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Ordinance amending the South San Francisco Zoning Map (RZ21-0002) to create consistent zoning on a mixed-use development project site consisting of three parcels at 421 Cypress Avenue, and 209 and 213 Lux Avenue.

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WHEREAS, the applicant has proposed construction of a high-density mixed-use residential development, consisting of 99 rental units, 1,500 sq. ft. of retail space, and 99 parking spaces over 0.583 acres on three parcels at 421 Cypress Avenue, 209 & 213 Lux Avenue (APNs: 012-314-070, 012-314-080, and 012-314-090) collectively referred to as “Project Site” in the City; and

WHEREAS, the proposed Project is located within the Downtown Station Area Specific Plan (“DSASP”) area; and

WHEREAS, the applicant seeks approval of a General Plan Amendment (GPA22-0005), Rezoning Map (RZ21-0002), Conditional Use Permit (UP21-0002), Design Review (DR21-0005), Transportation Demand Management Plan (TDM21-0002), and Affordable Housing Agreement (AHA22-0002) for the Project; and

WHEREAS, approval of the applicant’s proposal is considered a “project” for purposes of the California Environmental Quality Act, Pub. Resources Code §21000, et seq. (“CEQA”); and,

WHEREAS, the City Council certified an Environmental Impact Report (“EIR”) on January 28, 2015 (State Clearinghouse number 2013102001), in accordance with the provisions of the California Environmental Quality Act (Public Resources Code, §§ 21000, et seq., “CEQA”) and CEQA Guidelines, which analyzed the potential environmental impacts of the development of the DSASP; and

WHEREAS, the City Council also adopted a Statement of Overriding Considerations (“SOC”) on January 28, 2015, in accordance with the provisions of the California Environmental Quality Act (Public Resources Code, §§ 21000, et seq., “CEQA”) and CEQA Guidelines, which carefully considered each significant and unavoidable impact identified in the EIR and found that the significant environmental impacts are acceptable in light of the project’s economic, legal, social, technological and other benefits; and

WHEREAS, CEQA provides for limited environmental review of subsequent projects under a program EIR (CEQA Guidelines Sections 15162, 15168), where components of a subsequent project must be examined in the light of the program EIR to determine whether any additional environmental analysis must be conducted; and

WHEREAS, the City, in conjunction with the applicant’s environmental consultant, Netto Planning Services LLC, prepared an Environmental Consistency Analysis (ECA) to examine the proposed Project regarding the need to conduct additional environmental analysis; in addition, the City examined whether any CEQA exemptions would be applicable to the proposed project in addition to the analysis under Sections 15162 and 15168; and

WHEREAS, as demonstrated by the ECA and the record below, the Project is exempt from CEQA pursuant to Government Code Section 65457, as it is a residential development project that is being undertaken pursuant to a specific plan for which an EIR was prepared and certified and no event specified in Public Resources Code Section 21166 has occurred; and

WHEREAS, as demonstrated by the ECA and the record below, the Project is also exempt pursuant to CEQA Guidelines Section 15332 as it is a qualified in-fill development project; and

WHEREAS, as demonstrated by the ECA and the record below, even if the Project were not exempt from CEQA pursuant to the above-listed exemptions, in accordance with the requirements of CEQA Guidelines § 15162, the Project would not result in any new significant environmental effects or a substantial increase in the severity of any previously identified effects beyond those disclosed and analyzed in the DSASP EIR certified by City Council nor would new mitigation be required; and

WHEREAS, on August 18, 2022, the Planning Commission for the City of South San Francisco held a lawfully noticed public hearing to solicit public comment and consider the proposed entitlements and environmental effects of the Project and take public testimony; and

WHEREAS, on August 18, 2022, the Planning Commission reviewed and carefully considered the CEQA analysis and the General Plan Amendment (GPA22-0005), Rezoning Map (RZ21-0002), Conditional Use Permit (UP21-0002), Design Review (DR21-0005), Transportation Demand Management Plan (TDM21-0002), and Affordable Housing Agreement (AHA22-0002) for the Project and recommended by resolution that the City Council make the foregoing CEQA determinations and approve the foregoing entitlement requests, including adoption of an ordinance amending the Zoning Map (RZ20-0001) to create consistent zoning for the project site; and

WHEREAS, on_____, 2022 the City Council for the City of South San Francisco held a duly noticed public hearing to solicit public comment and consider the Environmental Consistency Analysis (ND21-0002) and the General Plan Amendment (GPA22-0005), Ordinance for the Rezoning Map (RZ21-0002), Conditional Use Permit (UP21-0002), Design Review (DR21-0005), Transportation Demand Management Plan (TDM21-0002), and Affordable Housing Agreement (AHA22-0002).

NOW, THEREFORE, BE IT RESOLVED that based on the entirety of the record before it, as described below, the City Council of the City of South San Francisco does hereby ORDAIN as follows:

SECTION 1 FINDINGS

A. General Findings

1. The foregoing recitals are true and correct and made a part of this Ordinance.
2. The Record for these proceedings, and upon which this Ordinance is based, includes

without limitation, Federal and State law; the California Environmental Quality Act, Public Resources Code §21000, et seq. (“CEQA”) and the CEQA Guidelines, 14 California Code of Regulations §15000, et seq.; the South San Francisco General Plan and General Plan EIR; the Downtown Station Area Specific Plan and the Downtown Station Area Specific Plan EIR; the South San Francisco Municipal Code; the Project applications; the Project Plans, as prepared by Studio T-Square, dated August 6, 2021; the Environmental Consistency Analysis, as prepared by Netto Planning Services LLC, dated July 2022, including all appendices thereto; all site plans, and all reports, minutes, and public testimony submitted as part of the Planning Commission’s duly noticed August 18, 2022 meeting; all reports, minutes, and public testimony submitted as part of the City Council’s duly noticed_____, 2022 meeting; and any other evidence (within the meaning of Public Resources Code §21080(e) and §21082.2).

3. The Draft Zoning Map Amendment attached as Exhibit A to this Ordinance is incorporated by reference and made a part of this Ordinance, as if set forth fully herein.
4. By Resolution No._____, the City Council, exercising its independent judgment and analysis, has found that the project is consistent with an adopted Program Environmental Impact Report/Addendum for the Downtown Station Area Specific Plan and, based on the Environmental Consistency Analysis, would not necessitate the need for preparing a subsequent environmental document pursuant to the criteria of CEQA Guidelines Sections 15162 and 15168, and based on that analysis is also statutorily and categorically exempt from CEQA pursuant to Government Code Section 65457, Public Resources Code Section 21166, and CEQA Guidelines Sections 15168 and 15332. Accordingly, the City Council has concluded that no further environmental review is required.
5. The documents and other material constituting the record for these proceedings are located at the Planning Division for the City of South San Francisco, 315 Maple Avenue, South San Francisco, CA 94080, and in the custody of the Chief Planner.

B. Zoning Map Amendment Findings

1. The Zoning Map will be amended to revise the zoning district designation from Downtown Residential Core (DRC) to Downtown Transit Core (DTC) for 213 Lux Avenue.
2. The subject property is physically suitable for the type and intensity of the land use being proposed in terms of access, size of parcel, relationship to similar or related uses, and other considerations deemed relevant by the Planning Commission and City Council; and
3. The proposed development is not detrimental to the use of land in any adjacent zone and will not have a substantial adverse effect on surrounding land uses and will be compatible with the existing and planned land use character of the surrounding area; and
4. The development generally complies with applicable adopted design guidelines; and

5. The proposed development is demonstratively superior to the development that could occur under the standards applicable to the underlying base district, and will achieve superior community design, environmental preservation and/or substantial public benefit. In making this determination, the City Council considered the following factors:
 - a. Appropriateness of the use(s) at the proposed location.
 - b. The mix of uses, housing types, and housing price levels.
 - c. Provision of units affordable to persons and families of low and moderate income or to lower income households.
 - d. Provision of infrastructure improvements.
 - e. Provision of open space.
 - f. Compatibility of uses within the development area.
 - g. Quality of design, and adequacy of light and air to the interior spaces of the buildings.
 - h. Overall contribution to the enhancement of neighborhood character and the environment of South San Francisco in the long term.
 - i. Creativity in design and use of land.

SECTION 2 AMENDMENTS.

The City Council hereby amends the South San Francisco Zoning Map, as shown in Exhibit A to reflect the proposed Zoning Map Amendment. All other areas of the Zoning Map that are not amended by this Zoning Map Amendment are not included in Exhibit A, and shall remain in full force and effect.

SECTION 3. SEVERABILITY.

If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid or unconstitutional, the remainder of this Ordinance, including the application of such part or provision to other persons or circumstances shall not be affected thereby and shall continue in full force and effect. To this end, provisions of this Ordinance are severable. The City Council of the City of South San Francisco hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause, or phrase hereof irrespective of the fact that any one or more sections, subsections, subdivisions, paragraphs, sentences, clauses, or phrases be held unconstitutional, invalid, or unenforceable.

SECTION 4. PUBLICATION AND EFFECTIVE DATE.

Pursuant to the provisions of Government Code Section 36933, a summary of this Ordinance shall be prepared by the City Attorney. At least five (5) days prior to the Council meeting at which this Ordinance is scheduled to be adopted, the City Clerk shall (1) publish the Summary, and (2) post in the City Clerk's Office a certified copy of this Ordinance. Within fifteen (15) days after the adoption of this Ordinance, the City Clerk shall (1) publish the summary, and (2) post in the City Clerk's Office a certified copy of the full text of this Ordinance along with the names of those City Council members voting for and against this Ordinance or otherwise voting. This Ordinance shall become effective thirty (30) days from and after its adoption.

