

# **Westport Building 1**

M-2024-003 & ASA-2024-003

**21267 Stevens Creek Boulevard**

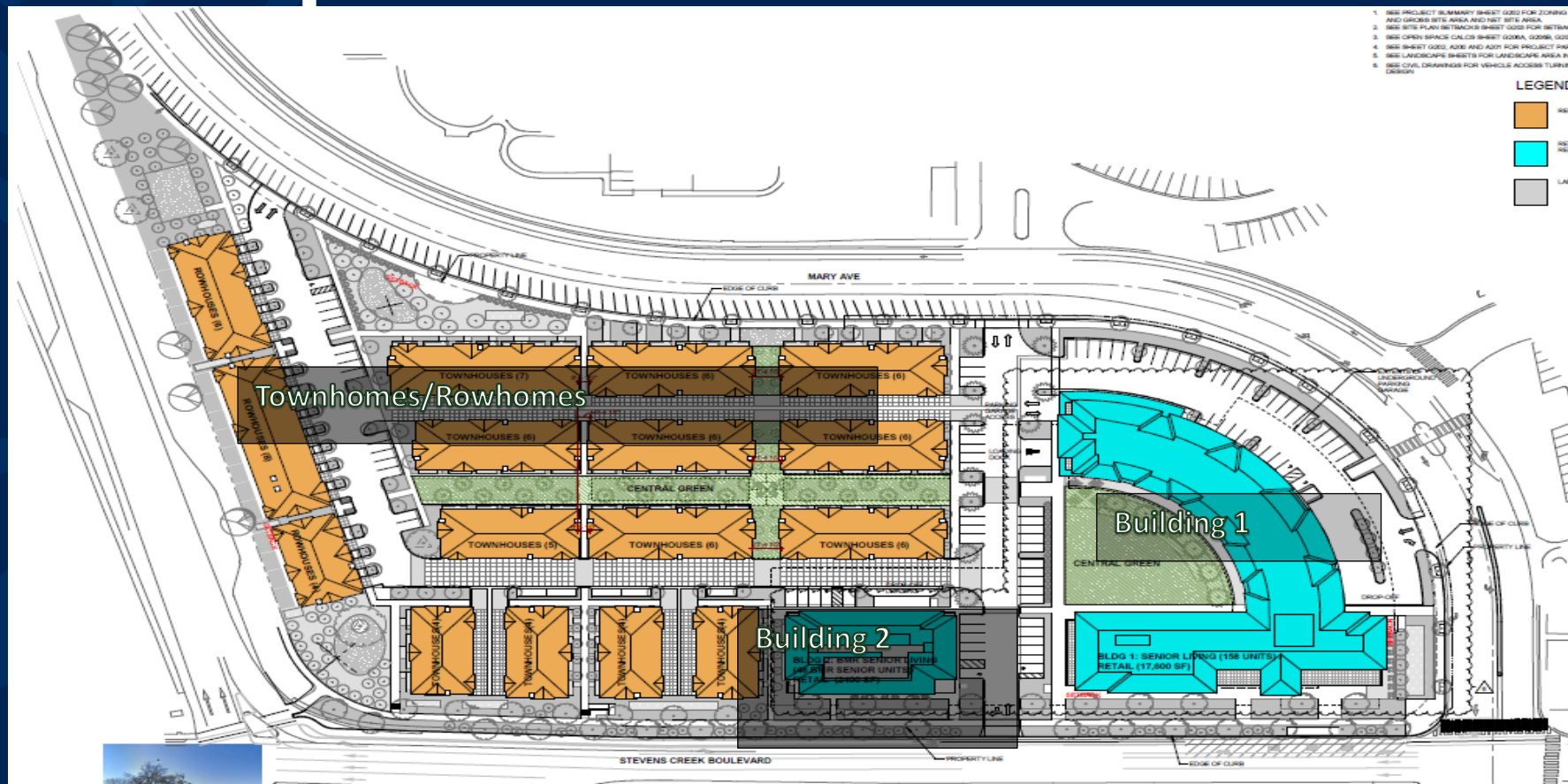


**CITY OF  
CUPERTINO**

# Subject

- Modification to a previously approved Development Permit and Architectural & Site Approval for the Westport Development including, but not limited to, dwelling count and ground floor retail, Park Land Dedication Fees and minor changes to Building 1.
- Applicant: Related California

# Background



# Background – Building 1 Modifications

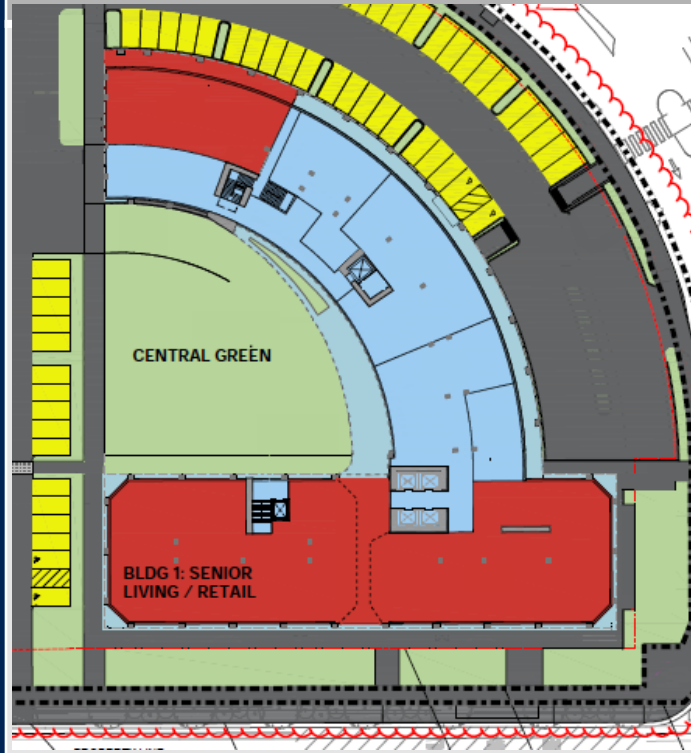
- City Council approved Westport on August 19, 2020.
- Current programming of the Building 1 portion approved through a modification permit on December 21, 2021.

# Application Request – Building 1 Modification

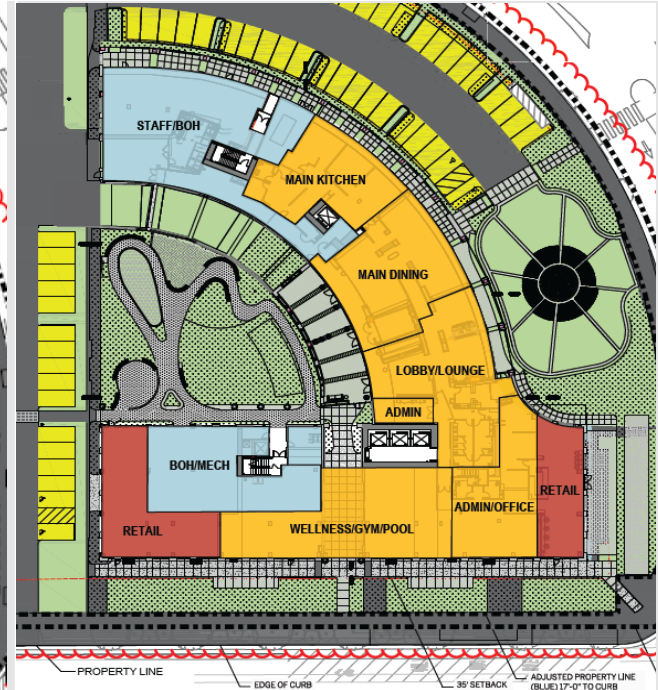
- Utilize their remaining density bonus Incentive/Concession to reduce amount of retail from 17,600 square feet to 4,000 square feet.
- Request density bonus to increase senior assisted living dwelling count by 13 units, from 123 to 136
- Utilize provisions of state law (Assembly Bill 2097) to remove underground parking facility (a decrease of 146 parking stalls for the development)
- Minor adjustments to proposed structure, including reducing building height, moving sixth floor amenities to the ground floor, and decreasing overall square footage of proposed building from 199,800 square feet to 195,253 square feet.
- Waive the application of the Park Land Dedication In-Lieu Fee.

# Analysis – Reduction in Retail

Approved



Proposed



# Analysis – Reduction in Retail

- Westport Development remains eligible for the second of two allowable State density bonus law incentives and concessions. Developer requests to use second available incentive and concession to reduce the required ground floor retail.
- Retains retail locations on corner of Building 1 adjacent to Mary Avenue and driveway entrance along Stevens Creek Boulevard.
- Agreement requires users of Building 1 to pay for a portion of shared infrastructure with Building 2 as on-going site maintenance costs.
  - Allows operator of BMR building (Building 2) better to finance long-term operating costs of affordable units.

# Analysis – Assisted Unit Count

- Westport Development provides 12% of its base density as affordable to very low-income households.
  - Entitles development to a 38.75% density bonus, or a total count of 329 units for entire development.
- Total number of units in development would increase from 259 to 272 units due to the addition of 13 assisted living units in Building 1 (12.8% Density Bonus).
- Increase from 123 assisted living units to 136 assisted living units in Building 1.
- Increase compatibility with BMR unit size and mix.



# Analysis – Parking Reduction

- AB2097 that prohibit cities from requiring minimum parking requirements do not apply to this project since the project was approved and entitled prior to the enactment of AB2097.

Comparison of Approved and Proposed Parking		
	Previously Approved	Proposed
Residential (Building 1)	80 (below grade)	8
Residential (Building 2)	26 (below grade)	26
Residential (Townhomes)	6 (surface)	6
Bldg. 1 Facility Employees	28 (below grade)	10
Retail (Building 1)	71 (10 below grade, 61 surface)	16
Retail (Building 2)	7 (surface)	7
Total Building 1	218 (144 below grade and 74 surface)	73 (all surface)

# Analysis – Parking Reduction

- Property is in Planned Development with General Commercial and Residential uses (P (CG/Res)) zoning district.
  - Allows flexibility in standards.

Anticipated Parking Demand vs. Proposed Supply For Building 1			
	Previously Approved	Proposed	Expected
Residents	80	3	14
Employees (40 max per shift)	28	10	13
Guests	(included in resident count)	5	10
Retail	71	16	16
Total	179	34	53
GAP			19

- Condition of approval, applicant is required to update site plan to add a minimum of 20 onsite parking spaces, prior to issuance of building permits.

# Analysis – Park Land Dedication In-Lieu Fee

- A 136-unit count Building 1 would be required to pay approximately \$4,080,000 (\$30,000 per senior citizen housing development unit) as Park Land Dedication In-Lieu of Fees.
- To date, the developer has already paid \$3.69M to date for 123 units.
- Applicant has identified following reasons for waiving the fee:
  - Applicant has constructed a new pedestrian walkways connecting Stevens Creek Boulevard and Mary Avenue through the project.
  - Residents of senior housing units in Building 1 cannot reasonably be anticipated to generate a material demand on City park lands
    - Anticipated to use the open space amenities included in Building 1 and its publicly accessible, privately maintained Central Green.
  - Strategy HE-2.3.9 of the Housing Element requires the City to explore revising its Park Land Dedication Fee, including a specific reference to allowing credits for privately owned and maintained public open spaces and other pedestrian connections and trails.

# Planning Commission

At its April 22, 2025, meeting, the Planning Commission recommended (5-0) that City Council adopt the first amendment to the EIR and adopt resolutions approving project with added conditions of approval as follows:

- TRANSPORTATION DEMAND MANAGEMENT (TDM) PROGRAM REQUIRED  
*The applicant shall submit a Traffic Demand Management (TDM) program for the assisted living employees prior to Building Permit issuance.*
- RETAIL/PARKLAND IN-LIEU OF DEDICATION FEE  
*Applicant to consider increasing the proposed retail square footage to 8,000 square feet, with no increased parking requirement for the additional 4,000 square feet retail component, in exchange for a refund of park in-lieu fees already paid in the approximate amount of \$3.69MM, with no further payment of such fees required for the additional thirteen (13) assisted living units proposed (i.e. forego payment of approximately \$300,000).*

# Environmental Review

- An Initial Study was prepared and a Final EIR (State Clearinghouse 2019070377) was certified for the project by City Council on August 18, 2020.
- Under CEQA Guidelines section 15164, an addendum to an EIR was prepared to analyze the modifications.
- Construction and operation of modified project would not result in any new impacts or increase severity of previously identified significant impacts analyzed in the Adopted EIR.

# Modified Condition – M-2024-003

## 1. APPROVED EXHIBITS

Approval is based on the plan set dated ~~April 1~~ September 6, 2024 consisting of ~~12~~ 17 sheets labeled as Westport Building 1: 21267 Stevens Creek Boulevard, Cupertino, CA 95014, G00-G14, and A10 – ~~A31~~ A34, and LSK 1, drawn by Studio Architects, Steinberg Hart, except as may be amended by conditions in this resolution.



# Recommended Action

That City Council adopt the proposed draft resolutions to:

1. Adopt the First Addendum to an EIR and approve the Development Permit Amendment (M-2024-003); and
2. Approve the Architectural and Site Approval Permit (ASA-2024-003);

