

CC 9-7-2021

#11

Westport Tentative Map

Presentation

**Westport Development
(TM-2021-002)
21267 Stevens Creek Boulevard
August 7, 2021**



CUPERTINO



Subject

Consider approving a Vesting Tentative Map to replace a previously approved Vesting Tentative Map (TM-2018-03) for the Westport Cupertino development project to create a separate parcel for the age restricted senior below market rate building. City approval would be a Vesting Tentative Map

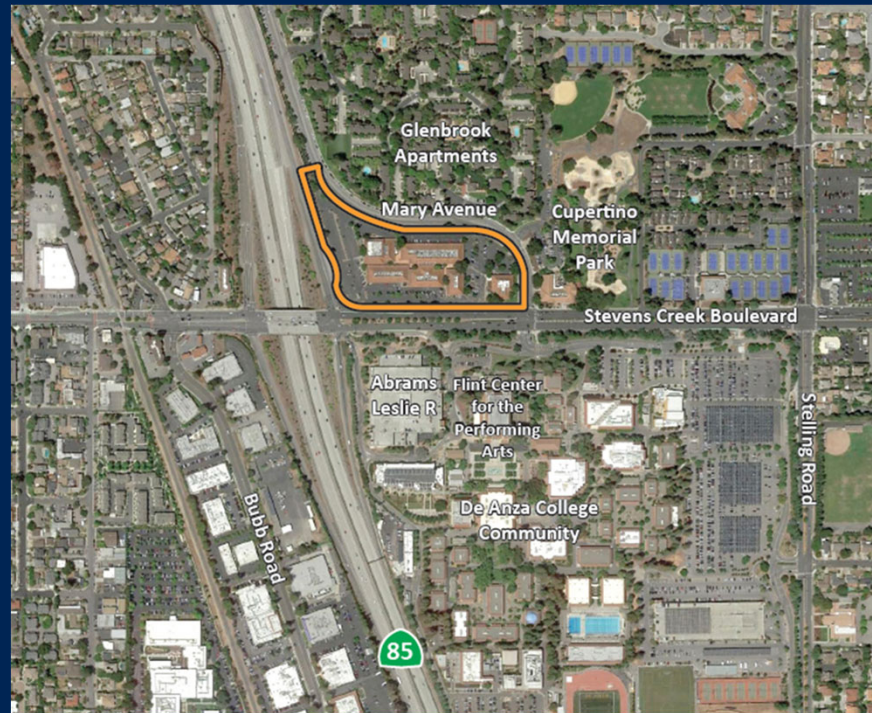
Planning Commission Hearing on July 27, 2021

June 22, 2021 Moved (3-0, Saxena and Madhhipatla absent)
item shall be postponed to a later date for further clarification
on:

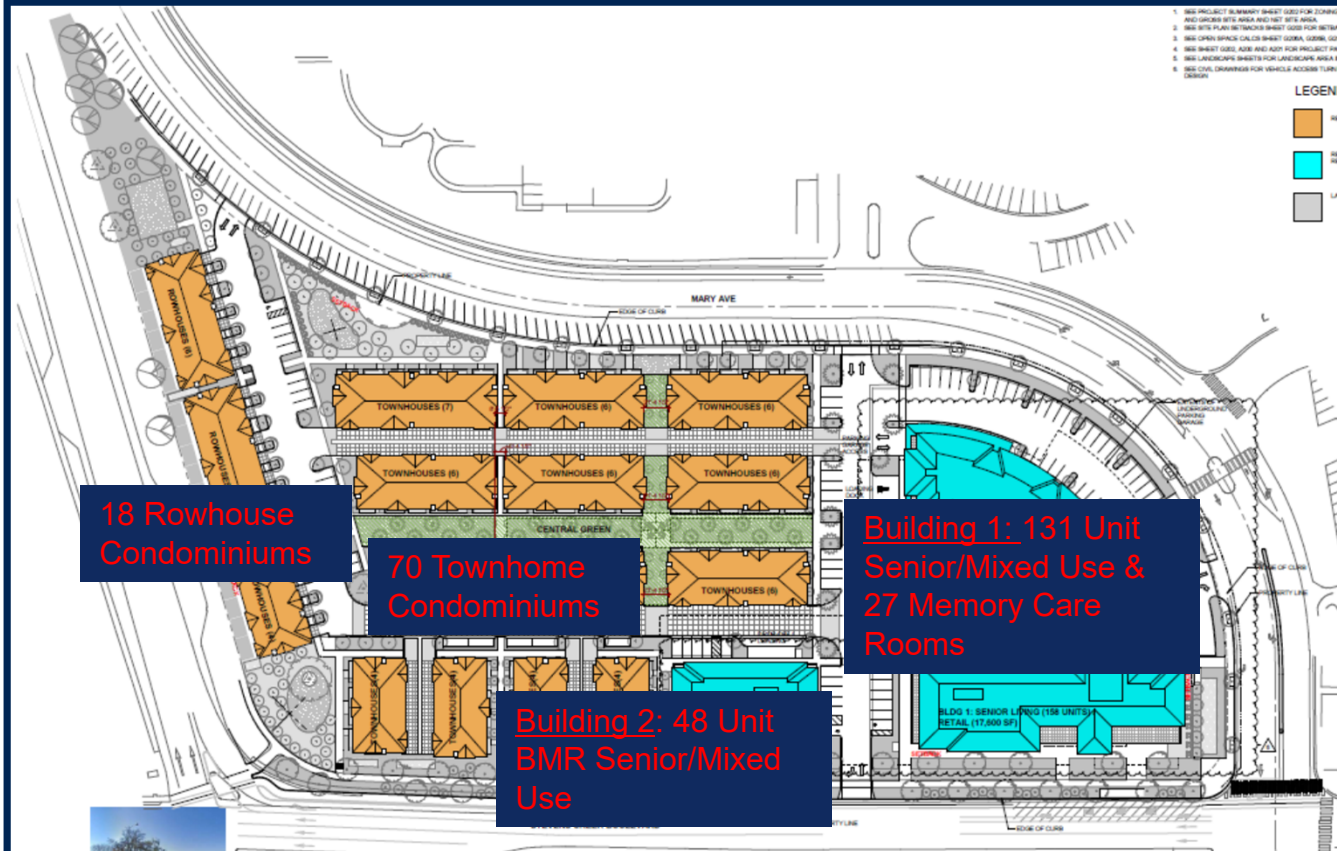
- Legal review of parcellation of Building 2.
- Removing the requirement for developer to provide a Class IV bike lane on southern side of Stevens Creek Boulevard.

On July 27, 2021, Planning Commission Hearing, Planning Commission moved to recommend approval (4-0-1, Chair Wang absent).

Project Location



- Mix of uses
- Heart of the City Specific Plan Special Area
- Oaks Gateway



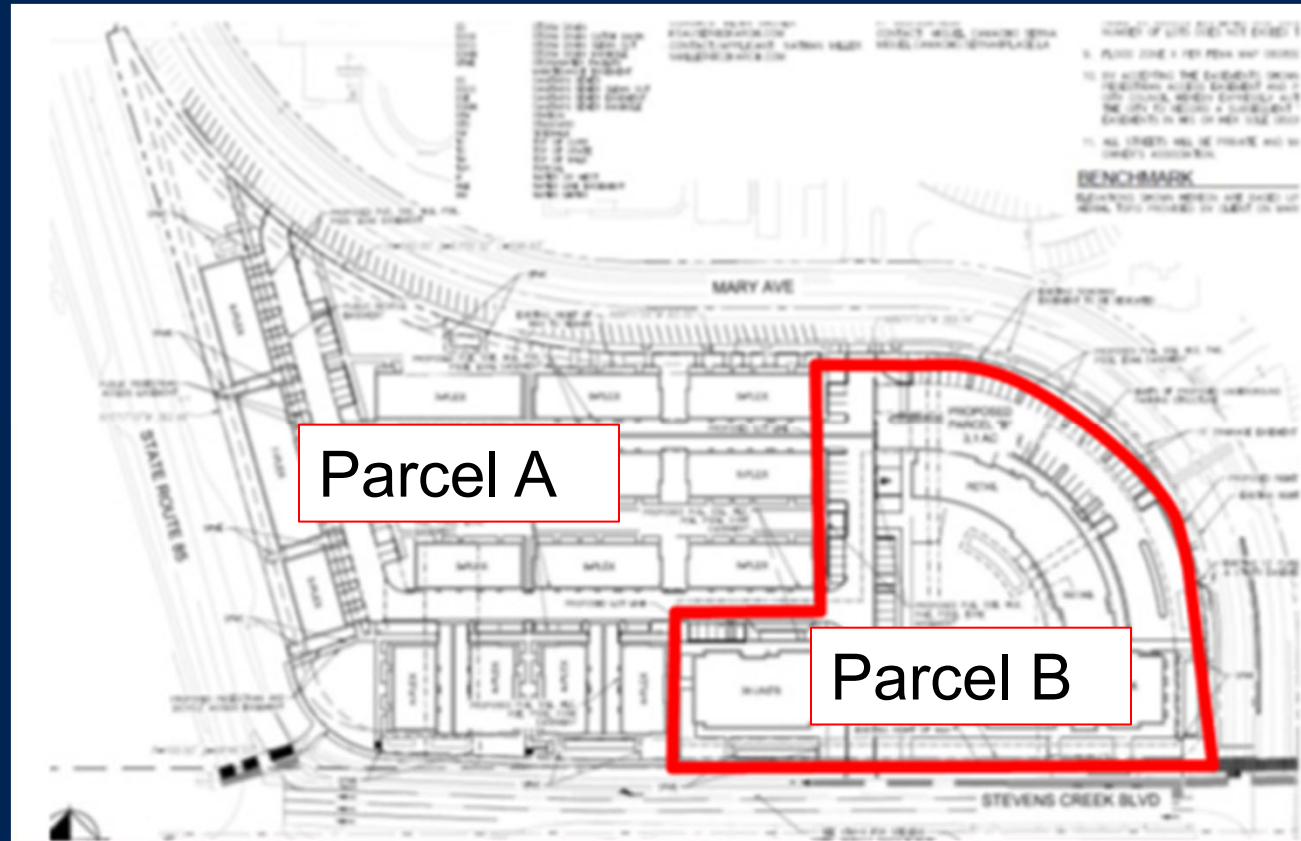
Project Data

- Two residential/commercial buildings:
 - **Building 1**: six-story building with 167 senior residential units, 27 memory care licensed assisted living residences, and 17,600 square-feet of ground-floor retail/commercial space.
 - **Building 2**: six-story building with 48 below market rate (BMR) senior residential units and 2,400 square feet of ground-floor retail/commercial.
- 70 single-family residential townhouses and 18 single-family residential rowhouse condominiums.

Vesting Tentative Map (TM-2018-03)

- A Vesting Tentative Map is proposed to divide property into two parcels
 - Parcel A -4.7 acre
 - Parcel B - 3.1-acre
- Stevens Creek Boulevard upgrades to include detached Class IV bike lanes and other improvements.

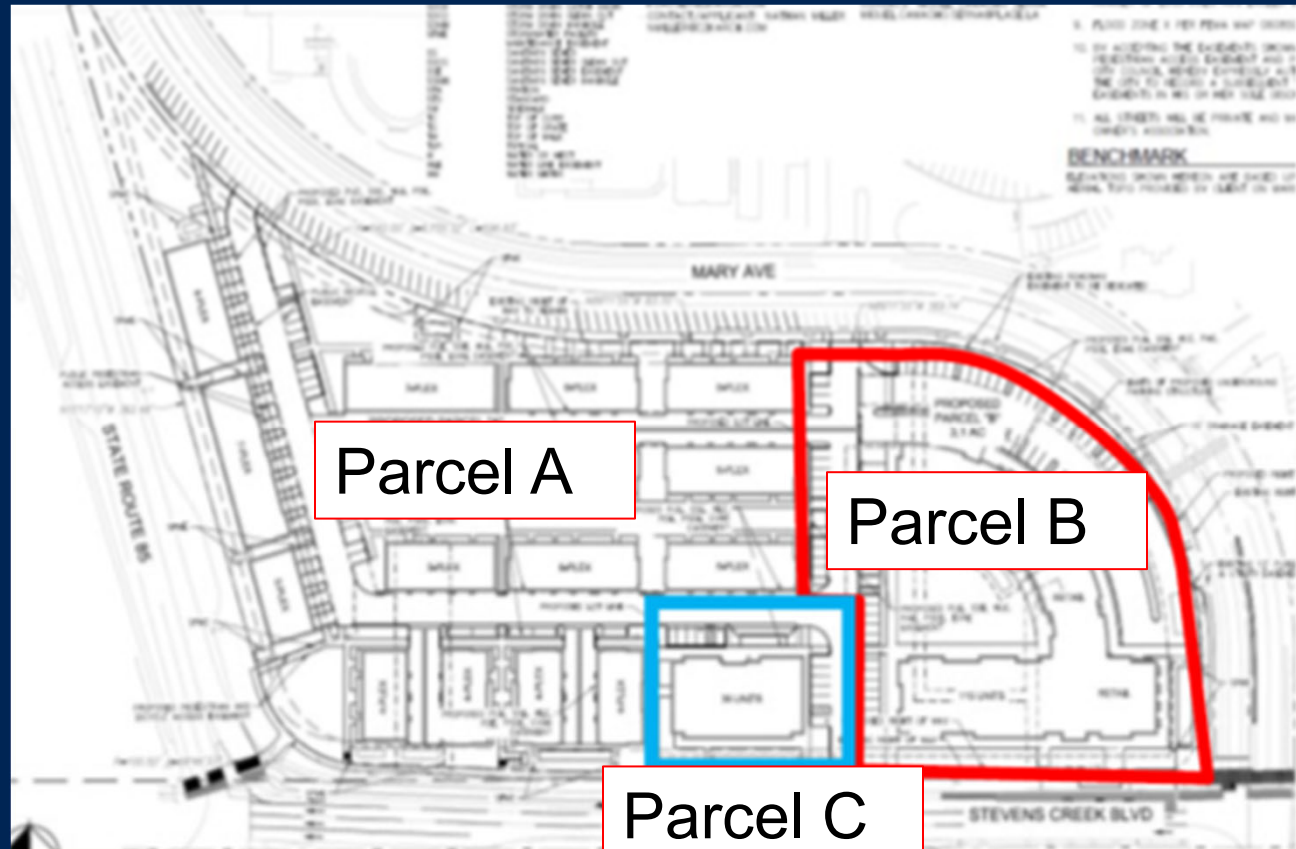
Approved Vesting Tentative Map



Proposed Vesting Tentative Map

- Three Parcels
 - Parcel A – 4.7 acres
 - Parcel B – 2.5 acres
 - Parcel C - .6 acres
- Meet permitting and construction timelines of State of California tax credit program.

Proposed Vesting Tentative Map



Proposed Vesting Tentative Map

- BMR projects relying on tax credits must be owned by single-asset entities
- Condition III.11 (Concurrent Development of BMR and Market-Rate Housing) of Development Permit Resolution No. 20-106, part of the original project approval, states:
 - “...Developer has transferred the parcel on which the senior BMR housing will be constructed to an affordable housing developer or its affiliate...”.

Proposed Vesting Tentative Map

City Council on August 18, 2020 had found Vesting Tentative Map (TM-2018-03) was consistent with City's General Plan

- Permitted to have up to 30 dwelling units an acre, and that it qualified for a density bonus.
- Consistent with General Plan for a high-density mixed-use development.

The current proposal does not propose any revisions to the approved project.

Transportation Impact Fees (TIF)

Bike Improvements and Transportation Impact Fees (TIF)

- Condition IV.2 to Resolution No. 20-106 required installation of bike improvements along south side of Stevens Creek Boulevard in lieu of payment of TIF.
 - “[t]he value of the improvements shall be equivalent to the Transportation Impact Fee required of the project.”
- TIF based on adopted fee schedule for the project’s multifamily residential and retail uses.
 - Senior living and assisted housing calculated the TIF based on the per trip fee in the adopted fee schedule and project-specific calculations of proposed PM peak-hour trips.
 - Credit given for trips generated by existing retail uses.

Transportation Impact Fees (TIF)

- Applicant required to construct bicycle improvements listed in Traffic Impact Nexus Study, up to amount of TIF due for project in lieu of paying part of fee.
 - Bicycle improvements along the project frontage on north side of Stevens Creek Boulevard
- Applicant has declined to construct bicycle improvements on south side of Stevens Creek Blvd, as was previously proposed
 - Pay TIF instead of receiving TIF credit for these facilities.

Parkland Dedication Fee

- Residential units within project are subject to parkland fees in-lieu of parkland dedication per CMC Chapter 13.08 and Chapter 18.24.
- The Below Market Rate (BMR) program manual authorizes the waiver of park fees for BMR units.
- Consistent with past practices, staff recommends that parkland dedication in-lieu fees for 48 BMR units, proposed with this project be waived.

Council Questions

- Does parcelization impact City's ability to ensure development of the BMR portion of the project?
 - Response: Occupancy of Townhome/Rowhouse parcel tied to BMR Occupancy.
- Why was the original application not divided into the three parcels? Was it anticipated that a revised Vesting Tentative Map would be submitted to the City Council on a later date?
 - Response: Developer stated they were not aware that a separate parcel would be needed for BMR financing. Tentative Map revision required to add third parcel.

Council Questions

- Was it the Developer's request that the Class IV Bike Lane along De Anza College be removed from the Vesting Tentative Map?
 - Response: It was the developer's request. City cannot require construction of these improvements. Developer will pay appropriate TIF.
- Developer justifies not paying the TIF fee as there are no transportation impacts and no nexus for a fee. Will the City require the Developer to pay the TIF fee?
 - Response: Yes. Based on CMC 14.02, developer is responsible for payment of TIF based on proposed project scope. Developer may receive credit for any bicycle improvements, indicated in the Traffic Impact Fee Nexus Study, constructed with the project.

Council Questions

- Has the Developer agreed to obtain Caltrans approval and pay for the improvements on the north side of Stevens Creek Blvd.?
 - Response: Yes. Developer has agreed to collaborate with the City to obtain Caltrans' approval and construct improvements.
- How is the location of the bus stop determined?
 - Response: VTA has requested that the bus stop be relocated to its proposed location at the westside of Mary Ave..

Council Questions

- Does this revision affect the previously approved bike/ped easement along the western portion of the project site?
 - Response: No. The Bike/Ped easement is unchanged. Bicycle access will still be provided.
- Planning Commissioners votes intentionally left off Planning Commission Resolution No. 6927?
 - Response: No. This will be corrected.

Environmental Review/EIR

- An Initial Study was prepared and a Final EIR (State Clearinghouse 2019070377) was certified for project.
- Proposed changes to project would not have any new or substantially more severe significant environmental impacts.
 - Creation of a new lot and decision not to construct certain improvements would not have an adverse physical effect on the environment.



Recommended Action

Staff recommends that the City Council consider the evidence presented and determine whether the project can be approved in accordance with Resolution No. 21-081 to approve the Vesting Tentative Map (TM-2021-002).



Next Step

The City Council's decision will be final unless reconsidered within 10 days of the decision.

CC 9-7-2021

#11

Vallco SB35
Development Report

Presentation

Vallco SB 35 Project Update

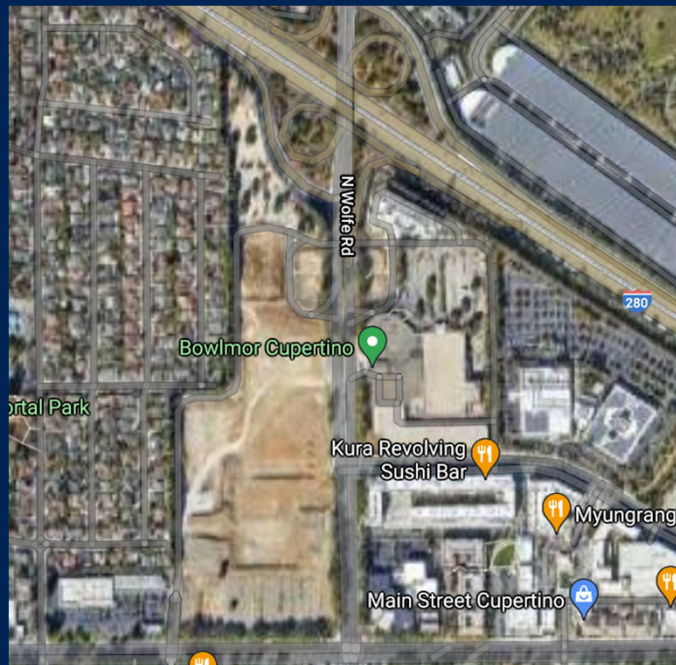
City Council Agenda Item #12

August 7, 2021



CUPERTINO

Project Location



- Both sides of N. Wolfe Rd.
- Below I-280
- Above Stevens Creek Boulevard



Presentation

1. Staff Report (quickly)
 - A. Background Information
 - B. Progress to Date
 - C. Challenging Issues
 - D. Project Extension
2. Supplemental Staff Report
3. Additional New Information **Today**



1A. Background Information

- Original Vallco Mall
- Prior History
- State Senate Bill 35
- Vallco SB 35 Development Project

1 B. Progress to Date

- Soil Investigation/Remediation
- Fire Station Location Identified
- Building Permit Application Review
- CalWater utility services
- Agreements being drafted



1C. Challenging Issues Remain

- Proposed Green Roof
- Project Modifications
- Impact Fees

1D. SB 35 Project Extension

- SB 35: “vertical construction” in 3 years
- SB 35: Extension with “substantial progress”
- Vallco and State HCD disagree with timing
- Extension decision by the City Manager
- Appears State standards is met, but awaiting Vallco’s request for an extension



2. Supplemental Staff Report

- A. Organizational
- B. Soils Investigation/Remediation
- c. Prior and pending approvals

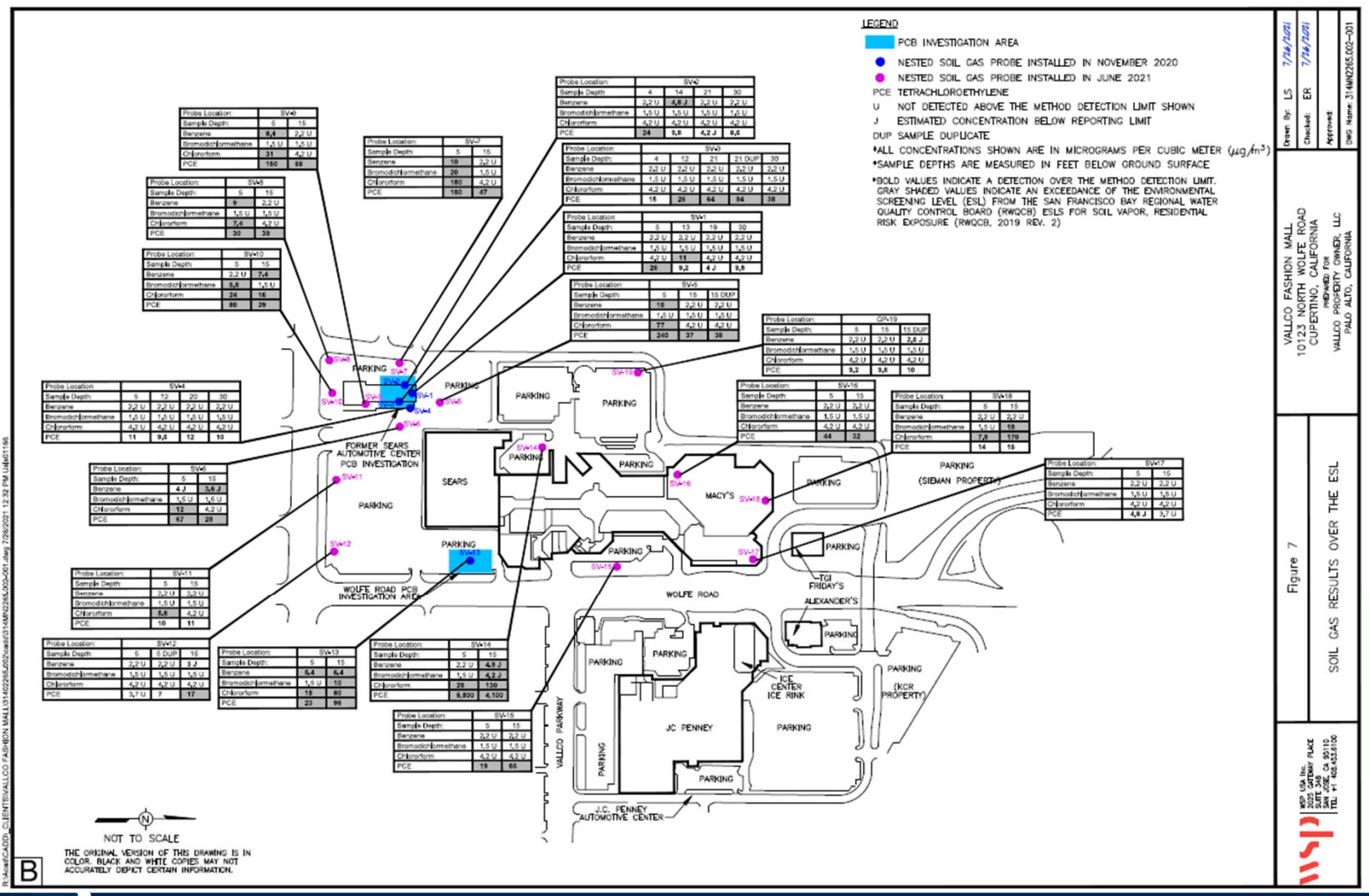


2A. Organizational

- Source and preparation of Status Report
- Inclusion of extension information
- County Assessor website maps
- City Vallco website information
- Recommended Council Action



2B. Soils Investigation/Remediation



Drawn By: LS 7/24/2021
 Checked: ER 7/24/2021
 Approved: [Signature]
 Date: 7/26/2021
 Title: Name: 31-MND265-002-301

VALLCO FASHION MALL
 10123 NORTH WOLFE ROAD
 CUPERTINO, CALIFORNIA
 PREPARED FOR
 VALLCO PROPERTY OWNER, LLC
 PALO ALTO, CALIFORNIA

Figure 7

SOIL GAS RESULTS OVER THE ESL

WSP USA, Inc.
 2025 SUTTER PLACE
 SAN JOSE, CA 95110
 TEL: 415-468-6810

2C. Prior and Pending Approvals

- Prior approval cannot be reversed
- Extension request not yet received
 - *Decision now is premature*
- Project modifications will need to be considered through a process specified in SB 35

3. Additional New Information

- County Fire
- County Environment Health
- Amendments to SB 35
 - *Extends 3 yr approval to May 2023*
 - *Expands definition of progress*
 - *Allows time for modifications*
 - *Limits new objective standards*



Questions