



CUPERTINO

The Forum Senior Community Update

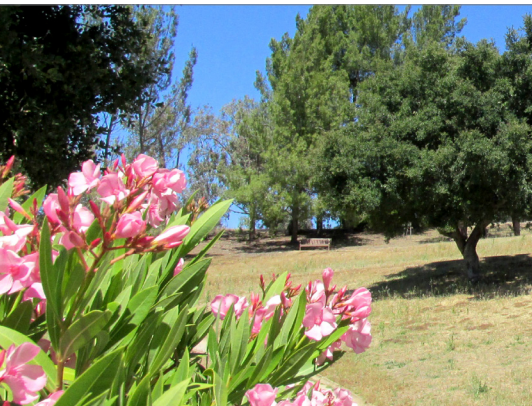
Response to Comments Document

City of Cupertino

State Clearinghouse # 2017052037



February 8, 2018





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1. Introduction

1.1 PURPOSE OF THE ENVIRONMENTAL IMPACT REPORT

This Response to Comment document, which has been prepared in compliance with the California Environmental Quality Act (CEQA), provides responses to comments received on the Draft Environmental Impact Report (Draft EIR) for the approval of The Forum Senior Community Update project, herein referred to as “proposed project.” The Draft EIR identifies significant impacts associated with the proposed project, identifies and considers alternatives to the proposed project, and identifies mitigation measures to avoid or reduce potential environmental impacts. This document also contains text revisions to the Draft EIR. Together, this document along with the Draft EIR constitutes the Final EIR for the proposed project.

1.2 ENVIRONMENTAL REVIEW PROCESS

According to CEQA, lead agencies are required to consult with public agencies having jurisdiction over a proposed project, and to provide the general public with an opportunity to comment on the Draft EIR. This Response to Comments document has been prepared to respond to comments received on the Draft EIR. A Notice of Preparation of an EIR was issued by the City on Monday, May 15, 2017 for a 30-day-review period. A Notice of Availability was issued on Wednesday, December 15, 2017 and the Draft EIR was made available for public review for a 46-day public review period through Monday, January 29, 2018. The Draft EIR was distributed to local, regional, and State agencies and the general public was advised of the availability of the Draft EIR. Copies of the Draft EIR were made available for review to interested parties at the City’s website (www.cupertino.org) and at Cupertino City Hall (10300 Torre Avenue, Cupertino, CA 95014) at the Community Development Department counter.

Written comments received on the Draft EIR are included in their original format as Appendix A, Comment Letters, of this Response to Comment document. These comments are also reproduced in Chapter 5, Comments and Responses, of this document, and responses to comments on environmental issues are provided.

The Final EIR will be presented at a Planning Commission hearing at which the Commission will advise the City Council on certification of the EIR. However, the Planning Commission will not take final action on the EIR or the proposed project. Instead, the City Council will consider the Planning Commission’s recommendations on the Final EIR and the proposed project during a noticed public hearing, and will make the final action with regard to certification of the EIR. The City Council is currently scheduled to consider certification of the Final EIR at a public hearing in early 2018.

INTRODUCTION

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2. Executive Summary

This chapter presents an overview of the proposed The Forum Senior Community Update Project, herein referred to as “proposed project.” This executive summary also provides a list of each significant impact with proposed mitigation measures (see Table 2-1), a summary of the alternatives to the proposed project, identifies issues to be resolved, areas of controversy, and conclusions of the analysis contained in Chapters 4.1 through 4.11 of the Draft Environmental Impact Report (Draft EIR). For a complete description of the proposed project and the alternatives to the proposed project, see Chapter 3, Project Description, and Chapter 5, Alternatives to the Proposed Project, of the Draft EIR, respectively.

The Draft EIR addresses the significant environmental effects associated with the implementation of the proposed project. The California Environmental Quality Act (CEQA) requires that public agencies, prior to taking action on projects over which they have discretionary approval authority, consider the environmental consequences of such projects. An EIR is a public document designed to provide the public and public agency decision-makers with an analysis of the potential environmental consequences of the proposed project to support informed decision-making.

The Draft EIR was prepared pursuant to the requirements of CEQA¹ and the CEQA Guidelines² to determine whether approval of the proposed project could have a significant effect on the environment (i.e., significant impact). The City of Cupertino, as the Lead Agency, has reviewed and revised as necessary all submitted drafts, technical studies, and reports to reflect its own independent judgment, including reliance on applicable City technical personnel and review of all technical subconsultant reports. Information for the Draft EIR was obtained from on-site field observations; discussions with affected agencies; analysis of adopted plans and policies; review of available studies, reports, data, and similar literature in the public domain; and specialized environmental assessments (e.g., air quality, hazards and hazardous materials, hydrology and water quality, noise, and transportation and traffic).

2.1 ENVIRONMENTAL PROCEDURES

The Draft EIR has been prepared to assess the significant environmental effects associated with the construction and operation of the proposed project. The main purposes of the Draft EIR as established by CEQA are:

- To disclose to decision-makers and the public the significant environmental effects of proposed activities.
- To identify ways to avoid or reduce environmental damage.

¹ The CEQA Statute is found at California Public Resources Code, Division 13, Sections 21000 to 21177.

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

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- To prevent environmental damage by requiring implementation of feasible alternatives or mitigation measures.
- To disclose to the public the reasons for agency approval of projects with significant environmental effects.
- To foster interagency coordination in the review of projects.
- To enhance public participation in the planning process.

An EIR is the most comprehensive form of environmental documentation identified in CEQA and the CEQA Guidelines. It provides the information needed to assess the environmental consequences of a project, to the extent feasible. EIRs are intended to provide an objective, factually supported, full-disclosure analysis of the environmental consequences associated with a project that has the potential to result in significant adverse environmental impacts. An EIR is also one of various decision-making tools used by a lead agency to consider the environmental impacts of a project that is subject to its discretionary authority. Prior to approving a project, the lead agency must consider the information contained in the EIR, determine whether the EIR was properly prepared in compliance with CEQA and that the EIR reflects the independent judgment of the lead agency, adopt findings concerning each of the project's significant environmental impacts, mitigation measures and alternatives, and must adopt a Statement of Overriding Considerations finding that specific overriding benefits of the project outweigh the significant environmental if the project would result in significant impacts that cannot be avoided.

2.1.1 REPORT ORGANIZATION

The Draft EIR is organized into the following chapters:

- **Chapter 1: Introduction.** Describes the purpose of the Draft EIR, background of the proposed project, the Notice of Preparation, the use of incorporation by reference, and EIR certification.
- **Chapter 2: Executive Summary.** Summarizes the background and description of the proposed project, the format of the Draft EIR, the environmental consequences that would result from the proposed project, the alternatives to the proposed project, the recommended mitigation measures, and indicates the level of significance of environmental impacts with and without mitigation.
- **Chapter 3: Project Description.** Provides a detailed description of the proposed project location and the environmental setting on and surrounding the project site, the proposed project, the objectives of the proposed project, approvals anticipated being included as a part of proposed project, and the intended uses of the EIR.
- **Chapter 4: Environmental Evaluation.** This chapter is organized into 11 sub-chapters corresponding to the environmental resource categories identified in CEQA Guidelines Appendix F, Energy Conservation, and Appendix G, Environmental Checklist, this chapter provides a description of the physical environmental conditions in the City of Cupertino as they existed at the time the Notice of Preparation was published, from both a local and regional perspective, as well as an analysis of the potential environmental impacts of the proposed project, and recommended mitigation measures, if required, to lessen or avoid significant impacts. The environmental setting included in each sub-chapter provides baseline physical conditions from which the City of Cupertino will determine the

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significance of environmental impacts resulting from the proposed project. Each sub-chapter also contains a description of the thresholds of significance used to determine whether a significant impact would occur; the methodology used to identify and evaluate the potential significant impacts of the proposed project; and the potential significant cumulative impacts to which the proposed project provides a cumulative contribution.

- **Chapter 5: Alternatives to the Proposed Project.** Provides an evaluation of three alternatives to the proposed project; the required “No Project” alternative, the Revised Villa Location Alternative, and the Reduced Unit Alternative.
- **Chapter 6: CEQA-Required Assessment Conclusions.** Discusses growth inducement, cumulative impacts, significant unavoidable effects, and significant irreversible changes as a result of the proposed project. Additionally, this chapter identifies environmental issues that were determined not to require further environmental review during the scoping process pursuant to CEQA Guidelines Section 15128.
- **Chapter 7: Organizations and Persons Consulted.** Lists the people and organizations that contributed to the preparation of the EIR for the proposed project.
- **Appendices:** The appendices for the Draft EIR (presented in PDF format on a CD attached to the back cover) contain the following supporting documents:
 - Appendix A: Initial Study
 - Appendix B: Notice of Preparation and Scoping Comments
 - Appendix C: Air Quality and Greenhouse Gas Data
 - Appendix D: Health Risk Assessment
 - Appendix E: Biological Resources Data
 - Appendix F: Geotechnical Data
 - Appendix G: Hazards and Hazardous Materials Data
 - Appendix H: Preliminary Grading Plans
 - Appendix I: Noise Data
 - Appendix J: Transportation and Circulation Data

2.1.2 TYPE AND PURPOSE OF THE DRAFT EIR

According to Section 15121(a) of the CEQA Guidelines, the purpose of an EIR is to:

Inform public agency decision-makers and the public generally of the significant environmental effects of a project, identify possible ways to minimize the significant effects, and describe reasonable alternatives to the project.

The Draft EIR has been prepared as a project EIR, pursuant to Section 15161 of the CEQA Guidelines. As a project EIR, the environmental analysis will discuss the changes in the environment that would result from the development of The Forum Senior Community Update Project. The project EIR will examine the specific short-term impacts (project construction) and long-term impacts (project operation) that would occur as a result of project approval by the City of Cupertino City Council, as well as cumulative impacts.

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2.2 SUMMARY OF PROPOSED PROJECT

The Forum Senior Community is an existing Continuing Care Retirement Community (CCRC), which offers a variety of services within one community that guarantees lifetime housing, social activities, and increased levels of care as needs change. Part independent living, part assisted living, and part skilled nursing home, CCRCs offer a tiered approach to the aging process, accommodating residents' changing needs.

Following approval by the Cupertino City Council, the proposed project would allow for renovations and additions to the existing facilities as well as new buildings on the currently developed 51.5-acre site. The proposed project would result in 25 new independent living villas (detached, single-family homes), 10 new beds, approximately 45,000 square feet of renovations and additions to the skilled nursing facility, approximately 10,500 square feet of renovations to the assisted living facility, 26 new beds in an approximately 39,000-square-foot new memory care building, and approximately 27,000 square feet of renovations and additions to the commons facilities (dining, fitness and multi-purpose room). The proposed project would also include one new internally accessible roadway to accommodate the new independent living villas and minor changes to the internal on-site circulation system, as well as new landscaping and parking facilities. The proposed project is described in more detail in Chapter 3, Project Description, of the Draft EIR.

2.3 ALTERNATIVES TO THE PROPOSED PROJECT

The Draft EIR analyzes alternatives to the proposed project that are designed to reduce the significant environmental impact of the proposed project and feasibly attain most of the basic objectives of the proposed project. CEQA Guidelines section 15126.6(d) requires the alternatives analysis to include sufficient information about each alternative to allow a comparison with the proposed project. While there is no set methodology for comparing the alternatives, this can be accomplished by using a matrix. CEQA Guidelines section 15126.6(2)(2) requires the EIR to identify the environmentally superior alternative. Identification of the environmentally superior alternative involves comparing the environmental effects of the alternatives with the environmental effects of the proposed project. The following three alternatives to the proposed project were considered and analyzed:

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

Chapter 5, Alternatives to the Proposed Project, of the Draft EIR, includes a complete discussion of these alternatives and of alternatives that were considered but rejected for further analysis. As discussed in Chapter 5, the Reduced Unit Alternative would be the environmentally superior alternative.

2.4 ISSUES TO BE RESOLVED

Section 15123(b) (3) of the CEQA Guidelines requires that an EIR identify issues to be resolved, including the choice among alternatives and whether or how to mitigate significant impacts. With regard to the

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proposed project, the major issues to be resolved include decisions by the City of Cupertino, as Lead Agency, related to:

- Whether the Draft EIR adequately describes the environmental impacts of the project.
- Whether the identified mitigation measures should be adopted.
- Whether there are alternatives to the project that would substantially lessen any of the significant impacts of the proposed project and achieve most of the basic objectives.

2.5 AREAS OF CONCERN

The City of Cupertino issued a Notice of Preparation for the EIR on May 15, 2017 and held a scoping meeting on May 31, 2017 to receive scoping comments. During the 30-day scoping period for the EIR, which concluded on June 14, 2017, public agencies and members of the public were invited to submit comments as to the scope and content of the EIR. While every environmental concern applicable to the CEQA process is addressed in the Draft EIR, the comments received focused primarily on the following environmental issues:

- View impacts from increased building height and loss of open space buffer between existing development
- Visual character impacts from additional development
- Wildlife movement corridor impacts and loss of grazing habitat including birds and squirrels.
- Noise impacts due to ongoing operation of additional development.
- Odor impacts from increased sewer demand.
- Hazards related to a gas line on the project site.
- Emergency evacuation plans including wildfires.
- Impacts due to increased traffic impacts generated by residents, employees, and visitors.
- Cumulative construction noise from Santa Clara Valley Water District's Permanente Creek Flood Protection Project activity.
- Cumulative traffic from weekend use of the adjacent regional park.

Comments received during the public scoping period, including oral comments received at the May 31, 2017 scoping meeting, are included in Appendix B, Notice of Preparation and Scoping Comments, of the Draft EIR. To the extent that these comments address environmental issues, they are addressed in Chapters 4.1 through 4.11 of the Draft EIR. Many of the comments received during the scoping period concerned topics outside of the purview of the analysis required under CEQA. These comments will be addressed by City staff during the approval process for the proposed project, and therefore are not addressed in the Draft EIR.

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2.6 SIGNIFICANT IMPACTS AND MITIGATION MEASURES

Under CEQA, a significant effect (impact) on the environment is defined as a substantial, or potentially substantial, adverse change in any of the physical conditions within the area affected by the project, including land, air, water, minerals, flora, fauna, ambient noise, and objects of historic and aesthetic significance. An Initial Study was prepared for the project (see Appendix A, Initial Study, of the Draft EIR). Based on the analysis in the Initial Study and due to existing conditions on the project site and surrounding area, it was determined that development of the proposed project would not result in significant environmental impacts for the following topic areas and therefore, impacts related to these topics are not analyzed further in the Draft EIR:

- Agricultural and Forestry Resources
- Mineral Resources
- Population and Housing
- Public Services
- Parks and Recreation

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

- Aesthetics
 - Substantially damage scenic resources, including but not limited to, tree, outcroppings, and historic buildings within a State scenic highway.
 - Create a new source of substantial light or glare that would adversely affect day or nighttime views in the area.
- Biological Resources
 - Having a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Wildlife or United States Fish and Wildlife Service.
 - Having a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means.
 - Conflicting with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan.
- Cultural Resources
 - Cause a substantial adverse change in the significance of a historical resource as defined in Section 15064.5.
- Geology and Soils
 - Expose people or structures to potential substantial adverse effects, including the risk of loss, injury or death involving:
 - Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault.
 - Strong seismic ground shaking.
 - Seismic-related ground failure, including liquefaction.

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- Landslides, mudslides or other similar hazards.
- Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of wastewater.
- Hazards and Hazardous Materials
 - Create a significant hazard to the public or the environment through the routine transport, use or disposal of hazardous materials.
 - Emit hazardous emissions or handle hazardous materials, substances or waste within one-quarter mile of an existing or proposed school.
 - Be located on a site which is included on a list of hazardous material sites compiled pursuant to Government Code Section 65962.5 and, as a result, create a significant hazard to the public or the environment.
 - For a project within an airport land use plan or, where such a plan has not been adopted, within 2 miles of a public airport or public use airport, result in a safety hazard for people living or working in the project area.
 - For a project within the vicinity of a private airstrip, result in a safety hazard for people living or working in the project area.
 - Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan.
 - Expose people or structures to a significant risk of loss, injury, or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands.
- Hydrology and Water Quality
 - Violate any water quality standards or waste discharge requirements.
 - Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a significant lowering of the local groundwater table level.
 - Otherwise substantially degrade water quality.
 - Place housing within a 100-year flood hazard area as mapped on a Federal Flood Hazard Boundary or Flood Insurance Rate Map, or other flood hazard delineation map, or place structures that would impede or redirect flood flows within a 100-year flood hazard area.
 - Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam.
 - Inundation by seiche, tsunami, or mudflow.
- Land Use and Planning
 - Physically divide an established community.
 - Conflict with any applicable land use plan, policy or regulation of an agency with jurisdiction over the project (including, but not limited to, the general plan, specific plan, local coastal program or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect.
 - Conflict with any applicable habitat conservation plan or natural community conservation plan.

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- Noise
 - Expose people residing or working in the project area to excessive noise levels for a project located within an airport land use plan or, where such a plan has not been adopted, within 2 miles of a public airport or public use airport.
 - Expose people residing or working in the project area to excessive noise levels for a project within the vicinity of a private airstrip.
- Public Services
 - Result in substantial adverse physical impacts associated with the provision of new or physically altered park and recreation, and library facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for fire, police, school, or library services.
- Transportation and Circulation
 - Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks.
 - Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment).
 - Result in inadequate emergency access.
 - Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities.
- Utilities and Service Systems
 - Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board.
 - Require or result in the construction of new stormwater drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects.
 - Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments.
 - Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs.
 - Comply with federal, state, and local statutes and regulations related to solid waste.
 - Result in a substantial increase in natural gas and electrical service demands requiring new energy supply facilities and distribution infrastructure or capacity enhancing alterations to existing facilities.

Table 2-1 summarizes the conclusions of the environmental analysis contained in the Draft EIR and presents a summary of impacts and mitigation measures identified. It is organized to correspond with the environmental issues discussed in Chapter 4.0 through 4.11. The table is arranged in four columns: 1) impact statement; 2) significance prior to mitigation; 3) mitigation measures; and 4) significance after mitigation. For a complete description of potential impacts, please refer to the specific discussions in Chapters 4.1 through 4.11. As shown in Table 2-1, some significant impacts would be reduced to a less-than-significant level if the mitigation measures recommended in the Draft EIR are implemented.

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TABLE 2-1 SUMMARY OF IMPACTS AND MITIGATION MEASURES

Impact Statement	Significance Without Mitigation	Mitigation Measures	Significance With Mitigation
Aesthetics			
AES-1: The proposed project would not have an adverse effect on a scenic vista.	LTS	N/A	N/A
AES-2: The proposed project would not substantially degrade the existing visual character or quality of the site and its surroundings.	LTS	N/A	N/A
AES-3: Implementation of the proposed project, in combination with past, present and reasonably foreseeable projects, would not result in significant cumulative impacts with respect to aesthetics.	LTS	N/A	N/A
Air Quality			
AQ-1: The proposed project would not conflict with or obstruct implementation of the applicable air quality plan.	LTS	N/A	N/A
AQ-2: Uncontrolled fugitive dust (PM ₁₀ and PM _{2.5}) could expose the areas that are downwind of construction sites to air pollution from construction activities without the implementation of BAAQMD’s best management practices.	S	<p data-bbox="987 834 1690 980">Mitigation Measure AQ-2: The project applicant shall require their construction contractor to comply with the following BAAQMD best management practices for reducing construction emissions of uncontrolled fugitive dust (coarse inhalable particulate matter [PM₁₀] and fine inhalable particulate matter [PM_{2.5}]):</p> <ul data-bbox="987 985 1690 1404" style="list-style-type: none"> <li data-bbox="987 985 1690 1131">▪ Water all active construction areas at least twice daily or as often as needed to control dust emissions. Watering should be sufficient to prevent airborne dust from leaving the site. Increased watering frequency may be necessary whenever wind speeds exceed 15 miles per hour. Reclaimed water should be used whenever possible. <li data-bbox="987 1136 1690 1218">▪ Pave, apply water twice daily or as often as necessary to control dust, or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas, and staging areas at construction sites. <li data-bbox="987 1222 1690 1336">▪ Cover all trucks hauling soil, sand, and other loose materials or require all trucks to maintain at least 2 feet of freeboard (i.e., the minimum required space between the top of the load and the top of the trailer). <li data-bbox="987 1341 1690 1404">▪ Sweep daily (with water sweepers using reclaimed water if possible) or as often as needed all paved access roads, parking areas, and 	LTS

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TABLE 2-1 SUMMARY OF IMPACTS AND MITIGATION MEASURES

Impact Statement	Significance Without Mitigation	Mitigation Measures	Significance With Mitigation
		<p>staging areas at the construction site to control dust.</p> <ul style="list-style-type: none"> ▪ Sweep public streets daily (with water sweepers using reclaimed water if possible) in the vicinity of the project site, or as often as needed, to keep streets free of visible soil material. ▪ Hydro-seed or apply non-toxic soil stabilizers to inactive construction areas. ▪ Enclose, cover, water twice daily, or apply non-toxic soil binders to exposed stockpiles (e.g., dirt, sand). ▪ Limit vehicle traffic speeds on unpaved roads to 15 miles per hour. ▪ Replant vegetation in disturbed areas as quickly as possible. ▪ Install sandbags or other erosion control measures to prevent silt runoff from public roadways. <p>The City of Cupertino Building Division official or his/her designee shall verify compliance that these measures have been implemented during normal construction site inspections.</p>	
<p>AQ-3: Construction of the proposed project would cumulatively contribute to the non-attainment designations of the SFBAAB.</p>	S	<p>Mitigation Measure AQ-3: Implement Mitigation Measures AQ-2 and AQ-4.</p>	LTS
<p>AQ-4: Construction activities of the project could expose sensitive receptors to substantial concentrations of TAC and PM_{2.5}.</p>	S	<p>Mitigation Measure AQ-4: During construction, the construction contractor(s) shall use construction equipment fitted with Level 3 Diesel Particulate Filters for all equipment of 50 horsepower or more.</p> <p>The construction contractor shall maintain a list of all operating equipment in use on the project site for verification by the City of Cupertino Building Division official or his/her designee. The construction equipment list shall state the makes, models, and number of construction equipment on-site. Equipment shall be properly serviced and maintained in accordance with manufacturer recommendations. The construction contractor shall ensure that all non-essential idling of construction equipment is restricted to five minutes or less in compliance with Section 2449 of the California Code of Regulations, Title 13, Article 4.8, Chapter 9. Prior to issuance of any construction permit,</p>	LTS

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TABLE 2-1 SUMMARY OF IMPACTS AND MITIGATION MEASURES

Impact Statement	Significance Without Mitigation	Mitigation Measures	Significance With Mitigation
		the construction contractor shall ensure that all construction plans submitted to the City of Cupertino Planning Division and/or Building Division clearly show the requirement for Level 3 Diesel Particulate Filters for construction equipment over 50 horsepower.	
AQ-5: The proposed project would not create objectionable odors affecting a substantial number of people.	None	N/A	N/A
AQ-6: Implementation of the project would cumulatively contribute to air quality impacts in the San Francisco Bay Area Air Basin.	S	Implement Mitigation Measures AQ-2, AQ-3 and AQ-4.	LTS
Biological Resources			
BIO-1a: Construction of the proposed project may directly impact nesting or overwintering individual <i>burrowing owls</i> (<i>Athene cunicularia</i>) through ground disturbance and vehicle traffic if they are present in the grassland habitat in the southern portion of the project site.	S	Mitigation Measure BIO-1a: For construction activities occurring within the proposed areas of development, one pre-construction survey no more than 14 days prior to initial ground disturbance shall be performed in accordance with the California Department of Fish and Wildlife (CDFW) <i>Staff Report on Burrowing Owl Mitigation</i> . The pre-construction survey shall include suitable habitat and surrounding accessible areas up to 200 feet of proposed construction activities and be conducted prior to the start of initial ground disturbance, regardless of time of year. If burrowing owls are documented during the nesting period (March 1 through August 31), an appropriate no-disturbance buffer per the CDFW <i>Staff Report on Burrowing Owl Mitigation</i> shall be placed around active burrows until young have fledged the nest. If burrowing owl is detected during the non-nesting season or following the determination the nest is no longer active and the occupied burrow(s) cannot be avoided, a burrowing owl exclusion plan shall be prepared and implemented. A qualified biologist shall determine if visual barriers or other measures are suitable for occupied burrows which can be avoided.	LTS
BIO-1b: Construction of the proposed project may indirectly impact the San Francisco dusky-footed woodrat (<i>Neotoma fuscipes annectens</i>) through construction related activities that occur near the woodrat houses.	S	Mitigation Measure BIO-1b: The construction contractor shall install orange construction fencing to limit construction crews from entering the habitats of the San Francisco dusky-footed woodrat (<i>Neotoma fuscipes annectens</i>) adjacent to the work area.	LTS
BIO-1c: Construction of the proposed project may directly (destroy active nests) or indirectly (cause disturbance that results in nest abandonment) result in an impact to special-	S	Mitigation Measure BIO-1c: Nests of special-status and other native birds shall be protected when in active use, as required by the federal Migratory Bird Treaty Act and the California Fish and Game Code. If	LTS

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TABLE 2-1 SUMMARY OF IMPACTS AND MITIGATION MEASURES

Impact Statement	Significance Without Mitigation	Mitigation Measures	Significance With Mitigation
<p>status nesting birds including the white-tailed kite (<i>Elanus leucurus</i>), Nuttall’s woodpecker (<i>Picoides buttallii</i>), oak titmouse (<i>Baeolophus inornatus</i>), Allen’s hummingbird (<i>Selasphorus sasin</i>), and the Lawrence’s goldfinch (<i>Spinus lawrencei</i>) and other native nesting birds protected by the Migratory Bird Treaty Act and California Fish and Game Code.</p>		<p>ground disturbance from construction activities and any required tree removal occur during the nesting season (February 15 and August 15), a qualified biologist shall be required to conduct surveys prior to tree removal or ground disturbance from construction activities. Surveys shall encompass the entire construction area and the surrounding 500 feet. Preconstruction surveys are not required for tree removal or construction activities outside the nesting period. If construction or tree removal would occur during the nesting season (February 15 to August 15), preconstruction surveys shall be conducted no more than 14 days prior to the start of tree removal or ground disturbance from construction activities. Preconstruction surveys shall be repeated at 14-day intervals until construction has been initiated in the area after which surveys can be stopped. Locations of active nests containing viable eggs or young birds shall be documented and protective measures implemented under the direction of the qualified biologist until the nests no longer contain eggs or young birds. Protective measures shall include establishment of clearly delineated exclusion zones (i.e., demarcated by identifiable fencing, such as orange construction fencing or equivalent) around each nest location as determined by a qualified biologist, taking into account the species of birds nesting, their tolerance for disturbance and proximity to existing development. In general, exclusion zones shall be a minimum of 300 feet for raptors and 75 feet for passerines and other birds. The active nest within an exclusion zone shall be monitored on a weekly basis throughout the nesting season to identify signs of disturbance and confirm nesting status. The radius of an exclusion zone may be increased by the qualified biologist if project activities are determined to be adversely affecting the nesting birds. Exclusion zones may be reduced by the qualified biologist and in consultation with California Department of Fish and Wildlife, if necessary. The protection measures shall remain in effect until the young have left the nest and are foraging independently or the nest is no longer active.</p>	
<p>BIO-2: The proposed project would not interfere substantially with the movement of any native resident or migratory fish or wildlife species, their wildlife corridors or nursery sites.</p>	LTS	N/A	N/A

EXECUTIVE SUMMARY

TABLE 2-1 SUMMARY OF IMPACTS AND MITIGATION MEASURES

Impact Statement	Significance Without Mitigation	Mitigation Measures	Significance With Mitigation
<p>BIO-3: Proposed development would result in removal of trees protected under City ordinance.</p>	S	<p>Mitigation Measure BIO-3: The proposed project shall comply with the City of Cupertino’s Protected Trees Ordinance (CMC Section 14.18). A tree removal permit shall be obtained for the removal of any “protected tree,” and replacement plantings shall be provided as approved by the City. If permitted, an appropriate in-lieu fee may be paid to the City of Cupertino as compensation for “protected trees” removed by the proposed project, where sufficient land area is not available on-site for adequate replacement and when approved by the City.</p> <p>In addition, a Tree Protection and Replacement Program (Program) shall be developed by a Certified Arborist prior to project approval and implemented during project construction to provide for adequate protection and replacement of “protected trees,” as defined by the City’s Municipal Code. The Program shall include the following provisions:</p> <ul style="list-style-type: none"> ▪ Adequate measures shall be defined to protect all trees to be preserved. These measures should include the establishment of a tree protection zone (TPZ) around each tree to be preserved. For design purposes, the TPZ shall be located at the dripline of the tree or 10 feet, whichever is greater. If necessary, the TPZ for construction-tolerant species (i.e., London planes, coast live oaks, and coast redwoods) may be reduced to 7 feet. ▪ Temporary construction fencing shall be installed at the perimeter of TPZs prior to demolition, grubbing, or grading. Fences shall be 6-foot chain link or equivalent, as approved by the City of Cupertino. Fences shall remain until all construction is completed. Fences shall not be relocated or removed without permission from the consulting arborist. ▪ No grading, excavation, or storage of materials shall be permitted within TPZs. Construction trailers, traffic, and storage areas shall remain outside fenced areas at all times. ▪ Underground services including utilities, sub-drains, water or sewer shall be routed around the TPZ. Where encroachment cannot be avoided, special construction techniques such as hand digging or tunneling under roots shall be employed where necessary to 	LTS

EXECUTIVE SUMMARY

TABLE 2-1 SUMMARY OF IMPACTS AND MITIGATION MEASURES

Impact Statement	Significance Without Mitigation	Mitigation Measures	Significance With Mitigation
		<p>minimize root injury. Irrigation systems must be designed so that no trenching will occur within the TPZ.</p> <ul style="list-style-type: none"> ▪ Construction activities associated with structures and underground features to be removed within the TPZ shall use the smallest equipment, and operate from outside the TPZ. The consulting arborist shall be on-site during all operations within the TPZ to monitor demolition activity. ▪ All grading, improvement plans, and construction plans shall clearly indicate trees proposed to be removed, altered, or otherwise affected by development construction. The tree information on grading and development plans should indicate the number, size, species, assigned tree number and location of the dripline of all trees that are to be retained/preserved. All plans shall also include tree preservation guidelines prepared by the consulting arborist. ▪ The demolition contractor shall meet with the consulting arborist before beginning work to discuss work procedures and tree protection. Prior to beginning work, the contractor(s) working in the vicinity of trees to be preserved shall be required to meet with the consulting arborist at the site to review all work procedures, access routes, storage areas, and tree protection measures. ▪ All contractors shall conduct operations in a manner that will prevent damage to trees to be preserved. Any grading, construction, demolition or other work that is expected to encounter tree roots shall be monitored by the consulting arborist. If injury should occur to any tree during construction, it should be evaluated as soon as possible by the consulting arborist so that appropriate treatments can be applied. ▪ Any plan changes affecting trees shall be reviewed by the consulting arborist with regard to tree impacts. These include, but are not limited to, site improvement plans, utility and drainage plans, grading plans, landscape and irrigation plans, and demolition plans. ▪ Trees to be preserved may require pruning to provide construction clearance. All pruning shall be completed by a Certified Arborist or Tree Worker. Pruning shall adhere to the latest edition of the ANSI 	

EXECUTIVE SUMMARY

TABLE 2-1 SUMMARY OF IMPACTS AND MITIGATION MEASURES

Impact Statement	Significance Without Mitigation	Mitigation Measures	Significance With Mitigation
BIO-4: The proposed project in combination with past, present, and reasonably foreseeable projects, would not result in significant cumulative impacts with respect to biological resources.	LTS	<p>Z133 and A300 standards as well as the <i>Best Management Practices - Tree Pruning</i> published by the International Society of Arboriculture.</p> <ul style="list-style-type: none"> ▪ Any root pruning required for construction purposes shall receive the prior approval of and be supervised by the consulting arborist. ▪ Any demolition or excavation within the dripline or other work that is expected to encounter tree roots should be approved and monitored by the consulting arborist. Roots shall be cut by manually digging a trench and cutting exposed roots with a sharp saw. ▪ Tree(s) to be removed that have branches extending into the canopy of tree(s) to remain must be removed by a qualified arborist and not by construction contractors. The qualified arborist shall remove the tree in a manner that causes no damage to the tree(s) and understory to remain. Tree stumps shall be ground 12 inches below ground surface. ▪ All tree work shall comply with the Migratory Bird Treaty Act as well as California Fish and Game Code Sections 3503 through 3513 to not disturb nesting birds. To the extent feasible, tree pruning and removal shall be scheduled outside of the breeding season. Breeding bird surveys shall be conducted prior to tree work. Qualified biologists shall be involved in establishing work buffers for active nests. ▪ All recommendations for tree preservation made by the applicant’s consulting arborist shall be followed. 	N/A
Cultural and Tribal Cultural Resources			
CULT-1: Construction of the proposed project would have the potential to cause a significant impact to an unknown archaeological resource pursuant to CEQA Guidelines Section 15064.5.	S	Mitigation Measure CULT-1: If any prehistoric or historic subsurface cultural resources are discovered during ground-disturbing activities, all work within 50 feet of the resources shall be halted and a qualified archaeologist shall be consulted. If the resource is a tribal resource – whether historic or prehistoric – the City shall make a good faith effort	LTS

EXECUTIVE SUMMARY

TABLE 2-1 SUMMARY OF IMPACTS AND MITIGATION MEASURES

Impact Statement	Significance Without Mitigation	Mitigation Measures	Significance With Mitigation
<p>CULT-2: Construction of the proposed project would have the potential to directly or indirectly affect an unknown unique paleontological resource or site, or unique geologic feature.</p>	S	<p>to contact the appropriate tribe(s) through outreach to the Native American Heritage Commission to evaluate the resource and determine appropriate avoidance, preservation, or mitigation measures. If the resource is non-tribal and if tribal where no affiliated tribes respond to the City’s outreach efforts, the archaeologist shall assess the significance of the find according to CEQA Guidelines Section 15064.5. If any find is determined to be significant, representatives from the City and the archaeologist would meet to determine the appropriate avoidance measures or other appropriate mitigation. All significant cultural materials recovered shall be, as necessary and at the discretion of the consulting archaeologist, subject to scientific analysis, professional museum curation, and documentation according to current professional standards. In considering any suggested mitigation proposed by the consulting archaeologist or tribes to mitigate impacts to tribal and non-tribal cultural resources, historical resources or unique archaeological resources, the City, in response to tribe(s) recommendations where appropriate, shall determine whether avoidance is necessary and feasible in light of factors such as the nature of the find, proposed project design, costs, and other considerations. If avoidance is infeasible, other appropriate measures (e.g., data recovery) may be instituted. Work may proceed on other parts of the project site while mitigation for tribal cultural resources, historical resources or unique archaeological resources is being carried out.</p> <p>Mitigation Measure CULT-2: In the event that fossils or fossil-bearing deposits are discovered during construction, excavations within 50 feet of the find shall be temporarily halted or diverted. The contractor shall notify a qualified paleontologist to examine the discovery. The paleontologist shall document the discovery as needed, in accordance with Society of Vertebrate Paleontology standards (Society of Vertebrate Paleontology 1995), evaluate the potential resource, and assess the significance of the finding under the criteria set forth in CEQA Guidelines Section 15064.5. The paleontologist shall notify the appropriate agencies to determine procedures that would be followed before construction is allowed to resume at the location of the find. If the project proponent determines that avoidance is not feasible, the</p>	LTS

EXECUTIVE SUMMARY

TABLE 2-1 SUMMARY OF IMPACTS AND MITIGATION MEASURES

Impact Statement	Significance Without Mitigation	Mitigation Measures	Significance With Mitigation
		paleontologist shall prepare an excavation plan for mitigating the effect of the project based on the qualities that make the resource important. The excavation plan shall be submitted to the City for review and approval prior to implementation.	
CULT-3: The proposed project would not have the potential to disturb any human remains, including those interred outside of formal cemeteries.	LTS	N/A	N/A
CULT-4: Construction of the proposed project would have the potential to cause a significant impact to an unknown TCR as defined in Public Resources Code 21074.	S	Mitigation Measure CULT-4: Implement Mitigation Measure CULT-1.	LTS
CULT-5: The proposed project, in combination with past, present, and reasonably foreseeable projects, would not result in cumulative impacts with respect to cultural resources.	LTS	N/A	N/A
Geology and Soils			
GEO-1: During temporary shoring, perched water conditions may result in erosion of granular layers, which could create ground subsidence and deflections.	S	Mitigation Measure GEO-1a: The project contractor shall attempt to cut the excavation as close to neat lines as possible. Where voids are created, they must be backfilled as soon as possible with sand, gravel, or grout.	LTS
		Mitigation Measure GEO-1b: The project contractor shall follow all recommendations in <i>Geotechnical and Geologic Hazard Investigation</i> , dated April 14, 2017 and prepared by Cornerstone Earth Group (or any updated versions) and submit final grading plans to Cornerstone Earth Group (or another geotechnical consultant as approved by the City) for review and recommendations.	
GEO-2: Implementation of the proposed project could result in destabilized soils.	S	Mitigation Measure GEO-2: The project contractor shall implement the following subgrade stabilization recommendations in <i>Geotechnical and Geologic Hazard Investigation</i> , dated April 14, 2017 and prepared by Cornerstone Earth Group (or any updated versions): <ul style="list-style-type: none"> ▪ Scarification and Drying. The subgrade shall be scarified to a depth of 6 to 9 inches and allowed to dry to near optimum conditions, if sufficient dry weather is anticipated to allow sufficient drying. More 	LTS

EXECUTIVE SUMMARY

TABLE 2-1 SUMMARY OF IMPACTS AND MITIGATION MEASURES

Impact Statement	Significance Without Mitigation	Mitigation Measures	Significance With Mitigation
<p>GEO-3: Expansive soils on the project site could create a substantial risk to the proposed project.</p>	S	<p>than one round of scarification shall be conducted if needed to break up the soil clods.</p> <ul style="list-style-type: none"> ▪ Chemical Treatment. Where the unstable area exceeds about 5,000 to 10,000 square feet and/or site winterization is desired, chemical treatment with quicktime, kiln-dust, or cement may be more cost-effective than removal and replacement. Recommended chemical treatment depths will typically range from 12 to 18 inches, depending on the magnitude of the instability. <p>Mitigation Measure GEO-3: Slabs-on-grade shall have sufficient reinforcement and shall be supported on a layer of non-expansive fill. Foundations shall extend below the zone of seasonal moisture fluctuation. Moisture changes in the surficial soils shall be limited by using positive drainage away from buildings as well as by limiting landscaping watering. The project contractor shall follow all grading and foundation recommendations in <i>Geotechnical and Geologic Hazard Investigation</i>, dated April 14, 2017 and prepared by Cornerstone Earth Group (or any updated versions).</p>	LTS
<p>GEO-4: The proposed project, in combination with past, present, and reasonably foreseeable projects, would result in less than significant cumulative impacts with respect to geology and soils.</p>	LTS	N/A	N/A
Greenhouse Gas Emissions			
<p>GHG-1: The proposed project would not directly or indirectly generate GHG emissions that may have a significant impact on the environment.</p>	LTS	N/A	N/A
<p>GHG-2: Implementation of the proposed project would not conflict with an applicable plan, policy, or regulation of an agency adopted for the purpose of reducing the emissions of GHGs.</p>	LTS	N/A	N/A
<p>GHG-3: Implementation of the proposed project, in combination with past, present, and reasonably foreseeable projects, would not result in significant cumulative impacts with respect to GHG emissions.</p>	LTS	N/A	N/A

EXECUTIVE SUMMARY

TABLE 2-1 SUMMARY OF IMPACTS AND MITIGATION MEASURES

Impact Statement	Significance Without Mitigation	Mitigation Measures	Significance With Mitigation
Hazards and Hazardous Materials			
HAZ-1: The proposed project would not create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment.	LTS		N/A
HAZ-2: The proposed project would not impair implementation of, or physically interfere with, an adopted emergency response plan or emergency evacuation plan.	LTS		N/A
HAZ-3: The proposed project, in combination with past, present, and reasonably foreseeable projects, would result in less than significant cumulative impacts with respect to hazards and hazardous materials.	LTS		N/A
Hydrology and Water Quality			
HYDRO-1: The proposed project would not substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner that would result in substantial erosion, siltation, or flooding on- or off-site.	LTS		N/A
HYDRO-2: The proposed project would not create or contribute runoff water that would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff.	LTS		N/A
HYDRO-3: The proposed project, in combination with past, present, and reasonably foreseeable projects, would result in less than significant cumulative impacts with respect to hydrology and water quality.	LTS		N/A
Noise			
NOISE-1: The proposed project would not result in the exposure of persons to or generation of noise levels in excess of standards established in the local General Plan or noise ordinance, or applicable standards of other agencies.	LTS		N/A
NOISE-2: The proposed project would not expose persons to	LTS		N/A

EXECUTIVE SUMMARY

TABLE 2-1 SUMMARY OF IMPACTS AND MITIGATION MEASURES

Impact Statement	Significance Without Mitigation	Mitigation Measures	Significance With Mitigation
or generate excessive ground-borne vibration or ground-borne noise levels.			
NOISE-3: The proposed project would not result in a substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the proposed project.	LTS		N/A
NOISE-4: The proposed project would result in a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the proposed project.	LTS		N/A
NOISE-5: The proposed project, in combination with past, present, and reasonably foreseeable projects, would not result in significant cumulative impacts with respect to noise.	LTS		N/A
Transportation and Circulation			
TRANS-1: The proposed project would not conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit.	LTS		N/A
TRANS-2: The proposed project would not conflict with an applicable congestion management program, including, but not limited to, level-of-service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways.	LTS		N/A
TRANS-3: The proposed project, in combination with past, present, and reasonably foreseeable projects, would not result in additional cumulatively considerable impacts.	LTS		N/A

EXECUTIVE SUMMARY

TABLE 2-1 SUMMARY OF IMPACTS AND MITIGATION MEASURES

Impact Statement	Significance Without Mitigation	Mitigation Measures	Significance With Mitigation
Utilities and Service Systems			
UTIL-1: The proposed project would have sufficient water supplies available to serve the project from existing entitlements and resources, and new or expanded entitlements are not needed.	LTS	N/A	N/A
UTIL-2: The proposed project, in combination with past, present, and reasonably foreseeable projects, would not result in significant cumulative impacts with respect to water supply.	LTS	N/A	N/A
UTIL-3: Implementation of the proposed project would add additional wastewater flow to the currently deficient Homestead Pump Station causing this station to exceed capacity during peak wet weather periods.	S	Mitigation Measure UTIL-3: Prior to issuing grading and building permits the City shall require the project applicant to fund a fair-share contribution toward planned improvements to the Homestead Pump Station, as mutually agreed between the project applicant and Cupertino Sanitary District, to the satisfaction of the City of Cupertino Community Development Director.	LTS
UTIL-4: The proposed project would not result in a determination by the wastewater treatment provider, which serves, or may serve the project, that it does not have adequate capacity to serve the project’s projected demand in addition to the provider’s existing commitments.	LTS	N/A	N/A
UTIL-5: The proposed project, in combination with past, present, and reasonably foreseeable projects, would not result in a significant cumulative impacts with respect to wastewater treatment.	LTS	N/A	N/A

EXECUTIVE SUMMARY

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3. Revisions to the Draft EIR

This chapter includes text revisions to the Draft EIR that were made in response to public, agency, and organization comments, as well as staff-directed changes. These text revisions include typographical corrections, insignificant modifications, amplifications and clarifications of the Draft EIR. In each case, the revised page and location on the page is presented, followed by the textual, tabular, or graphical revision. Underlined text represents language that has been added to the EIR; text with strikethrough represents language that has been deleted from the Draft EIR. For edits to Chapter 2, Executive Summary, of the Draft EIR, see Chapter 2, Executive Summary, of this Response to Comments Document. None of the revisions to the Draft EIR constitutes significant new information as defined in CEQA Guidelines Section 15088.5; therefore, the Draft EIR does not need to be recirculated.

3.1 CHAPTER 5, ALTERNATIVES TO THE PROPOSED PROJECT

The text under Section 5.8, Environmentally Superior Alternative, on page 5-24 of the Draft EIR is hereby amended as follows:

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

REVISIONS TO DRAFT EIR

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4. List of Commenters

Comments on the Draft EIR were received from the following agencies, organizations, and private individuals. Each comment letter and comment has been assigned a letter and a number as indicated below. The comments are organized and categorized by:

- A = Agencies and Service Providers
- B = Private Individuals and Organizations

Verbal comments were also received at the Environmental Review Committee (Committee) meeting on Thursday, January 31, 2018. Five members of The Forum community addressed the Committee. They spoke in support of the proposed project and shared their concerns regarding the in need of upgrades to the existing buildings on the project site as well as the need for the expansion of the medical/healthcare section of the community to be able to continue to provide an excellent living environment for its residents. No comments included a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR, nor did any comments raise a new environmental issue.

4.1 AGENCIES AND SERVICE PROVIDERS

- A1 David Fung, Planning Commissioner, City of Cupertino, January 19, 2018
- A2 Jane Mark, Planning Manager, Midpeninsula Regional Open Space District, and Annie Thomson, Principal Planner, County of Santa Clara Parks and Recreation Department, January 26, 2018
- A3 Richard K. Tanaka, District Manager-Engineer, Cupertino Sanitary District, January 29, 2018.
- A4 Roy Molseed, Senior Environmental Planner, Santa Clara Valley Transportation Authority, January 29, 2018
- A5 Scott Morgan, State Clearinghouse, Office of Planning and Research, January 30, 2018

4.2 PRIVATE INDIVIDUALS AND ORGANIZATIONS

- B1 John T. McKenna, December 19, 2017
- B2 Louise and George Crosby, December 19, 2017
- B3 Jerome W. Fischbein MD and Elizabeth B Fischbein, December 21, 2017
- B4 Donald Peterson, January 3, 2018
- B5 Sue and Jim Liskovec, January 23, 2018
- B6 Richard & Peggy Jacquet and Matt & Linda Starkey, January 23, 2018
- B7 Virginia Willcox, January 26, 2018
- B8 Dick & Pat Wolf, January 27, 2018
- B9 Paul Jones, January 28, 2018
- B10 Linda and Matt Starkey, January 29, 2018
- B11 Mackenzie Mossing, Santa Clara Valley Audubon Society, January 29, 2018
- B12 Harvey Dixon, January 13, 2018

LIST OF COMMENTERS

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5. *Comments and Responses*

This chapter includes a reproduction of, and responses to, each significant environmental issue raised during the public review period. Comments are presented in their original format in Appendix A, Comment Letters, of this Response to Comments document, along with annotations that identify each comment number. Comment letters in this chapter follow the same order as listed in Chapter 4, List of Commenters, of this Response to Comments Document. The comments are organized and categorized by:

- A = Agencies and Service Providers
- B = Private Individuals and Organizations

Responses to those individual comments are provided in this chapter alongside the text of each corresponding comment. Letters are identified by category and each comment is labeled with the comment reference number in the margin. Where the same comment has been made more than once, a response may direct the reader to another numbered comment and response. Where a response requires revisions to analysis presented in the Draft Environmental Impact Report (EIR), these revisions are explained and shown in Chapter 3, Revisions to the Draft EIR, of this Response to Comments Document.

Responses to individual comments are presented in Table 5-1, below.

COMMENTS AND RESPONSES

TABLE 5-1 RESPONSE TO COMMENTS

Comment #	Comment	Response
<i>Agencies and Service Providers</i>		
A1 David Fung, Planning Commissioner, City of Cupertino		
A1-1	<p>After the ERC meeting yesterday, I mentioned to Piu that I think there's an error in the text of the Forum EIR.</p> <p>In the review of "Alternatives to the Proposed Project", Section 5.8 reviews the "Environmentally Superior Alternative" (p. 5-24). In the concluding paragraph of that section, I think there's an error - it identifies the Revised Villa Location Alternative as the environmentally superior option. Based on this entire section, and especially the preceding paragraph, I believe that the Reduced Unit Alternative should be the selection.</p> <p>Piu mentioned that this can be accepted as a comment and the EIR revised if appropriate.</p>	<p>The commenter correctly describes a typographical error in the Draft EIR. The text in the last sentence of the discussion of the environmentally superior alternative incorrectly identified the Revised Villa Location Alternative as the environmentally superior alternative. Chapter 2, Executive Summary, of the Draft EIR, correctly states that the Reduced Unit Alternative is the environmentally superior alternative, as well as the text in the sentence that precedes the sentence with the error as shown in the following correction.</p> <p>As shown in Chapter 3 of this Response to Comments document, Chapter 5, Alternatives to the Proposed Project, of the Draft EIR has been revised to correctly identify the environmentally superior alternative. The revision is as follows:</p> <p>The Reduced Unit Alternative would slightly reduce impacts to air quality, GHG emissions, hydrology and water quality, noise, transportation and circulation, and utilities and service systems when compared to the proposed project. Therefore, the Revised Villa Location <u>Reduced Unit</u> Alternative would be the environmentally superior alternative.</p> <p>This revision does not affect any conclusions or significance determinations provided in the Draft EIR.</p>
A2 Jane Mark, Planning Manager, Midpeninsula Regional Open Space District, and Annie Thomson, Principal Planner, County of Santa Clara Parks and Recreation Department		
A2-1	<p>On behalf of the Midpeninsula Regional Open Space District (District) and the County of Santa Clara, Parks and Recreation Department (County Parks), we respectfully submit the following comments regarding the Draft Environmental Impact Report (Draft EIR) for the Forum Senior Community Update project. The proposed project consists of both new and renovated healthcare buildings, commons facilities, independent living villas, and associated landscape and hard scape - areas. The project would add new beds, rooms and villas to accommodate approximately 86 new residents, and add 129 net new parking stalls to the Forum Senior Community.</p>	<p>The comment serves as an opening remark and does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR, nor does the comment raise a new environmental issue. No further response is required.</p> <p>The comment incorrectly states there would be 86 new residents. As described in Chapter 3, Project Description, of the Draft EIR, on page 3-28 the proposed project is anticipated to generate up to 61 new residents.</p>

COMMENTS AND RESPONSES

TABLE 5-1 RESPONSE TO COMMENTS

Comment #	Comment	Response
	<p>The District owns and manages approximately 63,000 acres of open space land on the San Francisco Bay Peninsula, including the 3,988-acre Rancho San Antonio Open Space Preserve. Rancho San Antonio Open Space Preserve and Santa Clara County's 289-acre Rancho San Antonio Park (Preserve/Park), both managed by the District, share a portion of the project site's southern and western borders.</p> <p>Our comments are focused on potential recreation, aesthetic, transportation, and noise impacts of the proposed development.</p>	
A2-2	<p>General Comments</p> <ul style="list-style-type: none"> • Include a discussion of the Rancho San Antonio County Park Master Plan and evaluate the proposed project's consistency with this land use plan. <p>The Draft EIR fails to reference or evaluate the consistency of the project with the Rancho San Antonio County Park Master Plan (attachment 1) that governs the land use immediate adjacent to the project. This Master Plan outlines the approved uses and improvements for the Park immediately adjacent to the proposed project.</p>	<p>As discussed in Chapter 2, Executive Summary, of the Draft EIR, in Section 2.6, Significant Impacts and Mitigation, starting on page 2-6 and continuing through page 2-22, the proposed project would not conflict with any applicable land use plan, policy or regulation of an agency with jurisdiction over the project (including, but not limited to, the general plan, specific plan, local coastal program or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect (see page 2-7). The Midpeninsula Regional Open Space District (District) and the County of Santa Clara, Parks and Recreation Department (County Parks) have no jurisdiction over the proposed project and project consistency with the <i>Rancho San Antonio County Park Master Plan</i> is not required as part of the CEQA process.</p>
A2-3	<ul style="list-style-type: none"> • Notify the District and County Parks when the development application is received, and provide opportunities to comment on the proposed designs. <p>Given that the design and construction of the proposed project may result in substantial impacts to the adjacent Preserve/Park, please notify and work with District and County Parks staff to refine the design details of the proposed Villas along Cristo Rey Drive when the development application is received by the City. Both the District and County Parks want the opportunity to weigh in during the City's design review process to ensure compatibility with the existing visual setting of the surrounding area.</p>	<p>The comment incorrectly states that the proposed project could result in substantial impacts to the Rancho San Antonio County Park/Open Space Preserve. As discussed in the Draft EIR, all impacts were found to be less than significant or less than significant with mitigation. The Draft EIR was prepared in accordance with State CEQA Guidelines using industry standards and analyzes topics pursuant to the CEQA Appendix F, Energy Conservation, and Appendix G, Environmental Checklist. The analysis of the Draft EIR is based on scientific and factual data, which has been reviewed by the City of Cupertino acting as the Lead Agency and reflects its independent judgment and conclusions.</p> <p>The District and the County Parks have been added to the notification list and will be noticed for the upcoming public hearings for the proposed project.</p>
A2-4	<ul style="list-style-type: none"> • Provide advanced notice to the District and County Parks of construction schedule, and coordinate to minimize construction impacts as much as 	<p>While this is not required as part of the CEQA process, The Forum has agreed to provide notice of construction to all of the adjacent neighbors, including the</p>

COMMENTS AND RESPONSES

TABLE 5-1 RESPONSE TO COMMENTS

Comment #	Comment	Response
	<p>practical. Cristo Rey Drive is the primary access road for the Preserve/Park, the Maryknoll religious institute, other Cupertino neighborhoods, and the Forum. It is unclear at this time whether any roads, trails or trailheads would need to be closed temporarily during construction. Any closures will impact District rangers and recreational users of the Preserve/Park. Temporary closures and trail detours would need to be coordinated with both County Parks and the District together.</p>	<p>District and County Parks as a courtesy.</p> <p>No part of the construction phase of the proposed project will cause the need for any type of closure at the Rancho San Antonio County Park/Open Space Preserve. As described in Chapter 3, Project Description, of the Draft EIR in Section 3.2.4, Construction, Demolition, and Site Preparation, on page 3-25, employee parking and construction staging would occur in temporary facilities both on and off the project site (see Figure 3-13 and Figure 3-14).</p>
A2-5	<p>Parks and Recreation</p> <ul style="list-style-type: none"> • Include an analysis of impacts to adjacent recreational facilities of the Preserve/Park. <p>The Draft EIR and related Initial Study do not adequately analyze or disclose the potential impacts to the adjacent regional recreational facilities of Rancho San Antonio County Park and Open Space Preserve. Section 2.6 of the Draft EIR rules out the need for further analysis of potential impacts to Parks and Recreation based on the analysis in the Initial Study that was prepared for this project. However, the aforementioned analysis of the Initial Study is inadequate because it does not establish a baseline of usage for the Preserve/Park nor does it attempt to estimate increase in use by current and future Forum residents.</p> <p>In Section XVI(a) of the Initial Study, it is asserted that:</p> <p><i>"Given the vast size of the regional park facilities and the relatively infrequent usage that future residents would make of them, the proposed project would not result in their substantial deterioration. The modest increase in usage that could potentially result from the proposed project is not likely to trigger the construction of new built facilities over and above that already foreseen in the long-range planning completed for these regional park facilities in the vicinity of the project site."</i></p> <p>No evidence is provided to support the assertion that future residents</p>	<p>As described in Chapter 3, Project Description, of the Draft EIR, on page 3-28 the proposed project is anticipated to generate up to 61 new residents of which approximately 40 could reside in the new independent living villas. Given that the Forum is a senior facility, a portion of the 61 residents could be cared for in assisted living, skilled nursing and/or memory care, and may have physical or cognitive limitations that may preclude or limit use of the park. The proposed project would offer passive and active recreation facilities for its residents, including a theatre, fitness center, full service spa, outdoor swimming pool and outdoor walking paths and landscaped common areas. In addition to these facilities, new residents of the proposed project would also use existing local parks in the area. These include City parks, which are maintained by the City of Cupertino Recreation and Community Services. Those that are nearest to the project site are Canyon Park, located approximately 1 mile to the southeast; Little Rancho Park, located approximately 0.5 miles to the southeast; and Monta Vista Park, which is located approximately 2 miles to the southeast of the site.</p> <p>According to the commenter, 700,000 park visitors drove to the park in 2017 (see comment A2-9). This represents an average of about 1,918 visitors a day over a one-year period that drove to the park in 2017. For a conservative estimate, if every new resident of the proposed project used the park on a daily basis, this would represent about a 3 percent increase in daily use based on the 2017 visitor numbers provided by the commenter. Due to the location of the proposed project and the park, it is likely that new residents of the project site would walk to the park.</p>

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	<p>will make infrequent use of the regional Preserve/Park that is within walking distance of their residence. In addition, there is no discussion of the Rancho San Antonio Park Master Plan to support the assertion that no new or improved built facilities would be triggered by the increase in use. If access pathways and trails are impacted by the anticipated increase in use by new Forum residents, the proposed project should adequately mitigate these recreational impacts to reduce potential impacts.</p>	<p>As described in the Initial Study (see page 73), the CEQA-standard for determining impacts is “substantial deterioration” and “need for new or physically altered park and recreational facilities, the construction of which could cause significant environmental impacts”. Given the vast size of the regional park facilities (3,988-acre Rancho San Antonio Open Space Preserve and 289-acre Santa Clara County Park) and the modest increase (3 percent) that future residents could contribute if all 61 new residents went to the park every day, it is not expected that substantial deterioration would occur or that it would cause the need for a new or physically altered park facility.</p> <p>Considering the proposed project in combination with the cumulative projects listed in Chapter 4, Environmental Evaluation, of the Draft EIR on page 4-3 the 25 new multi-family units could generate up to 72 new residents in the area that could use the park. This is based on the Association of Bay Area Governments (ABAG) 2013 projections of the average household size of 2.88 persons for Cupertino in 2020. If all 61 new project residents plus the 72 new cumulative residents went to the park every day, this would be about a 7 percent increase in daily use of the park based on 2017 park use estimates.</p> <p>Given the Rancho San Antonio County Park/Open Space Preserve is just one of the recreational options available to residents of the proposed project and the greater community, it is not practical to assume that all new residents would use the Rancho San Antonio County Park/Open Space Preserve on a daily basis. As discussed above, The Forum is a senior facility, thus, a portion of the 61 new residents would be cared for in assisted living, skilled nursing and/or memory care, and may have physical or cognitive limitations that would preclude or limit use of the park. Therefore, assuming that 50 percent of the users went every day, a conservative estimate, this would still only represent about a 3.5 percent increase in daily use, which as previously stated, the estimated 3 percent would not be expected to result in substantial deterioration or that it would cause the need for a new or physically altered park facility.</p> <p>According to the Midpeninsula Regional Open Space District’s Budget and Action Plan for Fiscal Year 2017-18, a portion of the District’s financing is provided by</p>

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		<p>property taxes, which the project is required to pay. Specifically, this report states “The District’s primary funding source, property tax revenue, is also increasing this year due to the Bay Area’s strong real estate market.” As stated in the Budget and Action Plan, the 2017-18 budget charts a fiscally sound course through the next year with enhanced capacity to meet the expectations of the public who fund the District.</p> <p>Therefore, due to the relatively small percentage of potential increase in daily users and through the payment of property taxes that fund the Midpeninsula Regional Open Space District that is charged with maintaining the Rancho San Antonio County Park/Open Space Preserve, as previously stated in the Draft EIR, impacts to regional parks are considered <i>less-than-significant</i>.</p> <p>The <i>Rancho San Antonio Park Master Plan</i> was prepared in 1992 and it is not clear what improvements discussed in the Plan are current or relevant to existing conditions.</p>
A2-6	<ul style="list-style-type: none"> • Disclose and/or include an analysis of the short-term construction impacts to the Preserve/Park. The Draft EIR does not include an analysis of short-term impacts to recreation due to construction of the proposed project. Construction-related road closures or traffic will impact access to the Preserve/Park by recreational users. The proposed project will need to adequately mitigate recreational impacts if these trails and/or trailheads are temporarily closed for construction. To reduce short-term impacts, please consider limiting temporary closures to weekdays to allow use on weekends when use is highest. Also, to further reduce impacts on recreation, all visitor entry points, trailheads, and other visitor facilities should not be utilized or interfered with by the proposed project. 	<p>As stated in Response to Comment A2-4, no part of the construction phase of the proposed project will cause the need for any type of closure at the Rancho San Antonio County Park/Open Space Preserve. As described in Chapter 3, Project Description, of the Draft EIR in Section 3.2.4, Construction, Demolition, and Site Preparation, on page 3-25, employee parking and construction staging would occur in temporary facilities both on and off the project site (see Figure 3-13 and Figure 3-14).</p>
A2-7	<p>Aesthetic</p> <ul style="list-style-type: none"> • Include a rendering of the one- and two-story villas from multiple locations along nearby public rights-of-way. The villas proposed for development along Cristo Rey Drive should be designed and constructed to be as visually unobtrusive as possible. Although the Draft EIR includes 	<p>The request for visual renderings of the proposed Cristo Rey Villas is noted for the record, but is not required as part of the CEQA process. As described in Chapter 4.1, Aesthetics, of the Draft EIR, under the subheading “Views from the Rancho San Antonio County Park/Open Space Preserve” on page 4.1-5, there are views of the project site from the Rancho San Antonio County Park/Open Space Preserve where</p>

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	<p>photos of the project site from multiple locations along the public right-of-way, it does not provide any visualizations or renderings of how the new villas would appear in height, bulk, and elevation. Please include renderings of the one- and two-story villas from multiple locations along nearby public rights-of-way to support the evaluation of potential impacts to the existing visual character of the site and its surroundings.</p>	<p>the natural topography and existing trees obstruct views of the project site in the area where the Cristo Rey Drive Villas are proposed, and there are locations where the project site is fully visible. The project site is not a scenic resource that is afforded any protection under existing City regulations. While the development of the proposed Cristo Rey Drive Villas on the now undeveloped open area would result in a change in the visual setting; however, a change in the visual setting is not the significance criteria for establishing aesthetic-related impacts under CEQA. As described in Chapter 4.1, Aesthetics, of the Draft EIR, the proposed Cristo Rey Drive Villas would be limited to 1 story in height, which would be well below the existing tree canopy. Therefore, as described under impact discussion AES-1 starting on page 4.1-8 and continuing on page 4.1-9, the introduction of this project component would not obstruct any views of the surrounding scenic resources such as the views of foothills of the Coastal Range, including the Montebello Ridge, to the southwest, and ridgelines of the Santa Cruz Mountains to the north, that are visible from Cristo Rey Drive or the Rancho San Antonio County Park/Open Space Preserve. Also, as described under impact discussion AES-2 on page 4.1-9, while the proposed Cristo Rey Drive Villas that would be visible from public viewing locations would represent a change to the existing visual character of the site from the existing open grassy field to a row of 1-story villas and associated landscaping covering the majority of the area, the proposed project would be consistent with the overall character of the surrounding Oak Valley Neighborhood and the existing development on The Forum property. In addition, the proposed project would grade the site of the Cristo Rey Drive Villas, which would reduce the elevation and subsequently reduce the visibility of the Cristo Rey Drive Villas from the Oak Valley Neighborhood and the Rancho San Antonio County Park/Open Space Preserve. The proposed density and height under the proposed project would be consistent with the existing development on the project site. Therefore, development of the proposed project would not substantially degrade the visual quality of the site or its surroundings and associated impacts would be less than significant.</p>
A2-8	<ul style="list-style-type: none"> • Provide a Vegetation Monitoring Plan to ensure the retention of proposed landscaping used as visual screening along the periphery of the 	<p>The request for a Vegetation Monitoring Plan for the proposed project is noted for the record, but is not required as part of the CEQA process. As described in Chapter</p>

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Comment #	Comment	Response
	<p>Forum property. The vegetation monitoring plan should include a timeline for establishment of vegetation and the type of irrigation proposed.</p>	<p>3, Project Description, of the Draft EIR, in Section 3.1.3.4, Landscaping, on page 3-21, the project site includes landscaping throughout the project site’s interior and the surrounding perimeter (see Figure 3-12). The proposed project would result in 185,303 square feet of pervious landscaped surfaces and would comply with the City’s Landscape Ordinance (CMC Section 14.15.000). The proposed landscaping would be consistent with the surrounding Northern California landscape and would include native and/or adaptive, and drought resistant plant materials of similar water use grouped by hydrozones. 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 independent living villas to provide privacy between the adjacent land uses.</p>
A2-9	<p>Transportation and Traffic Parking and traffic is already a significant issue in the area surrounding the project site and along Cristo Rey Drive, the primary access road to the Forum. Approximately 700,000 visitors drove to the Preserve/Park in 2017. The parking demand is so high during peak and weekend visiting hours that visitors often have to wait a considerable amount of time for a parking space, which detracts from the overall park experience and leads to frustration and, sometimes, aggressive conflicts. City of Cupertino Code Enforcement is routinely involved in traffic issues along Cristo Rey Drive. The project proposes larger facilities and more villas that will increase traffic from staff, residents and visitors of the Forum.</p>	<p>The comment does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR, nor does the comment raise a new environmental issue. No further response is required. As discussed in Chapter 4.10, Traffic and Circulation, of the Draft EIR, traffic impacts were determined to be less than significant.</p>
A2-10	<p>Provide a Construction Traffic Management Plan and coordinate with the District, County Parks, and other adjacent landowners along Cristo Rey Drive. Cristo Rey Drive is the primary access road for the Preserve/Park, the Maryknoll religious institute, other Cupertino neighborhoods, as well as the Forum. Delays and other impacts to this road will affect all users, and should be coordinated in a timely fashion with adjacent land owners.</p>	<p>As discussed in Chapter 4.10, Traffic and Circulation, of the Draft EIR, traffic impacts were determined to be less than significant. As discussed in Chapter 4.10 on pages 4.10-10 and 4.10-11, the number of construction-related vehicle trips would be much less than a 5 percent increase over the current number of project-generated trips at the project site. Other phases of construction are anticipated to have less than 32 daily trips (for the aggregate of workers plus vendors plus haul-offs), which would have even a smaller percent increase over the current number of project-generated trips. As such, construction phase trips would have a negligible increase in traffic volumes to the circulation system, including the roadway segments and intersections along Cristo Rey Drive, Foothill Boulevard, Homestead Road.</p>

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		Accordingly, impacts would be less than significant. The request for a construction management plan is noted for the record, but is not required under CEQA. Also see Response to Comment A2-6 for information on construction staging and road closures.
A2-11	<p>• Include an analysis of impacts to pedestrian and bicycle infrastructure in the project area, and disclose whether the project will make contributions toward improvements identified in Cupertino's 2016 Bike Plan. The Draft EIR does not analyze the pedestrian or bicycle facility impacts of the project. Section 4.10.1.1. of the Draft EIR discusses Cupertino's 2016 Bike Plan, which calls for a bike lane along Cristo Rey in the vicinity of the project site. It is also stated that future developers would be required to contribute to implementing the recommended pedestrian and bike striping improvements in the project area. Clarify whether the project applicant will be required to contribute to these identified improvements.</p>	The comment incorrectly asserts that the Draft EIR did not evaluate impacts related to pedestrian and bicycle infrastructure. As discussed in Chapter 2, Executive Summary, of the Draft EIR, in Section 2.6, Significant Impacts and Mitigation, starting on page 2-6 and continuing through page 2-22, based on the analysis in the Initial Study (see Appendix A of the Draft EIR) it was determined that development of the proposed project would not conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities and therefore would not result in significant environmental impacts. As stated in the Initial Study, the proposed project would not displace, modify, or interfere with any transit stop, sidewalk, or bicycle lanes. The project, like all projects in Cupertino, would be required to pay all applicable building and permitting fees. The degree that the fees contribute to the City's pedestrian and bike improvements, then the project's fee would too support these improvements.
A2-12	<p>Noise</p> <p>• Limit construction to weekdays between the hours of 8 a.m. to 5 p.m. to minimize impacts to recreational users of the Preserve/Park. The Draft EIR states that construction will occur over a period of 32 months, with the construction of the independent living villas occurring during the first 6 months. Noise generated during construction and its impacts to recreational users are a concern. The Preserve and County Park provide a tranquil nature experience for the community, including residents of the Forum.</p>	As discussed in Chapter 4.9, Noise, of the Draft EIR, impacts from construction noise to adjacent off-site noise receptors would be less than significant. Construction activities would occur within the City's permitted construction hours of 7:00 a.m. to 8:00 p.m., Monday through Friday, and weekends between 9:00 a.m. to 6:00 p.m. pursuant to Cupertino Municipal Code, Title 10, Public Peace, Safety and Morals, Chapter 10.48, Community Noise Control, Section 10.48.053, Grading Construction and Demolition.
<p>A3 Richard Tanaka, Senior Principal, and Esteban Delgadillo, EIT, Design Engineer I, Cupertino Sanitary District, January 29, 2018</p>		
A3-1	I think we need to indicate that we are concern with Homestead pump station capacity during wet weather flow. Because of this concern, we would also require as part of the mitigation, to cctv all laterals and if lower lateral, district will repair at our cost; if upper, Forum will repair upper lateral.	As discussed in Chapter 4.11, Utilities and Service Systems, of the Draft EIR under impact discussion UTIL-3 starting on page 4.11-14 and continuing through page 4.11-17, implementation of the proposed project would add additional wastewater flow to the currently deficient Homestead Pump Station causing this station to exceed capacity during peak wet weather periods. Consequently, Mitigation

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Comment #	Comment	Response
		Measure UTIL-3 requires the applicant to pay their fair share of the cost to improving the Homestead Pump Station to correct this deficiency. The comment includes a suggestion for aiding in determining the fair-share cost for lateral repair. The applicant has agreed to the recommended mitigation measure to be agreed between the District and applicant. No further response is required.
A3-2	I have attached Cupertino Sanitary District’s comments regarding the Forum EIR to this email. I see that the City’s website is asking for a contact person for public agencies. I will be the contact for our agency and my phone number is provided in my email signature below.	The comment serves as an opening remark. No response is required.
A3-3	<p>The Cupertino Sanitary District has reviewed the Forum EIR and has no comments regarding the proposed mitigation solutions proposed regarding the District’s pump stations that service the Forum Development.</p> <p>The mitigation measure(s) still need to be agreed upon. Please have the developer contact the District in order to discuss required mitigation before the project enters the Building Department phase.</p> <p>If you have any questions, please feel free to contact Benjamin Porter or Frank Quach at 408-253- 7071.</p>	As stated in Mitigation Measure UTIL-3, prior to issuing grading and building permits the City shall require the project applicant to fund a fair-share contribution toward planned improvements to the Homestead Pump Station, as mutually agreed between the project applicant and Cupertino Sanitary District, to the satisfaction of the City of Cupertino Community Development Director. The commenter states that the mitigation measure(s) still need to be agreed upon. This statement may be misleading because the mitigation measure itself is final and no changes are required. However, the amount of the applicant’s fair-share contribution of the cost for the planned improvement needs to be determined and agreed upon. As stated in Mitigation Measure UTIL-3, the fair-share contribution must be determined prior to the City issuing grading and building permits for the proposed project.
A4 Roy Molseed, Senior Environmental Planner, Santa Clara Valley Transportation Authority		
A4-1	VTA has no comments on the above project.	The comment is noted. No response is required.
A5 Scott Morgan, Director, State Clearinghouse, Office of Planning and Research		
A5-1	The State Clearinghouse submitted the above named Draft EIR to selected state agencies for review. The review period closed on January 29, 2018, and no state agencies submitted comments by that date. This letter acknowledges that you have complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act.	The comment acknowledges the City has complied with the submittal requirements under CEQA. No response is required.

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Comment #	Comment	Response
	<p>Please contact the State Clearinghouse at (916) 445-0613 if you have any questions regarding the environmental review process. If you have a question about the above-named project, please refer to the ten-digit State Clearinghouse number when contacting this office.</p>	
<p><i>Private Individuals and Organizations</i></p>		
<p>B1 John T. McKenna</p>		
B1-1	<p>Thank you for the call back – we were looking at page 60 (Figure 3-13 – you can see our pool at the very bottom of the figure) and just wanted to confirm that this is temporary only for the construction phase, and how long is the phase - this reads to me like I could be dealing with looking at construction trailers, noise on the weekend from 9 am to 6 pm for the next 4 years (2022)? Since it is such a long period – what is the plan for screening off the storage containers, offices, toilets, etc.? New trees?</p> <p>Also wanted to confirm that they aren’t taking down any trees on the Maryknoll property.</p> <p>What is the plan for restoring the Maryknoll property/avoid damage.</p> <p>http://www.cupertino.org/home/showdocument?id=19057</p> <p>Like I mentioned the EIR from the City was the first we’ve heard of this project.</p>	<p>The comment does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR, nor does the comment raise a new environmental issue.</p> <p>As described in Chapter 3, Project Description, of the Draft EIR, the demolition and construction would occur in two construction phases over a period of approximately five years, subject to regulatory approval. As shown on Figure 3-13 and Figure 3-14 of the Draft EIR, employee parking and construction staging would occur in temporary facilities both on and off the project site. These employee parking and staging areas are temporary and would only be used during the construction phase of the project. Also described in the Draft EIR, the project would comply with the Cupertino Municipal Code, Title 10, Public Peace, Safety and Morals, Chapter 10.48, Community Noise Control, Section 10.48.053, Grading Construction and Demolition, which permits the demolition and construction work between 7:00 a.m. to 8:00 p.m., Monday through Friday, and weekends between 9:00 a.m. to 6:00 p.m.</p> <p>With respect to the noticing of the EIR, the City of Cupertino complied with all noticing requirements pursuant to CEQA. As described in Chapter 1, Introduction, of the Draft EIR, in compliance with Section 21080.4 of the California Public Resources Code, 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 interested agencies and persons on Monday, May 15, 2017 for a 30-day review period that ended on Wednesday, June 14, 2017. A public Scoping Meeting was held on Wednesday, May 31, 2017 at 6:00 p.m. at the Cupertino Community Hall (10350 Torre Avenue, Conference Room A).</p>

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Comment #	Comment	Response
B2 Louise and George Crosby		
B2-1	My wife and I have been residents at The Forum for over eight years. I have been involved to a degree in the development of the Master plan over the past four years and strongly recommend that it be approved as submitted by all relevant agencies.	This comment does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR, nor does the comment raise a new environmental issue. The comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of this Response to Comments document for their consideration in reviewing the project.
B3 Jerome W. Fischbein MD and Elizabeth B Fischbein		
B3-1	<p>My wife and I have lived at The Forum for the past 5 years. I have been a member of the RSI Board, responsible for the governance of The Forum Health Center, for the past 4 years. The Health Center delivers Five Star Care not only to Forum residents but to the entire Santa Clara County community. More than 35% of Skilled Nursing residents are not Forum members and more than 25% of Assisted Living residents are not Forum members. The Health Center must be updated in order to continue to deliver outstanding care. The new, enlarged Rehabilitation Center will be able to provide outpatient care for residents of Cupertino and surrounding community. It will have many areas of rehab therapy such as hydrotherapy, outdoor gait training, kitchen training that are not available in our present small rehab area.</p> <p>The Master Plan renovation is critically important for The Forum to be able to continue to provide this level of outstanding Five Star full service medical care to our residents and to residents of the Cupertino area.</p> <p>The enlargement and renovation of The Forum independent living facilities will enable us to expand Senior Living for the benefit of Cupertino seniors.</p> <p>Please help us in achieving these wonderful Master Plan goals by supporting our position in EIR review, Planning Commission review and Cupertino City Council presentation.</p>	This comment does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR, nor does the comment raise a new environmental issue. The comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of this Response to Comments document for their consideration in reviewing the project.

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Comment #	Comment	Response
B4 Don Peterson		
B4-1	<p data-bbox="285 373 1062 532">My wife Joan and I have lived at The Forum at Rancho San Antonio over five years. Prior to that Joan lived for 33 years in Cupertino and taught at Kennedy Jr. High school for 25 years. I am a structural engineer and since the late 1950s have structurally designed buildings in silicon valley including schools and other buildings in Cupertino.</p> <p data-bbox="285 574 1062 734">Since living at The Forum I have been on the HRC board for 3 1/2 years and as a board liaison to the design committee that works with the A & E team on the planning and design of our master plan project. I am very pleased to see our EIR is moving along and the project is headed to final city approvals.</p> <p data-bbox="285 776 1062 1094">The Forum, being a continuing care facility with three levels of living and care as needed, is a complex facility that needs continued monitoring of the conditions and demands on the buildings. Our health care center is a 5 star rated facility and it is vital that we maintain that rating by doing the additions and retrofitting of the patient rooms and support spaces. If we don't get ahead of the aging of the facilities with our new work, we will likely fall into a declining mode and compound the problems. This is true with all of our facilities; we have to keep our campus in A1 shape in order for it to be attractive to new residents that are looking for a top level retirement community.</p> <p data-bbox="285 1136 1062 1328">You may already know this that The Forum is not owned by a large corporation, but is owned by all the individuals that have bought their independent living units with the plan that they will live the rest of their lives here. With that in mind we had to find ways to fund the improvements necessary for our revitalization of our facilities without causing untenable special assessments.</p> <p data-bbox="285 1370 1062 1425">Thus, we need to build the new villas that will yield some of the funds needed for our revitalization of our campus.</p>	<p data-bbox="1079 373 1955 565">This comment does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR, nor does the comment raise a new environmental issue. The comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of this Response to Comments document for their consideration in reviewing the project.</p>

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	<p>It is our wish that you and your staff will be able to help and guide us through this approval process and we can see our dream come to realization and that The Forum can be a continuing asset to the greater Cupertino community.</p>	
B5 Sue and Jim Liskovec		
	<p>We wholeheartedly support the Master Plan Expansion of The Forum at Rancho San Antonio.</p> <p>The proposed new senior residences will serve several important purposes. They will provide:</p> <ul style="list-style-type: none"> • additional senior housing in the growing Cupertino community. • the finances needed to expand and update The Forum Healthcare Center – Assisted Living, Skilled Nursing, and a new Memory Care Center – for the benefit of Forum residents AND other residents of Cupertino and surrounding communities. <p>As Forum residents for more than four years, we applaud the planning process undertaken by our Management Company (Life Care Services, Inc) and our own Forum resident governing Board of Directors. Transparency, thoughtfulness and compromise have been hallmarks of this process.</p> <p>The Forum, expanded and modernized, will be a valuable asset to the community.</p>	<p>This comment does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR, nor does the comment raise a new environmental issue. The comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of this Response to Comments document for their consideration in reviewing the project.</p>
B6 Richard & Peggy Jacquet and Matt & Linda Starkey		
B6-1	<p>1. The report states that there are no issues related to “Run off water”. However, there are already run off issues, particularly in the area of the first Oak Valley home on the right as you are driving in to the community.</p>	<p>The comment incorrectly states that the Draft EIR states that there are no issues related to run-off water. The Draft EIR includes a description of the existing drainage conditions in Chapter 4.8, Hydrology and Water Quality, on page 4.8-9. As described in this section, because The Forum was constructed prior to development of the adjacent residential development that now makes up the Oak</p>

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		<p>Valley neighborhood, there was no adjacent development or drainage improvements required beyond what was completed for The Forum development. When the adjacent residential homes were later developed, the developer of those homes installed drainage facilities (valley gutter and drainage inlet) along a portion of property line between adjacent homes and The Forum property. The adjacent residential development only constructed a portion of the valley gutter at 23505 Oak Valley Road and installed a drainage inlet at this location, as well as a drainage pipe under 23505 Oak Valley Road connecting to the City of Cupertino storm drain system. In heavy rain events, some surface water at the property line of 23505 Oak Valley Road and The Forum does not reach the nearby valley gutter and does not flow into the drainage inlet. The result is overland water flow onto the property located at 23505 Oak Valley Road. No other properties have experienced overland flows onto properties due to the original installation of the valley gutter along the remainder of the common property line.</p> <p>As discussed under impact discussion HYDRO-1 starting on page 4.8-10 and continuing through page 4.8-12, the proposed project includes 9,363 square feet of bioretention areas that would exceed the required amount by 2,311 square feet; thus, meeting the required standards to ensure runoff would be held on site and would not impact off-site locations. Additionally, the proposed project would include green roofs and raised flow-through planters that would collect runoff from roof areas, parking lots, sidewalks and streets for treatment and flow control prior to discharge into the internal storm drain system, which connects to the City’s storm drain system. Specifically, the proposed drainage improvements are designed to intercept surface water that naturally drains toward the 23505 Oak Valley Road and carry it to a controlled drainage system. This solution would also reduce debris within the flow because the water that has historically flowed overland would be contained within pipes once The Forum’s development and improvements are completed. The proposed drainage improvements at and adjacent to 23505 Oak Valley Road include the installation of new concrete valley gutter along the fence line of the property, constructing a new valley gutter where it did not previously exist, and connecting the new concrete valley gutter to the existing concrete valley gutter. The proposed improvements also include removal of the existing inlet and connecting drainage facilities on the project property</p>

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Comment #	Comment	Response
B6-2	<p>2. Regarding the site character, the proposed project will destroy the visual character of the open land where the villas will be constructed. Currently it is very beautiful open land that wildlife uses. This will disappear, thus destroying the beautiful site character we now have.</p>	<p>directly into the existing drainage pipe to eliminate overland flows onto 23505 Oak Valley Road. As a redundant drainage solution, the proposed improvements also include relocating the inlet and connecting it to the concrete valley gutter. This additional improvement would provide a secondary drainage option for water from the project site to drain into the valley gutter instead of across the 23505 Oak Valley Road property in the event the pipe crossing of this property becomes restricted for any reason. Consequently, implementation of the proposed project would improve off-site drainage conditions in this area.</p> <p>This comment expresses their opinion, but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR, nor does the comment raise a new environmental issue. The project site is not a scenic resource that is afforded any protection under existing City regulations. While the development of the proposed Cristo Rey Drive Villas on the now undeveloped open area described by the commenter would result in a change in the visual setting, a change in the visual setting is not the significance criteria for establishing aesthetic-related impacts under CEQA. As described in Chapter 4.1, Aesthetics, of the Draft EIR, the proposed Cristo Rey Drive Villas would be limited to 1 story in height, which would be well below the existing tree canopy. Therefore, as described under impact discussion AES-1 starting on page 4.1-8 and continuing on page 4.1-9, the introduction of this project component would not obstruct any views of the surrounding scenic resources such as the views of foothills of the Coastal Range, including the Montebello Ridge, to the southwest, and ridgelines of the Santa Cruz Mountains to the north, that are visible from Cristo Rey Drive or the Rancho San Antonio County Park/Open Space Preserve. Also, as described under impact discussion AES-2 on page 4.1-9, while the proposed Cristo Rey Drive Villas would be visible from public viewing locations and would represent a change to the existing visual character of the site from the existing open grassy field to a row of 1-story villas and associated landscaping covering the majority of the area, the proposed project would be consistent with the overall character of the surrounding Oak Valley Neighborhood and the existing development on The Forum property. In compliance with General Plan Policy LU-27.2, the proposed project would protect the Oak Valley Neighborhood from intrusive visual effects by providing landscaping and setbacks approximately 25 feet or greater from the</p>

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TABLE 5-1 RESPONSE TO COMMENTS

Comment #	Comment	Response
B6-3	3. Regarding the 25' setbacks of the villas mentioned in the EIR, Forum officials told us that the setbacks would be closer to 40-50'.	<p>property line between the proposed villas and the existing, off-site, single-family homes to the south. In addition, the proposed project would grade the site of the Cristo Rey Drive Villas, which would reduce the elevation and subsequently reduce the visibility of the Cristo Rey Drive Villas from the Oak Valley Neighborhood. The proposed density and height under the proposed project would be consistent with the existing development on the project site. Therefore, development of the proposed project would not substantially degrade the visual quality of the site or its surroundings and associated impacts would be less than significant.</p> <p>As described in Chapter 3, Project Description, of the Draft EIR, on page 3-8, pursuant to Cupertino Municipal Code Section 19.76.060, there are no required minimum setbacks for the project site; however, the Planning Commission may establish minimum setbacks on a site-by-site basis in order to provide adequate light, air and visibility at intersections, conformance with adjacent and nearby land uses, or to promote the general excellence of the development. As described on page 3-21, the proposed Cristo Rey Drive Villas would be setback approximately 25 feet or greater from the property line between the proposed villas and the existing, off-site, single-family homes. As described in Chapter 4.1, Aesthetics, of the Draft EIR, and stated above in Response to Comment B4-2 above, in compliance with General Plan Policy LU-27.2, the proposed project would protect the Oak Valley Neighborhood from intrusive visual effects by providing landscaping and setbacks approximately 25 feet or greater from the property line between the proposed villas and the existing, off-site, single-family homes to the south.</p> <p>Chapter 5, Alternatives to the Proposed Project, of the Draft EIR, includes alternative project designs that consider greater setbacks between the project site property line and the adjacent residents to the south. As described on page 5-12, these increased setbacks would be possible by narrowing a portion of the proposed new frontage road to the minimum allowable width of 20 feet and relocating the parallel on-street parking stalls that are proposed by the project along this new road. As described, setbacks between existing off-site homes and the proposed villas would increase to between 68 and 100 feet. The exact setback will be determined at the time of project approval.</p>
B6-4	4. In Figure 3-12 that shows the location of the Villas, Forum officials told us that the locations would be as shown in Figure 5-2, or	The proposed project as described in Chapter 3, Project Description, of the Draft EIR is shown on Figures 3-11 and 3-12 as noted by the commenter, and alternate

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TABLE 5-1 **RESPONSE TO COMMENTS**

Comment #	Comment	Response
	Figure 5-3, not as shown in Figure 3-11.	locations of the proposed villas are shown on Figures 5-2 and 5-3.
B6-5	5. Regarding sewers, there is already a sewer problem. As you are driving up the hill on Cristo Rey Dr. there is often a strong sewer smell. Adding addition homes can only make this worse.	As discussed in Chapter 4.11, Utilities and Service Systems, under impact discussion UTIL-3 starting on page 4.11-14 and continuing through page 4.11-17, impacts related to the sewer system would be less than significant with implementation of Mitigation Measure UTIL-3. The project would not exacerbate or cause any sewer leaks that would cause a smell. According to the Cupertino Sanitary District, when their contractors clean the mainline on Cristo Rey Drive, that area is known to smell a little bit when the manhole is opened. This cleaning has to be completed to prevent sewer spills.
B6-6	6. Regarding traffic on Cristo Rey Dr., there are significant traffic and safety issues during the times Rancho San Antonio Park is in heavy use. Cars are parked on both sides of Cristo Rey Dr., park users walk in the street, and there is significant traffic on Cristo Rey. Additional homes will make this safety situation worse.	This comment does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR, nor does the comment raise a new environmental issue. As discussed in Chapter 4.10, Traffic and Circulation, of the Draft EIR, traffic impacts were determined to be less than significant. The comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of this Response to Comments document for their consideration in reviewing the project.
B6-7	7. The residents of the Oak Valley community are very concerned about the gas line that runs in the area of the project. It does not appear that the EIR adequately addressed this issue. We do not want another San Bruno issue.	As discussed in Chapter 4.7, Hazards and Hazardous Materials, of the Draft EIR under discussion HAZ-1 starting on page 4.7-10 and continuing on page 4.7-11, a Pacific Gas and Electric Company (PG&E) gas pipeline crosses the project site in the vicinity of the proposed independent living villas off of Cristo Rey Drive. The proposed villas are sited to avoid the PG&E gas pipeline easement such that none of the proposed villas would directly overlie the easement for the gas pipeline. In addition, PG&E maintains a gas safety plan in compliance with Senate Bill (SB) 705. As described in Section 4.7.1.1, Regulatory Framework, under the subheading “State Regulations” on page 4.7-5, in October 2011, the California legislature signed into law SB 705, which requires each gas corporation to develop a plan for the safe and reliable operation of its commission-regulated gas pipeline facility. In compliance with SB 705, PG&E has developed the <i>Pacific Gas and Electric Company Gas Safety Plan</i> . The 2017 plan reports on PG&E progress in operating safely and reliably and shows that, since 2011, PG&E has reduced its response time to gas odor events (from 33 minutes to 20 minutes), reduced its leak backlog, replaced over 175 miles of pipeline (compared to 9 miles in 2011), hydrotested over 835

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TABLE 5-1 RESPONSE TO COMMENTS

Comment #	Comment	Response
B6-8	<p>8. The residents of the Oak Valley community are very concerned about escape routes. There is one route in and out of Oak Valley. If there is an emergency it is very difficult to escape from the residences. For example, on June 9, 2017 there was a fire along Cristo Rey drive that led to Cristo Rey being closed. In emergencies the back gate along St. Joseph is suppose to be opened but for some reason that was delayed on June 9. When the back gate is opened there is only a two-lane road going through a very dense neighborhood. There will be many cars trying to get out and this creates safety problems. I would like to see what the fire department and traffic control says about this. Adding more homes only makes the matter worse.</p>	<p>miles of pipeline (compared to 0 miles in 2011), installed 268 automated valves (compared to 0 in 2011), replaced over 435 miles of gas distribution mainline (compared to 27 in 2011), and opened a Gas Control Center.¹ The Gas Control Center was opened in 2013 and allows PG&E to monitor in real time thousands of miles of gas pipeline. As discussed on page 4.7-11, the proposed project would not create or exacerbate any hazards associated with the gas pipeline and impacts were found to be less than significant.</p> <p>As discussed in Chapter 4.7, Hazards and Hazardous Materials, of the Draft EIR under discussion HAZ-2 starting on page 4.7-11 and continuing on page 4.7-12, the proposed project would not block roads and would not impede emergency access to surrounding properties or neighborhoods. Emergency vehicle access would be provided at two points: one located on Cristo Rey Drive at the main entrance to The Forum. The second emergency access point for The Forum is located at Via Esplendor where it turns into Stonehaven Drive. This access point is a dedicated Emergency Vehicle Access drive. In addition to Cristo Rey Drive, the Oak Valley neighborhood has a dedicated and direct Emergency Vehicle Access point at the intersection of Sycamore Drive and Stonehaven Drive and the other at one new access point off of Cristo Rey Drive near the main entrance point. All other components of the proposed project would continue to be accessed from the main entryway off of Cristo Rey Drive. Emergency vehicle access would be maintained and provided at the existing main access point and the new access point, as well as the existing emergency-vehicle-only access point connecting Stonehaven Drive to Via Esplendor on the southwest portion of the site. During demolition and construction, vehicles, equipment, and materials would be staged and stored on a portion of the project site. The construction site and staging areas would be clearly marked, and construction fencing would be installed to prevent disturbance and safety hazards. No staging would occur in the public right-of-way. A combination of on- and off-site parking facilities for construction workers would be designated during demolition, grading, and construction. The proposed project would not physically interfere with emergency evacuation and impacts would be less than significant. The Draft EIR did not account for unusual or episodic events such as an</p>

¹ Pacific Gas & Electric, 2017, *Pacific Gas and Electric Company Gas Safety Plan*, page 2.

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TABLE 5-1 RESPONSE TO COMMENTS

Comment #	Comment	Response
B7 Virginia Willcox		
B7-1	<p>As you know, The Forum is undertaking a project to upgrade and expand its medical facilities and has submitted an Environmental Impact Report as part of its permit application. This EIR has demonstrated sufficiency in all areas and is a significant step toward the goal of enhancing a community asset.</p> <p>As a resident of The Forum, I take advantage of our adjacent Open Space on a daily basis, walking through neighboring Oak Valley houses and out into Rancho San Antonio. All of us living in this area, whether from The Forum, Maryknoll, or Oak Valley, appreciate the quality of life afforded by the natural beauty where we live, as well as the quiet and attractive setting of our general neighborhood. It is in our best interest to do whatever we can to preserve the character of our surroundings and day-to-day living. This objective has been met and corroborated by the EIR.</p> <p>Also, I am proud to say that The Forum, as a full-care senior retirement facility, aims to serve not only its own residents but also the community at large. We currently have skilled nursing and assisted living that is open to all—we encourage local hospitals and medical facilities to take advantage of this. With the expansion of facilities under the new project we will be able to offer more services that benefit the general public at the high level (Medicare 5-star rating) we have maintained over the years. Plans for these new, excellent facilities also comply under the EIR.</p> <p>Generally speaking, it is well known that demographic trends point to the increasing size of our aging population and thus the increasing demand for facilities to support it. I believe that the City of Cupertino will want to continue to adapt to these ongoing trends and show leadership</p>	<p>actual evacuation due to a wildfire as described by the commenter. To predict the impacts resulting from incidents such as that proposed by commenter would be speculative and outside the scope of the Draft EIR and CEQA.</p> <p>This comment does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR, nor does the comment raise a new environmental issue. The comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of this Response to Comments document for their consideration in reviewing the project.</p>

COMMENTS AND RESPONSES

TABLE 5-1 RESPONSE TO COMMENTS

Comment #	Comment	Response
	in promoting the elderly by endorsing a thriving and contributing community neighbor, The Forum.	
B8 Dick & Pat Wolff		
B8-1	<p>We are residents of Cupertino and The Forum Senior Community. We have observed close hand the thoughtful and thorough approach to planning the expansion of this beautiful facility so more people in our community will have the opportunity to enjoy it. The Forum is a distinguished Continuing Care Retirement Community (CCRC) that is serving our senior community with five star care that includes beautiful Independent Living accommodations, top notch skilled nursing facilities, and caring, comfortable Assisted Living residences. However, we are near capacity, and we all know the baby boomers are coming. Many of them will choose, like we did, to move to a facility like The Forum to enjoy their senior years. The Forum must expand now to be ready for this demand.</p> <p>The Forum Master Plan that is addressed in the Draft EIR is a well-planned expansion that blends the new buildings masterfully into the existing Forum architecture and landscape. It will be an eye pleasing addition to the community as well as a wonderful benefit for seniors from Cupertino and beyond. The Master Plan is a balanced expansion. It adds Independent and Assisted Living accommodations as well as Skilled Nursing facilities. Anyway you look at this expansion it will be a benefit to Cupertino and the community beyond.</p> <p>We strongly urge the Cupertino Planning Commission and City Council to approve The Forum’s request to expand.</p>	<p>This comment does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR, nor does the comment raise a new environmental issue. The comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of this Response to Comments document for their consideration in reviewing the project.</p>
B9 Paul Jones		
B9-1	<p>My name is Paul Jones and I live at XXXXX Oak Valley Road, one of the houses that will have a direct impact on the construction proposed by the Forum.</p> <p>The draft EIR mentions multiple categories that may have effects due to</p>	<p>The comment serves as an opening remark and does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR, nor does the comment raise a new environmental issue. No further response is required.</p>

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TABLE 5-1 RESPONSE TO COMMENTS

Comment #	Comment	Response
	the project, and I'd like to address a few of them.	
B9-2	1. Aesthetics. The Forum has given the neighbors multiple plans on building villas with the number ranging from 16-25. Having more Villa's built will certainly affect the aesthetics of the open land, not to mention all the current wildlife that calls this land it's home. I believe I speak for the neighborhood that limiting the number of Villa's will help keep the current aesthetics of the landscape, although much of the wildlife will be killed during construction.	<p>This comment expresses an opinion, but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR, nor does the comment raise a new environmental issue.</p> <p>The comment incorrectly asserts that much of the wildlife will be killed during construction. The comment provides no evidence to support this assertion and does not specify what type of wildlife would be killed. As discussed in Chapter 4.3, Biological Resources, of the Draft EIR, impacts to wildlife would be less than significant with implementation of mitigation measures. As stated on page 4.3-4, using data from the CALVEG mapping program and the data provided in the Biological Resources Assessment prepared for the project, which included multiple site visits, the majority of the project site is mapped as landscape defined as "urban" by CALVEG, 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. Mitigation Measures BIO-1a and BIO-1c require pre-construction surveys to confirm the presence of wildlife prior to construction. Mitigation Measure BIO-1b requires the installation of orange construction fencing to protect habitat prior to construction. Mitigation Measure BIO-3 describes the steps to be taken to comply with the City's Protected Tree Ordinance, which includes measures to comply with the Migratory Bird Treaty Act to protect nesting birds during construction.</p> <p>Also, as discussed in Chapter 4.1, Aesthetics, of the Draft EIR, impacts related to aesthetics would be less than significant. See Response to Comment B6-2 with respect to aesthetics.</p>
B9-3	2. Greenhouse gas emissions. Sewage is already a huge problem with the Oak Valley neighborhood. The sewer is consistently blocked and there is a terrible smell throughout the year. I'm afraid with more residence, this will create an even bigger problem.	See Response to Comment B6-5.
B9-4	3. Hydrology and water quality. There is already significant water runoff into the neighborhood. With the grading of the new Villas, I'm afraid	See Response to Comment B6-1.

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TABLE 5-1 RESPONSE TO COMMENTS

Comment #	Comment	Response
	we'll have significant flooding throughout the neighborhood.	
B9-5	4. Noise. Our area is a very peaceful and a quite neighborhood. All the residents in Oak Valley and The Forum enjoy this setting. By adding so many more villas, with visitors driving into our only access rode, noise pollution will increase dramatically.	This comment expresses their opinion, but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR, nor does the comment raise a new environmental issue. As discussed in Chapter 4.9, Noise, of the Draft EIR, operational and construction noise would be less than significant. The comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of this Response to Comments document for their consideration in reviewing the project.
B9-6	<p>5. Transportation and Circulation. As mentioned above, there is only one road that leads into The Forum and Oak Valley. With the new residents, existing residents, visitors, and all the people enjoying Ranch San Antonio Park, traffic will not only become very heavy, but also very dangerous as well. There are many bicyclists and pedestrians enjoying these beautiful surroundings, so I'm very concerned for people's safety with only one access road in and out of the new proposed neighborhood.</p> <p>I understand that the Forum wants to build more houses to upgrade some of their care center units, and the city will have additional revenue stream with these new Villas. But I ask you to please consider the above points when making your decision, and perhaps a reasonable compromise is to limit the number of Villa's being built so they won't have such a big impact on the environment, the animals that currently live there, and all the neighbors not just in Oak Valley, but also The Forum as well.</p>	This comment expresses their opinion, but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR, nor does the comment raise a new environmental issue. As discussed in Chapter 4.10, Traffic and Circulation, of the Draft EIR, traffic impacts were determined to be less than significant. The comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of this Response to Comments document for their consideration in reviewing the project.
B10 Linda and Matt Starkey		
B10-1	<p>I've updated my original comments in RED to be included with Dick and Peggy Jacquet's attached letter. Please note some additional comments regarding the EIR draft below in RED as well:</p> <p>Oak Valley neighbors have been waiting for the EIR report since our comments were submitted to be considered in June '17. I checked late</p>	This comment does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR, nor does the comment raise a new environmental issue. The comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of this Response to Comments document for their consideration in reviewing the project.

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TABLE 5-1 RESPONSE TO COMMENTS

Comment #	Comment	Response
	<p>Sept '17 and you advised no word as to when we would be finalized because it's a long process. Ironically, Oak Valley neighbors received your NOA draft letter in our mailboxes the afternoon of 12/18 even though the letter was dated 12/15/17. A few days off, but the main concern is that the City of Cupertino residents were given 45 days to review very involved documents. That time frame included the week prior to Christmas 12/25/17 the week after Christmas and the New Year's week. So basically our 45 day period became more like <30 days to digest what the EIR committee took months to review and advise. The Forum expressed many times they wanted their plans reviewed and approved by Dec 2017 which is close to the schedule the citizens of Cupertino are now being forced to adhere to and of greater concern, how much our objections and concerns have actually been considered by the EIR.</p> <p>Below are my original concerns submitted with updated comments:</p>	<p>With respect to the noticing of the EIR, the City of Cupertino complied with all noticing requirements pursuant to CEQA. As described in Chapter 1, Introduction, of the Draft EIR, in compliance with Section 21080.4 of the California Public Resources Code, 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 interested agencies and persons on Monday, May 15, 2017 for a 30-day review period that ended on Wednesday, June 14, 2017. A public Scoping Meeting was held on Wednesday, May 31, 2017 at 6:00 p.m. at the Cupertino Community Hall (10350 Torre Avenue, Conference Room A).</p>
B10-2	<p>*The proposed Forum development plan that includes 25 villas is extremely high density that The Forum actually agrees this is the case. The proposed villas are on open space parcels that in some locations are only < +/- 130 ft deep allowing only feet between current homes and proposed villas. This property has always been and currently is open space, not meant to be high density such as the Vallco project.</p> <p>Update: Nancy and Eric met with Oak Valley neighbors and agreed that the villas behind 23535, 23545, 23555, 23565 Oak Valley Road in Plan A are located too close to the Oak Valley Property lines. Dick Jacquet advises the 25 villas were originally 18, not 25. True. Please refer to his letter #3 and 4 regarding location and extremely high density on very small lots behind these Oak Valley homes.</p>	<p>The comment does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR, nor does the comment raise a new environmental issue. The comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of this Response to Comments document for their consideration in reviewing the project.</p>
B10-3	<p>*High density buildings that are only feet off the Oak Valley fences which will create noise issues, nighttime lighting issues, fumes from cars in the proposed villa driveways, loss of nature, loss of privacy.</p>	<p>As described in Chapter 3, Project Description, of the Draft EIR, pursuant to Cupertino Municipal Code Section 19.76.060, there are no required minimum setbacks for the project site; however, the Planning Commission may establish minimum setbacks on a site-by-site basis in order to provide adequate light, air and</p>

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TABLE 5-1 RESPONSE TO COMMENTS

Comment #	Comment	Response
	<p>Update: Please advise where this is investigated and considered in the EIR report.</p>	<p>visibility at intersections, conformance with adjacent and nearby land uses, or to promote the general excellence of the development. See Response to Comment B6-3 for more discussion on setbacks.</p> <p>Chapter 4.9, Noise, of the Draft EIR, includes a discussion of operational and construction noise and impacts were determined to be less than significant.</p> <p>Impacts related to nighttime lighting issues were found to be less than significant. This is identified on page 2.6 of the Draft EIR and discussed in the Initial Study under Section I, Aesthetics, on page 32, found in Appendix A of the Draft EIR.</p> <p>Impacts related to emissions from cars are discussed in Chapter 4.2, Air Quality, and impacts were determined to be less than significant.</p> <p>Impacts to biological resources are discussed in Chapter 4.3, Biological Resources, and impacts were found to be less than significant.</p> <p>With respect to loss of privacy, CEQA Guidelines Section 15358(b) describes that CEQA is an environmental protection statute that is concerned with physical changes in the environment. The environment includes land, air water, minerals, flora, fauna, ambient noise and objects of historic or aesthetic significance (CEQA Guidelines Section 15360). The project merits (e.g., community consequences or benefits, personal wellbeing and quality of life, and economic or financial issues) are not treated as effects on the environment (CEQA Guidelines Sections 15064(e) and 15131(a)). Therefore, consistent with CEQA, the Draft EIR includes an analysis of the proposed project’s potentially significant physical impacts on the environment and does not include a discussion of or responses to the project merits. Lead agency review of environmental issues and project merits are both important in the decision of what action to take on a project, and both are considered in the decision-making process for a project. Note, as described in Chapter 3, Project Description, of the Draft EIR, landscaping would be specifically designed around the independent living villas to provide privacy between the adjacent land uses.</p>

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TABLE 5-1 RESPONSE TO COMMENTS

Comment #	Comment	Response
B10-4	<p>*Water-There has been a real effort to conserve water to the point of letting landscape suffer/die. Please consider the amount of buildings and people that will increase usage of water while homeowners are expected to continue conserving.</p> <p>Update: Please advise where this is considered in the EIR report.</p>	<p>This comment expresses an opinion, but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR, nor does the comment raise a new environmental issue. As discussed in Chapter 4.11, Utilities and Service Systems, of the Draft EIR, impacts related to water supply were found to be less than significant. As described in Chapter 3, Project Description, of the Draft EIR, the proposed landscaping would be consistent with the surrounding Northern California landscape and would include native and/or adaptive, and drought resistant plant materials of similar water use grouped by hydrozones. 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.</p>
B10-5	<p>*The Forum originally proposed developing only 18 villas max, now the architectural firm has proposed squeezing an additional 7 proposed villas into open space land.nature-The land where The Forum is proposing to be high density is currently home to nature; hawks, deer, turkey, opossum, skunks, hares, rabbits, blue heron, owls and more. See the attached pics.</p> <p>Update: Please advise where this is considered in the EIR report.</p>	<p>Impacts to biological resources are discussed in Chapter 4.3, Biological Resources, of the Draft EIR, and impacts were found to be less than significant with implementation of mitigation measures.</p>
B10-6	<p>*Sewage-Constant raw sewage odors are present along Cristo Rey. There has been an attempt to better the situation, however, the noxious odors are still a fact. Please look at the elevated levels, repair and monitoring history of the pump located on Cristo Rey.</p> <p>Update: Please advise where this is addressed in the EIR report.</p>	<p>See Response to Comment B6-5.</p>
B10-7	<p>Traffic-Cristo Rey is already dangerous to drive on the weekends and holidays. Park visitors are trolling for parking, parking along Cristo Rey on both sides, parking on the blind curve and forcing walkers and hikers to walk into the lanes of Cristo Rey where sidewalks are not present. Adding 2 cars per family for proposed villas plus cars for additional Forum expansion employees will add to the already burdened one way in and one way out street.</p>	<p>The commenter expresses an opinion about the existing conditions on the roadways in the vicinity of the project site and incorrectly speculates that the proposed project would add two cars per proposed independent living villa. The commenter provides no evidence to support this assertion. Additionally, the commenter asserts that a traffic study was performed during low park traffic times and requests that a traffic study be prepared during summer months. However, as described in Chapter 4.10, Transportation and Circulation, of the Draft EIR on page</p>

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TABLE 5-1 RESPONSE TO COMMENTS

Comment #	Comment	Response
	<p>Update: The EIR report references studies performed during low park traffic as the temperatures average between 34 and 55 degrees. Why weren't these studies performed during summer traffic when cars, joggers, bicyclists, hikers are all jammed onto Cristo Rey? Please forward the EIR traffic studies taken during the summer months.</p>	<p>4.10-2, no traffic study was required to be prepared for the project. The Santa Clara Valley Transportation Authority (VTA) presents transportation impact assessment (TIA) guidelines for assessing the transportation and circulation impacts of development projects and identifying whether improvements are needed to adjacent roadways, bike facilities, sidewalks, and transit services affected by the proposed project. The TIA guidelines have been adopted by local agencies within Santa Clara County, including the City of Cupertino, and are applied to analyze the regional transportation system. Per the TIA guidelines, a TIA must be completed for Congestion Management Plan purposes for projects that meet or exceed the trip threshold of generating 100 or more net new weekday peak hour morning or AM (7:00 to 10:00 a.m.) and peak hour evening or PM (4:00 to 7:00 p.m.) commute times or weekend peak hour trips, including both inbound and outbound trips. As discussed in Section 4.10-4, Impact Discussion, under TRANS-1, starting on page 1.10-9 and continuing through page 4.10-11, the proposed project would not generate more than 15 AM or PM peak hour trips and therefore, does not meet or exceed the VTA's threshold of 100 or more net new trips required to prepare a TIA. The traffic counts prepared for the proposed project were done solely to estimate the number of trips the project would generate and thus, contribute to vehicular traffic to the roadways and do not reflect the traffic going to the park. Accordingly, the peak use times at the park suggested by the commenter have no bearing on the existing traffic counts for the project site. As described in Chapter 4.10, under subheading "Trip Generation" on page 4.10-7, in order to review the number of trips that occur on a typical day at the existing project site, two methods were used. The number of existing trips was estimated based on: 1) 24-hour vehicular trip counts taken at one on-site location: Cristo Rey Drive south of Capilla Way (17072 Cristo Rey Drive) on March 23, 2017, and 2) vehicular trip generation rates for both detached (with garage) and attached (no garage) senior housing, as well as assisted living facilities and CCRCs provided in the <i>Institution of Transportation Engineers (ITE) Trip Generation Manual</i>. As shown in Table 4.10-3, the proposed project would not generate more than 15 trips under both morning and evening (AM and PM) peak hour conditions and does not meet or exceed the Santa Clara Valley Transportation Authority's Traffic Impact Analysis threshold and no off-site intersection level-of-service calculations are required. This would be the equivalent of one car added to the roadway network every 4 minutes. This would be a</p>

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TABLE 5-1 RESPONSE TO COMMENTS

Comment #	Comment	Response
B10-8	<p>*The Forum was not happy when the Oak Valley development density was proposed and one of the reasons was the increased traffic that would use Cristo Rey. I understand they petitioned The City of Cupertino to lower the number of homes to help lower the number of cars Oak Valley would generate. Now they want to add 50+ villa cars and an unknown amt. of future employee cars to the already overcrowded road. This traffic is already difficult for many of The Forum elderly residents to navigate and increased traffic will make it worse.</p> <p>Update: Again, the EIR report references studies performed during low park traffic as the temperatures were in the 40's degrees. Why weren't these studies performed during summer traffic when cars, joggers, bicyclists, hikers are all jammed onto Cristo Rey? Please forward the EIR traffic studies taken during the summer months.</p>	<p>negligible increase in traffic volumes to the circulation system, including the roadway segments and intersections along Cristo Rey Drive, Foothill Boulevard, Homestead Road. Accordingly, impacts would be less than significant and no further analysis is required.</p> <p>This comment expresses their opinion, but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR, nor does the comment raise a new environmental issue. See Response to Comment B10-7.</p>
B10-9	<p>*Richard Adler/Oak Valley neighbor, proposed The City of Cupertino make every effort to review the original intent of the current open space land use. We highly support this effort. The Forum should produce their copy if the City cannot, but movement forward should only be based on the guidelines of land use originally set up years ago.</p> <p>Update: Please advise the efforts made regarding provisions for maintaining open space as part of what was at the time the first high density development in an otherwise relatively rural and open area</p>	<p>This comment does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR, nor does the comment raise a new environmental issue. The comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of this Response to Comments document for their consideration in reviewing the project.</p>
B10-10	<p>*PG&E major gas lines behind the property of the Oak Valley homes. High degree of concern over developing so close to the gas lines. Who will oversee this potential issue?</p> <p>Update: Is this addressed in the EIR? How will the lines be tapped into to</p>	<p>See Response to Comment B6-7.</p>

COMMENTS AND RESPONSES

TABLE 5-1 RESPONSE TO COMMENTS

Comment #	Comment	Response
B10-11	<p data-bbox="283 326 1060 383">include the additional buildings? Safety provisions in place considered by the EIR.</p> <p data-bbox="283 391 1060 548">*Safety-Adding additional villas will add to a potential standstill during a disaster. In case of an emergency, how will additional proposed residents and emergency vehicles escape? There are only two roads into/out of our neighborhood that need to transport hundreds of people.</p> <p data-bbox="283 594 1060 781">*The Cristo Rey to Foothill exit, one two-lane road, will have to support the four Oak Valley neighborhoods, the three Los Altos cul-de-sacs and the whole of The Forum population, some of which need support. Hopefully the EIR board will consider/study how large that population is, not including emergency vehicles, etc trying to get into the neighborhood and back out.</p> <p data-bbox="283 826 1060 1013">*The Los Altos exit which in an emergency will need to support lower Oak Valley neighbors, Los Altos neighbors which include all the Highlands homes and lower homes all the way from the park exit at 280 to Foothill Blvd. Again, basically a one road exit escape in an emergency/disaster. Who will be liable when an emergency occurs and people are not able to get out quickly?</p> <p data-bbox="283 1058 1060 1148">*Link to how many homes (not people) and one elementary school would need to use the limited exit paths during a disaster. https://www.google.com/maps/@37.338129,-122.0777607,15z</p> <p data-bbox="283 1193 1060 1250">Update: Please advise where in the EIR this is investigated and discussed and the safety approvals of Santa Clara County/Cupertino Fire Dept.</p> <p data-bbox="283 1295 1060 1416">*The EIR comparison to other Cupertino projects do not pertain to The Forum project. Why would these comparisons be made regarding traffic exit and entrances and fire safety etc? None of these projects compare to The Forum project.</p>	See Response to Comment B6-8.

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TABLE 5-1 RESPONSE TO COMMENTS

Comment #	Comment	Response
B11 Mackenzie Mossing, Environmental Advocacy Associate, Santa Clara Valley Audubon Society		
B11-1	<p>The Santa Clara Valley Audubon Society (SCVAS) appreciates the opportunity to comment on the Draft Environmental Impact Report (DEIR) for The Forum Senior Community Update (Project). Our organization has been headquartered at McClellan Ranch for over 25 years, and we consider Cupertino our home. SCVAS is dedicated to protecting birds and their habitats by working to promote ecological resilience in the Bay Area. We ask that you consider the following suggestions:</p>	<p>The comment serves as an opening remark and does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR, nor does the comment raise a new environmental issue. No further response is required.</p>
B11-2	<p>1. Bird-safe design</p> <p>The Project site is bordered by sensitive ecological features, including the Rancho San Antonio Open Space Preserve and Permanente Creek. Over 125 avian species have been documented in this area, including several special-status species.[1] Considering the sensitive nature of the site, we urge the City to require bird-safe design for new buildings at the Forum.</p> <p>It is now widely recognized that bird collisions with man-made structures, especially glass facades and glassy elements, contribute significantly to bird-mortality and, most importantly, to the decline of bird populations in North America. Birds collide with glass facades and structures during the day as they attempt to access resources reflected by or seen through the glass. At night, brightly lit buildings lure migrating birds to their death.</p> <p>Residential development is responsible for nearly half of all bird-building collision mortalities in North America.[2] Fortunately, there are simple, inexpensive solutions that, when incorporated into a Project’s design, can prevent bird strikes (reference attached).</p> <p>Bird-safe design measures may include: a reduction in the amount of glassy material used in design; avoidance of highly-reflective glazing that</p>	<p>This comment does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR, nor does the comment raise a new environmental issue. As described in Chapter 3, Project Description, of the Draft EIR, on page 3-21, all on-site lighting would be low-level illumination and shielded to reduce light spill or glare. The proposed exterior lighting fixtures are consistent with bird safe design guidelines provided by the commenter. Furthermore, the project applicant has stated that The Forum that the interior lighting recommendation can be implemented and will consider bird safe design on large glass areas where proposed and feasible. The comment and request to incorporate bird-safe design into the project is acknowledged for the record and will be forwarded to the decision-making bodies as part of this Response to Comments document for their consideration in reviewing the project.</p>

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TABLE 5-1 RESPONSE TO COMMENTS

Comment #	Comment	Response
	<p>reflect the sky and surrounding vegetation; incorporation of visual cues into glass facades to alert birds of the structure; avoidance of seethrough situations such as transparent or glassy obstructions and free standing walls; and avoidance or reduction of light emissions at night.</p>	<p>Many neighboring cities recognize bird-collision with glass as an important issue and make an effort to minimize hazardous construction. The issue is addressed in General and Specific Plans (San Jose, Palo Alto, Mountain View), in Ordinances and mandatory Guidelines (San Francisco, Oakland, San Jose, Sunnyvale, Richmond) and in Mitigation Measures for areas near the Bay (Menlo Park).</p>
	<p>Along riparian corridors and near open space, it is especially crucial to implement avoidance and minimization measures to prevent bird collisions. We recommend following the bird-safe design guidelines of Mountain View’s North Bayshore Precise Plan[3] (see pages 90-91) or Sunnyvale’s mandatory Bird Safe Design Guidelines[4].</p>	
	<p>[Footnote 1 http://ebird.org/ebird/hotspot/L178520 http://ebird.org/ebird/hotspot/L564632]</p>	
	<p>[Footnote 2 Loss, Scott R., Tom Will, Sara S. Loss, and Peter P. Marra. Bird-building collision in the United States: Estimates of annual mortality and species vulnerability. <i>The Condor</i>. American Ornithological Society. 116(1): 8-23. 2014.]</p>	
	<p>[Footnote 3 http://www.mountainview.gov/civicax/filebank/blobdload.aspx?BlobID=15050]</p>	
	<p>[Footnote 4 https://sunnyvale.ca.gov/civicax/filebank/blobdload.aspx?BlobID=23799]</p>	

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TABLE 5-1 RESPONSE TO COMMENTS

Comment #	Comment	Response
B11-3	<p>2. Preserve Oaks</p> <p>The DEIR finds the removal of trees protected under the City’s Protected Trees Ordinance a significant impact. The Project proposes to remove 142 trees on site, 25 of which qualify as Specimen Trees under Cupertino’s Protected Tree Ordinance. Nearly all of the 25 Specimen trees slated for removal are Coast Live Oaks. Oaks are the foundation of the regions ecology and provide an array of valuable functions for both wildlife and people. The wide-spread loss of oaks throughout the Silicon Valley has been documented over several decades, and it is imperative to the health of the urban forest and native ecosystems to preserve oaks whenever possible.[5]</p> <p>Given the Project abuts sensitive natural areas, removal of oaks and other native species should be avoided to the greatest extent feasible. The EIR should study another alternative, the “Oak Preservation Alternative”. This alternative may eliminate or modify the proposed villas on Sereno Court and Via Esplendor. No trees should be removed to provide staging, temporary parking and storage space.</p> <p>[Footnote 5 http://www.sfei.org/documents/re-oaking-silicon-valley]</p>	<p>The commenter’s request to evaluate another alternative that considers the loss of fewer oak trees is acknowledged for the record and will be forwarded to the decision-making bodies as part of this Response to Comments document for their consideration in reviewing the project. As described in Chapter 5, Alternatives to the Proposed Project, on page 5-1, the discussion in that chapter is intended to inform the public and decision makers of feasible alternatives to the proposed project that would avoid or substantially lessen any significant effects of the proposed project. The alternatives evaluated in Chapter 5 are consistent with Section 15126.6(b) of the CEQA Guidelines, which states that:</p> <p><i>Because an EIR must identify ways to mitigate or avoid the significant effects that a project may have on the environment (Public Resources Code Section 21002.1), the discussion of alternatives shall focus on alternatives to the project or its location which are capable of avoiding or substantially lessening any significant effects of the project, even if these alternatives would impede to some degree the attainment of the project objectives, or would be more costly.</i></p> <p>As described in Chapter 4.3, Biological Resources, of the Draft EIR, under impact discussion BIO-3, the proposed project would not conflict with the City’s Protected Trees Ordinance (CMC Chapter 14.18) and impacts would be less than significant with implementation of Mitigation Measure BIO-3. This mitigation measure describes the steps to be taken to comply with the City’s Protected Tree Ordinance, including replacement plantings or appropriate in-lieu fee may be paid to the City of Cupertino as compensation for “protected trees” removed by the proposed project. With regard to additional alternatives to the proposed project, the project site has limited opportunities for expansion. The proposed project and the alternative site plans were designed to meet the project objectives to expand The Forum at Rancho San Antonio in Cupertino in accordance with the Forum’s Senior Community Update plans in order to strengthen its character as a private, attractive, and resident-owned continuing care retirement community (CCRC), and to ensure the ability of its 500 senior residents and staff to continue to build community and continue to provide high-quality care for each other. The alternate site plans under the “Reduced Unit Alternative” would preserve more trees than the proposed project, while still generally meeting the objectives. Retaining all</p>

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TABLE 5-1 RESPONSE TO COMMENTS

Comment #	Comment	Response
B11-4	<p>3. Stormwater Retention Basin</p> <p>The proposed bioretention areas can provide suitable habitat for birds if planted with appropriate species that promote ecological resiliency. We recommend planting willows in these areas, as well as native shrubs, in order to regenerate native California landscape features.</p>	<p>Coast Live Oak trees would result in the elimination of approximately 25 percent of the skilled nursing facility, in addition to the loading dock area and loading dock drive isle servicing the skilled nursing facility and the assisted living facility, and multiple villas. The consideration of additional alternatives to preserve trees would not be able to meet project objectives and is not required to mitigate or avoid a significant impact.</p> <p>As discussed in Chapter 5, the CEQA Guidelines set forth the intent and extent of alternatives analysis to be provided in an EIR and pursuant to Section 15126.6(a) of the CEQA Guidelines, not every conceivable alternative to a project needs to be evaluated in an EIR, but the lead agency is responsible for considering a reasonable range of potentially feasible alternatives that will foster informed decision making and public participation. As discussed in Chapter 5 in Section 5.4, Selection of a Reasonable Range of Alternatives, the City considered three alternatives that were rejected as being infeasible and explains the reasons for the determination, and provides an evaluation of three alternatives to the proposed project including the CEQA-required No Project Alternative.</p> <p>No trees are proposed to be removed for temporary construction staging.</p>
B11-5	<p>4. Invasive species and the use of rodenticides</p> <p>We are concerned with the potential impacts of invasive species that may be introduced by future residents into an area that supports endangered plant and wildlife species. This includes domestic cats and dogs, and plants from garden stores. The DEIR fails to acknowledge the potential introduction of invasive plant and animal species and associated impacts.</p> <p>Additionally, we are concerned with the potential use by residents of</p>	<p>The Draft EIR was prepared in accordance with State CEQA Guidelines using industry standards and analyzes topics pursuant to the CEQA Appendix F, Energy Conservation, and Appendix G, Environmental Checklist. The analysis of the Draft EIR is based on scientific and factual data, which has been reviewed by the City of Cupertino acting as the Lead Agency and reflects its independent judgment and conclusions.</p> <p>The project site is a highly developed area of Cupertino that is adjacent to regional open space. As described in Chapter 3, Project Description, the project site includes native and non-native landscaping. The majority of the project site is classified as</p>

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TABLE 5-1 RESPONSE TO COMMENTS

Comment #	Comment	Response
	<p>poison-bait for rodent control. The negative effects of these products is impacting wildlife throughout California, especially in rural residential areas that are in proximity to wildlife habitat. Secondary poisoning through the consumption of rodents and other small mammals that have come in contact with rodenticides is particularly hazardous to birds of prey and large predators. The EIR should include mitigation measures that prohibit the introduction of invasive species and the use of rodenticides outdoors.</p>	<p>“urban” with low to poor wildlife habitat value. While the landscaping plans associated with the project site will comply with City requirements to be consistent with the surrounding Northern California landscape and would include native and/or adaptive, and drought resistant plant materials of similar water use grouped by hydrozones, CEQA does not require an evaluation of impacts associated with private purchases of individual homeowners, nor is it required to acknowledge the pets residents may have. The project site is not considered pristine habitat nor a wildlife sanctuary that is afforded any special protection beyond what has been evaluated and acknowledged in the Draft EIR. The project may choose to inform its residents of the effects described by the commenter, but it is not required under CEQA.</p>
B11-6	<p>5. Wastewater Impact UTIL-3 finds that the Implementation of the proposed project would add additional wastewater flow to the currently deficient Homestead Pump Station, causing this station to exceed capacity during peak wet weather periods. Mitigation Measure UTIL-3 requires the contribution of a fair-share toward planned improvements to the Homestead Pump Station. It is not clear that the contribution will suffice to allow the improvements needed to provide adequate capacity. The City should not issue building permits until such time that the Homestead Pump Station has adequate capacity and there is no risk of overflow.</p>	<p>As discussed in Chapter 4.11, Utilities and Service Systems, under impact discussion UTIL-3 starting on page 4.11-14 and continuing through page 4.11-17, impacts related to the sewer system would be less than significant with implementation of Mitigation Measure UTIL-3. This mitigation measure clearly states that the City shall require the project applicant to fund a fair-share contribution toward planned improvements to the Homestead Pump Station, as mutually agreed between the project applicant and Cupertino Sanitary District, to the satisfaction of the City of Cupertino Community Development Director, prior to issuing grading and building permits.</p>
B11-7	<p>6. Open Space The new homes on the open space between Cristo Rey Drive and the homes along Oak Valley Road will consume open space and evict the wildlife that inhabits the site (swallows, hawks, deer, turkey, opossum, skunks, hares, rabbits, blue heron, owls), a loss to the community that enjoys seeing the animals in their habitat. The EIR should offer mitigation for the loss of open space and habitat.</p>	<p>The project site is located at the margins of this developed area, adjacent to large areas of open space that may be utilized as both core habitat and for wildlife movement. However, the project site does not provide a corridor providing a link between two areas of core habitat, and is therefore not considered to support or contribute to a wildlife movement corridor. No viable wildlife movement corridor exists on the project site for mammalian, reptile, or amphibian species.</p> <p>The project site currently contains open space and vegetated areas, but these areas are currently landscaped and are not in their natural state. The project site is previously disturbed, is developed for private use, and is located within an urban area and therefore does not serve as a natural open space area. General Plan</p>

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TABLE 5-1 RESPONSE TO COMMENTS

Comment #	Comment	Response
		<p>Policy ES-5.6 calls for open space linkages within and between properties, most specifically to benefit threatened or endangered wildlife and species of concern. As described under impact discussion BIO-1 on starting on page 4.3-13 and continuing through page 4.3-15, the project site is not recorded as containing any special-status wildlife species. In addition, the majority of the project site is already developed and the project site is located in an urban area. Therefore, development of the project site is not expected to disrupt any important wildlife linkages. As discussed in Chapter 4.3, Biological Resources, of the Draft EIR, impacts were found to be less than significant with implementation of mitigation measures. No additional mitigation measures are required.</p>
Attachment B11-1	A copy of Bird-Friendly Building Design	The attachment to the comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of this Response to Comments document for their consideration in reviewing the project.
B12 Harvey Dixon		
B12-1	<p>I am a resident of Cupertino, and I am writing in support of approval of The Forum EIR by the City of Cupertino.</p> <p>The proposed improvements are largely in facilities for Health Care for Seniors. There are a limited number of housing units that are included as well. Cupertino needs more health care services, particularly for Senior Citizens.</p> <p>The health care facilities will benefit Cupertino residents who are seniors. Cupertino needs to have additional health care services for seniors. These improved facilities will serve not only those residents of Cupertino who reside at The Forum, but those who live anywhere in Cupertino.</p> <p>The proposed project will have very little impact on total traffic, parking, or any other matter of concern to citizens of Cupertino.</p>	<p>This comment does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR, nor does the comment raise a new environmental issue. The comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of this Response to Comments document for their consideration in reviewing the project.</p>

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CUPERTINO