



MILPITAS PLANNING COMMISSION STAFF REPORT

February 10, 2016

APPLICATION: Pacific Mall, Request for extension of time, GP13-0001, ZA13-0001, SD13-0001, UP13-0001, MT13-0001, and VA13-0001
A request by the applicant to extend the Project Entitlements 18 months.

RECOMMENDATION: Staff recommends that the Planning Commission:
Adopt Resolution No. 16-003 extending permits GP13-0001, ZA13-0001, SD13-0001, UP13-0001, MT13-0001, and VA13-0001, 18 months until August 4, 2017.

LOCATION:
Address/APN: 11-111 Ranch Drive (APNs 22-053-002, -003, -006, and -007)
Area of City: McCarthy Ranch

PEOPLE:
Project Applicant: Philip Duchen, Torgan Group
Consultant(s): N/A
Property/Business Owner: N/A
Project Planner: Bill Ekern, Director

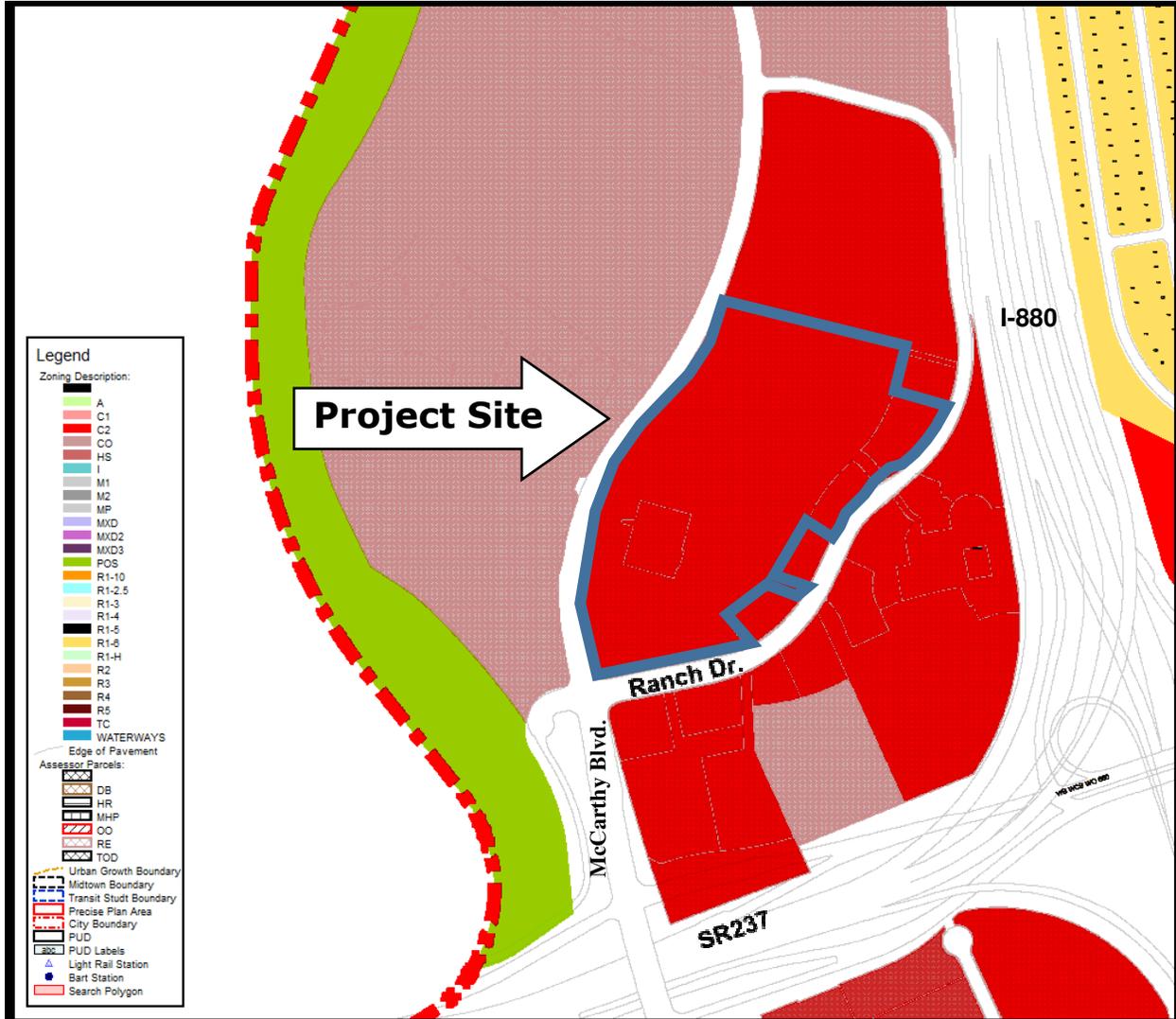
LAND USE:
General Plan Designation: General Commercial (GNC)
Zoning District: General Commercial (C2)
Overlay District: Freeway Corridor

ENVIRONMENTAL: Environmental Impact Report (State Clearinghouse No. 20130220006) certified by Council Resolution 8340, February 4, 2014.

EXECUTIVE SUMMARY

On February 4, 2014, the City Council adopted Resolution 8341, approving multiple project entitlements to accommodate the demolition of a portion of the McCarthy Ranch Marketplace and construction of 284,587 square feet of retail space and a 240-room hotel. The entitlements are valid for an initial two-year period, but can be extended by the Planning Commission for up to 18 additional months. The applicants request this one-time permit extension.

Map 1 Project Location



Map 2
Project Site



BACKGROUND

History

The project was previously recommended for approval by the Planning Commission (January 8, 2014) and approved by the City Council on February 4, 2014. As approved, the project consisted of the demolition of approximately 139,710 square feet of the existing commercial building area, and the development of 284,587 square feet of new commercial space, in addition to a 240 room hotel. To realize the project, applicants requested and received approvals for:

- General Plan amendment: to create a Freeway Corridor Overlay District, which would allow for an increase in the applicable Floor Area Ratio ('FAR') from 0.50 to 0.52;
- Zoning amendment: to allow an overlay to increase the FAR consistent with the General Plan Amendment;
- Major Tentative Map: to establish commercial condominium spaces and to establish two parcels;
- Site Development Permit: to evaluate the site layout, architecture, massing, and signs for the project;
- Conditional Use Permit: required with the Tentative Map to allow the proposed hotel use, live entertainment for performances within the mall, the operation of an arcade, and shared parking; and
- Variance: to allow for exceptions to the sign ordinance for maximum sign area allowed.

The project was reviewed for purposes of the California Environmental Quality Act (CEQA, codified at Public Resources Code sections 15000, et seq., and further governed by the CEQA Guidelines, 14 California Code of Resources 21000, et seq.) through an environmental impact report (EIR). The City Council certified the Final EIR for the project on February 4, 2014.

The Application

Under both state and local law, a tentative map may be extended following the submission of an application for extension filed before the expiration of the map. Once such an application is filed, the life of the map is automatically extended for an additional 60 days or until the application is approved, conditionally approved, or denied, whichever happens first. Government Code § 66452.6(e).

The Municipal Code contains no required findings that must be made in order to grant a requested map extension (see Municipal Code Section XI-1-4.06); rather, it merely provides that an application for an extension "shall state the reasons for requesting the extension."

The applicant has timely filed an application requesting the Planning Commission extend the existing entitlements 18 months, as allowed under the City's municipal code and state law, in order to enable completion of negotiations with current tenants. (See Applicant's letter detailing the reasons for the requested extension, included as Attachment B.) There are no proposed changes from the previously approved project, and there have been no significant changes at the project site or within the project vicinity.

FINDINGS FOR APPROVAL (OR DENIAL)

As set forth above, there are no specific findings that are required in order to grant a requested extension to the life of a tentative map (and its associated entitlements). However, the findings upon which the map and other entitlements were originally approved are set forth in the original staff report prepared for the Council Resolutions approving the project. These resolutions can be found attached, under Exhibit A to Attachment A.

Pursuant to Section XI-64.07 D, the Commission was required to find that the project was consistent with the findings required for each entitlement. The factual bases for these findings remain unchanged.

ENVIRONMENTAL REVIEW

The Planning Division conducted an environmental assessment of the project in accordance with the California Environmental Quality Act (CEQA). The City Council certified the EIR on February 4, 2014, Resolution No. 8341.

PUBLIC COMMENT/OUTREACH

Staff provided public notice of the application in accordance with City and State public noticing requirements. A notice was published in the Milpitas Post on January 29, 2016. In addition, 308 notices were sent to owners and occupants within 1,000 feet of the project site. A public notice was also provided on the project site, on the City's Website, www.ci.milpitas.ca.gov, and posted at City Hall.

CONCLUSION

The request for extension is reasonable, given the difficulties inherent in relocating existing tenants.

RECOMMENDATION

STAFF RECOMMENDS THAT the Planning Commission:

1. Open and Close Public Hearing
2. Adopt Resolution 16-003 extending permits GP13-0001, ZA13-0001, SD13-0001, UP13-0001, MT13-0001, and VA13-0001, for 18 months until August 4, 2017.

ATTACHMENTS

A: Resolution No. 16-003 (with exhibit attached)

B: Letter of Extension Request