



# CITY OF CUPERTINO

## Legislation Details (With Text)

<b>File #:</b>	20-7606	<b>Version:</b>	1	<b>Name:</b>	
<b>Type:</b>	Public Hearings	<b>Status:</b>		Agenda Ready	
<b>File created:</b>	6/2/2020	<b>In control:</b>		Planning Commission	
<b>On agenda:</b>	7/14/2020	<b>Final action:</b>		7/14/2020	
<b>Title:</b>	Subject: Consider approving a development proposal to demolish a 71,250 square foot retail center (The Oaks), remove and replace 74 protected trees, and construct a mixed-used development consisting of 267 housing units (88 Rowhouse/Townhomes, 179 senior apartments of which 131 are senior licensed assisted living units and 48 are affordable or below market rate ("BMR") senior independent living units), 27 memory care licensed assisted living residences ("memory care residences"), and 20,000 square feet of commercial space. The applicant is requesting a Heart of the City Exception for retail frontage along Stevens Creek Boulevard. The applicant is also requesting a density bonus, including associated density bonus parking reduction and density bonus waivers for height, slope line setback, and dispersion of BMR housing units. City approvals would be certification of the Final Environmental Impact Report, Development Permit (including findings regarding density bonus and waivers), Architectural and Site Approval Permit, Tree Removal Permit, Use Permit, Heart of the City Exception, and Vesting Tentative Map; (Application No(s): DP-2018-05, ASA-2018-05, TM-2018-03, TR-2018-22, U-2019-03, EXC-2019-03, EA-2018-04; Applicant(s): KT Urban (Mark Tersini); Location: 21267 Stevens Creek Boulevard; APN #326-27-042, -043				

### Sponsors:

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### Code sections:

**Attachments:** 1. 19 – May 12, 2020 Planning Commission Agenda, 2. Staff report, 3. 1 - Draft Resolution for EA-2018-04, 4. 2 – Draft Resolution for DP-2018-05, 5. 3 – Draft Resolution for ASA-2018-05, 6. 4 – Draft Resolution for U-2019-03, 7. 5 – Draft Resolution for TM-2018-03, 8. 6 – Draft Resolution for EXC-2019-03, 9. 7 – Draft Resolution for TR-2018-22, 10. 8 – Draft Resolution for Denial, 11. 9 - Project Description, 12. 10 - Below Market Rate Project Description, 13. 11 - Letter from Andy Faber to Eric S. Phillips dated November 30, 2018, 14. 12 – Letter from Andy Faber to Planning Commission dated April 22, 2020, 15. 13 - Density Bonus Waiver Request: Enhanced Senior and Family Living Project, 16. 14 – Letter from Randy Bekerman, representing Atria Senior Living dated June 24, 2020, 17. 15 – Memo from RRM Design Group, Westport Density Bonus Waiver Review – Enhanced Senior and Family Living Project, dated July 7, 2020., 18. 16 - Westport Cupertino Retail Layout Analysis, 19. 17 - Alternate Retail Plan, 20. 18 - Memo from RRM Design Group, Westport Design Review – Tower Element, dated May 1, 2020., 21. 20 – Final EIR, 22. 21 – ERC Recommendation dated April 16, 2020, 23. 22 – Public Comments, 24. 23 – Project Plans

Date	Ver.	Action By	Action	Result
7/14/2020	1	Planning Commission	Recommended for denial	

**Subject:** Consider approving a development proposal to demolish a 71,250 square foot retail center (The Oaks), remove and replace 74 protected trees, and construct a mixed-used development consisting of 267 housing units (88 Rowhouse/Townhomes, 179 senior apartments of which 131 are senior licensed assisted living units and 48 are affordable or below market rate ("BMR") senior independent living units), 27 memory care licensed assisted living residences ("memory care residences"), and 20,000 square feet of commercial space. The applicant is requesting a Heart of the City Exception for retail frontage along Stevens Creek Boulevard. The applicant is also requesting a density bonus, including associated density bonus parking reduction and density bonus waivers for

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Staff recommends that the Planning Commission conduct the public hearing, consider the evidence presented, and recommend that the City Council:

- 1) Approve an Environmental Impact Report; and
- 2) Approve the applications per the (*revised*) Draft Resolutions; or
- 3) Recommend denial of the project per the Draft Resolution

*Tentative City Council hearing date: August 18, 2020*