



Legislation Text

File #: 22-576, **Version:** 1

Resolution Making Findings and Recommending that the City Council Make Determinations Under the California Environmental Quality Act (CEQA) and Approve Planning Project P21-0009, Including a General Plan Amendment GPA22-0005, Rezoning Map RZ21-0002, Use Permit UP21-0002, Design Review DR21-0005, and Transportation Demand Management Plan TDM21-0002, to Allow a Mixed-Use Development Consisting of 99 Units With Ground Floor Parking and a 1,500 sq. ft. Restaurant Within the Downtown Transit Core (DTC) and Downtown Residential Core (DRC) Zoning Districts at 421 Cypress Avenue, 209 & 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 adoption of an ordinance amending the Zoning Map (RZ21-0002) to rezone one of the project parcels from Downtown Residential Core (DRC) to Downtown Transit Core (DTC) to be consistent with the two other project parcels, and adoption of a resolution approving a General Plan Amendment (GPA22-0005), Conditional Use Permit (UP21-0002), Design Review (DR21-0005), and Transportation Demand Management Plan (TDM21-0002), 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 and 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 duly noticed public hearing to solicit public comment and consider the proposed entitlements and environmental effects of the Project and take public testimony.

NOW, THEREFORE, BE IT RESOLVED that based on the entirety of the record before it, which includes without limitation, 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; and any other evidence (within the meaning of Public Resources Code §21080(e) and §21082.2), the Planning Commission of the City of South San Francisco hereby finds as follows:

SECTION 1 FINDINGS

General

1. The foregoing recitals are true and correct and made a part of this Resolution.
2. The Exhibits attached to this Resolution, including Draft Conditions of Approval (Exhibit A), Project Plans (Exhibit B), Environmental Consistency Analysis and supporting documents (Exhibit C), Preliminary Transportation Demand Management (TDM) Plan (Exhibit D), General Plan Amendment (Exhibit E), and Draft Ordinance Adopting the Rezoning Map to create consistent zoning for the project site (Exhibit F) are each incorporated by reference and made a part of this Resolution, as if set forth fully herein.

3. 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.

California Environmental Quality Act (CEQA)

1. For the reasons stated in this Resolution, the Project is exempt from CEQA pursuant to Government Code § 65457(a) as a residential project consistent with and undertaken to implement the DSASP and no event specified in Public Resources Code § 21166 has occurred because:
 - a. No substantial changes are proposed to the DSASP as part of the Project, which would require major changes to the DSASP EIR. This is supported by the fact that the Project is consistent with the DSASP and proposes no changes or amendments to the DSASP itself. As there are no proposed changes to the DSASP, there are no changes which would require revisions to the DSASP EIR.
 - b. No substantial changes have occurred with respect to the circumstances under which the Project is to be undertaken to implement the DSASP that will require major revisions to the DSASP EIR due to the involvement of new significant effects or a substantial increase in the severity of previously identified effects. This is supported by the fact that the DSASP EIR was only certified in 2015 and the circumstances surrounding the implementation of the DSASP are substantially similar to the current circumstances.
 - c. No new information, which was not known at the time the EIR was certified as complete, has become available justifying preparation of a supplemental or subsequent EIR.
2. For the reasons stated in this Resolution, the Project is also exempt from CEQA pursuant to CEQA Guidelines § 15332: Class 32 as an in-fill development project because:
 - a. As described in the record, the Project is designed to be consistent with the City's General Plan, all applicable General Plan policies and zoning designations and regulations, with approval of a General Plan Amendment and Zoning Map Amendment (which are also consistent with the draft General Plan 2024 update currently underway).
 - b. The Project will be located within the City's limits, on a site of less than five acres and will be surrounded by urban uses in a built-out downtown environment.
 - c. 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.
 - d. As supported by the findings of the ECA, approval of the Project would not result in any significant effects relating to traffic, noise, air quality, or water quality.
 - e. The Project can be adequately serviced by all required utilities and public services.
3. For the reasons stated in this Resolution, there is not substantial evidence in the record to support a fair argument that approval of the Project will result in significant environmental effects beyond those

adequately evaluated and addressed by the DSASP EIR nor would the Project require any new mitigation measures because:

- a. The Project does not propose substantial changes to the DSASP Project, which will require major revisions of the DSASP EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;
 - b. No substantial changes have occurred with respect to the circumstances under which the DSASP Project is undertaken which will require major revisions of the DSASP EIR due to the involvement of new significant effects or a substantial increase in the severity of previously identified significant effects;
 - c. No new information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the DSASP Program EIR was certified as complete, shows any of the following:
 - i. The Project will have one or more significant effects not discussed in the DSASP EIR;
 - ii. Significant effects previously examined will be substantially more severe than shown in the previous EIR;
 - iii. Mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the Project, but the Project proponents decline to adopt the mitigation measure or alternative; or
 - iv. Mitigation measures or alternatives which are considerably different from those analyzed in the DSASP EIR would substantially reduce one or more significant effects on the environment, but the Project proponents decline to adopt the mitigation measure or alternative.
4. Based upon the testimony and information presented at the hearing and upon review and consideration of the environmental documentation provided, including but not limited to the Environmental Consistency Analysis, as prepared by Netto Planning Services LLC, dated July 2022 and attached hereto as Exhibit C, the Planning Commission, exercising its independent judgment and analysis, finds that the Project is statutorily and categorically exempt from CEQA pursuant to Government Code §65457(a) and CEQA Guidelines § 15332: Class 32 and pursuant to CEQA Guidelines § 15168(c), the Project falls within the environmental parameters analyzed in the DSASP EIR, and further finds that 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 by the Project. These findings are supported by the fact that, consistent with the DSASP EIR Mitigation Monitoring and Reporting Program, the Project prepared an Air Quality, Greenhouse Gas (GHG) Emissions Assessment and Health Risk Assessment (HRA), an Historic Resources Analysis, a Noise and Vibration Analysis, a Shadow Analysis, and a Traffic and Circulation Analysis, all of which determined that the Project would not result in any new impacts not adequately evaluated and addressed by the DSASP EIR and Statement of Overriding Considerations.

General Plan Amendment

1. The proposed amendment meets the purposes of the General Plan;
2. The proposed amendment is compatible with other provisions of the General Plan and any applicable specific plan; and

3. The Commission has made any changes to the amendment that the Commission deems necessary to comply with other adopted Plans and ordinances or to reduce environmental impacts.

Zoning Map Amendment

1. The proposed zoning district change is consistent with the adopted General Plan;
2. The subject property is suitable for the uses permitted in the proposed zone 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 change of zoning district is not detrimental to the use of land in any adjacent zone.

Conditional Use Permit

1. The proposed use is allowed within the Downtown Transit Core (DTC) Zoning District and complies with all other applicable provisions of this Ordinance and all other titles of the South San Francisco Municipal Code.
2. The proposed Project is consistent with the General Plan and the Downtown Station Area Specific Plan by creating a high-density residential mixed-use project that fulfills the guiding principles of the DSASP by revitalizing an underutilized parcel, adding a robust population of new downtown residents, offering housing near employment uses, focusing investment in the Downtown area, and centralizing new transit-oriented development close to the relocated and enhanced Caltrain station, and is consistent with the City's Design Guidelines as they relate to building design, form and articulation.
3. The proposed residential and commercial uses will not be adverse to the public health, safety, or general welfare of the community, nor detrimental to surrounding properties or improvements, because the proposed uses are consistent with the approved uses in both the General Plan and Downtown Station Area Specific Plan. The Project proposes high-density mixed-uses located in the City's Downtown Station Area Specific Plan District, which is intended for this type of use, and would be redeveloping underutilized and vacant parcels. The General Plan has analyzed this type of use and concluded that such mixed-uses are not adverse to the public health, safety, or welfare. As the proposed Project is consistent with other mixed-use and residential land uses in the Downtown Transit Core Zoning District, approval of the Project will not be detrimental to nearby properties. Further, the proposed use is well suited to the site, and would improve the property for surrounding users and the City. In addition, the Environmental Consistency Analysis prepared for the Project concludes that the as a result of the Project, no new environmental effects would result from the Project beyond those previously analyzed and addressed in the DSASP EIR and MMRP.
4. With the exception of the parking standards, as discussed below, the proposed project complies with any design or development standards applicable to the zoning district or the use in question and has been vetted and recommended for approval by the City's Design Review Board at their meeting on June 15, 2021.

5. The design, location, size, and operating characteristics of the proposed Project are compatible with the existing and reasonably foreseeable future land uses in the vicinity because the Project proposes residential and mixed-uses in the Downtown Transit Core Zoning District, which is specifically intended for such uses.
6. The site is physically suitable for the type of development and density proposed, as the residential use will benefit from being located in close proximity to the South San Francisco Caltrain Station, Grand Avenue and uses and amenities within the Downtown Station Area Specific Plan Area, and the size and development are appropriate for the location and meets the City's land use and zoning standards, as amended by the Conditional Use Permit process. Access to the site via existing roadways is sufficient as the project is within a built-out urban environment, utilities are provided on-site or proposed for minor upgrades, and no physical constraints such as topography or lack of facilities exists that would prevent suitable development.
7. Per South San Francisco Municipal Code Section 20.330.007, Downtown Parking, the Planning Commission shall review any request for a reduction in the number of required parking spaces and make a determination whether there is sufficient parking within the District to accommodate the proposed use. The proposed residential development will be adequately served by the 99 on-site parking spaces to serve 99 rental units, and existing public parking spaces in the area will help to serve 1,500 sq. ft. of retail/restaurant space. The applicant proposes 99 spaces when 112 spaces are required. The site is within a short walking distance to Grand Avenue, the new Caltrain plaza and station, and several bus lines, provides adequate bicycle parking and pedestrian access to encourage alternative modes of transportation, and is walkable to nearby employment centers.
8. The Project is statutorily and categorically exempt from CEQA pursuant to Government Code §65457 (a), Public Resources Code §21166, and CEQA Guidelines § 15332: Class 32. In addition, an environmental determination has been prepared for the Project in accordance with CEQA as the City prepared an Environmental Consistency Analysis in accordance with the requirements of CEQA Guidelines § 15168(c), which concluded that 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 any new mitigation be required.
9. The proposal would result in a project whose proposed public benefits and requested development incentives are suitable to the site and relate appropriately to adjacent uses and structures.
10. The proposed project would be consistent with the accepted list of public benefits outlined in Section [20.280.004](#) [\(https://library.qcode.us/lib/south_san_francisco_ca/pub/municipal_code/lookup/20.280.004\)](https://library.qcode.us/lib/south_san_francisco_ca/pub/municipal_code/lookup/20.280.004)(A)(1), and such benefits would not otherwise result through provisions of the City's policies, ordinances or other requirements.

11. The proposal reflects a fair financial balance of costs and benefits to the applicant and the City.

Density Bonus and Waiver Requests Findings

1. The proposed project seeks a 20% density bonus under state density bonus law. 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.

Under State Density Bonus Law (Gov. Code section 65915), the Project provides 5% of the base density units as housing for very low income units. Consequently, the proposed project would be entitled to receive a 20% density bonus under state law. In conjunction with state density bonus eligibility, the Project is also entitled to receive one concession/incentive and an unlimited number of development standard waivers. No concession/incentive has been requested by the project.

Under the DSASP Increased Density Incentive Program set forth in SSFMC Section 20.280.005(A), developers may request additional housing density in exchange for providing a variety of community benefits. 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 proposed project has submitted a Community Benefits Proposal that outlines benefits for seeking additional allowable density under the DSASP Increased Density Incentive Program, as set forth in Attachment 1 to the accompanying staff report. This combination of community benefits qualifies the proposed project for additional density under the Incentive Program set forth in Section 20.280.005 (A), subject to approval of a Conditional Use Permit by the City Council.

2. The proposed project seeks the following development standard waivers pursuant to State Density Bonus Law:

- 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.
Proposed: 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.

Proposed: 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, the City is not permitted to apply any development standard which physically precludes the construction of the project at its permitted density and with any granted concessions/incentives. The applicant is entitled to receive an unlimited number of waivers of such development standards. The waivers requested by the project are to minor design standards under the City's code requirements. These standards impact the physical construction of the project and it should be noted that 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. Therefore, the requested waivers are necessary to enable the construction of the development project at the density permitted with bonus units.

Design Review

1. The Project, including Design Review, is consistent with Title 20 of the South San Francisco Municipal Code because the Project has been designed as a high-density mixed-use and residential project which will provide a pedestrian-friendly, transit-oriented environment with sustainability elements incorporated.
2. The Project, including Design Review, is consistent with the General Plan and the DSASP because the proposed high-density residential development is consistent with the policies and design direction provided in the South San Francisco General Plan for the Downtown Transit Core land use designation by encouraging the development of new residential units within close proximity to the South San Francisco Caltrain Station and within the DSASP area.
3. The Project, including Design Review, is consistent with the applicable design guidelines adopted by the City Council in that the proposed Project is consistent with the Design Guidelines for the Downtown Station Area Specific Plan.
4. The Project, including Design Review, is consistent with the Use Permit or other planning or zoning approval that the project requires for the reasons stated above.
5. The Project is consistent with the applicable design review criteria in South San Francisco Municipal Code Section 20.480.006 ("Design Review Criteria") because the project has been evaluated by the Design Review Board on June 15, 2021, and found to be consistent with each of the eight design review criteria included in the "Design Review Criteria" section of the Ordinance.

Transportation Demand Management Plan

1. The proposed trip reduction measures contained in the TDM Plan (attached hereto as Exhibit F) are

feasible and appropriate for the Project, considering the proposed use and the project's location, size, and hours of operation. Appropriate and feasible measures have been included in the TDM Plan to achieve a projected 30% reduction in vehicular trips that would be generated by the project. The TDM Plan provides measures such as a Transportation Coordinator, subsidized transit passes for each residential unit, access to ridesharing and car share programs, and ample bicycle support facilities on-site to encourage alternative forms of transportation.

2. The proposed performance guarantees will ensure that the target alternative mode use established for the Project by SSFMC Chapter 20.400 will be achieved and maintained. Conditions of approval have been included to require that the Final TDM Plan, which must be submitted for review and approval prior to issuance of a building permit, shall outline the required process for on-going monitoring including annual surveys and triennial reports.

SECTION 2 DETERMINATION

NOW, THEREFORE, BE IT FURTHER RESOLVED that the Planning Commission of the City of South San Francisco hereby recommends that the City Council make the findings contained in this Resolution, determine that the Project is statutorily and categorically exempt from CEQA pursuant to Government Code §65457(a) and CEQA Guidelines § 15332: Class 32, and the environmental effects of the Project were sufficiently analyzed under the Downtown Station Area Specific Plan (DSASP) Program Environmental Impact Report (EIR), per the requirements of the California Environmental Quality Act (CEQA) as analyzed in the Environmental Consistency Analysis, and approve the entitlements request for 421 Cypress Avenue, 209 & 213 Lux Avenue (P21-0009: GPA22-0005, RZ21-0002, UP21-0002, DR21-0005, and TDM21-0002 including adoption of an ordinance amending the Zoning Map, subject to the attached Conditions of Approval.

BE IT FURTHER RESOLVED that the resolution shall become effective immediately upon its passage and adoption.

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