



COMMUNITY DEVELOPMENT DEPARTMENT

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PLANNING COMMISSION STAFF REPORT

Meeting: June 22, 2021

Subject

Consider recommending approval of 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; (Application No(s): TM-2021-002; Applicant(s): KT Urban (Mark Tersini); Location: 21267 Stevens Creek Boulevard; APN #326-27-042, -043

Recommended Actions

That the Planning Commission, consider the evidence presented and determine whether the project can be recommended for approval in accordance with the draft resolution (Attachment 1) approving the Vesting Tentative map (TM-2021-002)

Discussion

Project Data:

General Plan Land Use Designation	Commercial/Residential
Special Planning Area	Heart of the City Specific Plan (West Stevens Creek subarea)
Zoning Designation	P(CG, Res)
Net/gross lot area	7.9 acres/8.1 acres ¹
Project Consistency with:	
General Plan:	Yes
Zoning:	Yes

¹ The net acreage is a result of the subtraction of an existing Public Roadway Easement along the property's Mary Avenue frontage.

Background:*Westport Cupertino Development*

The Cupertino City Council, on August 18, 2020, approved permits to allow construction of a mixed-use development on an 8.1 gross-acre site currently occupied by the Oaks Shopping Center. The primary components of the project are listed below.

- Two residential/commercial buildings:
 - Building 1 is 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 is a six-story building with 48 BMR senior independent living units and 2,400 square feet of ground-floor retail/commercial.
- 70 single-family residential townhouses and 18 single-family residential rowhouse condominiums.
- One-level, below-ground 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 tree replacements, for the 73 protected development trees proposed to be removed and/or relocated.
- A vesting tentative map (VTM) that would divide the property into two separate parcels [one 4.7 acre and one 3.1 acre parcel].

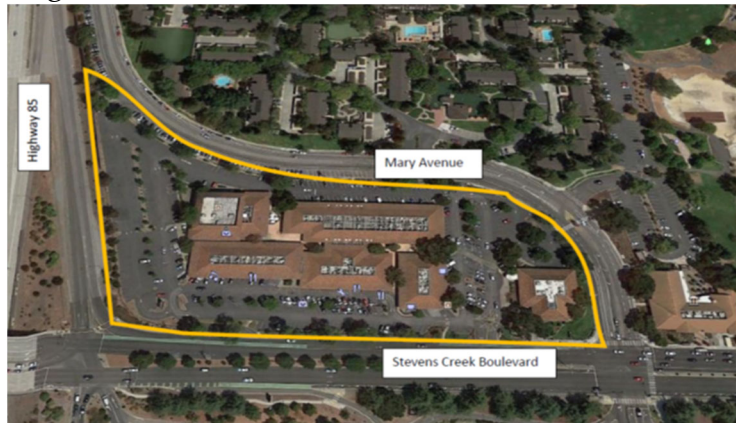


Figure 1 Location of The Oaks Shopping Center and the proposed Westport Cupertino redevelopment.

The applicant is requesting to revise the approved VTM (TM-2018-03) to divide the property into three parcels, separating the BMR building (Building 2) in its own individual parcel.

Site and Location Description

The project site is known as the Oaks Shopping Center and is located in the Heart of the City Specific Plan Special Area within the Oaks Gateway of the West Stevens Creek subarea. The shopping center is on an approximately 8.1 gross-acre site 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).

Vesting Tentative Map

The project is currently approved with two separate parcels (see Figure 2). The approved VTM for the Westport Cupertino project revised the lot lines to create one 4.7 acre and one 3.1-acre parcel. The 4.7-acre parcel (Parcel A) includes a condominium map for the 88 townhome and rowhouse condominiums in contrast to the 3.1-acre parcel (Parcel B, outlined in red in Figure 2) which includes all the senior housing and retail portions of the projects.

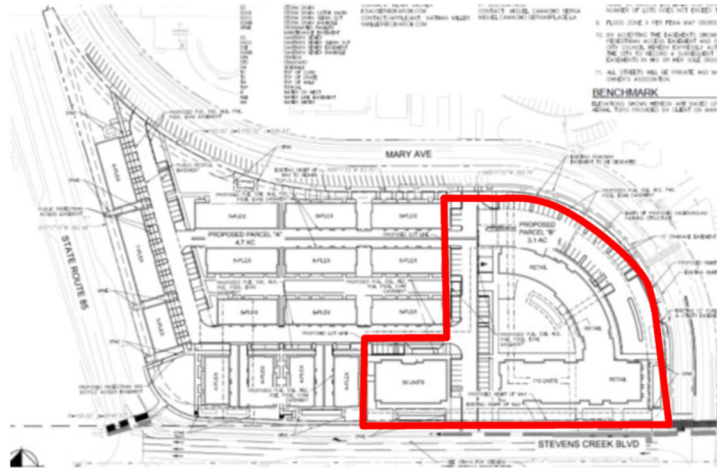


Figure 2 Approved Vesting Tentative Map (TM-2018-02) with Parcel B outlined in red.

The applicant, Mark Tersini of KT Urban, is requesting that Building 2 be separated from Parcel B into a new Parcel C (see Figure 3). The purpose of the request is to decouple the construction financing and schedule of Building 2, the affordable senior apartment building, from Building 1. The applicant has indicated that this is necessary to allow Building 2 to meet the permitting and construction timelines required by the State of California tax credit program, the primary financing mechanism of this portion of the development. The resultant Parcel C will be 0.6 acres and the revised Parcel B will be 2.5 acres. Please refer to Attachment 2 for the revised VTM plan sheets.

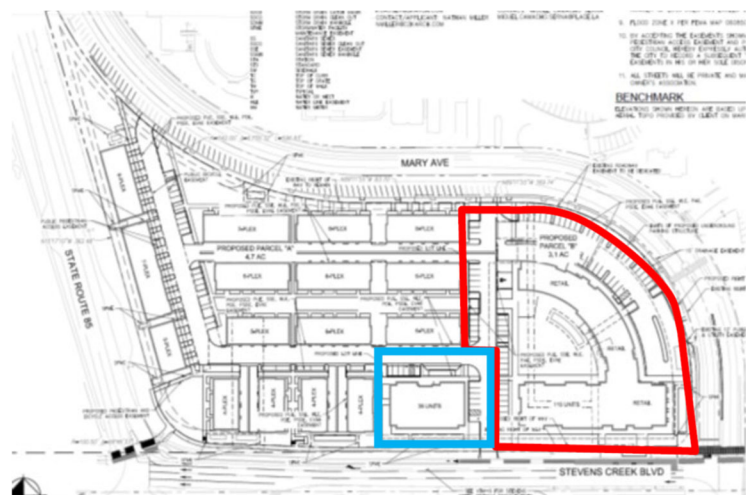


Figure 3 Proposed Parcel C (blue) and revised Parcel B.

The previous approval included a condition requiring installation of bike improvements along the south side of Stevens Creek Boulevard in lieu of payment of the transportation impact fee (TIF). The cost of these improvements was intended be equivalent to the TIF. Upon further review, it has been determined that the proposed project will generate fewer PM peak-hour trips than the existing uses on site. Due to the net reduction in pm peak-hour traffic generation, the project has no net impact on the transportation network and, therefore, the TIF payment is not required. Since no TIF is now required, these bike improvements are also not required. Therefore,, Sheet VTM-6, Class IV Bikeway Design, has been revised to remove the bike improvements along the south side of Stevens Creek Boulevard between Mary Ave and SR85. The applicant is still required to coordinate with Caltrans in cooperation with the City for approval of work within Caltrans' jurisdiction and to install bike improvements along the project frontage on the north side of Stevens Creek Boulevard, which remain part of the project. Should the applicant be unable to obtain Caltrans approval of the improvements within Caltrans jurisdiction at the time of project completion, the applicant may be required to deposit fees to the City that are equivalent to the value of the work.

Other Department/Agency Review

The City's Public Works Department have reviewed and conditioned the project.

Environmental Review

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

Public Outreach and Noticing

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

Notice of Public Hearing, Site Notice & Legal Ad	Agenda
<ul style="list-style-type: none">▪ Site Signage (10 days prior to the hearing)▪ Legal ad placed in newspaper (at least 10 days prior to the hearing)	<ul style="list-style-type: none">▪ Posted on the City's official notice bulletin board (one week prior to the hearing)

Notice of Public Hearing, Site Notice & Legal Ad	Agenda
▪ Public hearing notices were mailed to property owners citywide (<i>10 days prior to the hearing</i>)	▪ Posted on the City of Cupertino's website (<i>one week prior to the hearing</i>)

Next Steps

The Planning Commission's recommendation will be forwarded to the City Council for its decision on the project. The City Council's decision will be final unless reconsidered within 10 days of the decision.

Prepared by: Gian Paolo Martire, Senior Planner

Reviewed by: Piu Ghosh, Planning Manager

Approved for submission by: Benjamin Fu, Director of Community Development

ATTACHMENTS:

1 – Draft Resolution for TM-2021-002

2 – Project Plans