



COMMUNITY DEVELOPMENT DEPARTMENT

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CITY COUNCIL STAFF REPORT

Meeting: May 20, 2025

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. (Application No(s): M-2024-003, ASA-2024-003; Applicant(s): Related California (Cascade Zak); Location: 21267 Stevens Creek Boulevard; APN #326-27-048)

Recommended Action

That the City Council adopt the proposed draft resolutions (Attachment 1 & 2) 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).

Background

General Plan Land Use Designation	Commercial/Residential with a maximum residential density of 30 dwelling units per acre	
Special Planning Area	Heart of the City Specific Plan (West Stevens Creek subarea)	
Zoning Designation	P(CG, Res) (Planned Development zoning with General Commercial and Residential uses)	
Net/gross lot area	7.9 acres/8.1 acres ¹	
	Approved Project	Current Proposal
Units within Building 1	123	136
Total number of units within the Westport Development	259	272
Residential Density	32.78 du/acre	34.4 du/acre
Density Bonus Requested	8.4%	12.8%
Height of Building 1	79.5 feet	78.6 feet
Memory Care Rooms	35	No change

	Approved Project	Current Proposal
Building 1 Retail		
Stevens Creek Blvd frontage	60%	10%
Rear of building	26%	5%
Retail Square Footage	17,600	4,000
Building 1 Parking		
Residential	81	32
Residential Care	27	18
Retail	103	23
Total Building 1	211	73

Site and Location Description

Prior to the commencement of Westport's development, the project site was known as the Oaks Shopping Center, which was a regional, multi-tenant outdoor shopping facility built in the 1970s that included restaurants and a movie theater. The site is in the Heart of the City Specific Plan Special Area within the Oaks Gateway of the West Stevens Creek subarea.

The approximately 8.1 gross-acre site is bounded by Stevens Creek Boulevard to the south, Mary Avenue to the east and north, and Highway 85 to the west. The surrounding uses are the Glenbrook Apartments to the north, De Anza College to the south (across Stevens Creek Boulevard), and the Cupertino Senior Center to the east (See Figure 1).

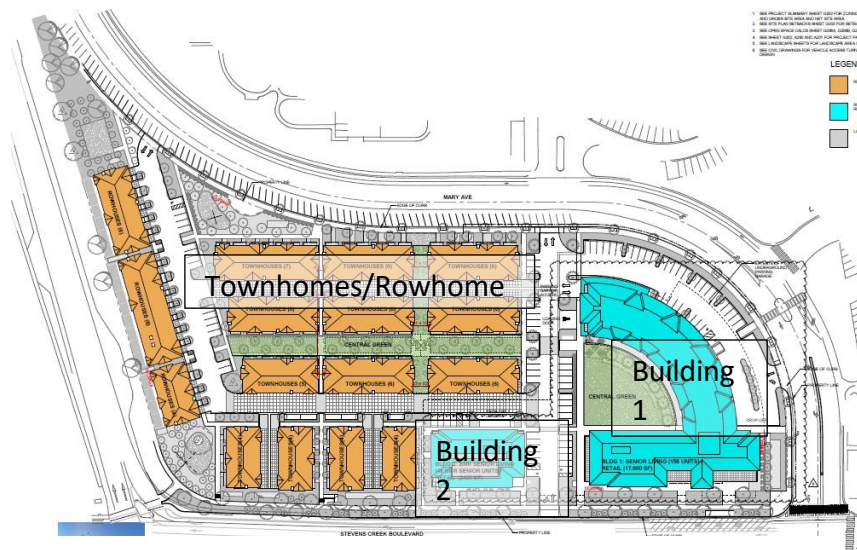


Figure 1 Approved Westport site plan.

Previous Entitlements

On August 18, 2020, the City Council approved permits to allow construction of a mixed-use development on the site that was occupied by the Oaks Shopping Center. The primary components of that project were:

- Two residential/commercial buildings:

- Building 1 was a six-story building with 131 senior, licensed assisted living units, 27 memory care residences, and 17,600 square-feet of ground-floor retail/commercial space.
- Building 2 was a six-story building with 48 BMR senior independent living units¹ and 2,400 square feet of ground-floor retail/commercial.
- 70 single-family residential townhouses and 18 single-family residential rowhouse condominiums.
- A one-level, below-ground parking garage with 191 parking spaces.
- 44,945 square feet of Residential Common Open Space
- 2,915 square feet of Commercial Common Open Space
- 386 onsite and offsite trees, replacing the 73 protected development trees proposed to be either removed or relocated.
- Height waivers of the 45 foot height limit in the General Plan to allow:
 - Building 1 to be 70' 0" to the eave line, and 79' 6" to the roof ridge.
 - Building 2 to be 65' to the eave line, and 74' 6" to the roof ridge.
- Slope line setback waivers of the 1:1 slope line setback from the curb line in the General Plan to allow
 - a slope line setback of 1:1.70 for Building 1 and
 - a slope line setback of 1:1.48 for Building 2.
- Incentive/concession allowing all BMR units to be consolidated in one of the two senior housing buildings (Building 2) rather than dispersed between the two senior housing buildings and townhouses/rowhouses.

The approval also included a vesting tentative map (VTM) (TM-2018-03) subdividing the property into two separate parcels (one 4.7 acre and one 3.1-acre parcel). Subsequently, a revised VTM (TM-2021-002) subdividing the property into three parcels, with the BMR building (Building 2) on its own parcel, was approved by City Council on September 7, 2021.

On December 21, 2021, the Cupertino City Council approved a Modification to a Development Permit (M-2021-003), an Architectural & Site Approval (ASA-2021-007), and Heart of the City Exception (EXC-2021-003) to allow the following modifications to Building 1 of the Westport Development project:

- Limited the 8,000-square-foot ground floor dining facility to residents of Building 1 and their guests only, rather than being open to the public.²

¹ Since early 2024, Building 2 has been occupied and functioning in its capacity as an age restricted BMR building. As of the date of this staff report, approximately 80 of the 88 townhomes/rowhouses have a certificate of occupancy.

² The Department of Social Services prohibits dining areas for licensed Residential Care Facilities for the Elderly from being open to the public.

- Adjusted the unit mix, adding more two-bedroom units while reducing studio units in Building 1, and adding eight memory care rooms (for a total of 35 memory care rooms), but decreasing the total residential unit count by that same number (131 to 123).
- A density bonus parking alternative standard that reduced the underground parking garage to a single floor limited to the areas under Building 1, while utilizing parking lifts and valet service to maintain the original stall count.
- Reduced massing on the top floor to accommodate a sixth-floor aqua therapy pool.
- Allowed 40% of the building frontage along Stevens Creek Boulevard and 75% of the rear of the building to be occupied by non-retail uses, with no change in retail square footage from the original permit.

Current Development Permit Modification Request

Cascade Zak, representing the applicant, Related, is now requesting a modification to the Development Permit (M-2024-003) and an Architectural and Site Approval Permit (ASA-2024-003) to Building 1:

- Utilize their remaining density bonus Incentive/Concession to reduce the amount of retail from 17,600 square feet to 4,000 square feet.
- Request a density bonus to increase the senior assisted living dwelling count by 13 units, from 123 to 136, and to modify the unit mix. The number of memory care rooms remains unchanged at 35.
- Utilize provisions of state law (Assembly Bill 2097) to remove the underground parking facility (a decrease of 146 parking stalls for the development).
- Make minor adjustments to the proposed structure, including reducing the building height, moving sixth floor amenities to the ground floor, and decreasing the overall square footage of the proposed building from 199,800 square feet to 195,253 square feet.
- Waive the application of the Park Land Dedication In-Lieu Fee.

The applicant is proposing to utilize the provisions of State Density Bonus law and the newly enacted Assembly Bill 2097 (AB2097) to achieve these changes. However, while the applicant is entitled to utilize provisions of the State Density Bonus law to reduce the retail footage if the applicant demonstrates that such reduction results in identifiable and actual cost savings, the provisions of 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. Therefore, the applicant cannot apply AB2097 retroactively to an already entitled project.

Planning Commission Recommendation

The Planning Commission considered the proposed project at its March 22, 2025 meeting. After much deliberation regarding the loss of retail and the loss of parking, the Planning

Commission recommended (5-0) that City Council adopt the first amendment to the EIR and adopt resolutions (Attachments C&D) approving the application with added conditions of approval to the Modified Development Permit resolution 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

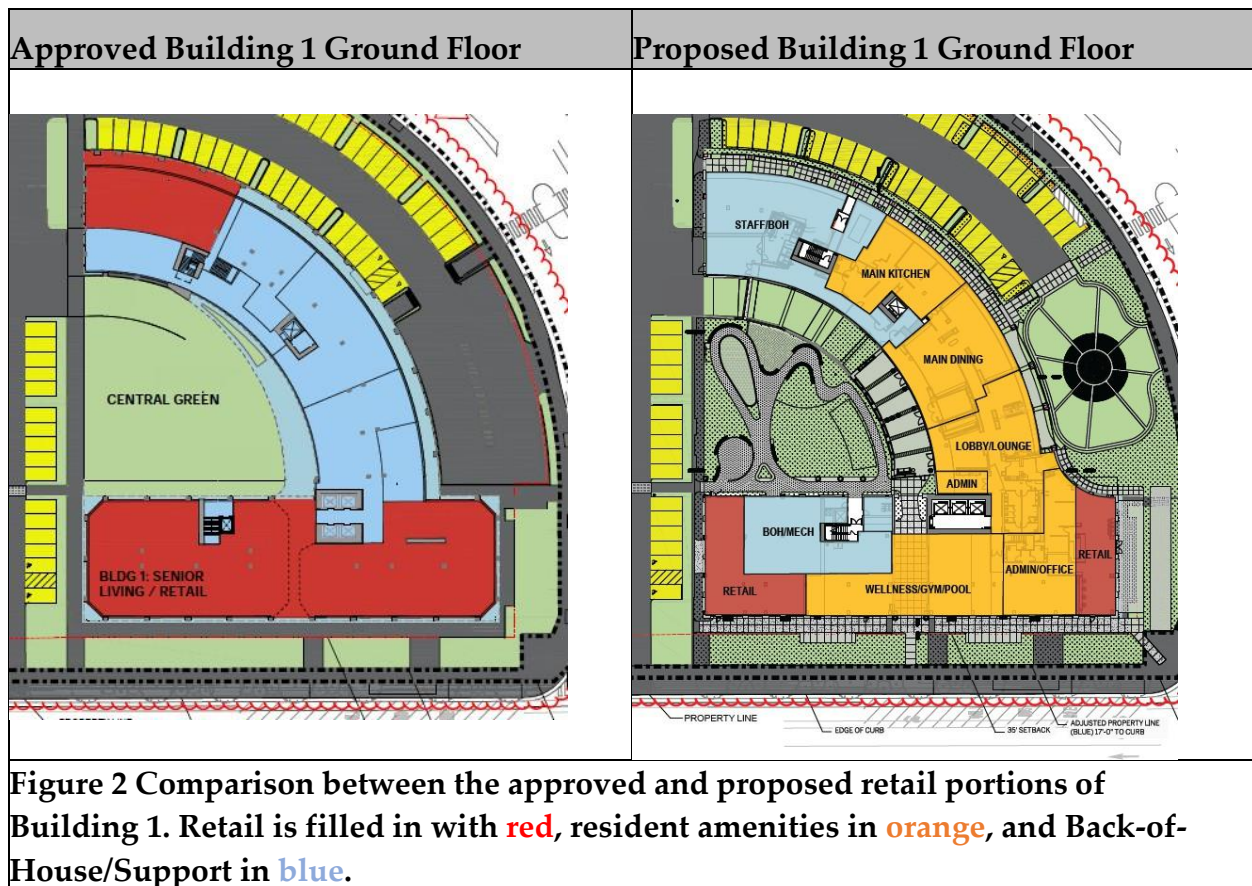
Applicant to consider increasing the proposed retail square footage to 8,000 square feet, with no increased parking requirement for the additional 4,000 square feet retail component, in exchange for a refund of park in-lieu fees already paid in the approximate amount of \$3.69MM, with no further payment of such fees required for the additional thirteen (13) assisted living units proposed (i.e. forego payment of approximately \$300,000).

The City Council should consider the Planning Commission recommendation as recorded in the draft resolutions.

Proposed Project Modification Analysis:

1. Reduction in Retail

The Heart of the City Specific Plan limits the area of uses that do not involve the direct retailing of goods or services to the public to no more than 25% of the building frontage along Stevens Creek Boulevard, and no more than 50% of the rear of the building. On December 21, 2021, the City Council approved a Heart of the City Exception allowing 40% of the building frontage along Stevens Creek Boulevard and 75% of the rear of the building to be occupied by non-retail uses. There was no change approved in 2021 to the total retail square footage in Building 1 (17,600 sq. ft.) from that approved through the original 2020 permit.



Proposed Modification

In the submitted proposed modification, June 18, 2024, letter submitted by the applicant (Attachment E), states that since their application is a modification to the overall Westport Development project, the developer of Building 1 remains eligible for the second of two allowable State density bonus law incentives and concessions allowed for the 8.1-acre Westport Development. Therefore, the developer requests to use the second available incentive and concession to reduce the required ground floor retail in Building 1³. As illustrated in Figure 3, the proposed retail locations are on the corner of Building 1 adjacent to Mary Avenue, as well as the development's driveway entrance along Stevens Creek Boulevard. The other uses along Stevens Creek are active and administrative uses limited to resident access, including the front office and wellness center for the senior assisted living facility.

Staff Analysis:

The applicant suggests that the spaces currently entitled as a retail area in Building 1 occupy ground floor building space that could otherwise be used for mechanical systems

³ The Westport Development includes 29 units of a base density of 237 units that are designated very low income. State density bonus law allows the development two incentives/concessions.

and back-of-house spaces for the senior assisted living facility. The currently proposed locations for these uses are in more expensive-to-build basements or upper-level building locations. Under State Density Bonus law, a developer is entitled to such incentives and concessions if there are identifiable and actual cost savings.⁴

Further, should Building 1 be constructed, an agreement requires the users of Building 1 to pay for a portion of shared infrastructure with Building 2 as on-going site maintenance costs. This allows the operator of the BMR building (Building 2) better to finance the long-term operating costs of affordable units.

As identified earlier in the staff report, the Planning Commission recommended a waiver of parkland in lieu of dedication fees (including those already paid) if the applicant were able to increase the amount of retail space in the development to a total of 8,000 square feet, without any additional parking provided. The City Council should consider the Planning Commission recommendation as recorded in the draft resolutions.

2. Assisted Living Unit Count

The Westport Development provides 12% of its base density as affordable to very low-income households, which entitles the development to a 38.75% density bonus, or a total count of 329 units for the entire development pursuant to State density bonus law. As proposed, the total number of units in the development would increase from 259 to 272 units due to the addition of 13 assisted living units in Building 1 (12.8% Density Bonus). This amounts to an increase from 123 assisted living units to 136 assisted living units in Building 1. The number of memory care rooms in Building 1 would remain unchanged at 35 units under the current proposal.

Staff Analysis

The original development approved in 2020, which included 48 BMR units and 219 market rate units (88 Townhome/Rowhomes, 131 Assisted Living units) was found consistent with the BMR Manual requiring that the BMR Units in Building 2 and Building 1:

- Be comparable to market rate units in terms of unit type, number of bedrooms per unit, quality of exterior appearance and overall quality of construction.
- Unit size should be generally representative of the unit sizes within the market- rate portion of residential projects.
- Interior features and finishes in affordable units shall be durable, of good quality and consistent with contemporary standards for new housing.

⁴ Government Code Section 65915(d), provides strict limitations on a city's ability to deny an incentive or concession, requiring very specific findings supported with substantial evidence that the incentive or concession does not result in identifiable and actual cost savings or the incentive or concession would have a specific and adverse impact upon public health or safety, with the burden of proof upon the city.

The number of units proposed was within the limits of State Density Bonus Law, and the developer is mandated in accordance with the City's BMR Manual to certain standards of "comparability" as mandated in the Manual's section 2.3.4 (listed above).

Table 1 (below) shows the proposed unit mix within BMR Building 2 and the market-rate Building 1. The City Council had found that the original 2020 and 2021 approvals met the BMR Manual's standard of comparability. Table 1 demonstrates that the comparability of the unit mix between Buildings 1 & 2, as proposed, is even more consistent with the City's requirements than the project approved in 2021.

Table 1: Unit Comparability Between Buildings 1 & 2			
Approved Building 1 (123 Units)	Studio	One Bedroom	Two Bedroom
Average Unit Size	530 s.f.	710 s.f.	1,110 s.f.
Unit Count	12	75	36
Mix Percentage	10%	61%	29%
Proposed Building 1 (136 Units)	Studio	One Bedroom	Two Bedroom
Average Unit Size	530 s.f.	710 s.f.	1,110 s.f.
Unit Count	27	79	30
Mix Percentage	20%	58%	22%
Building 2 (48 Units)	Studio	One Bedroom	Two Bedroom
Average Unit Size	518.6 s.f.	615.7 s.f.	843 s.f.
Unit Count	9	28	11
Mix Percentage	19%	58%	23%

Staff believes that the City Council should support the added units as they are within the allowed density of the development as approved, as well as continuing and improving the comparability between the units of Buildings 1 & 2.

3. *Parking Reduction*

Due to the amount of affordable housing and location of the site, the project had been previously approved with a Density Bonus reduced parking standard. The below-grade parking garage level in Building 1 was included to address the parking needs for Building 1 users (residents, visitors, staff and retail uses) and 23 spaces for Building 2 residents.

Through the current modification, the applicant is proposing to eliminate the underground parking and provide all necessary parking at the surface level. However, the applicant will continue meeting existing obligations to provide parking for the other portions of Westport Development (Building 2 residents and the town homes) and will adjust the parking provided for the users of Building 1 to be more reflective of the parking required to serve their needs, as further described below.

Staff Analysis

Parking for Building 2 users and Townhomes

The Westport Development utilizes the provisions of State density bonus law to provide 0.5 space per bedroom and the City may not impose a different, higher parking requirement for the development. Under State density bonus law, the project needed to provide a total of 30 spaces for Building 2. Seven of these spaces were provided at the surface level on the parcel on which Building 2 is located, while the remaining 23 spaces were to be provided in the underground parking garage. The applicant is now proposing to provide these 23 spaces, previously located below grade under Building 1, at-grade on the parcel that Building 1 will be located on. In addition, the applicant will continue to provide seven surface parking spaces for retail use in Building 2 on the Building 1 parcel. The existing townhomes each have two car garages, with an additional 21 surface spaces available for guests on the parcel on which the townhomes are located. The applicant is proposing to continue to provide six parking spaces as guest parking for the townhome portion of the development at surface level on the Building 1 parcel. As a condition of approval, the applicant must mark all the spaces with signage to identify the intended parking space user prior to issuance of final occupancy.

Parking for Building 1 users

Changes to parking provided for Building 1 users include eliminating all parking spaces for the assisted living or memory care residents, providing 3 surface parking spaces for residents, 10 surface spaces for employees, 5 spaces for guests and 16 surface parking spaces for the reduced retail space, as indicated in Table 2 below. The applicant intended to rely upon the provisions of AB2097 to eliminate the underground parking but provide as much parking as they believe will be needed to serve Building 1 users and that the City may not impose any minimum parking requirements on their project. While the project site, due to its location, is eligible for AB2097's parking provisions, the Westport project itself was approved prior to enactment of these provisions, and thus AB2097 cannot apply retroactively to this previously entitled project.

Table 2: Comparison of Approved and Proposed Parking		
	Previously Approved	Proposed
Residential (Building 1) ⁵	80 (<i>below grade</i>)	8
Residential (Building 2) ⁶	26 (<i>below grade</i>)	26
Residential (Townhomes)	6 (<i>surface</i>)	6
Bldg. 1 Facility Employees	28 (<i>below grade</i>)	10

⁵ The Westport Development was approved with a parking ratio of 0.5 parking spaces per bedroom in conformance with CA state density bonus law. Required parking for Building 1 residents would be 83.

⁶ See footnote 4. Required parking for Building 2 residents would be 30 spaces, seven spaces on the lot Building 2 is on, and the remaining on the lot that Building 1 is on.

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)

However, since the property is in the Planned Development with General Commercial and Residential uses (P (CG/Res)) zoning district⁷, staff have prepared a parking analysis for the Building 1 user as seen in Table 3 below, based on the following information provided by the applicant (Attachment I):

- The median age of the tenants in the Senior assisted living units is anticipated to be approximately 84, based on the applicant/operator's experience at similar facilities. Therefore, a very small percentage (8%) of the tenants will drive or own a vehicle. According to the applicant many residents dispose of, or donate, their vehicles prior to downsizing into one of their facilities, preferring to use the concierge vehicles operated by the facility.
- Almost 75% of the employees of their other facilities are incentivized to use alternative means of transportation or park elsewhere (here, De Anza College facilities are located close by, and the operator is in talks with them regarding parking arrangements).
- Guests are usually only at the facility for a maximum of 90 minutes per visit and can use public parking or park at De Anza College, if necessary.
- Retail reduced to 4,000 square feet, significantly reducing parking demand based on the City's retail parking standard of 1 space per 250 square feet.

Table 3: Anticipated Parking Demand vs. Proposed Supply For Building 1

	Previously Approved	Proposed	Expected	Gap
Residents	80	3	14	11
Employees (40 max per shift)	28	10	13	3
Guests	(included in resident count)	5	10	5
Retail	71	16	16	0
Total	179	34	53	19

Based on the parking analysis, there appears to be a gap of approximately 19 spaces between the reasonably expected parking demand and the currently proposed parking space. Discussions with the applicant have indicated that they are voluntarily open to

⁷CMC 19.80: Planned Development Zones is intended to provide a means of guiding land development or redevelopment of the City that is uniquely suited for planned coordination of land uses and to provide for greater flexibility of land use intensity and design because of accessibility, ownership patterns, topographical considerations, and community design objectives.

adding surface parking spaces, where possible, to allow the parking supply to get closer to the expected parking demand. Upon an analysis of the site, it appears that there is room to add additional surface parking spaces within the site. However, the specific number of additional spaces that could be added has yet to be determined. Therefore, as a condition of approval, the applicant is required to update the site plan to add a minimum of 20 onsite parking spaces, prior to issuance of building permits.

In the alternative, the applicant has suggested that they could eliminate the 4,000 square feet of retail space being provided in Building 1, by modifying their remaining Density Bonus Incentive/Concession request, which would allow the use of 16 spaces, currently earmarked for retail uses, for the residential portion of Building 1.

Staff recommends that the parking count as conditioned with the project, consistent with similarly programmed assisted living communities in the area, will provide enough parking on-site.

If the City Council disagrees with the above analysis, it could either recommend a different parking count that the developer must provide based on a different justification or deny the modification to the proposed parking arrangement on the basis that AB2097 does not apply to this project.

4. Architectural & Site Approval

As described previously, the developer proposes modifying Building 1 as follows:

- Increasing the footprint of the curved (sickle) portion of the building along Mary Avenue by 8 feet.
- Relocating the memory care terrace to the interior of the project to overlook the central green.
- Reducing ground floor height from 20 feet to 18 feet, with incremental height increases to the upper floors. The overall building height would be reduced to 78.6 feet due to this change.
- Moving the therapy pool terrace and wellness gym to the ground floor from the sixth floor. This reduces mass along Stevens Creek Boulevard on the sixth floor.

Staff Analysis

None of the changes listed above, have any effect on the programming of the site, except as previously described in the discussions related to the reduction of retail use and elimination of underground parking. The overall architectural theme of the project is not proposed to be modified with this application and the project proposes to continue to be very similar to the architectural style (Mediterranean) that was previously approved. Therefore, Staff feels that City Council should support the modifications as proposed.

5. *Park Land Dedication In-Lieu Fee*

At the revised 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. The applicant has identified the following as reasons for the City waving the fee:

- “New pedestrian walkways connecting Stevens Creek Boulevard and Mary Avenue through the project. The construction of the walkways is not strictly required by the City’s Zoning Code; however, they could improve pedestrian circulation in the area, including Creation of a connection between Stevens Creek Boulevard and Cupertino Memorial Park.
- Residents of the senior housing units in Building 1 cannot reasonably be anticipated to generate a material demand on City park lands and instead are more reasonably 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.”

Staff analysis

In accordance with the Municipal Code (CMC 13.08.100), park land shall be dedicated to the City or the fee in lieu thereof shall be paid, as determined by the City, at the time of building permit issuance or recordation of a final subdivision map, whichever occurs earliest. The City has consistently determined that the open space provided on site does not conform to the private open space (for which credit may be provided) nor the park land dedication requirement consistent with the requirements of CMC Chapter 13.08.050 (F). Therefore, the determination has been that the project must pay a Park Land Dedication In-Lieu of Fee subject to CMC Chapter 13.08.060 Fees in Lieu of Park Land Dedication. To date, the developer has already paid \$3.69MM for 123 units⁸. With the change to the programming, that is, providing 13 more assisted living units, the applicant would owe park land in lieu of dedication fees for these additional units in the approximate amount of \$300,000.

The walkway referenced by the applicant as the justification for requesting a fee waiver is an existing vehicular path between Building 1 and the remainder of the Westport development, which has long been a part of the site design. It is not a new design feature,

⁸ \$3.93M in park fees on 12/21/21 (131 units x \$30,000). However, when the project scope was modified to reduce units from 131 to 123, the City issued the developer a refund of \$240,000 (8 units x \$30,000).

nor does it have separated/designated bike lanes or public access easements. As a result, the project should not receive credit for any connection afforded by this primarily vehicular connection. Additionally, since the project will be occupied by seniors, the park land dedication in lieu of fee is already discounted to allow for the estimated reduction in use of public open spaces by seniors as allowed by Chapter 13.08.

Further, although the Housing Element Strategy HE-2.3.9 may require the City to explore reduction in development fees, a policy to implement this strategy is not expected to be adopted until sometime in mid-2026. Accordingly, staff recommend that the City require the applicant to pay the Park Land Dedication In-Lieu of Fee for the additional 13 units and does not recommend a refund/waiver of the fees that have already been paid. However, the City could waive the fee if it wishes to assist this developer in the development of this market-rate project.

Approval of the Planning Commission's recommendation for incentivizing adding an additional 4,000 square feet of retail (for a total of up to 8,000 square feet of retail) would require the City to refund \$3.69MM in fees already paid and agree that applicants need not pay the additional unpaid fees associated with the additional 13 units.

Staff recommends that the City Council should consider the Planning Commission recommendation as recorded in the draft resolutions.

Other Department/Agency Review

The City's Building Division, Public Works Department, Environmental Services Division, Sheriff's Department, Cupertino Sanitary District and the Santa Clara County Fire Department have reviewed and conditioned the project.

Reasons for Recommendation

Staff recommends approval of the project modifications, with the conditions of the approval proposed, because the changes to the project will not create adverse traffic, noise, or safety impacts to the surrounding area and each finding for approval of the proposed project, consistent with Chapters 19.56, 19.156, and 19.168 of the Cupertino Municipal Code, may be made as reflected in the findings of the draft resolutions attached. The Planning Commission recommendation as recorded in the draft resolutions as it relates

Sustainability Impact

No sustainability impact.

Fiscal Impact

If City Council would agree to the added Planning Commission condition that incentivizes the addition of 4,000 square of retail, the City could lose up to approximately \$4 million in Park in-lieu fees.

City Work Program Item/Description

None

Council Goal

Housing and Quality of Life

California Environmental Quality Act

An Initial Study was prepared and a Final EIR (State Clearinghouse 2019070377) was certified for the project by City Council on August 18, 2020. The Final EIR identifies mitigation measures to reduce the potentially significant environmental impacts of the project to less than significant levels. These mitigation measures were adopted and made conditions of project approval.

The City conducted a CEQA analysis of changes to the project to determine the appropriate level of subsequent environmental review. Under CEQA Guidelines section 15164, an addendum to an EIR should be prepared where there are (1) no substantial changes to the project requiring major revisions to the EIR because of new or substantially increased significant environmental effects of the project; (2) no substantial changes in circumstances requiring major revisions to the EIR because of new or substantially increased significant environmental effects of the project; and (3) no new, previously unknown or unknowable, information of substantial importance showing: (a) new or substantially more severe significant efforts than were discussed or shown in the EIR; (b) that previously infeasible mitigation measures/alternatives are now feasible and would substantially reduce significant efforts; or (c) that considerably different mitigation measures than analyzed in the EIR would substantially reduce significant effects.

The analysis determined that proposed changes to the project meet the criteria for an addendum. To this end, an addendum was prepared (see Attachment F), in which they concluded that the proposed modified project is not a substantial change to the Final EIR because it is on the same project site as the approved project, makes minor modifications to Building 1, and removes the subterranean parking garage. It does not significantly alter what was evaluated in the Final EIR and most impacts would be less than evaluated in the Final EIR. Consequently, there are no substantial changes proposed that will require major revisions of the Final EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects. The addendum reviews each topic in the CEQA Environmental Checklist and concludes

that neither the modifications to the project nor new circumstance or information will result in an environmental impact that is new or more severe than the impacts studied in the Initial Study and EIR.

Based on the information provided in the Addendum, construction and operation of the modified project would not result in any new impacts or increase the severity of previously identified significant impacts analyzed in the Adopted EIR. Therefore, Staff recommends that City Council adopt the Addendum to the EIR.

Prepared by: Gian Paolo Martire, Senior Planner

Reviewed by: Benjamin Fu, Director of Community Development
Floy Andrews, City Attorney

Approved for Submission by: Tina Kapoor, Acting City Manager

Attachments:

- A. Draft Resolution for M-2024-003
- B. Draft Resolution for ASA-2024-003
- C. Planning Commission Resolution 2025-05
- D. Planning Commission Resolution 2025-06
- E. Letter from J. Abrams Law to Cupertino City Staff dated June 18, 2024
- F. Westport Mixed-Use Project Environmental Impact Report Addendum No. 1
- G. Project Plans
- H. Public Comments
- I. Applicant Parking Exhibit