



## COMMUNITY DEVELOPMENT DEPARTMENT

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### CITY COUNCIL STAFF REPORT

Meeting: February 1, 2022

#### Subject

Administrative Record for a development proposal to demolish and existing commercial building and construct a new nine (9) unit single-family home development including one (1) home containing an Accessory Dwelling Unit (ADU). (Application No(s): EA-2020-001, Z-2020-001, DP-2020-001, TM-2020-001, ASA-2020-003, and U-2020-001; Applicant(s): Alan Enterprise LLC; Location: 22690 Stevens Creek Boulevard; APN#s 341-14-066, 342-14-104 & 105)

#### Recommended Action

That the City Council adopt Resolution No. 22-\_\_\_\_\_ to correct the administrative record for the Bateh Brothers development project (Attachment A).

#### Discussion

##### *Background:*

On January 13, 2022, the City Council approved a project to allow the construction of attached single-family homes on a 0.63-acre site currently occupied by a commercial building. The project would demolish the existing commercial building and construct a nine (9) residential unit development including one (1) residential unit containing an accessory dwelling unit (ADU).

In addition to the various permits required to approve the project, the City Council needed to take action on the environmental document prepared for the project. The Council approved Resolution No. 22-007, which adopted the Initial Study/Mitigated Negative Declaration (IS/MND) for the project and included the correct mitigation measures adopted as conditions of approval of the project. However, on January 18, 2022, staff discovered that the IS/MND attached to the agenda item was incorrect. Upon further inquiry, it was found that the IS/MND attached was inadvertently the same as that for another development project being heard at that same meeting. Based on advice from the City Attorney's Office, staff considered it prudent to have the Administrative Record for the project corrected.

*Analysis:*

An Initial Study and Mitigated Negative Declaration (IS/MND) was prepared for the proposed project (See Attachment B.) The IS/MND identified mitigation measures to reduce the potential environmental impacts of the project to less than significant levels for Air Quality, Biological Resources, Cultural and Tribal Resources, Noise levels, Geology and Soils and Utilities. The mitigation measures were added as conditions of approval for the proposed project.

It should be noted that IS/MND was presented to both the Environmental Review Committee, which heard the item at its October 28, 2021, and the Planning Commission, which heard the item at its November 23, 2021. Both these recommending bodies independently reviewed and considered the IS/MND and public comments, prior to recommending that the Council adopt the proposed draft resolution adopting the MND and the mitigations measures as conditions of approval without any changes.

Sustainability Impact

No sustainability impacts.

Fiscal Impact

No fiscal impact.

Conclusion

Staff recommends that the City Council adopt the draft resolution to correct the administrative record.

Prepared by: Piu Ghosh, Planning Manager

Reviewed by: Benjamin Fu, Director of Community Development

Approved for Submission by: Dianne Thompson, Assistant City Manager

**ATTACHMENTS:**

- A. Draft Resolution
- B. Bateh Brother IS/MND (*Correct Attachment H for Agenda Item #2 CC Special meeting 1.13.2022*)