

City Council Hearing

December 13, 2022



*Planning, Building and
Code Enforcement*

Item 10.3

Administrative Hearing on the Environmental Appeal of the Planning Director's Reliance on the Eterna Tower Mixed-Use Development Project Addendum to the Downtown Strategy 2040 Final Environmental Impact Report as the Environmental Clearance (Site Development Permit No. H20-026).

Presenter: Chris Burton, Director, Planning, Building and Code Enforcement

Project



Proposal: Site Development Permit (File No. H20-026), to allow the demolition of two on-site two-story buildings and allow the construction of a 26-story, approximately 184,667-gross square foot mixed-use building consisting of 192 residential units and 6,644 square feet of commercial space, on an approximately 0.18-acre site.

Location: Downtown, 17-29 E. Santa Clara Street.

CEQA: Addendum to the Downtown Strategy 2040 FEIR.

Initial Study/Addendum- identified significant impacts to Air Quality, Biological Resources, Cultural Resources, Hazards & Hazardous Materials, and Noise and Vibration.

Impacts can be reduced to a less than significant level with mitigation.

Environmental Review Background

- The Eterna Tower Mixed-Use Development Project IS/Addendum was posted to the Environmental Review website on August 11, 2022. Interested parties received notice via email about the posting the same day.
- Director's Hearing held on August 24, 2022. The Director considered the Eterna Tower Mixed-Use Development Project Addendum and approved the Site Development Permit (H20-026). Three public speakers representing VTA, YIMBY Law, and Adams, Broadwell, Joseph and Cardozo spoke on the record.
- Staff received one (1) timely appeal of the environmental determination from Adams, Broadwell, Joseph and Cardozo representing Silicon Valley Residents for Responsible Development.
- City response to appeal points posted to Environmental Review website on November 30, 2022; appellant and interested parties received notice via email the same day.

Environmental Appeals

Stated reasons for the appeals include concerns about:

- Improper reliance on an Addendum.
- The project results in significant air quality impacts not analyzed in the Downtown Strategy 2040 FEIR.
- The project results in significant hazards and hazardous materials impacts not analyzed in the Downtown Strategy 2040 FEIR.
- The Housing Accountability Act would not preclude additional CEQA review.

Environmental Appeals – City Response

As presented in the Council Memo and supporting responses, appellant did not raise new issues about the project's environmental impacts or provide information indicating the project would result in new environmental impacts or impacts substantially greater in severity than disclosed in the Initial Study/Addendum.

- The Downtown Strategy 2040 FEIR was certified in December 2018 by the City Council – it is a programmatic document with some project level analysis that evaluated the planned growth for the Downtown area to the year 2040.
- The Eterna Addendum was prepared to address specific details of the proposed project; identifying impacts and associated mitigation does not make the project ineligible for an Addendum to an EIR.
- The Air Quality and Hazards and Hazardous Materials sections relied on adequate technical studies to disclose potential impacts.
- The analysis and conclusions made in the EIR Addendum are accurate and supported by facts and evidence.

Staff Recommendation

Adopt a resolution denying the environmental appeal and upholding the Planning Director's reliance on the Eterna Tower Mixed-Use Development Project Addendum to the Downtown Strategy 2040 Final Environmental Impact Report in accordance with the California Environmental Quality Act, as amended.

End

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Presenter: Christopher Burton, Director, PBCE

Aerial

