered cultural items that are not burial associated in consultation with culturally affiliated Native Americans.
 - c. Lead agencies should include in their mitigation and monitoring reporting program plans provisions for the treatment and disposition of inadvertently discovered Native American human remains. Health and Safety Code §7050.5, Public Resources Code §5097.98, and Cal. Code Regs., tit. 14, §15064.5, subdivisions (d) and (e) (CEQA Guidelines §15064.5, subds. (d) and (e)) address the processes to be followed in the event of an inadvertent discovery of any Native American human remains and associated grave goods in a location other than a dedicated cemetery.

If you have any questions or need additional information, please contact me at my email address: Gayle.Totton@nahc.ca.gov.

Sincerely,



for
Gayle Totton
Associate Governmental Program Analyst

cc: State Clearinghouse

DEPARTMENT OF TRANSPORTATION

DISTRICT 4

OFFICE OF TRANSIT AND COMMUNITY PLANNING

P.O. BOX 23660, MS-10D

OAKLAND, CA 94623-0660

PHONE (510) 286-5528

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www.dot.ca.gov

*Making Conservation
a California Way of Life.*

August 12, 2019

SCH # 2019070377

GTS # 04-SCL-2019-00612

GTS ID: 16395

Co-Rt-Pm: SCL-85-17.71

Gian Martire, Associate Planner
City of Cupertino, Community Development
Department
10300 Torre Avenue
Cupertino, CA 95014

Project – Westport Mixed-Use Project Notice of Preparation (NOP) of a Draft Environmental Impact Report (EIR)

Dear Gian Martire:

Thank you for including the California Department of Transportation (Caltrans) in the environmental review process for this project. In tandem with the Metropolitan Transportation Commission's (MTC) Sustainable Communities Strategy (SCS), Caltrans' mission signals our continuing approach to evaluate and mitigate impacts to the State's multimodal transportation network. Caltrans' Strategic Management Plan 2015-2020 aims, in part, to reduce Vehicle Miles Traveled (VMT) and Greenhouse Gas emissions (GHG) in alignment with state goals and policies. Our comments are based on the July 11, 2019 NOP.

Project Understanding

The proposed project would involve the demolition of the existing buildings and the construction of 242 residential units and up to 20,000 square feet (sf) of commercial space. The project would consist of a total of 18 buildings: 16 buildings with multi-family dwelling units, one building with retail and senior and below market rate housing, and one building with retail and market rate dwelling units. Open space would consist of 37,601 sf of common open space, 29,068 sf of common landscape space, 11,371 sf of common hardscape space, and 2,400 sf of common retail outdoor space. The proposed project would include two new internally accessible roadways for emergency vehicles as well as for the new residential units, and minor changes to the existing internal on-site circulation system. Regional access is provided via State Route (SR)-85 and is directly adjacent to this network.

Travel Demand Analysis

Please submit a travel demand analysis that provides VMT analysis resulting from the proposed project. With the enactment of Senate Bill (SB) 743, Caltrans is focusing on transportation infrastructure that supports smart growth and efficient development to ensure alignment with State policies using efficient development patterns, innovative travel demand reduction strategies, multimodal improvements, and VMT as the primary transportation impact metric. Please ensure that the travel demand analysis includes:

- A vicinity map, regional location map, and site plan clearly showing project access in relation to the State Transportation Network (STN.) Ingress and egress for all project components should be clearly identified. Clearly identify the State right-of-way (ROW.) Project driveways, local roads and intersections, car/bike parking, and transit facilities should be mapped.
- A VMT analysis pursuant to the City of Cupertino's guidelines or, if the City has no guidelines, the Office of Planning and Research's Draft Guidelines. Projects that result in automobile VMT per capita greater than 15% below existing (i.e. baseline) city-wide or regional values for similar land use types may indicate a significant impact. If necessary, mitigation for increasing VMT should be identified. Mitigation should support the use of transit and active transportation modes. Potential mitigation measures that include the requirements of other agencies such as Caltrans are fully enforceable through permit conditions, agreements, or other legally-binding instruments under the control of the City.
- A schematic illustration of walking, biking and auto conditions at the project site and study area roadways. Potential safety issues for all road users should be identified and fully mitigated.
- The project's primary and secondary effects on pedestrians, bicycles, travelers with disabilities and transit performance should be evaluated, including countermeasures and trade-offs resulting from mitigating VMT increases. Access to pedestrians, bicycle, and transit facilities must be maintained.
- Analysis of the impacts of transportation network companies (TNCs) such as Uber and Lyft on VMT, and ways to mitigate these impacts.
- Clarification of the intensity of events/receptions to be held at the location and how the associated travel demand and VMT will be mitigated.

With respect to the local and regional roadway system, provide project related trip generation, distribution, and assignment estimates. To ensure that queue formation does not create traffic conflicts, the project-generated trips should be added to the existing and future scenario traffic volumes for the freeway segments and ramps listed below. Potential queuing issues should be evaluated including on-ramp storage capacity and analysis of freeway segments near the project; turning movements should also be evaluated. In conducting these evaluations, it is necessary to use demand volumes rather than output volumes or constrained flow volume.

Freeway segments:

- I-280 - from Foothill Boulevard to De Anza Boulevard on both directions;
- SR-85 - from Homestead Road to De Anza Boulevard on both directions.

Ramps:

- I-280 - on- and off-ramps at Foothill Boulevard and De Anza Boulevard;
- SR-85 - on- and off-ramps at Homestead Road, Stevens Creek Boulevard, and De Anza Boulevard.

Multimodal Planning

The project's primary and secondary effects on pedestrians, bicyclists, travelers with disabilities, and transit users should be evaluated, including countermeasures and trade-offs resulting from mitigating VMT increases. Access for pedestrians and bicyclists to transit facilities must be maintained.

Vehicle Trip Reduction

From Caltrans' *Smart Mobility 2010: A Call to Action for the New Decade*, the project site is identified as **Place Type 2b: Close-in Corridors** where location efficiency factors, such as community design, are moderate and regional accessibility is strong. Given the place type and size of the project, it should include a robust Transportation Demand Management (TDM) Program to reduce VMT and greenhouse gas emissions. Such measures are critical to facilitating efficient site access. The measures listed below will promote smart mobility and reduce regional VMT.

- Project design to encourage walking, bicycling and transit access;
- Transit and trip planning resources such as a commute information kiosk;
- Real-time transit information system;
- Ten percent vehicle parking reductions;
- Charging stations and designated parking spaces for electric vehicles;
- Carpool and clean-fuel parking spaces;
- Designated parking spaces for a car share program;

- Unbundled parking;
- Showers, changing rooms and clothing lockers for employees that commute via active transportation;
- Emergency Ride Home program;
- Secured bicycle storage facilities;
- Fix-it bicycle repair station(s);
- Bicycle route mapping resources;
- Participation/Formation in/of a Transportation Management Association (TMA) in partnership with other developments in the area; and
- Aggressive trip reduction targets with Lead Agency monitoring and enforcement.

Transportation Demand Management programs should be documented with annual monitoring reports by an onsite TDM coordinator to demonstrate effectiveness. If the project does not achieve the VMT reduction goals, the reports should also include next steps to take in order to achieve those targets. Also, reducing parking supply can encourage active forms of transportation, reduce regional VMT, and lessen future transportation impacts on State facilities. These smart growth approaches are consistent with the MTC's Regional Transportation Plan/SCS goals and would meet Caltrans Strategic Management Plan sustainability goals.

For additional TDM options, please refer to the Federal Highway Administration's *Integrating Demand Management into the Transportation Planning Process: A Desk Reference* (Chapter 8). The reference is available online at: <http://www.ops.fhwa.dot.gov/publications/fhwahop12035/fhwahop12035.pdf>.

Landscaping

This project proposes an increased density and height of structures, and decreased setback from property lines. Additionally, this project proposes removal of existing trees within the Caltrans' ROW and along the property perimeter. Please consider the impact of this visual change.

Tree removal, planting, trimming and landscape maintenance work performed within Caltrans' ROW will require an encroachment permit, per the Encroachment Permit Manual, Chapter 500 and must meet safety, sight distance and setback requirements per the Highway Design Manual, Ch. 900. Additionally, planting within Caltrans' ROW will require a maintenance agreement per Caltrans Highway Planting Policy (see Caltrans Project Development Procedures Manual, Ch. 29).

There are existing trees and shrubs within the planted slope along the onramp and in the planted median along Stevens Creek Blvd. within Caltrans ROW. Note, any planting within state right of way damaged due to construction activities would require replacement per Caltrans Replacement Highway Planting Policy, (see Caltrans Project Development Procedures Manual, Ch. 29).

Lead Agency

As the Lead Agency, the City of Cupertino is responsible for all project mitigation, including any needed improvements to the STN. The project's fair share contribution, financing, scheduling, implementation responsibilities and lead agency monitoring should be fully discussed for all proposed mitigation measures.

Encroachment Permit

Please be advised that any work or traffic control that encroaches onto the State right-of-way (ROW) requires a Caltrans-issued encroachment permit. To obtain an encroachment permit, a completed encroachment permit application, environmental documentation, six (6) sets of plans clearly indicating the State ROW, and six (6) copies of signed, dated and stamped (include stamp expiration date) traffic control plans must be submitted to: Office of Encroachment Permits, California DOT, District 4, P.O. Box 23660, Oakland, CA 94623-0660. To download the permit application and obtain more information, visit <https://dot.ca.gov/programs/traffic-operations/ep/applications>.

Thank you again for including Caltrans in the environmental review process. Should you have any questions regarding this letter, please contact Mark Leong at 510-286-1644 or mark.leong@dot.ca.gov.

Sincerely,



Wahida Rashid
Acting District Branch Chief
Local Development - Intergovernmental Review

c: State Clearinghouse



October 16, 2019

City of Cupertino
Community Development Department
10300 Torre Avenue
Cupertino, CA 95014

Attn Gian Martire
By email gianm@cupertino.org

Subject Westport Mixed-Use Project EIR

Dear Gian,

Thank you for the opportunity to review the Westport Mixed-Use Project, containing up to 20,000 square feet of commercial space and 242 residential units. VTA believes this project provides a unique opportunity to increase ridership in Cupertino and create a vibrant transit-oriented development along Stevens Creek Boulevard.

Stevens Creek Boulevard will be served by VTA Local Bus Route 23 and Rapid Bus Line 523 by the end of 2019. The site enjoys access (within 250 feet) to the bus stops at Stevens Creek Boulevard and Mary Avenue. Additionally, the mix of housing and retail uses within the Project, combined with its proximity to De Anza Community College and bicycle improvements along Stevens Creek Boulevard, raises the pedestrian- and bicycle-friendliness of the area and can result in fewer driving trips.

VTA has reviewed the Site Plan, dated July 11, 2019. VTA's main comments are:

- 1 Upgrade bicycle facilities along Mary Avenue
- 2 Upgrade pedestrian beacon across Mary Avenue between Stevens Creek Boulevard and Senior Center entrance to a Rectangular Rapid Flashing Beacon
- 3 Provide a better connection between the site and the Stevens Creek Boulevard/State Route (SR) 85 intersection
- 4 Remove the free right-turn ramp/lane on Stevens Creek Boulevard onto SR 85 north.

Pedestrian Accommodations

VTA appreciates the improved pedestrian access to the site from the mid-block crosswalk between Stevens Creek Boulevard and the Senior Center entrance. VTA recommends upgrading the beacon to a Rectangular Rapid Flashing Beacon (RRFB), which has shown to have higher compliance rates than standard beacons.

At the southwest corner of the project, the plans show a relocated tree surrounded by a series of sidewalks. VTA recommends installing a connection from the sidewalk around the tree to the sidewalk that connects to the intersection.

Bicycle Accommodations

The Cupertino Bicycle Transportation Plan recommends studying buffered bike lanes or a two-way Class IV separated bikeway along the west side of Mary Avenue between Meteor Drive and Stevens Creek Boulevard. VTA applauds these upgrades and recommends these improvements be installed prior

to Phase I project completion Early installation will improve access to the site and allows early tenants to easily establish bicycling habits

State Route 85

A possible future transit service on SR 85 is envisioned to serve a station at Stevens Creek Boulevard Depending on whether the transit service operates in a median or right-side running lane, the station could be located in the median, requiring access from the middle of the Stevens Creek overpass, or could be located on an onramp or off ramp The existence of a "duckout" bus stop currently located on the east side of the northbound onramp from westbound Stevens Creek Boulevard makes that area a logical place for a bus to stop

The unsignalized pork-chop style right-turn lane at the southwest corner of the project site encourages high automobile speeds, which conflicts with the future vision of a more pedestrian and bicycle-oriented corridor Removing the free right-turn onto the northbound SR 85 onramp from westbound Stevens Creek Boulevard and extending the sidewalk to the existing pork-chop island would make the crossing shorter and safer for pedestrians, allow for fewer instances of vehicles crossing the existing bike lane, and could increase the amount of developable land for the site It would also provide space for accessing a possible station/bus stop on the onramp Finally, creating a buffer behind the current duckout could make serving that stop safer for transit vehicles/shuttles

Thank you again for the opportunity to review this project If you have any questions, please do not hesitate to contact me at 408-321-5830

Sincerely,



Lola Tomey

Transportation Planner III



The Westport Mixed-Use Project
 Public Scoping Meeting Sign-In Sheet
 Thursday, July 18, 2019

Name	Address	Email
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