



## MILPITAS PLANNING COMMISSION STAFF REPORT

September 14, 2016

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- APPLICATION:** **TIME EXTENSION FOR SOUTH MAIN SENIOR LIFESTYLES– TE16-0002** – A request for a time extension for the previous approval of a Site Development Permit, Vesting Minor Tentative Map and Density Bonus for the construction of Phase 1 of a senior assisted living facility of 199 rental units (including 10 very low-income units) and associated site improvements on 3.1 acres.
- RECOMMENDATION:** **Staff recommends that the Planning Commission: Adopt Resolution No. 16-032 extending permits SD14-0006, TP 14-0001, and DB14-0001, 18 months until May 18, 2018.**
- LOCATION:**  
Address/APN: 1504-1620 South Main Street (APN's 086-22-027,-028, -046, -047 and -048)  
Area of City: Midtown Specific Area
- PEOPLE:**  
Project Applicant: Joseph Callahan, South Main Senior Lifestyles, LLC  
Consultant(s): James Burns, Collaborative Design Architects  
Property/Business Owner: City of Milpitas Housing Authority  
Project Planner: Hang L. Huynh, Assistant Housing Planner
- LAND USE:**  
General Plan Designation: Multi-Family Residential, Very High Density  
Zoning District: Multi-Family Very High Density Residential (R-4)  
Overlay District: Transit Oriented Development (TOD) Overlay
- ENVIRONMENTAL:** A finding is proposed that this project is within the program of the Midtown Specific Plan EIR and no further action is required.

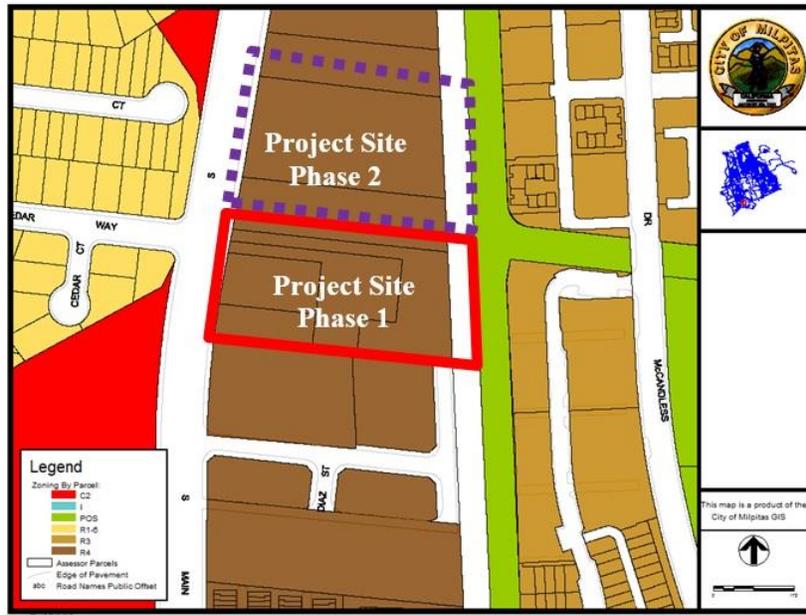
### **EXECUTIVE SUMMARY**

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On November 18, 2014, the City Council adopted Resolution No. 8420, approving multiple project entitlements to allow the construction of Phase 1 of a senior assisted living facility that includes a new four-story building incorporating 199 rental units, including 10 very low-income units, and associated site improvements. 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 applicant has requested this one-time permit extension.

### Map 1 Project Location



### Map 2 Project Site



## **BACKGROUND**

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### ***History***

The project was previously recommended for approval by the Planning Commission (October 22, 2014) and approved by the City Council on November 18, 2014. As approved, the project for Phase 1 consisted of constructing a new four-story residential, 205,500 square foot building with 199 rental units, including 10 very low-income units, for senior assisted living and congregate care facility. The project also was approved for waiver of parkland in-lieu fees, a drought restriction exception and public street maintenance agreement.

To realize the project, the applicant requested and received approvals for:

- Site Development Permit: To allow the construction of the buildings and site improvements.
- Major Vesting Tentative Map: To create three lots for the construction of the facility with two lots for construction of future streets.
- Density Bonus: To increase the allowable density from 181 rental units to 199 rental units.

The Program Environmental Impact Report (the “EIR”) was prepared and certified (SCH#2000092027) for the Midtown Specific Plan on March 19, 2002. The project was found to be in conformance with the Midtown EIR on November 18, 2014. No new environmental document is required pursuant to the CEQA.

### ***The Application***

The application for extension was filed on July 6, 2016. The tentative map entitlement is set to expire on November 18, 2016. State and local law allow a tentative map to 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 (see *Government Code § 66452.6(e)*). If the Planning Commission were to deny the application for an extension, the applicant may appeal to the City Council within 15 days after the request had been denied.

## **FINDINGS FOR APPROVAL (OR DENIAL)**

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The Municipal Code contains no required findings that must be made in order to grant a 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 informed staff that the application for the final map will not be completed in sufficient time to vest the entitlement, therefore they prefer a time extension in order complete the application (see Attachment B).

As described above, 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, due to not having sufficient time to vest the final map and because of financing challenges to complete the construction of the project. If approved, there will be no significant changes at the project site or within the project vicinity.

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 Municipal Code Section XI-10-64.07(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**

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The Planning Division conducted an environmental assessment of the project in accordance with the California Environmental Quality Act (CEQA). This project is included within the area evaluated as part of the Midtown Specific Plan, which was approved on March 19, 2002. The project is covered under the scope of activities approved by that EIR. A finding is proposed that this project is within the program of the Midtown Specific Plan EIR and no further action is required. There are no substantial changes in the project or information that would incur additional environmental impacts.

### **PUBLIC COMMENT/OUTREACH**

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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 September 2, 2016. In addition, 292 notices were sent to owners and residents within 1000 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](http://www.ci.milpitas.ca.gov), and posted at City Hall.

### **CONCLUSION**

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In conclusion, staff recommends the application for a time extension be approved, given the difficulties as described in Attachment B.

### **RECOMMENDATION**

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STAFF RECOMMENDS THAT the Planning Commission:

1. Open and Close Public Hearing
2. Adopt Resolution 16-032, extending permits TP 14-0001, SD 14-0006, and DB14-0001, 18 months until May 18, 2018.

### **ATTACHMENTS**

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A: Resolution No. 16-032 (with exhibit attached)

B: Letter of Extension Request