



COMMUNITY DEVELOPMENT DEPARTMENT

CITY HALL

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CITY COUNCIL STAFF REPORT

Agenda Item No. \_\_\_\_\_

Agenda Date: June 21, 2016

**SUBJECT**

Redevelopment of the Hamptons Apartments with associated amenities and landscaping.

**RECOMMENDATION**

The Planning Commission recommends that the City Council approve, in accordance with the draft resolutions:

1. Development permit (DP-2015-04) and Environmental analysis (Mitigated Negative Declaration) (EA-2015-03) per attached resolution (*Attachment CC-1*).
2. Architectural and site approval (ASA-2015-13) per attached resolution (*Attachment CC-2*).
3. Conditional use permit (U-2015-05) per attached resolution (*Attachment CC-3*).
4. Tree removal permit (TR-2015-21) per attached resolution (*Attachment CC-4*).
5. Development agreement (DA-2015-01) per attached ordinance (*Attachment CC-5*).

**DESCRIPTION**

**A. Application Summary**

Applications: DP-2015-04, EA-2015-03, ASA-2015-13, U-2015-05, TR-2015-21,  
DA-2015-01

Applicant: Carlene Matchniff

Property owner: Irvine Company

Property Location: 19500 Pruneridge Avenue (APNs: 316-06-032 and 316-06-037), northeast  
of Wolfe Road and I-280.

**B. Project Description**

1. Development permit (DP-2015-04) to allow the demolition of a 342 unit apartment complex (The Hamptons) and the construction of a 942 unit apartment complex in a Planned Residential Zoning District.
2. Environmental analysis (EA-2015-03). An Initial Study/Mitigated Negative Declaration is proposed.
3. Architectural and site approval (ASA-2015-103) for the demolition of a 342 unit apartment complex (The Hamptons) and the construction of a new 942 unit apartment development on the same site with associated site and landscaping improvements.

4. Use permit (U-2015-05) to allow a bicycle hub and separate bar facility within a club house located in a 942 unit apartment development.
5. Tree removal permit (TR-2015-21) to allow the removal and replacement of 277 trees in conjunction with the construction of a new apartment development.
6. Development agreement (DA-2015-01) for a new 942-unit apartment development in a Planned Residential Zoning District.

### C. Project Data Summary

<u>Requirement/Standard</u>	<u>Allowed/Required</u>	<u>Proposed</u>
General Plan designation	Residential – high density (> 35 units/acre); HE 85 units/acre	76 units/net acre
Zoning designation	P (Res) – Planned Development (Residential/multiple-family)	No change
Consistency with General Plan		Yes
Consistency with Zoning		Yes
Environmental Assessment		Initial study/Mitigated Negative Declaration
Height limit	60 – 75 feet	60 – 75 feet
Setbacks:		
<i>Front – along Pruneridge Avenue</i>	<i>1:1 slope line drawn from arterial curb line</i>	<i>1:1 slope line drawn from arterial curb line</i>
<i>Along Wolfe Road</i>	<i>1:1 slope line drawn from arterial curb line</i>	<i>1:1 slope line drawn from arterial curb line</i>
<i>Rear</i>	<i>n/a</i>	<i>25 feet</i>
Building area	n/a	1,088,775 sq.ft.
Lot area	n/a	12.5 gross acres/12.4 net acres
Lot coverage	n/a	61.3% including covered parking
Parking		
<i>Vehicles – 2 per unit</i>	<i>1882 spaces</i>	<i>1696 spaces (1.8 per unit)</i>
<i>Bikes - .4 per unit</i>	<i>377</i>	<i>377</i>

## **BACKGROUND**

The applicant, Irvine Company, is proposing to demolish an existing 342 unit apartment complex (The Hamptons) and construct a new 942 unit apartment complex in a Planned Residential Zoning District. Project Plans are included as Attachment 5. Surrounding land uses currently include a mix of these nearby commercial, residential and office:

- To the north and east, Apple Campus 2 under construction
- To the west on Wolfe Road, Arioso Apartments, Courtyard and Hilton Garden hotels
- To the northwest on Wolfe Road, Cupertino Village commercial center

The application was originally submitted on May 28, 2015. Following the formal application, the applicant worked with staff and the City's consultant to further refine the plans, development agreement terms, and community outreach, particularly commencing dialogue with current residents of the existing Hamptons. A final revised plan was submitted on January 29, 2016. The applicant proposes to begin the construction phase in mid-2017, with projected completion date of 2020.

### **Planning Commission Meeting**

*Planning Commission comments and discussion.* The Planning Commission reviewed the subject application at its May 10, 2016 regular meeting. Comments, questions and discussions were focused on traffic impacts, bicycle hub and connectivity, access points to the site for various users including emergency vehicles, parking exception, and the need for more below market rate housing.

The Planning Commission recommended approval on a 4-1-0 vote to recommend that the City Council approve the application, subject to conditions. As part of the motion, the Planning Commission directed the applicant to work with staff to increase the number of below market rate units on site in exchange for waiver of impact fees. The Planning Commission staff report, minutes and final Planning Commission resolutions are in Attachment CC-6 and CC-7.

## **DISCUSSION**

### **Environmental Review**

Pursuant to the requirements of the California Environmental Quality Act (CEQA), an Initial Study/Mitigated Negative Declaration (IS/MND) has been prepared and is included as Attachment CC-12. The IS/MND is tiered from the General Plan EIR in accordance with Sections 15152 and 15168 of the CEQA Guidelines and Public Resources Code Section 21094. The General Plan EIR analyzes full implementation of uses and physical development proposed under the General Plan, and it identifies measures to mitigate the significant adverse program-level and cumulative impacts associated with that growth. The proposed project is an element of the growth that was anticipated in the General Plan and evaluated in the General Plan EIR.

As discussed in greater detail of the IS/MND Chapter 1.2, the CEQA concept of "tiering" refers to the evaluation of general environmental matters in a broad program-level EIR, with

subsequent focused environmental documents for individual projects that implement the program. CEQA and the CEQA Guidelines encourage the use of tiered environmental documents to reduce delays and excessive paperwork in the environmental review process. This is accomplished in tiered documents by eliminating repetitive analyses of issues that were adequately addressed in the program EIR and by incorporating those analyses by reference.

The proposal is consistent with the General Plan and General Plan EIR because:

- The proposed project was included in the scope of the development projected in the General Plan and analyzed in the General Plan EIR, which also identified and analyzed project scenarios with a higher number of units and height limits.
- The project site is located in an area designated for residential land uses in the General Plan.
- The changes to population associated with the proposed project are included within the scope of the General Plan's population projections; and
- The proposed project is within the scope of the cumulative analysis in the General Plan EIR.

A more detailed discussion is provided within the IS/MND, Chapter 4 under the topic "General Plan EIR Consistency Analysis."

On May 5, 2016, the Environmental Review Committee held a public meeting and recommended approval of the Initial Study/MND (See attachment CC-12). During the public comment period, the City received comment letters from four agencies: City of Sunnyvale, Caltrans, Santa Clara County and VTA. While not required, the City's environmental consultant completed a response to comments for a complete and thorough environmental review record, Attachment CC-13.

### **General Plan and Zoning**

***North Vallco Gateway.*** The parcels are identified within the General Plan as part of the North Vallco Gateway, located within North Vallco Park special planning area. The North Vallco Park area is envisioned to become a sustainable office and campus environment surrounded by a mix of connected, high-quality and pedestrian-oriented neighborhood center, hotels and residential uses. Taller heights may be allowed in the North Vallco Gateway per the Land Use and Community Design Element and additional residential development may be allowed per the Housing Element. The allowed General Plan land use designation is high density residential. The General Plan, Figure LU-1, references these development standards: maximum density of 85 units per acre, 1:1 slope line drawn from arterial curb line, 75 feet height limit, 60 feet height limit for buildings within 50 feet of the property line abutting Wolfe Road, Pruneridge Avenue and Apple Campus 2. The project is consistent with these requirements.

***Planned development (P) zoning district.*** The site is within a planned development zoning district for multi-family residential ("P(Res)"). Therefore, as a residential development, it is an allowed use consistent with the P zoning district.

### **Housing Element**

The site is identified as a “Priority Housing Element Site” in the Housing Element, which has been allocated 600 net new units in addition to the existing development. The project would provide a mix of studio (242), one- (413) and two-bedroom (287) units. The original development approval, recorded with the parcel in 1997, established 34 units as below market rate (BMR) units, which would have approximately 12 years remaining after construction of the new development. The applicant proposed to provide 34 BMR units by completing the 12 year term. Due to the City’s challenge of acquiring units off site through impact fees, the Planning Commission directed the applicant to work with staff to consider additional units on site in exchange for a reduction in the estimated \$12,900,000 housing mitigation fee. Staff utilized data within the housing impact fee nexus study and BMR Housing Mitigation Program Procedural Manual, which provides the basis for the credit. The credit results in a total of 62 BMR units and a remainder fee of \$128,999.

The overview of proposed affordable units is as follows:

<b>Existing Affordable Units (Current Hamptons)</b>			
<b>Number of Bedrooms</b>	<b>Very Low Income</b>	<b>Low Income</b>	<b>Totals</b>
One	5	4	9
Two	12	13	25
<b>TOTALS:</b>	<b>17</b>	<b>17</b>	<b>34</b>

<b>New Affordable Units (Redeveloped Hamptons)</b>				
<b>Number of Bedrooms</b>	<b>Very Low Income to Replace Existing Affordable Units</b>	<b>Low Income to Replace Existing Affordable Units</b>	<b>Low Income for New Affordable Units</b>	<b>Totals</b>
Studio	-	-	7	7
One	5	4	13	22
Two	12	13	8	33
<b>TOTALS:</b>	<b>17</b>	<b>17</b>	<b>28</b>	<b>62</b>

In order to address relocation of tenants in the affordable housing currently on the project site, the applicant would provide relocation benefits to BMR tenants, to be implemented by the City through a third-party relocation consultant consistent with a relocation plan. The draft relocation plan would be presented to the City Council as a separate item for review and

approval, after approval of the project; a more detailed discussion is within the development agreement section of this staff report and Attachment CC-5.

### **Site Plan**

The multi-family residential complex consists of six buildings and approximately 32,000 sq.ft. of associated recreation and amenity areas, such as a bicycle hub, pool areas, club house and three levels of parking within a podium and basement level.



The primary site access would be at the first level off of Pruneridge Avenue for guest parking and residential vehicle entry. The main bicycle and pedestrian access would be at the corner of Pruneridge and Wolfe, anchored by the bicycle hub and plaza area, where the required public art location is also proposed. There will be no general vehicular access from Wolfe Road other than for emergency vehicle access (EVA), which rings the site along the west, south and east property lines. The EVA would be multi-purpose for emergency,

service and move-in vehicle access only to enhance circulation, with designated loading docks along the interior of the site, as shown on the fire and service access exhibit on sheet A2.60. The site incorporates 60% open space throughout the site through balcony areas, ground level landscaped/pervious areas, outdoor plazas, amenity decks, as shown on plan sheet A0.50 and A0.60.



The proposed 3,400 sq.ft. bicycle hub is envisioned to be an amenity space for residents, surrounding community and Apple Campus 2 employees. The programming would include a gathering space, repair shop, short-term bike rentals, lockers, restrooms and coffee and juice bar. A separate bar facility would be located within the clubhouse..

The application seeks to incorporate sustainability elements such as 40 EV charging stations, use of recycled water for landscaping, plant list of California natives and climate-appropriate species, and promoting transportation alternatives to single occupancy vehicles. A more detailed discussion is provided within the transportation/parking section of the staff report.



## Architecture

The Irvine Company's design concept and intent is as follows:

- **Compatibility:** Compatible with the natural landscape around the Apple headquarters. Landscaping and buildings become integrated. Landscape between each dwelling and around the perimeter of the site results in a natural setting. Drought tolerant planting selected to promote minimal maintenance.
- **Form:** Buildings are 'pixelated', recalling the voids that once existed in early computer cards. Each building is composed with a series of interlocking cubes. Several facades shift forward or backward with respect to the other.
- **Color:** The facades are composed of painted metal panels, each 'pixel' a varying tone of silver or grey. Each façade represents a change in tonality from light to dark.
- **Pattern/rhythm:** The windows follow a rigid and expected order, while the infill panels provide an unexpected rhythm across each facade.



The project incorporates recommendations from the City's consulting architect to increase the quality to various design elements, such as pedestrian/bicycle sense of arrival and linkages, refinement of colors and materials, details to promote pedestrian scale, field review of plaster finish, and signs. The orientation of residential units, in relation to public and private spaces, provides a combination of privacy and natural light. Centrally located amenities and recreation areas promote use of on-site resources, which increases opportunities for a sense of community and reduction of vehicle miles

traveled. Perception of massing is reduced through several design elements:

- (a) the bicycle hub's location at the corner of Wolfe and Pruneridge Avenue anchors a pedestrian-oriented frontage including a plaza area;
- (b) articulated walls;
- (c) the preservation of large-scaled property line trees which create a landscape buffer zone at the exterior of the property on all sides, including Wolfe Road and I-280;
- (d) community buildings and amenity areas utilize larger glass facades or windows;



- (e) the buildings step down along city streets so that the tallest portion of the buildings are within the center of the site.

The spaces between buildings are activated with a series of interior walkways, courtyards on all quadrants, and amenity spaces. These spaces also provide visual relief, gathering places, and walking/biking proximity and accessibility to Apple Campus 2 and other off-site resources.

The design elements support the intent of attracting a demographic that prefers to be less dependent on cars and a more active lifestyle. Additional recommendations by the consulting architect are included in the conditions of approval.

### **Landscaping and Tree Removal**

The proposed landscape plan seeks to create a California native palette, establish a unified identity and conserve water. The applicant would continue the recycled water extension from the north on Wolfe Road to its project. The demolition of the existing complex would result in the removal of 276 of the 433 existing trees from the center of the site. The majority of redwood trees along the property line perimeter would be preserved to maintain both the character of the site and the buffer between the buildings and city streets. Trees proposed for removal along the perimeter are limited to those not suitable for preservation to those that are in poor condition.

The majority of the species of the trees proposed for removal are Fern pine, Southern magnolia, London plane, Purpleleaf plum, Callery pear, Evergreen pear, Coast redwood, and Chinese elm. While not protected by species as defined by Cupertino Municipal Code Chapter 14.18, these trees are protected under the category of “approved development tree,” because they were part of a development plan for the originally-approved Hamptons. Therefore, replacement plantings are required for those proposed for removal. 396 additional trees, within the range of 36”-60” box sizes, are proposed to be planted as part of the new landscape plan as shown on plan sheet L2.00. The schedule of species, number, size and locations are additionally detailed in the tree survey within the IS/MND’s technical appendix and plan sheets L5.00 and L6.00-L6.11.

### **Transportation/Parking**

*Traffic Impact Analysis.* The General Plan EIR (“GP EIR”) included an analysis of 820 additional units for the site; however, the proposed project would have only 600 additional units on the project site. A detailed discussion of methodology and intersection analyses is within the IS/MND, page 5-81 and technical appendix.

At a project-level analysis, the project would not cause any impacts per se. However, the GP EIR analyzed a number of projects, some of which were not finally adopted in the GP. The GP EIR showed that cumulatively, through the build-out horizon of 2040, traffic impacts are found to be significant and unavoidable and a statement of overriding consideration was adopted after ensuring that all feasible mitigation measures were included. Since the project is tiering off that GP EIR, it would have to comply with all pertinent mitigation measures as outlined in the GP EIR. These include:



- Implementation of General Plan EIR Mitigation Measure TRAF-1 requires the City to commit to preparing and implementing a Transportation Mitigation Fee Program (TMFP) to guarantee funding for roadway and infrastructure improvements that are necessary to mitigate impacts from future projects based on the then current City standards. General Plan EIR Mitigation Measure TRAF-1, which was previously adopted by the City and incorporated into the General Plan, will be implemented by the City.

General Plan Policy M-10.2 requires the City to enact a transportation impact fee for new development to ensure sustainable funding levels for the Transportation Improvement Plan (General Plan Policy M-10.1), and General Plan EIR Mitigation Measure TRAF-1 requires the City to commit to preparing and implementing a Transportation Mitigation Fee Program (TMFP) to guarantee funding for roadway and infrastructure improvements that are necessary to mitigate impacts from future projects based on the then current City standards. As part of the preparation of the TMFP, the City is required to prepare a nexus study, for which the process is currently underway.

Because the project is part of the projected General Plan development allocation, the project is required to contribute its fair share. The TMFP has not yet been adopted; therefore, as a condition of project approval the project, and included on the development agreement, the project will contribute its fair share of the cost to accommodate cumulative traffic improvement needs due to build out of the General Plan. That amount is currently estimated to be \$3,000 per net new residential unit. If a traffic impact fee is adopted that is less than this estimate prior to the time that the final building permit is issued, the applicant will only be required to pay the amount of the fee. If a traffic impact fee is adopted that is more than this estimate, the applicant will only be required to pay the estimated fee and not the higher, actual fee.

*Transportation alternatives.* A Transportation Demand Management (TDM) Program proposes:

- Transportation coordinator
- Communications/information to tenants
- Rideshare facilitation
- Walking and biking routes designed into the complex
- Bicycle hub
- Unbundled parking
- VTA eco passes
- Contribution to potential/future Transportation Management Association and proposed shuttle/rideshare stop at project frontage

The concept behind unbundled parking is that no parking is truly free and can be presented as an option. Residents would only pay for the actual cost of parking, that which they use. The cost of resident parking is separated from rental costs and may either reduce the incentive to own a

car as residents are charged per space, or reduce transportation costs for those who would already choose the alternative options.

*Parking.* Multi-family developments are currently required by the Municipal Code to have two parking spaces per unit, regardless of bedroom count. A parking demand study is required when an applicant is proposing a parking ratio of less than two spaces per unit for Planned Development zoning. The project proposes a parking ratio of 1.8 per unit (1696 spaces for 942 units).

Fehr & Peers conducted a third party parking demand study in April 2016 as scoped by the City. The third party studies included on-site studies of two sites within the City of Cupertino, entire “old and new” (circa 1972 plus circa 2014 units) Biltmore Apartments site and existing Hamptons, between the hours of midnight and 3 a.m. on a weekday to determine a projected parking demand; due to limited/gated access to residence-only parking facilities, Arioso was studied qualitatively only based upon information about the site, including their use of unbundled parking, in which parking is not “free” or hidden within the cost of rent. Rather, each unit is assigned one space per unit and each additional car pays separately for the space.

While no two sites are identical, the sites were selected as those that most closely resemble the future operations of the proposed project. The results are detailed within Attachment CC-9 and summarized as follows:

Profile	Hamptons (existing) 19500 Pruneridge Ave. 1 1/2 bedrooms	Biltmore Stevens Creek & Blaney Ave. 1/2 bedrooms (entire development)	Arioso 19608 Pruneridge Ave. 1/2 bedrooms
Occupancy rate	96%	95%	95%
Parking spaces total	603	479	379
Residential units	342	259	201
Assigned parking	356	259	201
Open guest parking	182	220	31
Unbundled parking (charge for extra space)	n/a	n/a	167
Parking demand ratio per study	1.7	1.8	1.6

The parking ratio of 1.8 can be supported for this site because:

1. existing multi-family sites within Cupertino located along arterials are shown to adequately accommodate parking with a ratio of less than 2 spaces per unit in a high occupancy rate scenario;

2. A previous 2010 parking demand study at the existing Hamptons complex indicated the project had adequate parking at a development approved ratio (supply) of 1.76 per unit with demand at 1.7 per unit;
3. The average parking demand ratio for surveyed apartments is 1.69;
4. 68% of the mix of unit size within the proposed Hamptons redevelopment is either a studio or one bedroom unit, whereas for the existing Hamptons, more than half of the units are 2 or 3 bedrooms.
5. the application provides alternative transportation options through both programming and site design;
6. the location of the site is in close proximity to employment centers, shopping, schools and quick access to major routes, which allows alternative transportation options to be more realistic.
7. there is no single-family residential neighborhood within reasonable walking distance with on-street parking or other public parking facility; lack of parking would potentially cause spillover and conflict/impact to adjacent parking facilities, but no such scenario exists in this location. Nearby parking facilities are privately controlled and monitored.

### **Development Agreement**

*Community benefits.* Standard and required impact fees such as housing, parks, and schools are not included in the consideration of public benefits. Public benefits are characterized as those voluntary contributions beyond required fees, outlined as follows and to be included in the development agreement. These are the proposed contributions by IAC at Cupertino LLC, a limited liability corporation created by Irvine Company for this project:

1. Civic facilities, \$7,000,000
2. Extend reclaimed water line for potable water conservation, \$1,800,000
3. Wolfe Interchange project, \$7,000,000
4. Santa Clara Unified School District, \$2,400,000. In 1997, the property was mapped and recorded in the Santa Clara Unified School District service boundaries.
5. Transportation Demand Association set-up, \$250,000
6. Transportation Demand Association operations, \$50,000 per year

Other exhibits within the development agreement include these terms and conditions:

1. *Affordable housing relocation agreement*
  - a. Reimbursement to the City for costs of relocation consistent with state law, including moving expenses, rent differential, storage costs and utility connection charges;
  - b. Preparation and implementation of a relocation plan through third-party consultant accountable to the City;
  - c. Offer of comparable units at the North Park Apartment Homes in San Jose at the same rent as was charged for the original BMR units;
  - d. Right of first refusal to return to new Hamptons units once constructed.

- e. After approval of the project, a relocation consultant will prepare a plan, to be reviewed and approved by the City Council. Once the plan is approved and executed, the consultant would provide a monthly report to the City and Developer regarding the progress of the relocation.
2. *Affordable housing agreement and declaration of restrictive covenants.*

While some provisions in this agreement overlap with the above relocation agreement, the housing agreement covers the broader terms of the BMR units ongoing such as:

  - a. Suspension period. Suspension of rental of the original 34 affordable units recognizes the events that must occur during the interim period, such as the relocation noticing period, the relocation process, demolition of existing development, and the construction process for the new project.
  - b. Relocation of BMR tenants, as discussed above.
  - c. Provisions for construction of project and affordable units.
  - d. Rent regulatory provisions and occupancy covenants, including unit counts per income category.
3. *Existing impact fees*

While providing community benefits, development agreements also provide certainty for the applicant. With respect the park impact fees, the applicants' liability is capped for 18 months after the effective date of the agreement as defined within section 4.1.2 of the development agreement.
4. *Transportation demand management (TDM) program*

Discussed in previous section regarding transportation/parking.
5. *Annual review form.* The compliance report, covering the obligations met within the previous calendar year for the development agreement, is due annually to the City on January 31<sup>st</sup>.

Staff recommends additional language to clarify the terms within the development agreement regarding affordable housing (BMR units), specifically that there is no credit given for any time that the BMR units are not available to the City.

## **PUBLIC NOTICING & OUTREACH**

The following is a brief summary of the noticing completed for the project:

<b>Public Notice</b>	<b>Agenda</b>
<ul style="list-style-type: none"><li>▪ Legal ad placed in newspaper at least 10 days prior to the hearing</li><li>▪ Mailed notice of public hearing to property owners within 300 feet radius</li><li>▪ Posted site notice on two property lines abutting street</li><li>▪ Project updates provided to subscribers of e-notices on <a href="http://www.cupertino.org">www.cupertino.org</a></li><li>▪ Community meeting held on October 26, 2015</li></ul>	<ul style="list-style-type: none"><li>▪ Posted on the City's official notice bulletin board at least one week prior to the hearing</li><li>▪ Posted on the City of Cupertino's Web site at least one week prior to the hearing</li></ul>

## **PUBLIC COMMENTS**

Written comments received as of the production of this report are included in Attachment CC-11. Members of the public who attended the May 10, 2016 hearing included those in support of the project and those who commented on specific topics. Staff also received comments by phone. A summary of the comments with clarifications and responses are as follows:

<b><u>Comment/question</u></b>	<b><u>Response</u></b>
Concern about parks and impact or overcrowding other existing parks.	The proposed project provides 35% of landscape area and 60% open space. Plans include onsite programming and facilities such as pool, 32,000 square feet of residential amenity space, outdoor seating areas, children's play area, walking paths and bicycle hub. Additionally, the project is required to pay a parks impact fee.
Traffic concerns; impacts cannot be solved with fees.	Given the complexity of traffic issues, traffic is addressed through more than one approach, with the overall goal of reducing dependence on cars, reducing single occupancy vehicles and providing safe and reliable transportation alternatives.
Traffic impact fees should be paid.	As implementation of the GP EIR mitigation measure TRAF-1, the applicant would pay the traffic impact fee according to terms identified within the conditions of approval and development agreement. Separately, Irvine Company has also agreed to make a contribution to the Wolfe interchange.
Why the emphasis on bicycles?	As recognized within the Mobility Element of the General Plan, Cupertino's transportation networks are multi-faceted and extend beyond accommodating cars. Other modes must be

<u>Comment/question</u>	<u>Response</u>
	considered. Policy M-2.3 for Connectivity is to “promote pedestrian and bicycle improvements that improve connectivity between planning areas, neighborhoods and services, and foster a sense of community.”
Is there a location for shuttles and rideshare?	Irvine Company proposes a shuttle/rideshare stop near the parking lot entrance on the south side of Pruneridge Avenue along their project frontage.
Tree removal	Trees within the interior of the site are proposed for removal. The majority of perimeter trees are being preserved.
Concern with displaced residents.	A tenant relocation plan would be prepared upon the approval of this application and would be reviewed at a future City Council hearing. The tenant relocation plan would be required to meet state law requirements, including advance written notice provided to all residents and comprehensive, relocation benefits for below market rate housing tenants.
Concerns with schools.	The project is located within the Santa Clara Unified School District (SCUSD). The project is subject to paying impact fees to the district and has made a one-time voluntary contribution of \$2.4 million. Residents have the ability to file a request with the SCUSD that their children remain within the same school if they move within SCUSD. However, placement decisions are within the authority of the SCUSD and city staff relayed such information as a courtesy and not a commitment.
Sidewalks around the complex.	Pedestrian pathways are proposed around and throughout the site.
Concern with affordable (BMR) housing.	The Planning Commission directed the applicant to work with staff to increase the number of onsite BMR units in exchange for the impact fee. Previously, the applicant proposed 34 units for an additional 12 years. The current proposal is for 62 BMR units for the life of the project.

#### PERMIT STREAMLINING ACT

This application is not subject to the Permit Streamlining Act (Government Code Section 65920 – 65964) because a development agreement is a legislative act and shall be enacted by ordinance

only after a public hearing before the City Council. However, the application is subject to the California Environmental Quality Act (CEQA), Guideline 15107, which states that the IS/MND must be adopted 180 days after the application is accepted as complete. Sixty days after adoption of the IS/MND, the lead agency must approve, disapprove or conditionally approve the project. In this case, the application and IS/MND are being concurrently presented. The application was deemed completed on March 15, 2016. Therefore, final action on the project must be completed by September 15, 2016.

#### **NEXT STEPS**

After the first reading of the ordinance for the development agreement, a second reading of the ordinance would be scheduled for July 5, 2016. All approvals granted by the City Council regarding the ordinance and development agreement shall go into effect after 30 days of the second reading of the project.

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Prepared by: Catarina Kidd, Senior Planner

Reviewed by: Aarti Shrivastava, Assistant City Manager

Approved by: David Brandt, City Manager

#### **ATTACHMENTS:**

CC-1 City Council Resolution for Development Plan DP-2015-04 and Environmental assessment EA-2015-03

CC-2 City Council Resolution for Architectural and Site Approval, ASA-2015-13

CC-3 City Council Resolution for Use Permit U-2015-05

CC-4 City Council Resolution for Tree Removal Permit, TR-2015-21

CC-5 City Council Ordinance for Development Agreement, DA-2015-01  
CC-5A Development Agreement

CC-6 Planning Commission minutes and staff report, May 10, 2016

CC-7 Final Planning Commission Resolutions (Nos. 6802-6806)

CC-8 Environmental Review Committee recommendation

CC-9 Parking demand study, Fehr & Peers, dated May 4, 2016

CC-10 Architectural review, Studios Architecture, dated September 16, 2015

CC-11 Comments received

CC-12 Initial Study/Mitigated Negative Declaration (IS/MND)

Technical appendices available online: <http://www.cupertino.org/index.aspx?page=1306>

CC-13 Response to IS/MND comments, Placeworks, dated June 9, 2016

CC-14 Project plans