



MEMORANDUM

Date: May 6, 2020	
To: Gian Martire, Senior Planner	Organization: City of Cupertino
From: RRM Design Group	Title: Architectural Review Team
Project Name: Cupertino Consulting Architectural Review Services	Project Number: 1832-00-UR19 (20-01)
Topic: Westport Density Bonus Waiver Review – Enhanced Senior and Family Living Project	

Dear Gian,

The purpose of this review is to determine whether the Westport applicant's requested Density Bonus waivers are needed because application of the City's height and slope line setback standards would physically preclude the proposed project.

We have reviewed the proposed Westport project for compliance with the City of Cupertino related objective standards in the General Plan Land Use, Community Design, and Housing Elements; the Heart of the City Specific Plan (HOCSP); and relevant sections of the Zoning Code.

In addition to City documents, we have also reviewed the applicant provided project documentation related to the Westport project (refer to Appendix A for a complete list). Of note and relevant to the focus of this memorandum is the applicant's waiver request justifications identified in the C2K Architecture Response Letter dated April 23, 2020 as well as the Berliner Cohen LLP Letter dated April 22, 2020.

Project Character and Land Use Patterns

According to the Heart of the City Specific Plan zoning map, the project site is zoned Mixed Use Planned Development – General Commercial, Residential (P (CG, RES)). The parcel currently contains an existing 71,254 square-foot shopping center that is proposed to be demolished and the site redeveloped as part of the project. The area immediately surrounding the project site is characterized by a variety of land uses, including Multiple Family Residential (R3 (10-20)) to the north, Public Building (BA) to the south, and Open Space/Park (OS/PR) to the east, and the California State Route 85 to the west.



Project Location

Project Background and Review Intent

The proposed project is located on an 8.1-acre site directly east of Route 85 and west of the Stevens Creek Boulevard and Mary Avenue intersection. The project is proposing 294 residential units and 20,000 square-feet of commercial space spread across two buildings; the maximum density allowed under the HOCSP is 237 dwelling units. The residential unit mix includes 18 Rowhouses, 70 Townhomes, 158 Market Rate Senior Apartments, and 48 Below Market Rate ("affordable") Senior Apartments. A total of 44,945 square-feet of common open space, as well as 2,400 square-feet of common retail outdoor space is also proposed. Due to the inclusion of the affordable housing units, the applicant is requesting three (3) waivers related to height, slope setback, and affordable unit dispersion under the State Density Bonus Law and the City's local Density Bonus Law ordinance.

Density Bonus Law

The City of Cupertino has adopted its own local ordinance implementing Government Code Section 65915, State Density Bonus Law, as it relates to provision of affordable housing units within development projects. The City's ordinance is Chapter 19.56 of the City's Zoning Code. Chapter 19.56 states the specific requirements for projects to qualify for a density bonus and for receiving incentives or concessions, waivers, and reductions of parking standards.

Intent

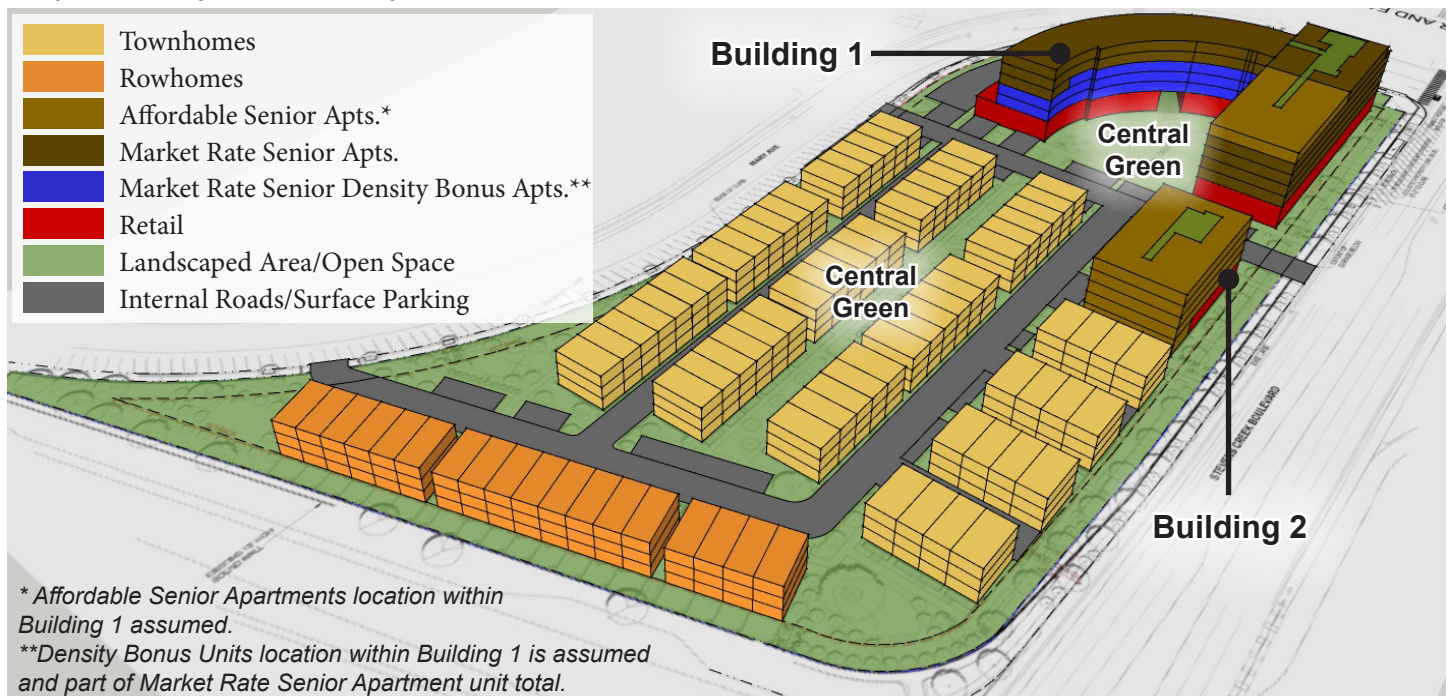
As mentioned above, the applicant is proposing to include 48 Below Market Rate Senior Apartment units within the project and due to the inclusion of these Below Market Rate units, the project has requested three (3) waivers related to height, slope line setback, and affordable unit dispersion. The applicant has identified that application of these development standards would physically preclude the proposed project. This review does not touch upon the affordable unit dispersion waiver requested by the applicant but provides a high-level analysis of whether the proposed project could be accommodated on the property without the requested height and slope line setback waivers.

Density Bonus Waiver Review

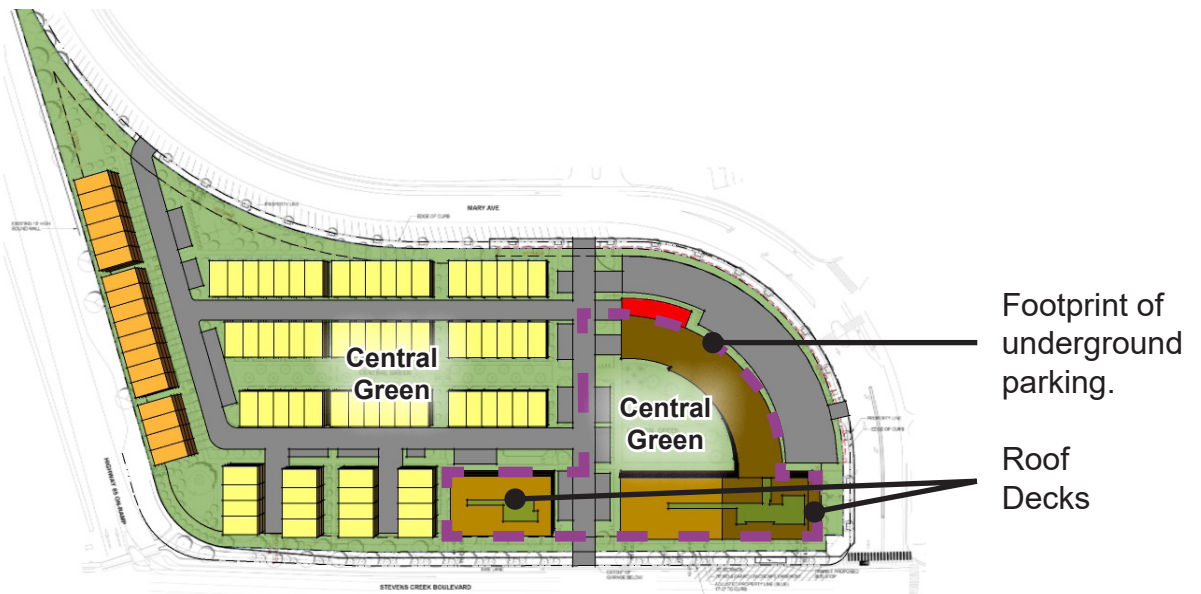
Proposed Project

In order to provide a baseline understanding of the currently proposed project, Site Setbacks Sheet G203 was brought into Sketchup, a 3D modeling program, at scale (1 inch = 40 feet) as indicated on the plan sheet. This to-scale site plan provided the foundation for recreating the proposed project in 3D in order to allow for the more in-depth analysis requested by the City as part of this review effort. Other relevant project information, such as property boundary locations, setback locations, floor-to-floor heights, was also captured in the model to inform the analysis portion of this effort as shown below. It should also be mentioned that the slope line setback standard was also modeled at the 45-degree angle from curbline to allow for a clear understanding of how this standard would or would not affect the project design.

Proposed Project - Bird's Eye



Proposed Project - Site Plan



Proposed Project without Height or Slope Setback Line Waivers

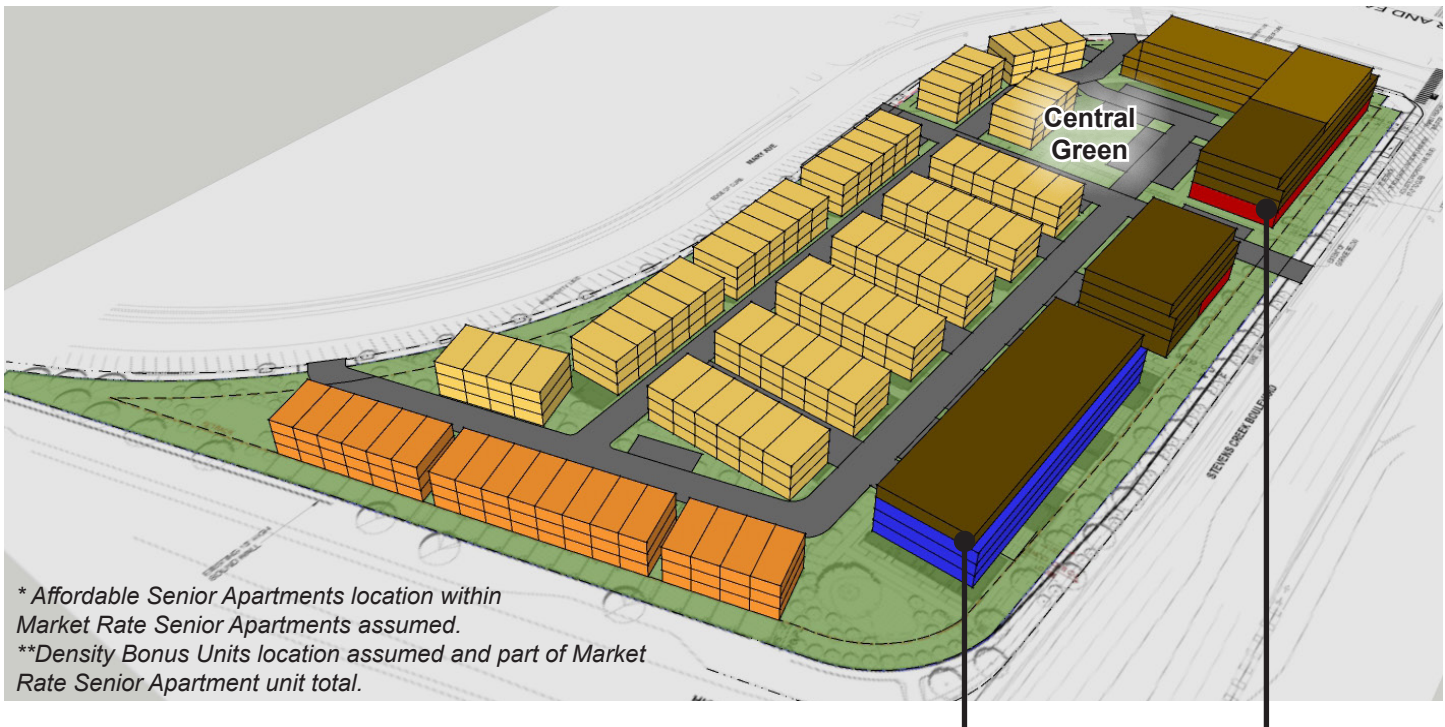
Under the Proposed Project without Height or Slope Setback Line Waivers, both the height and slope setback line waivers were removed from the project. This limited the building heights to 45-feet and included the 45-degree slope setback from curblane requirement, as required by the HOCSP.

As seen in the graphic below, removal of both waivers necessitated the relocation of a significant portion of the Market Rate Senior Apartments from Building 1 to be located along Stevens Creek Boulevard and portion of Mary Avenue to accommodate the slope line setback requirement. In general, additional site area required to accommodate the expanded building footprint area, surface parking, and internal roadway layout reduced the total square footage of common residential and common landscape open space areas at ground level, as required under HOCSP 1.01.040.C.2.A. Moreover, while retail square footage was able to be maintained, retail support space identified as loading, trash, and lobby space, was not able to be accommodated.

Proposed Project without Height or Slope Setback Line Waivers - Site Plan



Proposed Project without Height or Slope Setback Line Waivers - Birdseye



Market Rate Senior units at 4th story reduced in size to accommodate slope setback.

Retail floor-to-floor height reduced to 15-feet.

Physical Preclusion:

- Decrease in total size of Market Rate Senior Apartment units at top floor due to slope line setback requirement along Stevens Creek Boulevard and portion of Mary Avenue.
- Loss of required common residential and common landscape open space areas at ground level to accommodate reconfiguration of building footprint area, surface parking, and internal roadway layout.
- Maintain retail square footage but reduction in retail support space.
- Retail floor-to-floor plate height reduced from 20-feet to 15-feet.

Other Factors:

- Maintains overall residential unit number and product type mix.
- Increased street presence of project along Stevens Creek Boulevard.
- Maintain adjacency of Below Market Rate Senior Apartment units closer to retail and nearby senior center.
- Anticipated expansion of underground parking needs due to the expanded multi-family building footprints and loss of surface level parking. Underground parking costs will likely increase overall project cost.

Density Bonus Waiver Review Summary

Physical Preclusion

As analyzed above, application of the City's height and slope line setback standards has been shown to have varying effects on the physical viability of the project as a whole. At a high level, these varying effects include:

- Decrease of Market Rate Senior Apartment unit sizes;
- Loss of common residential and common landscape open space areas at ground level; and
- Loss of surface level parking.

Taking these effects into account, the proposed project would be physically precluded because application of the City's development standards reduces the project's open space (a legally required part of the project); refer to Summary Table 1. In order to retain the same residential product mix, unit size, retail square footage amount and conform to the City's height and slope line setback standard requirements, the applicant would need to request a waiver of another City standard requirement (such as open space).

Summary Table 1

	<i>Proposed Project</i>	<i>Project Without Height or Slope Setback Line Waivers¹</i>
Total Unit Counts <ul style="list-style-type: none"> • Townhomes • Rowhomes • BMR Senior Apts. • Market Rate Senior Apts. 	<ul style="list-style-type: none"> • 70 • 18 • 48 • 158 	<ul style="list-style-type: none"> • 70 • 18 • 48 • 158
Average Unit SF <ul style="list-style-type: none"> • Townhomes • Rowhomes • BMR Senior Apts. • Market Rate Senior Apts. 	<ul style="list-style-type: none"> • 1,760 - 2,468 • 1,698 - 2,028 • 500 - 948 • 282 - 1,200 	<ul style="list-style-type: none"> • Maintain • Maintain • Maintain • Approx. 1,000 – 1,700: Decrease
Retail SF (Gross)	20,000	Maintain
Landscape Area/Open Space SF <ul style="list-style-type: none"> • Common Open Space (Res.) • Common Landscape (MU) • Common Hardscape • Private Open Space (Res.) <ul style="list-style-type: none"> ○ Market Rate Senior Apts. ○ BMR. Senior Apts. ○ Townhomes ○ Rowhouses • Common Retail 	<ul style="list-style-type: none"> • 44,945 • 34,150 • 9,897 • Varies <ul style="list-style-type: none"> ○ 60 to 132 per du ○ 60 per du ○ 104 to 125 per du ○ 295 to 375 per du • 2,400 	<ul style="list-style-type: none"> • Approx. 23,000: Decrease • Maintain • Maintain • Varies <ul style="list-style-type: none"> ○ Maintain ○ Maintain ○ Maintain ○ Maintain • Maintain
Internal Roads/ Surface Parking	81,000	Approx. 83,000: Increase
Parking <ul style="list-style-type: none"> • Above Ground • Below Ground 	<ul style="list-style-type: none"> • 113 • 122 (1-level) 	<ul style="list-style-type: none"> • Approx. 89: Decrease • Approx. 146: Increase²
Notes: ¹ While to scale, diagrams shown are conceptual in nature and therefore increase/decrease in scenario calculations are provided as approximations. ² Assumes additional underground area needed to maintain unit adjacency to designated parking space(s) or accommodate loss of surface parking.		

Other Factors

For purposes of the Density Bonus Law, the primary focus of this review was on whether application of the development standards would physically preclude the construction of the density bonus project. This review also identifies other factors potentially impacting the project. At a high level, these vary effects include:

- Heightened street presence of project along Stevens Creek Boulevard;
- Loss of quality, outdoor living spaces in project as a whole; and
- Increased costs associated with project construction approach or expansion of underground parking facilities.

Density Bonus Waiver Justifications

This high-level analysis of the Westport project's density bonus waivers has demonstrated that in order for the project to meet the current development standards while still maintaining the project program as proposed, a waiver would be necessary for the project to meet the City's objective development standards. It should be noted that while the applicant could choose to physically redesign the project based on the above analysis, other design options not explored herein could also meet the City's goal of determining whether the proposed project would be feasible with none of the requested project waivers.

As identified in Summary Table 1, requiring the project to meet the City's height and slope line setback standards would physically preclude the development from meeting the City's open space standards required by the HOCSP. In reviewing the C2K Architecture Response Letter dated April 23, 2020, we concur with many of what we have noted as 'other factor' waiver justifications provided by the applicant team, many of which are highlighted within this review. However, specifically regarding the physical preclusion of the project development, we would also concur that strict adherence to the height and slope line setback standards would require reductions in required open space unless an additional waiver(s) were granted. Ultimately, as was also highlighted by the applicant team, the best project for this site should be one that is designed in a meaningful way, that enhances the project site and ultimately the community at-large. We look forward to the project's progression.

Very truly yours,

RRM DESIGN GROUP

Appendix A - List of Project Documents Reviewed

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Westport project documentation reviewed as part of this review, dated April 23, 2020, include Project Description – Attachment A, BMR Program – Attachment B, C2K Architecture Density Bonus Waivers Request Letter, and the Berliner Cohen LLP Planning Commission Letter dated April 22, 2020.

Project plan set documents reviewed as part of this included Cover G200, Project Summary G202A and G202B, Site Setbacks G203, Slope Setbacks G204, Site Area G206A, Open Space G206B, Common Open Space G206C, Landscape Plan L.100, Planting Plan L.200, Site Plan A001, Level B1 Plan A200, Level 1 Plan A201, Level 2 Plan A202, Level 3-5 Plan A203, Level 6 Plan A206, and Roof Plan A207.