



COMMUNITY DEVELOPMENT DEPARTMENT

CITY HALL

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CITY COUNCIL STAFF REPORT

Meeting: April 17, 2018

Subject

Development Permit, Architectural and Site Approval, and Tree Removal applications and Environmental Impact Report for The Forum at Rancho San Antonio, a continuing care retirement community that currently exists on a 51.5-acre site.

Recommended Action

That the City Council:

1. Approve Development permit (DP-2017-01) and environmental analysis (EIR) (EA-2017-01); and Certify the final Environmental Impact Report pursuant to the California Environmental Quality Act, and adopt the mitigation monitoring and reporting program per draft resolution 18-_____.
2. Approve Architectural and site approval (ASA-2017-03) per draft resolution 18-_____.
3. Approve Tree removal permit (TR-2018-06) allow the removal and replacement of 25 protected trees per draft resolution 18-_____.

Description



1. Additions and renovations in a Planned Development Zoning District.
2. Additions and renovations to the existing facilities, as well as new buildings resulting in 23 new independent living villas, 10 new beds and 46,026 square feet of renovations and additions to the skilled nursing facility, 10,500 square feet of renovations to the assisted living facility, 26 new beds in a 39,000-square-foot new memory care building, and 27,000 square feet of renovations and additions to the commons facilities (dining, fitness and multi-purpose room) with associated site and landscaping improvements.
3. Removal and replacement of 25 protected trees.



Discussion

Application Summary:

Applications: DP-2017-01, ASA-2017-03, TR-2018-06, EA-2017-01
Applicant: Mary Elizabeth O'Connor
Property owner: Rancho San Antonio Retirement Housing Corp
Property Location: 23500 Cristo Rey Drive (APN: 342-54-999)

Project Data:

General Plan Designation:	Quasi-public/institutional
Zoning Designation:	P (Institutional) – Planned Development
Project Consistency with:	
General Plan:	Consistent
Zoning:	Consistent
Environmental Assessment:	Environmental Impact Report
Proposal, with perspectives below:	
Independent living units	53,642 square feet (23 units)
	
Community building addition	21,916 square feet
	

Skilled nursing facility addition	21,259 square feet (10 beds)
	
Memory care building	38,179 square feet (26 beds)
	

Background:

Established in 1985 under an approval for El Camino Hospital, The Forum at Rancho San Antonio is an existing, cooperatively-owned community offering residences, social activities, facilities and three levels of care for seniors: independent living, assisted living and skilled nursing. The 51.5 acre property is located at 23500 Cristo Rey Drive, at the northwest boundary of Cupertino adjacent to the Oak Valley neighborhood.

The resident owners of the Forum originally proposed 25 new independent living units, which would be a combination of attached and detached units. A revised plan is now proposed for a total of 23 units: 16 units along the southwest side of Cristo Rey Drive and the remaining seven units on the interior streets of Via Esplendor and Sereno Court. These proposed units would be built first and allow the remaining proposed additions and renovations to existing facilities to be economically feasible. The additional facilities include community building addition, skilled nursing facility addition and new memory care building.

The application review in 2017 encompassed neighborhood meetings, outreach and dialogue, plan revisions to address community concerns, and the city's development and environmental review process. Non-residential proposals that exceed 100,000 square feet of net new development require a planning commission recommendation and final decision by City Council. On March 27, 2018, the Planning Commission held a public hearing and recommended that the City Council approve the proposal which included

25 living units, though an option for 23 units was presented by the applicant during the hearing.

After the Planning Commission hearing, the Forum owners met with some neighboring homeowners from the Oak Valley neighborhood. The owners reached a consensus that there would be support for the proposal of 23 living units. On April 9, 2018, the city received the revised plans that reduce the proposed living units from 25 to 23.

General Plan policies:

The General Plan land use designation for the property is quasi-public/institutional. The existing and proposed use is consistent with the General Plan. General Plan policies seek to support the community quality of life. The key challenges and opportunities that apply to the proposed application are stated within the General Plan as follows:

- *Planning for changing demographics.* The growing need for seniors are addressed through community facilities;
- *Integrating community health into land use planning.* Onsite facilities, proximity to open space, and vanpools reduce reliance on auto usage;
- *Economic vitality and fiscal stability.* As Cupertino's population grows and ages, demands on community resources will increase. In order to maintain and enhance the community's quality of life, the City will ensure that existing businesses are encouraged to reinvest and grow in Cupertino, and that the city continues to attract new businesses and investment. While the Forum is a cooperatively-owned non-profit corporation, the issues of economic vitality, attracting new investors, and long-term viability of the community to provide services to the senior community applies.

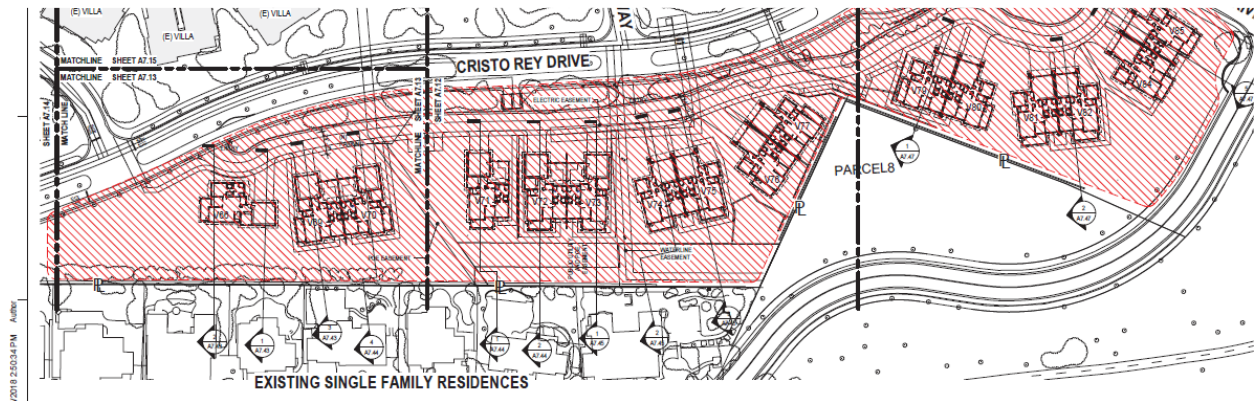
Zoning:

The subject property is zoned Planned Development District – Institutional ("P(I)"). Therefore, as an institutional development, the proposal is an allowed use consistent with the P zoning district. The planned development zoning district is specifically intended to encourage creative approaches in development, allowing flexibility for larger parcels consistent with the General Plan and findings within the Municipal Code required through the development permit and architectural and site approval process, and outlined within the Attachment 1, draft resolutions.

The city's architectural consultant reviewed the proposal and found the application to be consistent with the city's goals and policies regarding design. The suggested revisions to the original proposal included increase of rear yard setbacks from adjacent residences at the property line, reduction of plate heights, site planning revisions such that there is

reduction of impervious surfaces and grading, increase to safe and buffered ingress/egress of residents and visitors on Cristo Rey, and reduction of use of retaining walls, particularly at entries and between properties.

Site Planning and architecture



Independent living units at southwest property line

The City seeks to ensure that building layouts, placement and design are compatible with the surrounding environment. Careful attention is paid to transitions and building locations. Living units adjacent to the Oak Valley neighborhood are located closer to Cristo Rey for increased setbacks to property line within the range of 29-52 feet, resulting in structure separation ranging between 49-72 feet. There is also a buffer area between resident/visitor traffic on Cristo Rey and the proposed living units that multi-tasks as a back-out area and visitor parking spaces. Per the Cupertino Municipal Code parking ratios for the subject use, 76 additional parking spaces are required across the site and a net total of 128 parking spaces will be added. The net difference in parking required versus added accounts for ADA spaces, visitor parking and employee parking.

The proposal's subsequent revisions meets the city's design guidelines and associated strategies as follows:

- *Design.* Use of colors, materials, and forms are consistent with the existing development.
- *Mass and scale.* Scale and interrelationships of old and new development complement each other. Buildings are grouped to create spatial unity. For example, the independent living units maintain a one-story, low density profile in acknowledgment of adjacent existing units on site and nearby single family homes off site. Taller duplex units are located within the interior of the site, shown below on Sereno Court, and adjacent to similarly scaled units. The larger community and

service facilities are also located within the interior of the site, meet the height limits as defined within Community Form Diagram Figure LU-2, and maintain similar scale to existing buildings such that they are not perceived from off site.



Landscaping and tree removal

Several thousand trees exist on the site that serve to provide environmental value as well as to beautify and visually screen the development and would largely remain undisturbed. To accommodate the additions and renovations, a total of 142 trees are proposed for removal and replacement, of which 25 are protected species. The living units also incorporate buffer landscaping within the rear yards in order to reduce visual and privacy impacts. A recommended condition of approval is for the trees planted along the property line between the Forum and Oak Valley neighborhood to be considered protected trees, which require permits for removal and replacement plantings.

Environmental Review

Pursuant to the California Environmental Quality Act (CEQA), an Environmental Impact Report has been prepared, finding that environmental impacts may be reduced to less than significant with mitigation measures. While environmental initial studies indicated that impacts may be addressed through mitigation measures and conditions of approval, the applicant elected an environmental impact report, which is a lengthier and more costly approach, but results in a higher level of review of potential concerns, which is discussed in greater detail within the EIR in Attachment 3. The Environmental Review Committee held a public meeting on January 18, 2018 to review the public draft EIR and recommended approval.

PUBLIC NOTICING AND COMMUNITY OUTREACH

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

Notice of Public Hearing	Agenda
<ul style="list-style-type: none">▪ Site Signage (<i>at least 10 days prior to hearing</i>)▪ Legal ad placed in newspaper (<i>at least 10 days prior to hearing</i>)▪ 392 notices mailed to property owners within a 300 feet radius of the project site (<i>at least 10 days prior to the hearing</i>)	<ul style="list-style-type: none">▪ Posted on the City's official notice bulletin board (<i>five days prior to hearing</i>)▪ Posted on the City of Cupertino's Web site (<i>five days prior to hearing</i>)

The city received comments throughout the review process, which are included as Attachment 4. The main concerns early in the process were regarding the interface between proposed living units and existing, adjacent single family homes. In response, the applicant and their design team hosted neighborhood meetings and also held private meetings with adjacent neighbors to discuss the proposal and alternative designs to increase privacy between properties and any additional individual concerns. Many of the requested revisions have been incorporated into the proposal including specific privacy planting requests and relocation of units to increase setbacks. The reduction of the proposed living units from 25 to 23 results in no change to the required findings for the proposal and is supported by adjacent neighbors. Letters expressing support for the 23 unit option are attached.

PERMIT STREAMLINING ACT

Per Public Resources Code § 21151.5; CEQA Guidelines 15108, an EIR must be certified within one year from the date the application is accepted as complete. The third revised submittal for the subject application was deemed complete on September 13, 2017. The PSA deadline for EIR certification is September 13, 2018. Development projects must be approved, denied or conditionally approved within 180 days from date of EIR certification. In this case, the project proposal and EIR are being reviewed concurrently.

Sustainability Impact

None.

Fiscal Impact

None.

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Aarti Shrivastava, Assistant City Manager
Approved for Submission by: David Brandt, City Manager

Attachments:

A – Draft resolutions (A.1-A.3)

A.1 Resolution 18-___ (Development Permit and Environmental Analysis)

A.2 Resolution 18-___ (Architectural and Site Approval)

A.3 Resolution 18-___ (Tree Removal Permit)

B - Project letter and plans (B.0-B.9)

C - Environmental Impact Report (C.1-C.4)

D - Public comments

E - ERC minutes

F – Planning Commission resolutions