



## Legislation Details (With Text)

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<b>Title:</b>	Report regarding consideration of an Environmental Consistency Analysis with the Downtown Station Area Specific Plan Environmental Impact Report pursuant to the California Environmental Quality Act, and applications for a General Plan Amendment, Rezoning Map, Use Permit, Design Review, Transportation Demand Management Plan, and Affordable Housing Agreement to allow a Mixed-Use Development, consisting of 99 residential units with ground floor parking and a 1,500 sq. ft. restaurant, at 421 Cypress Avenue, 209 & 213 Lux Avenue in the Downtown Transit Core (DTC) and Downtown Residential Core (DRC) Zoning Districts, in accordance with Title 20 of the South San Francisco Municipal Code. (Stephanie Skangos, Associate Planner)		

### Sponsors:

### Indexes:

### Code sections:

**Attachments:** 1. Attachment 1 - Developer's Community Benefits Package, dated August 6, 2021, 2. Attachment 2 - Design Review Board (DRB) Comment Letter, dated July 1, 2021

Date	Ver.	Action By	Action	Result
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Report regarding consideration of an Environmental Consistency Analysis with the Downtown Station Area Specific Plan Environmental Impact Report pursuant to the California Environmental Quality Act, and applications for a General Plan Amendment, Rezoning Map, Use Permit, Design Review, Transportation Demand Management Plan, and Affordable Housing Agreement to allow a Mixed-Use Development, consisting of 99 residential units with ground floor parking and a 1,500 sq. ft. restaurant, at 421 Cypress Avenue, 209 & 213 Lux Avenue in the Downtown Transit Core (DTC) and Downtown Residential Core (DRC) Zoning Districts, in accordance with Title 20 of the South San Francisco Municipal Code. (Stephanie Skangos, Associate Planner)

### RECOMMENDATION

Staff recommends that the Planning Commission conduct a public hearing and adopt a resolution making findings and recommending that the City Council (1) determine 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; and (2) approve a General Plan Amendment (GPA22-0005), ordinance amending the Zoning Map (RZ21-0002), Conditional Use Permit (UP21-0002), Design Review (DR21-0005), Transportation Demand Management Plan (TDM21-0002), and Affordable Housing Agreement (AHA22-0002), subject to the attached Conditions of Approval.

### MOTION FOR THE COMMISSION TO ADOPT STAFF RECOMMENDATION

**(1) Move to adopt the resolution making findings and recommendations to the City Council on CEQA determinations and project entitlements.**

**BACKGROUND AND PROJECT OVERVIEW**

On February 18, 2021, Peter Sodini (“applicant”) submitted an application for a Mixed-Use Development consisting of 99 residential units over ground floor parking and a restaurant located at 421 Cypress Avenue, 209 & 213 Lux Avenue in the Downtown Transit Core (DTC) and Downtown Residential Core (DRC) sub-districts of the Downtown Station Area Specific Plan (DSASP). The project site is located within a ¼ mile radius of the new Caltrain plaza and station at the corner of Airport Boulevard and East Grand Avenue and consists of three parcels: one corner and through-lot parcel with frontages on Lux and Cypress Avenues and Tamarack Lane, and two through-lot parcels with frontages on Cypress Avenue and Tamarack Lane. Two of the lots are located within the DTC district and one within the DRC district. The three parcels are developed with an existing restaurant (Bertolucci’s), five residential units (all vacant), and a surface parking lot, all of which will be demolished.

***Project Description***

The proposed building will contain six stories of residential units over a ground-floor parking garage and project amenities, including leasing offices. The parking garage will provide a total of 99 parking spaces, which will consist of 90 parking stalls in stackers and nine at-grade parking stalls, five of which are ADA-compliant. A 1,500 square foot restaurant and plaza will also be located on the ground floor at the corner of Cypress and Lux Avenues. The upper levels will provide a total of 99 for-rent residential units, consisting of a mix of studio, one-, and two-bedroom units, ranging in size from 560 square feet to 1,610 square feet. Along with the ground floor leasing and lounge areas, the project provides an additional interior amenity area at the podium level that flows out of a shared, south facing, landscaped podium with seating areas and water feature, and a smaller interior amenity area with terrace on the top level.

***Building Architecture and Design***

The architecture harkens back to the historic character of the City with its brick base that grounds simple, straight-forward massing with hung balconies along Cypress and Lux Avenues. The building corner is expressed as a set-back to the corner restaurant with consistent window glazing above defining this corner element. A faithful reproduction of the original Bertolucci’s sign, located at the corner of the retail space gives the new project a strong identity, while acknowledging the historic significance of the site for the local community.

***Entitlements Request***

The entitlements request for this project includes:

- Zoning Map Amendment to rezone one parcel from Downtown Residential Core (DRC) to Downtown Transit Core (DTC);
- General Plan Amendment for revisions to the Land Use Diagram to reflect the Zoning Map Amendment;
- Conditional Use Permit to allow:
  - Multi-Unit Residential development on the project site;
  - Use of the DSASP Increased Density Incentive Program to allow increased density on the project site;
  - Parking Reduction.

- Design Review;
- Transportation Demand Management (TDM) plan;
- Affordable Housing Agreement to accept the 15% inclusionary proposal; and
- Approval of an Environmental Consistency Analysis (ECA) consistent with the DSASP Environmental Impact Report.

## ZONING CONSISTENCY ANALYSIS

### ***Proposed Use***

The project site consists of three parcels within the DSASP zoning districts. Two parcels are located in the Downtown Transit Core (DTC) sub-district, and one parcel is located in the Downtown Residential Core (DRC) sub-district. A Zoning Map Amendment to rezone the DRC-zoned parcel to DTC, which permits for higher density and building heights, is part of this application request. The applicant's proposal is designed to be consistent with the regulations of the DTC sub-district, which would require approval of the rezone application.

Per South San Francisco Municipal Code (SSFMC) Section 20.280.003 (Land Use Regulations-Downtown Station Area Specific Plan Sub-Districts), mixed-use development at high intensities is encouraged. Multi-unit residential development is allowed with the approval of a Use Permit, and a variety of commercial uses are allowed either by-right or with the approval of a Use Permit.

Development standards for the DTC sub-district are outlined in SSFMC Section 20.280.004. As noted in the below table, the proposed project complies with most of the applicable development standards. The proposed deviations from the required development standards are requested as a Waiver/Reduction of Development Standards under the State Density Bonus Law, as described in the staff report section below.

Table 1. DTC Development Standard Compliance

	<b>Development Standard</b>	<b>Proposal</b>
Min. Lot Size	5,000 sf	✓(1)
Floor Area Ratio <i>Min.</i> <i>FAR Max. FAR</i>	2.0 8.0	✓ ✓
Residential Density (unit per acre) <i>Min.</i> <i>Density Max. Density</i>	80 100	✓ X
Height <i>Max. Height</i> <i>Max. Ground Floor</i> <i>Height (residential</i> <i>uses)</i>	85 feet 15 feet.	✓ ✓
Min. Yards <i>Front</i> <i>Interior Side Street</i> <i>Side Rear</i>	0 feet 0 feet 0 feet 0 feet	✓ ✓ ✓ ✓
Max. Lot Coverage	100%	✓
Min. Open Space (per residential unit)	100 sf	X

NOTES: 1. Compliance with development standard indicated with “✓”; exceptions requested indicated with “X”.

### ***Parking Reduction Request and TDM Plan***

The number of required parking spaces for land uses within a Downtown District is regulated by SSFMC Section 20.330.007 (Required On-Site Parking Spaces, Downtown Districts). Pursuant to this section, the following parking requirements apply to the proposed project:

Table 2. Required Parking

Land Use Classification	Required Parking Spaces	
Multi-Unit Residential		
<i>Studio and less than 500 sq. ft.</i>	1 space per unit max	General Requirements for Multi-Unit Residential Parking **: One covered space shall be designated for each unit.
<i>One-bedroom (up to 1,100 sq. ft.)</i>	1 space min, 1.5 spaces max per unit	
<i>Two-bedroom (up to 1,100 sq. ft.)</i>	1.5 spaces min, 1.8 spaces max per unit	
<i>Three or more bedrooms and 1,101 sq. ft. or larger</i>	1.5 spaces min, 2 spaces max per unit	
Eating and Drinking Establishments*		
<i>Restaurants, Full Service</i>	1 per 100 sq. ft. of customer seating area.	* No parking required for first 1,500 sq. ft. of customer seating area, or floor area applicable.
<i>Restaurants, Limited Service</i>	1 per 150 sq. ft. of customer seating area	

Based on the above requirements, a minimum of 112 parking spaces is required for the residential component of the proposed project. The proposed restaurant does not require parking as it will be less than 1,500 square feet. The applicant is proposing a total of 99 parking spaces in the ground-floor parking garage, which is 13 spaces less than what is required. Pursuant to SSFMC Section 20.330.007(C), applicants may obtain a parking reduction in the Downtown districts, so long as the hearing body makes a determination that there is sufficient parking within the district to accommodate the proposed use. In addition, although a density bonus project is entitled to receive certain parking reductions under State Density Bonus Law, such requirements don't apply here because City's minimum parking requirements are the same as the reduction afforded to projects under State Density Bonus Law. Therefore, the proposed project is seeking a further reduction under the City's parking reduction standards.

In support of the parking reduction request, the applicant has also voluntarily proposed a draft Transportation Demand Management (TDM) plan (attached as Exhibit F to the associated Resolution). The draft TDM plan provides a concise description of TDM Measures that the project will implement in order to comply with the DSASP's goal to “provide for a balanced mix of travel modes - including pedestrians, bicyclists, transit and automobiles.”

The adjacent proximity of the new Caltrain plaza and station, as well as employment uses East of 101 and retail and amenity uses in Downtown, will provide many opportunities for project residents and customers to walk or use public transportation and reduce dependency on single-occupancy vehicles. Due to the project's prime transit-oriented location and implementation of the measures outlined in the draft TDM plan, staff supports the request for a parking reduction from 112 to 99 parking spaces. Further, a Condition of Approval for project entitlements will be included to ensure TDM compliance.

### ***State Density Bonus Law***

The Density Bonus Law (found in California Government Code Sections 65915-65918) provides developers with tools to encourage the development of affordable and senior housing, including up to a 50% increase in project densities for most projects, depending on the amount of affordable housing provided. The Density Bonus Law provides a package of incentives intended to help make the development of affordable and senior housing economically feasible by providing incentives/concessions as well as additional forms of assistance which can have important benefits for a housing project.

Per SSFMC Section 20.280.004 (Development Standards) the DTC sub-district permits a maximum base density of 100 dwelling units per acre (du/acre). The project site totals 25,395 square feet, therefore permitting 58 units at the base DTC density (with approval of the rezone application). To achieve the proposed 99 units, the project is seeking additional density under the State Density Bonus Law and the DSASP Increased Density Incentive Program. The requirements and applicant's proposal for increased density under the DSASP Increased Density Incentive Program are discussed in the subsequent staff report section.

The proposal qualifies for a density bonus of 20% (12 additional units for a total of 70 units) under the Density Bonus Law by providing 5% very low income units. An additional 10% of the units will be provided at lower income, resulting in a total of 15% below market rate (BMR) units, which is in full compliance with the City's Inclusionary Housing Ordinance (SSFMC Chapter 20.380) and discussed below.

In addition to the density bonus, under the Density Bonus Law, the application is eligible to receive one incentive or concession, an unlimited number of waivers from required development standards, and reduced parking requirements. No concession or incentive is being requested for the project. The applicant is seeking waivers for the following development standards, also outlined in Attachment 1 to this staff report:

- SSFMC Table 20.280.004-3 (Open Space and Landscaping Standards - Downtown Station Area Specific Plan Sub-Districts): Minimum usable open space provided shall be at minimum 100 sq. ft. per residential unit.  
*Proposed: 95 sq. ft. per residential unit*
- SSFMC Section 20.280.005(C) (Additional Development Standards - Build-to Line): Buildings shall be constructed at the required setback for at least 65 percent of linear street frontage.  
*Proposed: The majority of the new building will have a build-to line of 8" from the Cypress and Lux Avenues property lines instead of at the required Pedestrian Priority Zone street frontage setback of 0' or 10' from curb, whichever is greater (Table 20.280.004-2).*
- SSFMC Section 20.280.005(D) (Additional Development Standards - Corner Build Area): Buildings must be located in accordance with the required setbacks within 30 feet of every corner. Public plazas may be at the street corner provided buildings are built to the edge of the public plaza.  
*Proposal: The new plaza corner setback along Cypress Avenue is 14'-10" from the corner (of Cypress and Lux Avenues).*

- SSFMC Section 20.280.005(F) (Additional Development Standards - Private Storage Area): Each residential unit shall have at least 200 cubic feet of enclosed, weather-proofed, and lockable private storage space.

*Proposal: Only 52 residential units will have the required 200 cubic feet of private storage space instead of the total 99 residential units proposed.*

Under State Density Bonus Law, a city cannot apply any development standard which physically precludes the construction of the project at its permitted density and with any granted concessions/incentives. The above requested waivers are to minor design standards under the City's code requirements, which are waivable development standards. However, with these proposed modifications, the waivers would actually provide a more refined design for the project. They would also allow the proposed project to provide residential units at the permitted density that are of high-quality and comfortable sizes for potential families, as well as provide substantial amenity space, interior and exterior, for future residents, within a building design that recognizes the historic significance of the project site to the City's Downtown.

### ***Community Benefits Proposal***

As provided under SSFMC Section 20.280.005(A), developers may request additional housing density under the DSASP Increased Density Incentive Program in exchange for providing a variety of community benefits. As mentioned previously, per SSFMC Section 20.280.004 (Development Standards), the maximum density allowed in the DTC sub-district is 100 du/ac. However, the maximum density can be increased to 180 du/ac by utilizing the DSASP Increased Density Incentive Program.

The developer has submitted a Community Benefits Proposal that outlines benefits for seeking additional allowable density under the Municipal Code (Attachment 1). This request is layered with the use of the State Density Bonus Law discussed above to achieve a total of 99 residential units for the proposed project, which results in a total density of 169 du/ac. The Community Benefits Proposal includes:

- Fifteen (15) affordable units:
  - Ten (10) affordable housing units to Lower Income households (80% of AMI); and
  - Five (5) affordable housing units to Very-Low Income households (50% of AMI);
- Historic recognition of the Bertolucci's site with a plaque installation and reuse/replication of the famous "Bertolucci's" neon sign;
- Tenant space for a legacy business with outdoor public amenities;
- Pedestrian safety improvements and streetscape enhancements along all three frontages of the project site (Cypress and Lux Avenues, and Tamarack Lane);
- All electric building to align with SSF's Reach Code;
- Provision of Green Building Measures and LEED Silver status;
- Implementation of a robust Transportation Demand Management Program, including measures such as: On-site transportation coordinator, Electric Vehicle charging, Transit passes, and 26 long term bicycle parking spaces (including 10 short term bicycle parking spaces);
- Family-friendly unit mix with 82% of the units including 1-bed + den, 2-bed, and 2-bed + den units.

### ***Inclusionary Housing Regulations and Affordable Housing Agreement***

SSFMC Chapter 20.380 requires that "for rental" residential developments of five or more units provide a minimum of 15% of the base dwelling units as inclusionary units affordable to very low, lower or moderate income households. The required 15% shall consist of two-thirds, or 10%, designated for lower income households and one-third, or 5%, designated for very low income households and is calculated using the base

density allowed for the project site before any density bonuses are allotted.

As mentioned above, the project site has a base density of 58 units, which would require six units, or 10%, designated for lower income households, and three units, or 5%, designated for very low income households. The proposed project exceeds the requirements for inclusionary housing by providing 15% of the *total* units (base density and density bonus), providing a total of 15 BMR units, consisting of 10 units designated for lower income and five units for very low income. A Draft Affordable Housing Agreement between the applicant and the City will be drafted in accordance with the requirements contained in SSFMC 20.380 and will be reviewed and approved by the City Manager and City Council as a standard Affordable Housing Agreement. This requirement has been included as a Condition of Approval for the project.

### ***Housing Accountability Act Considerations***

As previously mentioned, the project site currently has a split zoning; a portion of the site is within the DRC sub-district, and a portion of the site is within the DTC sub-district, both within the DSASP area. Within the DRC, the maximum base density is 80 du/ac, and the maximum building height is 65 feet. The DTC sub-district permits a maximum base density of 100 du/ac, and a maximum building height of 85 feet. Using underlying zoning and the base densities for the site, a developer would be permitted to build up to 55 units on the site, with a building height of up to 65 and 85 feet (depending on site configuration).

The State Housing Accountability Act limits a city's ability to deny a proposed residential project that is otherwise consistent with General Plan and Zoning standards. The proposed project is requesting a rezone for a portion of the site, to include the entire site within the DTC zone, and is also requesting a density bonus under the DSASP Increased Density Incentive Program. Because of these legislative changes requested, the restrictions under the Housing Accountability Act does not apply to the City's review of the Project in this case. However, if a proposed project at this site were to meet these base zoning requirements (80-100 du/ac and 65-85 feet tall) and all other objective standards, it would be subject to the requirements of the Housing Accountability Act, and State law would essentially require City approval of such a project unless it can make specific findings of adverse impact based on objective, published written standards.

Relatedly, Senate Bill 330 (2019) prohibits cities from approving housing development projects that would demolish existing residential units unless the project would create at least as many units as will be demolished. Staff would note that the Project here complies with such mandates as it creates more units than that proposed to be demolished.

State Bill (SB) 35 (Streamlining Provisions) would apply to a project that is proposing at least 50% affordable units. Currently, SB 35 requirements would not apply to the proposed project since it is not proposing 50% affordability.

### **GENERAL PLAN CONSISTENCY ANALYSIS**

The current General Plan Land Use Designation for the project site is Downtown Residential Core (DRC) and Downtown Transit Core (DTC), consistent with the DRC and DTC zoning districts for the project site discussed above. A General Plan Amendment is required as part of the applicant's request to rezone the DRC-zoned parcel to DTC to create a consistent land use designation and zoning across the project site.

The applicant's proposal is designed to be consistent with the vision for the DTC land use designation as a vibrant, mixed-use area most suitable for the highest intensities of new development in the Downtown area due to its proximity to the Caltrain Station. These higher intensities will help to support transit ridership since residential units will be within a short walk of the station.

### SUSTAINABILITY / CLIMATE ACTION PLAN

The City adopted a Climate Action Plan (“CAP”) in February 2014; the CAP serves as South San Francisco’s greenhouse gas reduction strategy. The CAP includes requirements applicable to new development projects; the following are the specific requirements applicable to the proposed project.

- Require all new development to install conduit to accommodate wiring for solar.
- Encourage the use of high-albedo surfaces and technologies as appropriate, as identified in the voluntary CALGreen standards.
- Revitalize implementation and enforcement of the Water Efficient Landscape Ordinance by undertaking the following:
  - Establishing a variable-speed pump exchange for water features;
  - Restricting hours of irrigation to occur between 3:00 a.m. and two hours after sunrise;
- Installing irrigation controllers with rain sensors;
- Landscaping with native, water-efficient plants;
- Installing drip irrigation systems; and
- Reducing impervious surfaces.

In addition to the requirements listed above, the CAP includes additional measures that are encouraged to help with the City’s greenhouse gas reduction efforts:

- Integrate higher-density development and mixed-use development near transit facilities and community facilities and reduce dependence on autos through smart parking practices.
- Work with developers of multi-family properties and nonprofit groups to maximize energy efficiency in new construction.
- Encourage the use of CALGreen energy efficiency measures as a preferred mitigation for CAP streamlining.
- Promote on-site renewable energy or distributed generation energy systems in new and existing residential and nonresidential projects. Encourage developers of multi-family and mixed-use projects to provide options for on-site renewable electricity or install distributed generation energy systems, like the statewide Homebuyer Solar program.

As currently designed, the proposed project would comply with many of the standards above, and staff will continue to work with the applicant to incorporate as many sustainable features beyond those required by the CAP as possible into the project. Staff has included Conditions of Approval specific to the Climate Action Plan which requires the applicant to revise the project drawings to include the CAP requirements stated above subject to Chief Planner review and approval prior to the issuance of any building or construction permits. Subject to the conditions of approval, the project is consistent with the City’s Climate Action Plan.

### DESIGN REVIEW BOARD

The Design Review Board (DRB) reviewed the proposal on June 15, 2021, and recommended approval with some minor design revisions, including expanding the proposed corner plaza area to provide a larger area for outdoor seating and public use, and relocating the proposed reproduced Bertolucci’s sign to a higher elevation. Additionally, the DRB encouraged the incorporation of an art piece or plaque dedicated to the history of the area. (The DRB comment letter is included as Attachment 2 to this staff report.) The DRB’s comments have



been taken into consideration by the applicant and incorporated into the proposal.

#### HOUSING STANDING COMMITTEE (HSC)

The Housing Standing Committee, comprised of two Planning Commissioners and two City Council members, reviewed the project's design and proposed community benefits package in a duly noticed public meeting on August 16, 2021. No members of the public provided comments. The HSC reviewed the project and was generally supportive of the project's architectural design, amenities, mix and affordability for the housing units proposed. The HSC also reviewed the community benefits package proposed by the applicants and noted its support due to the project exceeding the City's Inclusionary Housing Ordinance. The HSC did not provide further direction and recommended that the Planning Commission consider the project and that ultimately, the City Council would determine if the project satisfied the community benefit expectations.

#### COMMUNITY MEETING

The applicant hosted two community meetings, one virtually on September 23, 2021, and one in-person on February 5, 2022 at the project site for feedback on the project. Several members of the public attended and were generally supportive of the project. No substantial comments were provided.

#### ENVIRONMENTAL REVIEW

In 2015, the City Council certified a programmatic Environmental Impact Report (EIR) for the Downtown Station Area Specific Plan (DSASP) (State Clearinghouse #2013102001). The program EIR assessed the potential environmental impacts resulting from implementation of the DSASP, which established new land use, development, and urban design regulations for the area over a 20-year planning period. Since the certification of the program EIR, the City Council has certified an Addendum to the program EIR for the Downtown Transit Core (DTC) Zoning Amendments by Resolution No. 31-2018 on February 28, 2018.

The California Environmental Quality Act (CEQA) provides for limited environmental review of subsequent projects under a program EIR (CEQA Guidelines Sections 15162, 15168.) 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. The CEQA Guidelines require lead agencies to use checklists or similar mechanisms to conduct this evaluation. The City, in conjunction with the applicant's environmental consultant, Netto Planning Services LLC, prepared an Environmental Consistency Analysis (ECA) (Exhibit E to the associated Resolution), 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.

Pursuant to such analysis, at the outset the proposed project is exempt from CEQA pursuant to Government Code Section 65457, because it is a residential development project that is being undertaken pursuant to a specific plan for which an Environmental Impact Report (EIR) was prepared and certified. Additionally, no major revisions of the EIR are required because no substantial changes are proposed in the project, no substantial changes occurred with respect to the circumstances in which the project is being undertaken, and no new information has become available which was not known and could not have been known at the time the EIR was certified as complete, pursuant to Public Resources Code Section 21166. Therefore, the exemption under Government Section 65457 applies here.

In addition, the project is also exempt pursuant to CEQA Guidelines Section 15332 as it qualifies as in-fill development project. Specifically, the proposed project is designed to be consistent with the City's General Plan and zoning regulations with approval of limited amendments (which are also consistent with the draft General Plan 2024 update currently underway). The project is located within South San Francisco on a site of

less than five acres and surrounded by urban uses. The project site has no value as habitat for endangered, rare, or threatened species as it is in a built-out environment and is currently disturbed as the site of an existing building and parking lot. Additionally, as detailed in the ECA, approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality, and it would continue to be adequately serviced by all required utilities and public services. Therefore, the circumstances support the application of the categorical infill exemption under CEQA Guidelines.

In addition to the above exemptions, the ECA demonstrates that the proposed project is within the scope of and consistent with the DSASP program EIR and addendum and would not necessitate the need for preparing a subsequent environmental document pursuant to CEQA Guidelines 15162 and 15168. Under this ECA, the City uses a written checklist to evaluate the site and the activity to determine whether the environmental effects of the proposed project were sufficiently analyzed under the Downtown Station Area Specific Plan (DSASP) program EIR (CEQA Guidelines Section 15168(c)(4)).

Specifically, the ECA for the Bertolucci 421 Cypress Avenue, 209 and 213 Lux Avenue Project considers whether any new environmental effects not identified in the DSASP program EIR might be created by construction and operation of the project and concludes that all environmental effects were previously analyzed, no new mitigation is necessary, and no additional environmental review is required. In order to support the ECA analysis, the applicant provided the following technical studies, which were peer reviewed by City staff and consultants:

- Air Quality, Greenhouse Gas, and Health Risk Assessment - Illingworth & Rodkin, Inc
- Historic Resources Report - Brewster Historic Preservation
- Noise Assessment - Salter
- Phase I Environmental Assessment - RMD Environmental Solutions
- Preliminary Geotechnical Investigation - Cornerstone Earth Group
- Shadow Analysis - Studio T-Square
- Transportation Study - Hexagon Transportation Consultants, Inc.

The ECA establishes the following:

1. This subsequent Project is within the scope of the project covered by the Final EIR for the City's DSASP.
2. This subsequent Project will have no additional significant environmental effects not discussed or identified in the DSASP program EIR;
3. No substantial changes to the DSASP are proposed as part of this Project. Further, no substantial changes have occurred with respect to the circumstances under which the DSASP program EIR was certified, and no new information, which was not known and could not have been known at the time that the DSASP program EIR was certified as complete has become available.
4. No new or additional mitigation measures or alternatives are required.
5. All applicable policies, regulations, and mitigation measures identified in the DSASP program EIR will be applied to this subsequent Project or otherwise made conditions of approval of this subsequent Project.

## CONCLUSION

The proposed mixed-use development at 421 Cypress Avenue, 209 & 213 Lux Avenue is designed to be consistent with both General Plan goals and the Zoning Ordinance requirements, with approval of the applicant's request for a General Plan Amendment and Rezoning Map to rezone one of the three parcels that make up the project site from Downtown Residential Core (DRC) to Downtown Transit Core (DTC), to create a consistent land use designation and zoning across the project site.

The project would develop 99 residential units, with 15 affordable units (15% of the base density and density bonuses under State Density Bonus Law and the DSASP Increased Density Incentive Program), retain a legacy business (Bertolucci's), and include substantial streetscape and pedestrian safety improvements and amenities on Cypress and Lux Avenues and Tamarack Lane, as well as provisions for bicycles and alternative modes of transit.

Further, the proposed project will provide a high-density residential development that fulfills the guiding principles of the DSASP. The project will revitalize an underutilized parcel, add a robust population of new downtown residents; offer housing near employment uses, focus investment in the Downtown area, and centralize new transit-oriented development close to the relocated and enhanced Caltrain station.

As such, staff recommends that the Planning Commission adopt a resolution recommending that the City Council determine that, based on an environmental consistency analysis and evidence in the record, the project is statutorily and categorically exempt from CEQA and further environmental analysis pursuant to Government Code Section 65457, Public Resources Code Section 21166, and CEQA Guidelines Sections 15168 and 15332, and that no subsequent environmental document is required pursuant to CEQA Guidelines sections 15162 and 15168; and approve a General Plan Amendment (GPA22-0005), ordinance amending the Zoning Map (RZ21-0002), Conditional Use Permit (UP21-0002), Design Review (DR21-0005), Transportation Demand Management Plan (TDM21-0002), and Affordable Housing Agreement (AHA22-0002), subject to the attached Conditions of Approval.

## ***Attachments***

1. Developer's Community Benefits Package, dated August 6, 2021
2. Design Review Board (DRB) Comment Letter, dated July 1, 2021

## ***Exhibits to Associated Resolution (22-576)***

- A. Draft Conditions of Approval
- B. 421 Cypress Avenue, 209 & 213 Lux Avenue Project Plans, dated August 6, 2021
- C. Environmental Consistency Analysis (ECA), dated July 2022
  1. Historic Resource Evaluation, dated May 2021
  2. California Historical Resources Information System (CHRIS) Letter, dated April 28, 2022
  3. Phase I Environmental Site Assessment (Phase I), dated January 18, 2022
  4. Geotechnical Feasibility Study, dated April 7, 2022
  5. Plans, dated August 6, 2021
  6. Traffic Study, dated December 10, 2021
  7. Transportation Demand Management Plan, dated January 12, 2022
  8. Preliminary Environmental Noise Study, dated May 3, 2022
  9. Community Health Risk Assessment, dated February 3, 2022
  10. Shadow Study, dated April 12, 2022
- D. Transportation Demand Management (TDM) Plan, dated January 12, 2022

- E. General Plan Amendment
- F. Zoning Map Ordinance Amendment