

Your **PLANNING AND LAND USE MANAGEMENT** Committee

reports as follows:

MITIGATED NEGATIVE DECLARATION and PLANNING AND LAND USE MANAGEMENT COMMITTEE REPORT relative to a Vesting Tentative Tract Map appeal for property at 6040 and 6055 Center Drive.

SUBMITS WITHOUT RECOMMENDATION the following actions of the City Planning Commission:

1. DENIED THE APPEAL.
2. SUSTAINED the decision of the Advisory Agency in approving Vesting Tentative Tract Map No. 70318-CN to permit a two-lot subdivision for the construction of a 325-unit apartment building and 1,500 square feet of restaurant space on Lot No. 1 (located at 6040 Center Drive) with 483 residential parking spaces on-site and 15 restaurant parking spaces off-site and a 225-unit residential condominium on Lot No. 2 (located at 6055 Center Drive) with 688 parking spaces, including 138 off-site guest parking spaces, on a 117,655 net square foot site in the C2-1 zone.
3. ADOPTED Advisory Agency's Conditions of Approval (attached to Council file No. 09-2506).
4. FOUND that the information contained in the Mitigated Negative Declaration (MND) (ENV-2008-3887-MND-REC1) has been reviewed and considered by City Planning Commission, found that the MND adequately describes the potential impacts of the project and no additional environmental clearance is necessary; and found that there is no evidence in the record that any of the conditions in the California Environmental Quality Act Guidelines section 15162 are met.

Applicant: John M. Hartz - BRE/TZ HHL, LLC

VTT 70318-CN

Fiscal Impact Statement: The City Planning Commission reports that there is no General Fund impact, as administrative costs are recovered through fees.

Community Impact Statement: None submitted.

TIME LIMIT FILE - DECEMBER 11, 2009

(LAST DAY FOR COUNCIL ACTION - DECEMBER 11, 2009)

Summary:

At a public hearing held on December 1, 2009 (continued from prior meetings), the Planning and Land Use Management Committee considered an appeal filed by Rex Frankel from the entire determination of the City Planning Commission in sustaining the decision of the Advisory Agency in approving a Vesting Tentative Tract Map No. 70318-CN to permit a two-lot subdivision for the

construction of a 325-unit apartment building and 1,500 square feet of restaurant space on Lot No. 1 (located at 6040 Center Drive) and a 225-unit residential condominium on Lot No. 2 (located at 6055 Center Drive) for the property at 6040 and 6055 Center Drive, subject to Conditions of Approval.

During the discussion of this matter, Planning Department staff, the Appellant, and a representative for the Applicant provided an overview of the matter and addressed related questions from the Committee. The Applicant's representative stated that, although the current proposed project would not include affordable or workforce housing, the Applicant was willing to discuss options such as the inclusion of affordable or workforce housing as part of future discussions regarding the extension of the development agreement. Both Councilmembers Reyes and Zine expressed concern and disappointment regarding the absence of and the Applicant's unwillingness to include affordable or workforce housing within the current proposed project.

After an opportunity for public comment, the Committee moved to submit this matter to Council without recommendation. This matter is now forwarded to Council for its consideration.

Respectfully submitted,

PLANNING AND LAND USE MANAGEMENT COMMITTEE

<u>MEMBER</u>	<u>VOTE</u>
REYES:	YES
HUIZAR:	ABSENT
ZINE:	YES

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