



OFFICE OF COMMUNITY DEVELOPMENT

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July 29, 2011

Mr. John Davidson
Department of Planning, Building and Code Enforcement
200 East Santa Clara Street, 3rd Floor
San Jose, CA 95113

Dear Mr. Davidson,

Thank you for providing the City of Cupertino with the opportunity to review and comment on the Draft Program Environmental Impact Report (EIR) for the Envision San Jose 2040 General Plan. The City has reviewed the Draft Program EIR and would like to bring to your attention the City's comments and concerns regarding areas within the City of Cupertino that are adjacent to the City of San Jose and will be impacted by the proposed General Plan update.

The City of Cupertino recognizes that there are three particular areas within the City of San Jose in the West Valley Planning Area that are adjacent to the City of Cupertino. These areas include:

1. Area along Stevens Creek Boulevard approximately east of Tantau Avenue to Lawrence Expressway, which includes Urban Village CR 32
2. Area along South De Anza Boulevard between Bollinger Road and Prospect Avenue which includes Urban Village C43
3. Area south of Bollinger Road from S. De Anza Boulevard to Lawrence Expressway which includes Urban Village V61

It appears that these three areas are proposed for a land use designation of Neighborhood/Community Commercial with an Urban Village overlay that would allow for a density of at least 55 units per acre and up to 250 units per acre, and a Floor Area Ratio (FAR) of up to 10.0 (3 to 10 stories). Although the type of Urban Village overlay identified for each of these three areas is different, the proposed General Plan does not specify what will be the likely differences in density range, FAR and height allowances in each of these different urban villages in the areas adjacent to the City of Cupertino. The City of Cupertino would like further clarification on the density ranges, FARs and height allowances proposed for these areas adjacent to our jurisdiction.

The City of Cupertino would also like to provide the following comments and concerns regarding the proposed land use designation changes per Section 2.2.6 that focuses on these three particular areas:

1. **Area adjacent to the City of Cupertino along Stevens Creek Boulevard approximately east of Tantau Avenue, including Urban Village CR32**
 - This area is adjacent to properties in the City of Cupertino within the Heart of the City Specific Plan Area and South Vallco Master Plan Area which allow for a significantly lower residential density of 25 units per acre maximum in the Heart of the City Specific Plan Area, and 35 units per acre maximum in the South Vallco Master Plan Area.
 - The maximum building height allowances of these properties in the City of Cupertino are significantly lower at 45 feet in the Heart of the City Specific Plan Area, and up to 60 feet in the South Vallco Master Plan area if there is a retail component to the building.
 - The City is concerned about the impacts and challenges that such significant density and building height variations could create with respect to the architectural, aesthetic/visual, and streetscape interfaces between properties within Cupertino and San Jose along Stevens Creek Boulevard.

2. **Area adjacent to the City of Cupertino along South De Anza Boulevard between Bollinger Road and Prospect Avenue, including Urban Village C43**
 - This area is adjacent to properties within the City of Cupertino that are single-family and multi-family residential to the west with a maximum density of 1-5 units per acre for single-family residential, and a maximum density of 5-20 units per acre for multiple-family residential.
 - The maximum building heights for these residential units is 28 feet for single-family residential and 30 feet for multi-family residential.
 - This area is also adjacent to commercial properties within the City of Cupertino to the north along S. De Anza Boulevard which are primarily one-story commercial and office uses. The maximum allowable building height in this area in Cupertino is 30 feet.
 - The City believes that the significant disparity in existing and allowable density and building heights between properties in Cupertino and San Jose would create challenges with respect to the aesthetic/visual and streetscape interfaces between adjacent properties in both jurisdictions, and impacts of privacy, light, air, traffic and noise onto adjacent residential neighborhoods in the City of Cupertino.
 - The City also believes the proposed Neighborhood/Community Commercial uses in this area could allow for higher intensive uses such as general office uses, hospitals and private gathering places, than allowed in the adjacent commercial areas within the City of Cupertino to the north. The commercial properties in this area in the City of Cupertino are encouraged to include a neighborhood commercial presence with neighborhood commercial or residential uses, but not solely by office, commercial-office or general commercial uses.

3. **Area adjacent to the City of Cupertino south of Bollinger Road from S. De Anza Boulevard to Lawrence Expressway, including Urban Village V61**
 - This area is south of properties within the City of Cupertino that are developed with duplex homes, a church, an elementary school and single-family residential which have low and medium-low densities between 1-10 units per acre, and are predominantly single-story in nature and allow for residential heights of up to a maximum of two stories and 30 feet.
 - There is concern that the significant disparity in density and building heights could create impacts of privacy, light, air, traffic and noise onto the adjacent residential neighborhood in Cupertino to

the north, and present challenges to the aesthetic/visual and streetscape interfaces between the two jurisdictions.

- The particular type of Urban Village which this area is designated, Neighborhood Villages, is described as a smaller neighborhood-oriented commercial site that is not anticipated for significant intensification. However, the description does not specify clearly enough what is not considered “significant intensification” with respect to the wide range of density, uses and height allowances for Urban Villages. Clarification is needed to further explain the intended allowable development and uses for this area.

Recommendations on the proposed land use designation changes

The City of Cupertino recommends that consideration and policies be incorporated to mitigate impacts that could occur on properties in the City of Cupertino resulting from these proposed land use changes, and to also provide compatible transitions and interface between these areas in the City of San Jose and the adjacent properties in Cupertino, particularly with respect to density, uses, building height, architectural design, and street frontages. Further, the City recommends that the City of San Jose include property owners and residents in the City of Cupertino within the surrounding neighborhood of these areas in any neighborhood meetings regarding development of Urban Village plans.

Section 2.2.7 Proposed Planning Horizons

Based on Figure 2.2-34, it appears that the three Urban Village areas adjacent to the City of Cupertino, CR 32, C43, V61, are with the Horizon 3 phasing time frame. Please clarify the following:

1. Is there an approximation of the period in which the City will enter the Horizon 3 phasing time line?
2. It appears that any commercial, office and non-residential development may occur in these areas at any time, regardless of the Horizon period. The City would like to further understand the concept of the Horizon phasing and would like to ask the following questions:
 - a. Does this mean residential or mixed-use residential development may not occur in these areas until the Horizon 3 phasing has been reached?
 - b. What if a developer were to propose residential or mixed use residential in this area prior to reaching the Horizon 3 phasing period?

Transportation

Upon reviewing Section 3.2, *Transportation*, of the Draft PEIR, the City has the following comments:

- The 2040 General Plan proposes reclassifying De Anza Blvd between Bollinger Road and Prospect Road as a “Main Street”. According to the typical cross section, Figure 3.2-7, this would involve potentially reducing the number of travel lanes in each direction, and eliminating an existing bike lane in each direction. Any reduction in vehicle travel lanes would likely result in considerable congestion along southbound De Anza Blvd north of Bollinger Road through Cupertino, and elimination of bike lanes runs counter to policies providing for multi-modal accommodations on streets. We recommend that no vehicle lane reduction be considered, that bike lanes be retained, and that any re-classification of De Anza Blvd as a “Main Street” that results in either lane reductions or bike lane removal be considered only south of Highway 85, where volumes are lower.

Any improvements or changes to De Anza Blvd south of Highway 85 must be done with the consent and cooperation of the City of Cupertino, as Cupertino has jurisdiction over the western half of the roadway.

- The 2040 General Plan proposes reclassifying Bollinger Road as an “On-Street Primary Bicycle Facility”. According to the typical cross section, Figure 3.2-7, this would involve potentially reducing the number of travel lanes in each direction from two to one. Reducing travel lanes on Bollinger Road could cause an increase in congestion along Bollinger Road, along neighboring streets, and intrusion into adjacent neighborhoods. Any such impacts would need to be studied and should be mitigated to the extent possible.

Any improvements or changes to Bollinger Road must be done with the consent and cooperation of the City of Cupertino, as Cupertino has jurisdiction over the northern half of the roadway.

The City of Cupertino appreciates the opportunity you have provided to review the Draft Program EIR for the Envision San Jose 2040 General Plan, and looks forward to receiving a response on the above-mentioned. Should you have any questions regarding the above-referenced comments or need additional information, please feel free to contact Aki Honda Snelling, Senior Planner, in the City of Cupertino Planning Department at (408) 777-3313. Please provide this department with any further notices with respect to the environmental review process and the City’s decision-making process on this project to my attention at the above address so that the City may continue to work with you to address the concerns of the communities both our agencies serve.

Sincerely,



Aarti Shrivastava
Director of Community Development

CC: David W. Knapp, City Manager
Timm Borden, Public Works Director
David Stillman, Public Works Department