

MEMORANDUM

DATE: August 15, 2024

TO: Nestor Guevara, Senior Planner, City of Millbrae

FROM: Florentina Craciun, Associate/Senior Environmental Planner
Ashley Honer, Environmental Planner

SUBJECT: Class 32 Categorical Exemption for the 1301 Broadway Residential Project

Pursuant to Section 15367 of the State of California *Guidelines for Implementation of the California Environmental Quality Act (CEQA Guidelines)*, the City of Millbrae (City) is the Lead Agency under the California Environmental Quality Act (CEQA) for consideration of the proposed 1301 Broadway Residential Project (project).

Pursuant to *CEQA Guidelines* Section 15332(a-e) (Class 32: In-Fill Development Projects), the City finds the proposed project categorically exempt from CEQA. The project includes development of a site less than five acres in size in accordance with the City's General Plan land use and zoning designations; is substantially surrounded by urban uses; is not on a site containing habitat for endangered, rare, or threatened species; would not result in significant effects to traffic, noise, air quality, or water quality; and would be adequately served by all required utilities and public services.

Pursuant to *CEQA Guidelines* Section 15300.2, the proposed project does not trigger any exceptions to the Class 32 (Section 15332) Categorical Exemption. The project is not located along a State scenic highway or on a hazardous waste site as defined in Section 65962.5 of the Government Code; would not result in any significant effect to the environment as a result of unusual circumstances or cumulatively considerable effects; and would not cause a substantial adverse change in the significance of a historical resource as defined in Section 15064.5 of the *CEQA Guidelines*.

The following provides an overview of the proposed project and existing site conditions and an analysis which demonstrates the proposed project's compliance with the conditions set forth in *CEQA Guidelines* Section 15332 and *CEQA Guidelines* Section 15300.2 and supports the determination that the proposed project qualifies for the Categorical Exemption under Class 32 of the *CEQA Guidelines*.

1.0 PROJECT DESCRIPTION AND EXISTING SETTING

The following describes the proposed 1301 Broadway Residential Project (project). In addition to the description of the proposed project itself, this section includes a summary description of the proposed project's location, existing site characteristics, required approvals, and entitlements.

1.1 PROJECT SITE

The following section describes the project location, existing conditions, surrounding land uses, and the regulatory setting.

1.1.1 Project Location

The project site is located in the northeastern portion of the City of Millbrae, just south of the border with the City of San Bruno. The approximately 0.68-acre project site is located at 1301 Broadway (Assessor's Parcel Number [APN] 021276330). Regional vehicular access to the project site is provided by US Route 101 (US-101) located to the northeast and Interstate 280 (I-280) located southwest of the project site. Bus stops located approximately 0.1 mile southeast of the project site along El Camino Real and Center Street provide transit access to the project site. The Millbrae Bay Area Rapid Transit (BART) station is approximately 1 mile southeast of the project site. Figure 1 shows the regional and local context of the project site. Figure 2 depicts an aerial photograph of the project site and surrounding land uses.

1.1.2 Existing Conditions

The generally level project site is currently developed with an approximately 7,600-gross-square-foot single-story professional office building and associated surface parking lot and landscaping including approximately 17 mature trees.

1.1.3 Surrounding Land Uses

The project site is located just outside of the Downtown and El Camino Real Specific Plan area in an area that is predominantly developed with commercial and residential uses. The project site is bound by multi-family residential uses to the north, Broadway to the east, Ludeman Lane to the south, and duplex and single-family residential uses to the west. The project site is in close proximity to the San Francisco International Airport, approximately 0.5-mile northeast of the project site.

1.1.4 Regulatory Setting

The City of Millbrae 2040 General Plan designates the project site as General Commercial, which provides for a full range of retail commercial uses including apparel and accessory stores, food stores, banks, personal and professional services, hospitals, offices, large format retail stores, eating and drinking establishments, multi-family residential uses, hotels, and outdoor sales. The General Commercial land use designation allows a maximum floor area ratio (FAR) of 3.0.

The City of Millbrae Zoning Map identifies the project site as Commercial (C). The purpose of the C district is to provide for general commercial uses which do not necessarily specialize in serving the pedestrian shopper, but rather, because of the character of their products or services, are more appropriately, although not exclusively, located along major thoroughfares away from more centralized shopping areas. Multiple-family dwellings are allowed in the C district as a conditional use and C zoning has no FAR limit.

1.2 PROPOSED PROJECT

The project sponsor, AMG & Associates, LLC, proposes to demolish the existing professional office buildings and associated improvements on the project site and construct a 97-unit, 125,766-square-foot multi-family residential building. The proposed structure would be seven stories and 93 feet tall, including five residential levels over a podium existing on 1.5 levels. The proposed project would include studios, one-, two- and three-bedroom units which would share a 2,412 square-foot courtyard on the southwest side of the building. Associated parking, landscaping, and infrastructure improvements would also be developed. The proposed project would have a floor area ratio (FAR) of 4.25 and a density of 142.6 dwelling units per acre. Figure 3 shows a conceptual site plan, Figure 4 shows conceptual floor plans, Figure 5 shows typical conceptual building elevations, and Figure 6 shows conceptual landscape plans.

1.2.1 Building Program

As noted above, the proposed project would consist of 97 residential dwelling units within one building. The units would range in size from 411 to 1,018 square feet. The proposed project would include 30 studios, 10 one-bedroom units, 30 two-bedroom units, and 27 three-bedroom units. The building would also include 800 square feet of private amenity spaces, a 200 square-foot mail room, a 900 square-foot leasing office, and common laundry facilities. The proposed building would be contemporary in style and would consist of neutral earthtone colors and materials. The proposed structure would include tower elements, projections, and insets to improve building articulation.

The project would provide 10 units at the very-low-income level, 66 units in the low-income level and 19 moderate units, as determined by the California Department of Housing and Community Development, specifically based on San Mateo County median income levels (adjusted for family size).

1.2.2 Landscaping and Open Space

The proposed project would include a total of 2,412 square feet of common open space consisting of a courtyard located on the third level of the proposed building. The proposed courtyard would include a playground area with turf, a picnic table, benches, planters, and paver patio area. Landscaping would also be provided around the site's perimeter, as shown in Figure 6. A total of 17 trees would be removed during construction of the proposed project, and 14 new trees would be planted.

1.2.3 Access, Circulation and Parking

The project site would be accessed via two new 24-foot-wide driveways along Broadway and Ludeman Lane. The driveway along Broadway would be street-level and would serve as an entry and exit point providing access to 26 parking stalls on the first level of the proposed building. The driveway on Ludeman Lane would be street level and would serve as an entry and exit point providing access to 37 parking stalls on the second level of the proposed building, for a total of 63 vehicular parking spaces. The proposed project would also include two motorcycle parking stalls and seven bicycle parking stalls.

1.2.4 Utilities and Infrastructure

The proposed project would require utility services including water, wastewater, storm drain, electrical, and telecommunications. The proposed project would connect to existing utilities via tie-ins on Broadway and Ludeman Lane, including connections to a 6-inch water line, 8-inch wastewater line, and through curb drains that discharge storm water runoff into the City's storm drain network. The proposed buildings would be required to be all electric and no natural gas connections would be installed, except as permitted under exceptions to the City's Reach Code.

The project site currently includes a total of 28,340 square feet of impervious surface area (97.4 percent). The proposed project would result in a decrease in impervious surface area on the project site of 1,890 square feet. Roofs, paving, and other infrastructure would result in a total of 26,450 square feet of impervious surfaces (90.1 percent of the site). Bioretention areas consisting of above-grade flow-through planters surrounding the proposed building would be provided to treat and manage stormwater flows prior to discharge to the City's stormwater drainage system.

1.2.5 Project Construction

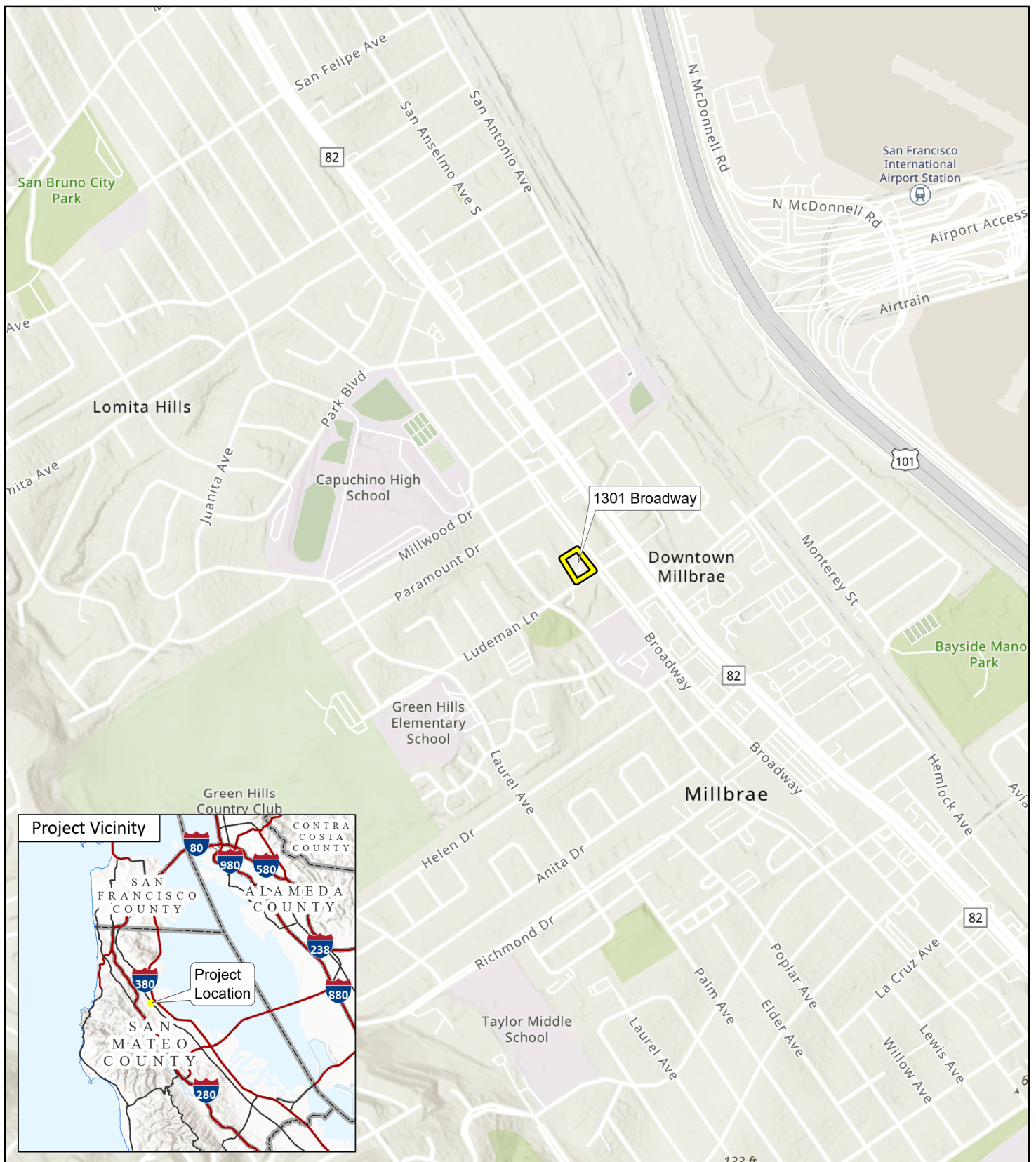
Subsurface excavations for the foundation and utilities would likely occur to a depth of 7 feet. Construction of the project would require approximately 4,200 cubic yards of cut and 790 cubic yards of fill, requiring 3,410 cubic yards of soil export. A total of approximately 558 tons of construction debris are anticipated to be removed from the project site during demolition of the existing buildings. The construction period is anticipated to begin in by June 2025 and would occur over an approximately 24-month period. Occupancy of the units could occur as early as June 2027.

1.3 PERMITS AND APPROVALS

As previously discussed, the proposed project involves an application for a specific development proposal for 1301 Broadway. As part of the proposed project evaluated in this Categorical Exemption, the following approvals and permits would be required:

- Environmental Review
- Design Review Permit
- Site Development Plan
- Conditional Use Permit
- Density Bonus Application
- Tree Removal Permit
- Demolition Permit
- Building Permit

The project applicant is requesting a 75 percent density bonus and the proposed project would require waivers for setbacks, parking, parking garage entrance, and height limit requirement.



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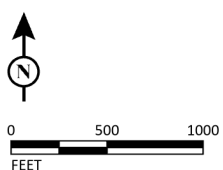
 Project Area

FIGURE 1



SOURCE: Esri World Topographic Map; Esri Terrain Map

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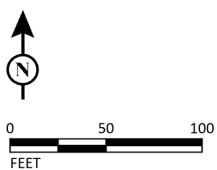
1301 Broadway Residential Project Project Location and Regional Vicinity



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 Project Area

FIGURE 2



SOURCE: Nearmap Aerial Imagery (June 2024)

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1301 Broadway Residential Project
Aerial Photograph of the Project Site and Surrounding Land Uses

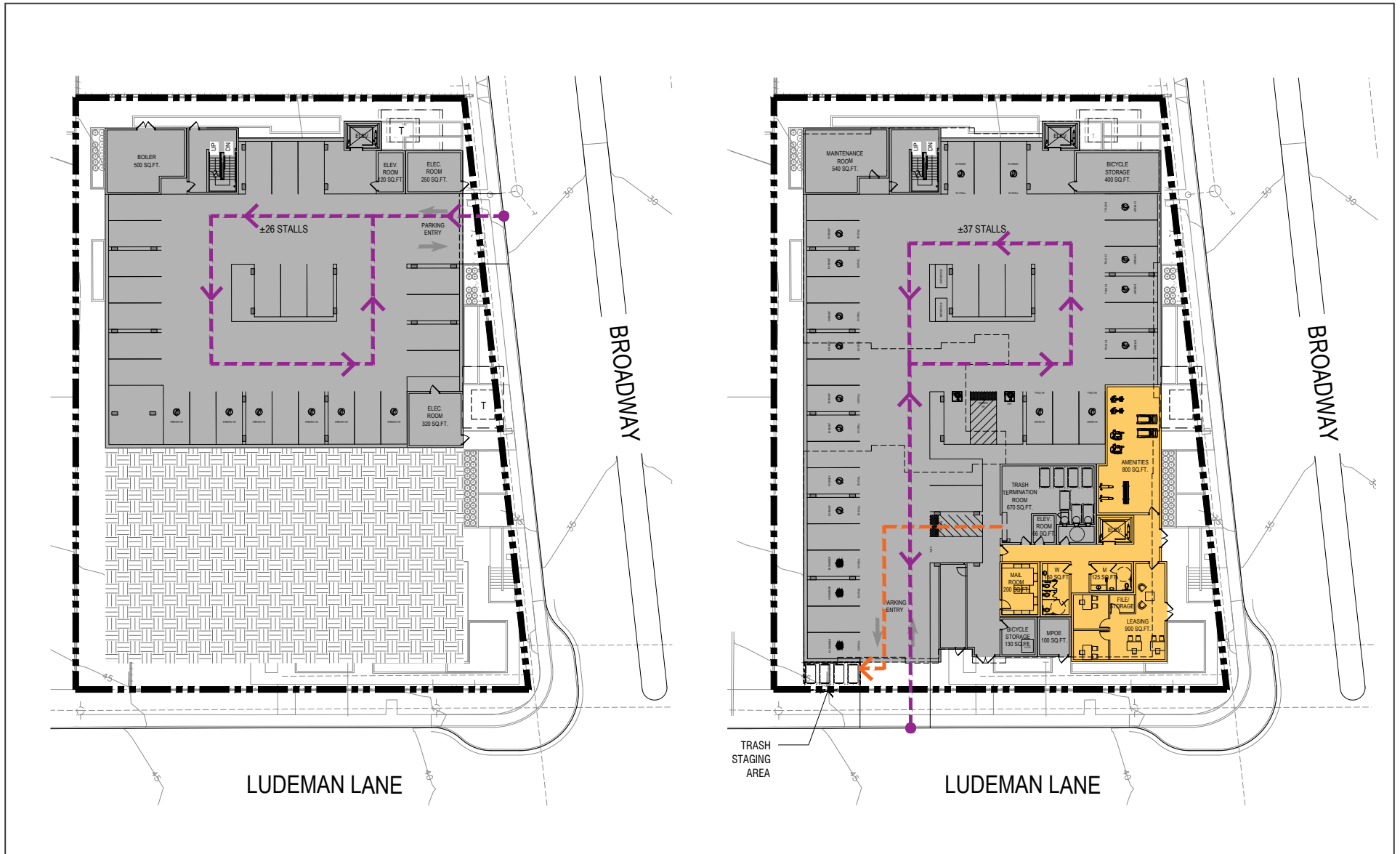
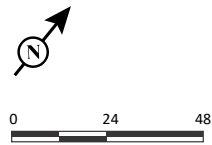
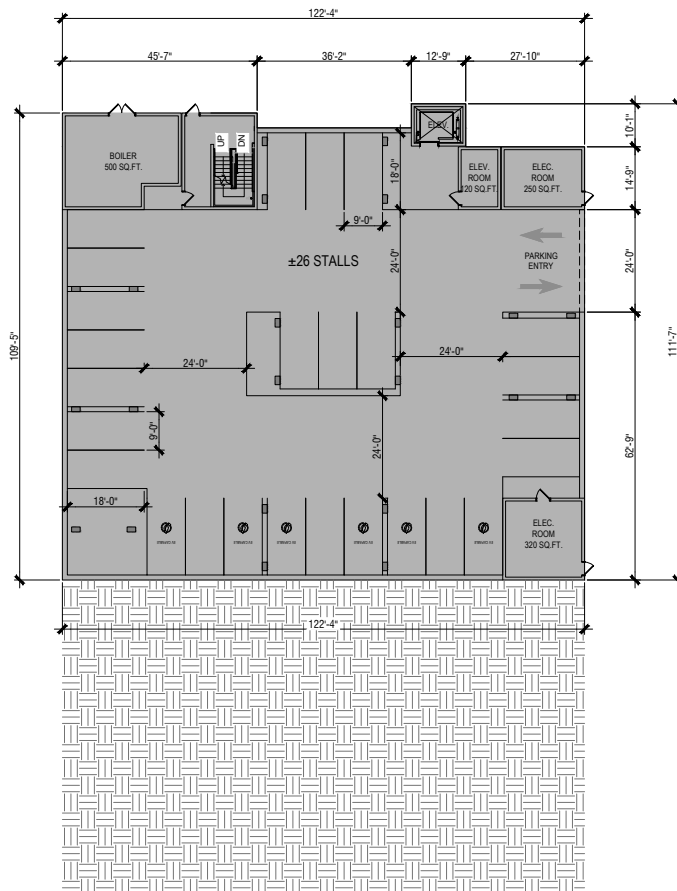


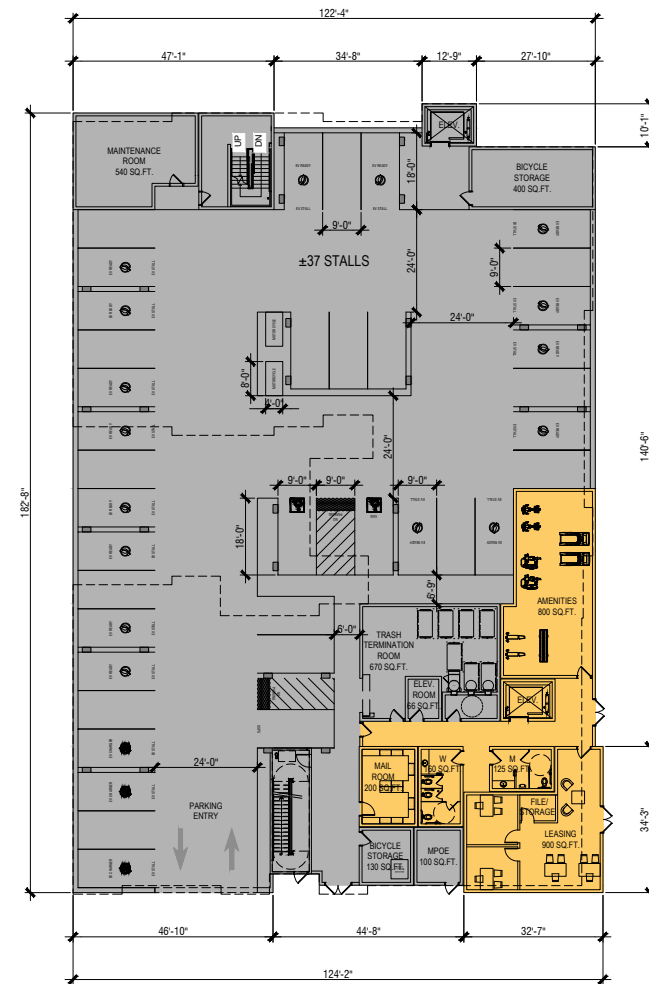
FIGURE 3

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Level 1



Level 2

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SOURCE: AO Architecture

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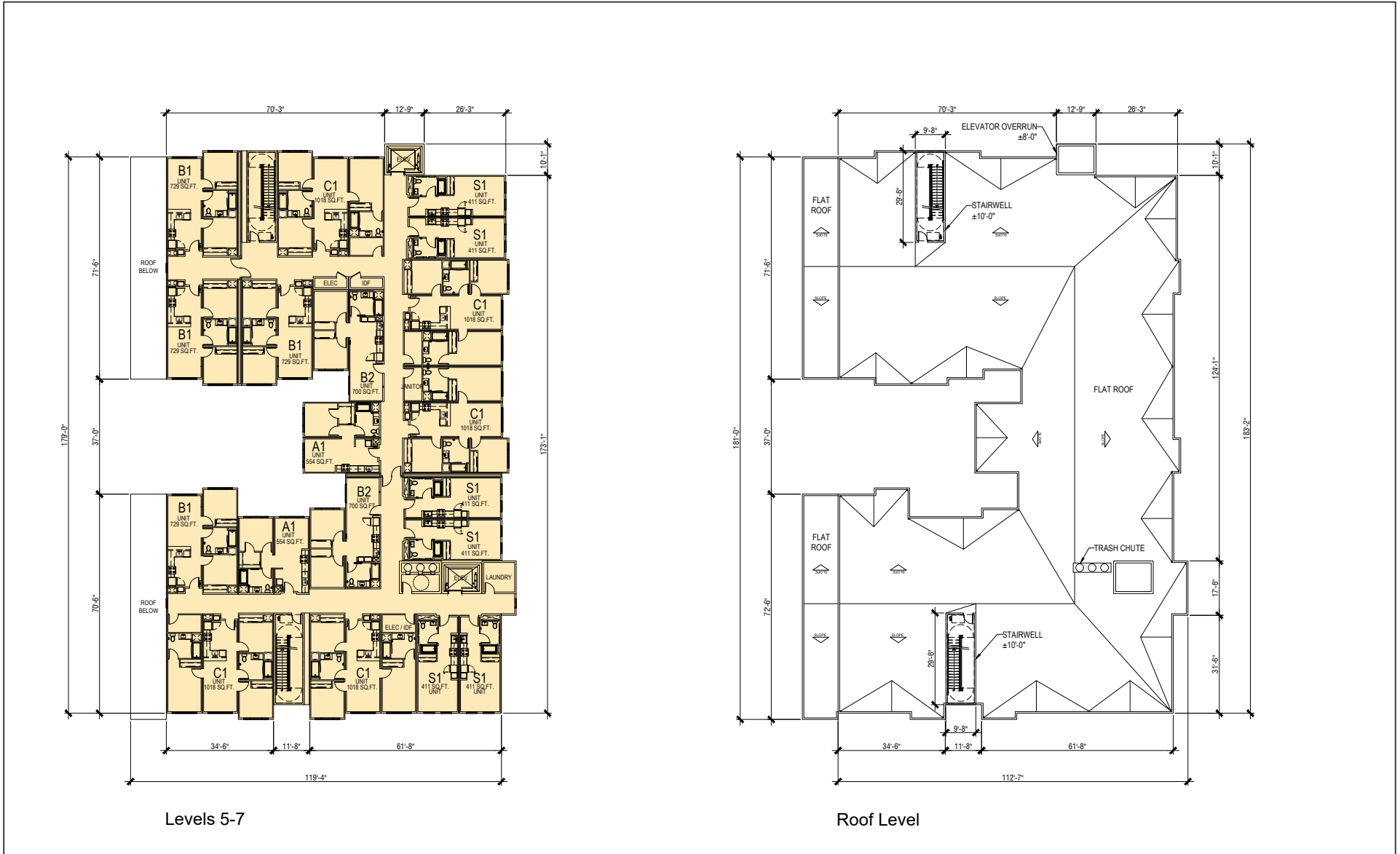
LEGEND

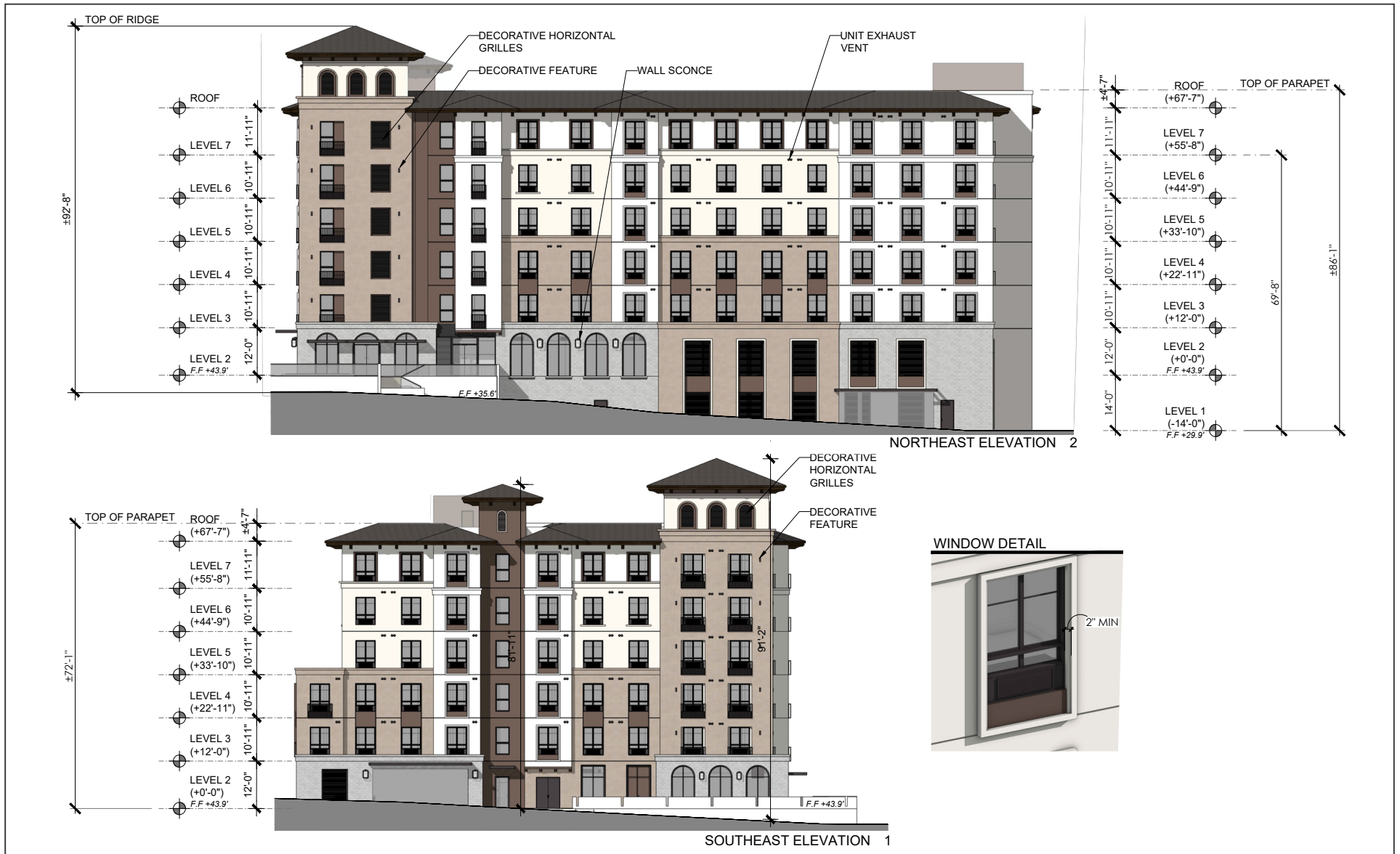
- Residential
- Residential Amenities
- Parking

FIGURE 4
Page 1 of 3

1301 Broadway Residential Project
Proposed Conceptual Floor Plans







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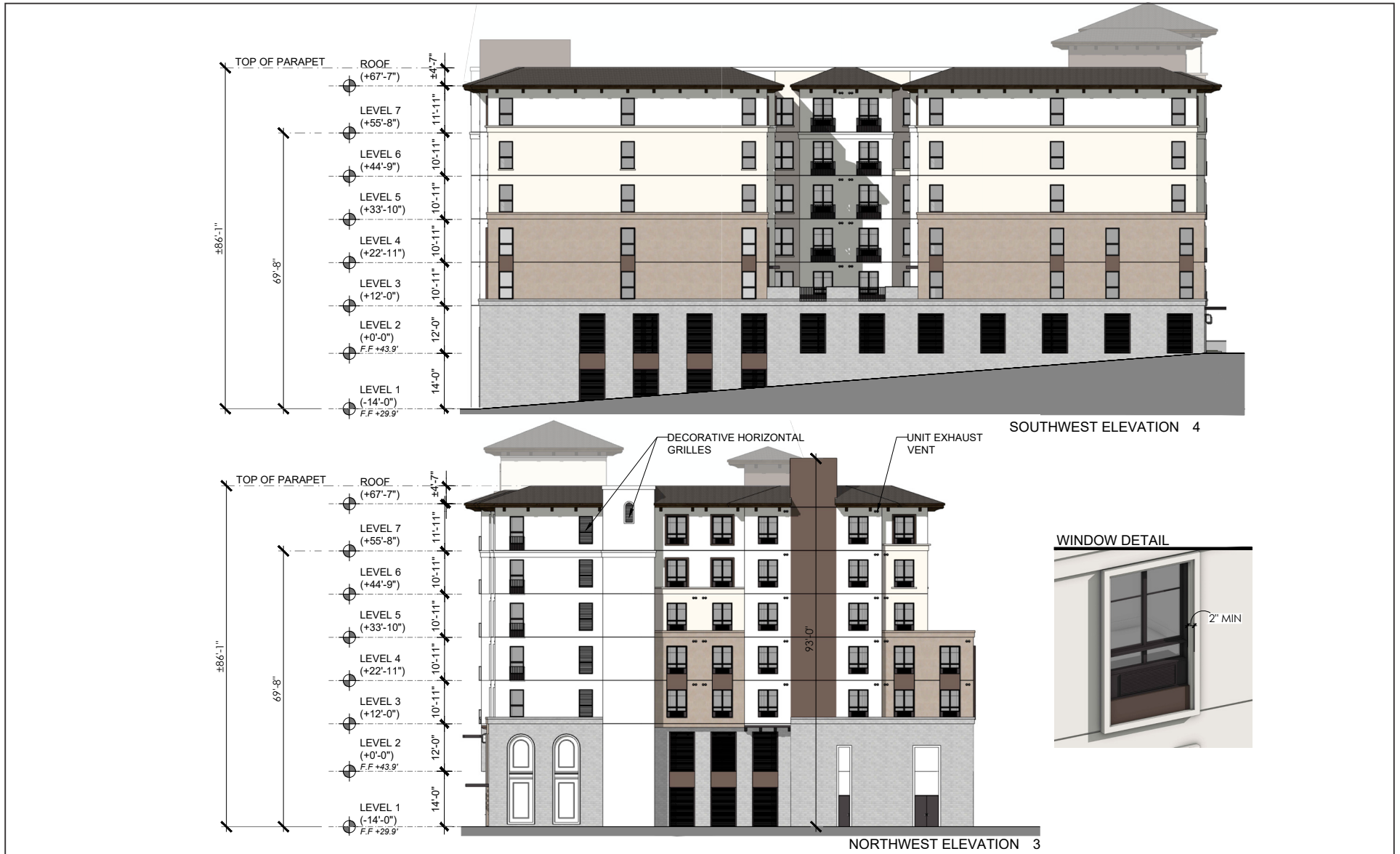
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SOURCE: AO Architecture

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FIGURE 5
Page 1 of 2

1301 Broadway Residential Project
Proposed Conceptual Building Elevations



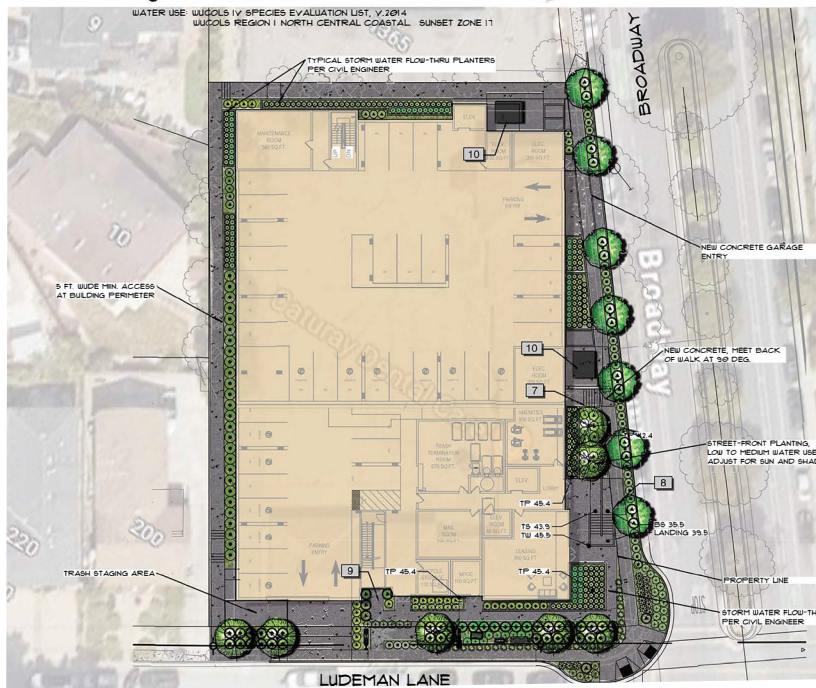
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FIGURE 5
Page 2 of 2

PLANT SCHEDULE

SYMBOL	BOTANICAL NAME	COMMON NAME	SIZE	QTY	WATER USE	MATURE HEIGHT	MATURE WIDTH
TREES							
	CERES CANADENSIS	EASTERN REDBUD	15 GAL	1	MEDIUM	15 - 25 FT. HT.	25 - 40 FT. W.
	PRINCE STREET TREE SELECTION SHALL BE CHOSEN FROM PRINCING CITY OF HILLSBORO APPROVED PLANT LIST	PRINCING SENTRY GINKGO	24"	1	MEDIUM	40 - 60 FT. HT.	15 - 25 FT. W.
SHRUBS							
	MAHONIA REPENS	CREeping OREGON GRAPE	1 GAL	50	LOW - MEDIUM	3 - 6 FT. HT.	3 - 6 FT. W.
	NANDINA DOMESTICA 'GULF STREAM'	GULF STREAM HEAVENLY BAMBOO	5 GAL	40	LOW - MEDIUM	3 - 6 FT. HT.	1 - 3 FT. W.
	PRINUS CAROLINIANA 'COMPACTA'	COMPACT CAROLINA LAUREL CHERRY	15 GAL	21	LOW - MEDIUM	6 - 10 FT. HT.	3 - 6 FT. W.
	TEUCORIUM X LUCIDORIS PROSTRATUM	GERMANDER	1 GAL	32	LOW - MEDIUM	4-6 IN. HT.	1 - 3 FT. W.
GRASSES							
	FESTUCA IDAHOENSIS 'SEKIYOU BLUE'	SEKIYOU BLUE FESCUE	1 GAL	33	VERY LOW - LOW	6 - 18 IN. HT.	1 - 3 FT. W.
	MALENERGIA CAPILLARIS 'PINK CLOUD'	PINK MULY	5 GAL	40	LOW - MEDIUM	3 - 6 FT. HT.	3 - 6 FT. W.
PERENNIALS							
	ASPIDISTRA ELATOR	CAST IRON PLANT	5 GAL	64	LOW - MEDIUM	18 - 36 IN. HT.	1 - 3 FT. W.
	DIETES IRIDIODES	FORTNIGHT LILY	5 GAL	20	LOW - MEDIUM	18 - 6" HT.	1 - 3 FT. W.
	SALVIA GREGGII 'RED'	AUTUMN SAGE	5 GAL	5	LOW - MEDIUM		
	TULBAGHIA VIOLACEA 'TRICOLOR'	TRICOLOR SOCIETY GARLIC	1 GAL	16	LOW - MEDIUM	6 - 1" HT.	1 - 3 FT. W.
	ZAUSCHNERIA CALIFORNICA	CALIFORNIA RUCHIA	5 GAL	16	VERY LOW - MEDIUM	6 - 1" HT.	1 - 3 FT. W.
STORM WATER MANAGEMENT PLANTINGS							
	ACHILLEA MILLEFOLIUM MOONSHINE	YARROW	1 GAL	64	LOW	6 - 18 IN. HT.	1 - 3 FT. W.
	CAREX BARBERAE	SANTA BARBARA SEDGE	1 GAL	161	LOW - MEDIUM	18 - 36 IN. HT.	1 - 3 FT. W.

WATER USE: WUCOLS IV SPECIES EVALUATION LIST, V.2014
WUCOLS REGION I NORTH CENTRAL COASTAL, SUNSET ZONE 11



GENERAL NOTES:

- THE LANDSCAPE PLANS WILL COMPLY WITH THE REQUIREMENTS OF THE MODEL WATER EFFICIENT LANDSCAPE ORDINANCE (MELCO)
- ELEMENTS OF THE LANDSCAPE DOCUMENTATION PACKAGE
 - THE LANDSCAPE DOCUMENTATION PACKAGE SHALL INCLUDE THE FOLLOWING SIX (6) ELEMENTS
 - DATE
 - PROJECT APPLICANT
 - PROJECT ADDRESS (IF AVAILABLE, PARCEL AND/OR LOT NUMBER(S))
 - TOTAL LANDSCAPE AREA (SQUARE FEET)
 - PROJECT TYPE (E.G., NEW, REHABILITATED, PUBLIC, PRIVATE, CEMETERY, HOUSING, INSTALLED)
 - WATER SUPPLY (TIE, RECYCLED, WELL) AND IDENTIFY THE LOCAL RETAIL WATER PURVEYOR IF THE APPLICANT IS NOT SERVED BY A PRIVATE WELL
 - CHECKLIST OF ALL DOCUMENTS IN LANDSCAPE DOCUMENTATION PACKAGE
 - PROJECT CONTACTS TO INCLUDE CONTACT INFORMATION FOR THE PROJECT APPLICANT AND PROPERTY OWNER
 - APPLICANT SIGNATURE AND DATE WITH STATEMENT: "I AGREE TO COMPLY WITH THE REQUIREMENTS OF THE WATER EFFICIENT LANDSCAPE ORDINANCE AND SUBMIT A COMPLETE LANDSCAPE DOCUMENTATION PACKAGE"
 - WATER EFFICIENT LANDSCAPE WORKSHEET:
 - HYDRO ZONE INFORMATION TABLE
 - WATER BUDGET CALCULATIONS
 - MAINTENANCE APPLIED WATER ALLOCATION (ET_{AW})
 - ESTIMATED TOTAL WATER USE (ET_{TOTAL})
 - SOIL MANAGEMENT REPORT
 - LANDSCAPE DESIGN PLAN
 - IRRIGATION DESIGN PLAN AND
 - GRADING DESIGN PLAN

"THIS PLAN WILL COMPLY WITH THE REQUIREMENTS OF THE CITY OF OAKLAND MUNICIPAL CODE AND STATE WATER CONSERVATION ORDINANCES."

PLANTING NOTES:

- PLACE 3" DEPTH 2" SONOMA GOLD CRUSHED ROCK OVER LANDSCAPE FABRIC UNDER STAIRWAYS AND UTILITY ACCESS AREAS. INSTALL PERMANENT CLEAN LINE 3" X 4" ALUMINUM EDGING WITH HILL FINISH (H/F) BETWEEN CRUSHED ROCK AND ADJACENT SHRUB BED.
- PLACE 2" X 2" SIZE RIVER WASHED COBBLE OVER LANDSCAPE FABRIC WHERE INDICATED.
- INSTALL PERMALOG CLEAN LINE 3" X 4" ALUMINUM EDGING WITH HILL FINISH (H/F) BETWEEN ROCK, LAWN AND ADJACENT SHRUB BEDS. STAKE AT EVERY PREPARED LOOP WITH 12" STAKES SUPPLIED FROM MANUFACTURER WITH PRODUCT.
- PLACE A 12" WIDE BAND OF 2" X 3" SIZE COBBLE OVER LANDSCAPE FABRIC AROUND THE PERIMETER OF BIO-RETENTION AREAS AND VEGETATED SWALES TO INTERCEPT DEBRIS PRIOR TO ENTERING INTO THE FILTRATION AREA. NO EDGING REQUIRED.
- SOIL PREPARATION AND AMENDING
 - AFTER ROUGH GRADING OPERATIONS, THE CONTRACTOR IS RESPONSIBLE FOR OBTAINING A SOILS REPORT THAT PROVIDES AN ANALYSIS OF THE EXISTING SOIL THAT STATES WHAT SOIL AMENDMENTS ARE REQUIRED FOR OPTIMUM PLANTING GROWTH. THE CONTRACTOR SHALL INCORPORATE THE RECOMMENDED QUANTITIES BY THOROUGHLY CULTIVATING ALL PLANTING AREAS TO A DEPTH OF EIGHT (8) INCHES. ROUGH FINISH GRADE ALL AREAS.
- BROADCAST THE FOLLOWING SOIL AMENDMENTS QUANTITIES GIVEN ARE PER 1,000 SQUARE FEET OF AREA
 - NITROGEN STABILIZED AND IRON FORTIFIED COMPOST PER SOIL ANALYSIS RECOMMENDATIONS, OR 4 CY FOR BIO PURPOSES
 - PELLETIZED FERTILIZER (9-9-9) 10LBS, OR AS PER SOIL ANALYSIS RECOMMENDATIONS
 - SOIL SULFUR PER SOIL ANALYSIS RECOMMENDATIONS
 - GYPSUM 100 LBS
- CULTIVATE AND THOROUGHLY INCORPORATE THE AMENDMENTS INTO THE TOP EIGHT (8) INCHES OF SOIL.
- DE-ROCK AREA TO BE PLANTED BY USING A MECHANICAL ROCK PICKER. ALL ROCKS LARGER THAN 1 INCH IN DIAMETER ARE TO BE REMOVED.
- INSTALL WEED BARRIER FILTER FABRIC OVER DRAIN IRRIGATION COMPONENTS. MANUFACTURED OF POLYPROPYLENE, 20 IN. THICKNESS, AND 2.5 OUNCES PER SQUARE YARD. DENSITY PRO-5, OR EQUAL. SECURE FABRIC SEGMENTS, TO SOIL WITH 6" X 6" STEEL U- SHAPE PINS. OVERLAP ADJACENT FABRIC SEGMENTS A MINIMUM OF SIX (6) INCHES AND SECURE WITH PINS AT TWENTY FOUR (24) INCHES ON CENTER.
- INSTALL 3" DEPTH RIVER BARK MULCH OVER THE FILTER FABRIC ON ALL SHRUB AND GROUND COVER PLANTING AREAS. BARK MULCH SHALL BE GOOD RESIDUAL DERIVED AND MANUFACTURED FROM PINE, WHITE AND/OR RED FIR TREE BARK. THE MATERIAL SHALL BE EQUAL TO THAT REFERRED TO AS WALK ON BARK IN THE TRADE.

REFERENCE NOTES SCHEDULE

SYMBOL	DESCRIPTION
	PEDESTAL PAVEMENT SYSTEM 12" X 24" MUTUAL MATERIALS VANCOUVER BAY SERIES COLOR LATITE, OVER 3/8" PEDESTAL SYSTEM, REFER TO THE ARCH DOWNS
	PLAYGROUND AREA FOR 2-5 YEAR OLD CHILDREN, WITH FOLDED IN PLACE RUBBER FALL ZONE MATERIAL
	PICNIC TABLE - 6' RECTANGLE 'LINE #H-2128' BLACK COLOR
	42" HIGH RAILING
	BENCH - 6' WITH BACK 'LINE #H-2234' BLACK COLOR
	PLACE 4-6" SIZE WASHED COBBLE BETWEEN THE FACE OF BUILDING FOUNDATION AND CMU WALL
	CMU PLANTER
	STARS WITH CMU WALLS
	CONCRETE WALK WAY
	ELECTRICAL TRANSFORMER LOCATION

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SOURCE: AO Architecture

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FIGURE 6

1301 Broadway Residential Project
Proposed Conceptual Landscape Plans

2.0 EVALUATION OF CLASS 32 (IN-FILL) EXEMPTION CRITERIA

Section 21084 of the Public Resources Code requires the *CEQA Guidelines* to include a list of classes of projects which have been determined not to have a significant effect on the environment and which shall, therefore, be exempt from environmental review pursuant to CEQA. In response to that mandate, the Secretary for Natural Resources identified various classes of projects in the *CEQA Guidelines* that do not have a significant effect on the environment to be categorically exempt. Class 32 (Section 15332 of the *CEQA Guidelines*) consists of projects characterized as in-fill development meeting the conditions described in this section. The analysis below concludes, based on substantial evidence, that the project qualifies for a categorical exemption under CEQA Guidelines Section 15332 and, as a result, would not have a significant effect on the environment. In addition, the analysis shows that none of the exceptions identified in CEQA Guidelines Section 15300.2 apply; therefore, the proposed project is categorically exempt from CEQA review.

(a) The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations.

The City of Millbrae 2040 General Plan designates the project site as General Commercial, which provides for a full range of retail commercial uses including apparel and accessory stores, food stores, banks, personal and professional services, hospitals, offices, large format retail stores, eating and drinking establishments, multi-family residential uses, hotels, and outdoor sales.¹ The General Commercial land use designation allows a maximum floor area ratio (FAR) of 3.0. The City of Millbrae Zoning Map identifies the project site as Commercial (C).² The purpose of the C district is to provide for general commercial uses which do not necessarily specialize in serving the pedestrian shopper, but rather, because of the character of their products or services, are more appropriately, although not exclusively, located along major thoroughfares away from more centralized shopping areas. Multiple-family dwellings are allowed in the C district as a conditional use and C zoning has no FAR limit.

Since the proposed project consists of a 97-unit, 125,766 square-foot multi-family residential building, the project would be consistent with the allowable uses of the General Commercial land use designation and the C zoning district, which both allow multi-family residential uses. Table A lists the applicable development standards from Section 10.05.1020 of the City's Municipal Code required for all development within the C district and summarizes the proposed project's consistency with these standards. Due to the affordable units provided, the proposed project is eligible for a density bonus per the Density Bonus Law (Gov. Code Sections 65915 - 65918) and is therefore allowed to request waivers that permit the project applicant to reduce or modify applicable development standards and other regulations. Per the Density Bonus Law, there is no limit in the number of waivers an applicant can request and applicants are entitled to a waiver of any and all development standards that would physically preclude the development at the density

¹ City of Millbrae. 2022a. *City of Millbrae 2040 General Plan Policy Document*. December. <https://www.ci.millbrae.ca.us/DocumentCenter/View/1374/Millbrae-2040-General-Plan> (accessed July 16, 2024).

² City of Millbrae. 2022b. *Official City of Millbrae Zoning Map*. December. <https://www.ci.millbrae.ca.us/DocumentCenter/View/575/Zoning-Map-PDF> (accessed July 16, 2024).

permitted and with the incentive(s) granted. [Gov. Code Section 65915(e)(1) and Section 65915(e)(2)]. The project applicant is requesting a 75 percent density bonus and the proposed project would require waivers for setbacks, parking, parking garage entrance, and height limit requirement.

The project site is located within the Airport Influence Area B of the San Francisco International Airport and would be subject to the Airport Land Use Compatibility Plan for the environs of San Francisco International Airport (ALUCP).³ Table B lists the applicable standards and requirements related to consistency with the ALUCP and summarizes the proposed project's consistency with these standards.

Table A: Project Consistency with the City of Millbrae Code of Ordinances, Section 10.05.1020 Development Standards

Standard	Consistency Analysis
Minimum lot width: 25 feet	Consistent. The project site is approximately 150 feet x 200 feet wide.
Minimum lot area: 2,500 square feet	Consistent. The project site is 0.68 acres or 29,620 square feet.
Maximum lot coverage: 100 percent	Consistent. Lot coverage of the proposed project would be approximately 74 percent.
Maximum FAR: No limit	Consistent. The project proposes a FAR of 4.25.
Maximum structure height: 40 feet <ul style="list-style-type: none"> Height exceptions may be granted by the planning commission in the manner provided in Article XXV of this chapter for any building erected to a height exceeding the maximums specified; provided, that the cubic volume of the building shall not be increased beyond that possible for a building erected within the height limits specified. All other structures exceeding the maximum allowable height shall require a variance. 	Consistent with waiver. The proposed structure would be 93 feet tall. However, the applicant is requesting a 75 percent density bonus and would require a waiver for the building height limit requirement as allowed by the Density Bonus Law.

³ City/County Association of Governments of San Mateo County, 2012. *Comprehensive Airport Land Use Compatibility Plan for the Environs of San Francisco International Airport*. November. Website: https://ccag.ca.gov/wp-content/uploads/2014/10/Consolidated_CCAG_ALUCP_November-20121.pdf (accessed August 12, 2024).
8/14/24 P:\CMB1901.08 Millbrae 1301 Broadway\Products\CE\1301 Broadway Project Categorical Exemption Memo.docx

Airport Land Use Compatibility Plan Consistency. All projects must comply with the requirements of the airport land use compatibility plan, including airport real estate disclosure notices, airport noise evaluation and mitigation, aviation easement, safety compatibility evaluation, and airspace protection evaluation.	Consistent. The proposed project would comply with the requirements of the ALUCP, as further analyzed in Table B below.
Front setback: none, but 10 feet when adjacent to an alley or any "R" District	Consistent with waiver. A front setback of 10 feet would be required and the proposed project would provide a front setback of 9 feet, 6 inches along Ludeman Lane, which would be the project frontage.
Side setback: none, but 10 feet when adjacent to an alley or any "R" District	Consistent with waiver. A side setback of zero feet would be required along Broadway and the proposed project would provide a side setback of 2 feet and 5 inches along. A side setback of 10 feet would be required along the northern property line and the proposed project would provide a side setback of 7 feet, 11 inches along the northern property line. However, the Applicant is requesting a 75 percent density bonus and would require a waiver for setbacks as allowed by the Density Bonus Law.
Rear setback: none, but 10 feet when adjacent to an alley or any "R" District	Consistent with waiver. A rear setback of 10 feet would be required and the proposed project would provide a rear setback of 10 feet along the western property line.
Residential garage entrances fronting on any exterior lot line shall be located not less than twenty-five feet from said line, except for alley frontages where the setback may be less than twenty feet; provided, that adequate vehicular maneuvering area is available	Consistent with waiver. The proposed residential garage entrances would be located less than twenty-five feet from exterior lot lines. However, the applicant is requesting a 75 percent density bonus and would require a waiver for parking garage entrance location as allowed by the Density Bonus Law.
Minimum off-street parking: 1.5 garage spaces per unit	Consistent with waiver. The proposed project would provide 63 parking stalls, which is fewer than the 146 parking spaces required. However, the applicant is requesting a 75 percent density bonus and would require a waiver for parking as allowed by the Density Bonus Law.
Any change in use within an existing building or site, or portion thereof, where total available on-site parking would be less than fifty percent of the total parking required for the building or site shall first be required to obtain approval of a conditional use permit from the planning commission	Consistent. The proposed project would provide less than 50 percent of the total parking required; however, the proposed project would be required to obtain a Conditional Use Permit from the Planning Commission.

Source: City of Millbrae. *Millbrae Municipal Code, Title 10 Planning and Zoning, Chapter 10.05 Zoning, Section 10.05.1020 Development standards.* <https://www.codepublishing.com/CA/Millbrae/#!/Millbrae10/Millbrae1005.html#10.05.1000> (Accessed July 16, 2024).

**Table B: Project Consistency with the City of Millbrae Code of Ordinances, Article XVI. Airport
Land Use Compatibility Plan Consistency**

Standard	Consistency Analysis
<p>Airport Real Estate Disclosure Notices. All new development is required to comply with the real estate disclosure requirements of state law (California Business and Professions Code Section 11010(b)(13)). The following statement must be included in the notice of intention to offer the property for sale or lease: "Notice of Airport in Vicinity. This property is presently located in the vicinity of an airport, within what is known as an airport influence area. For that reason, the property may be subject to some of the annoyances or inconveniences associated with proximity to airport operations (for example: noise, vibration, or odors). Individual sensitivities to those annoyances can vary from person to person. You may wish to consider what airport annoyances, if any, are associated with the property before you complete your purchase and determine whether they are acceptable to you."</p>	<p>Consistent. The proposed project would comply with the real estate disclosure requirements of State law and would include the required statement in the notice of intention to offer the property for sale or lease.</p>
<p>Airport Noise Evaluation and Mitigation. All projects shall comply with the noise compatibility policies of the ALUCP. Uses shall be reviewed per the noise/land use compatibility criteria listed in Table IV-1 of the ALUCP. Uses listed as "conditionally compatible" shall be required to mitigate impacts to comply with the interior (CNEL 45 dB or lower, unless otherwise stated) and exterior noise standards established by the ALUCP or Millbrae general plan, whichever is more restrictive. Unless otherwise precluded by state law, all projects shall be consistent with ALUCP Policy NP-4, Residential Uses Within CNEL 70 dB Contour.</p>	<p>Consistent. The proposed project would comply with the noise compatibility policies of the ALUCP. The project site is not located within a Community Noise Equivalent Level (CNEL) contour.</p>
<p>Avigation Easement. Any action that would either permit or result in the development or construction of a land use considered to be conditionally compatible with aircraft noise of CNEL 65 dB or greater (as mapped in the ALUCP) shall include the grant of an avigation easement to the city and county of San Francisco prior to issuance of a building permit(s) for any proposed buildings or structures, consistent with ALUCP Policy NP-3, Grant of Avigation Easement.</p>	<p>Not Applicable. The proposed project would not permit or result in the development or construction of a land use considered to be conditionally compatible with aircraft noise of CNEL 65 dB or greater. The project site is not located within a CNEL contour.</p>

<p>Safety Compatibility Evaluation. All uses must comply with safety compatibility policies of the ALUCP. Project applicants shall be required to evaluate potential safety issues if the property is located within any of the safety compatibility zones established in ALUCP Policy SP-1 and depicted in Exhibit IV-7 of the ALUCP. All projects located within a safety compatibility zone shall be required to determine if the proposed land use is compatible with the safety compatibility land use criteria as noted in ALUCP Policy SP-2 and listed in Table IV-2 of the ALUCP.</p>	<p>Not Applicable. The project site is not located within any of the safety compatibility zones established in ALUCP Policy SP-1 and depicted in Exhibit IV-7 of the ALUCP.</p>
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Airspace Protection Evaluation. All projects shall comply with airspace protection policies of the ALUCP.

- Notice of Proposed Construction or Alteration. Project applicants shall be required to file Form 7460-1, Notice of Proposed Construction or Alteration, with the Federal Aviation Administration (FAA) for any proposed new structure and/or alterations to existing structures (including ancillary antennas, mechanical equipment, and other appurtenances) that would exceed the FAA notification heights as depicted in ALUCP Exhibit IV-12. Any project that would exceed the FAA notification heights shall submit a copy of the findings of the FAA's aeronautical study, or evidence demonstrating exemption from having to file FAA Form 7460-1, as part of the development permit application. Temporary cranes or other equipment used to construct or modify a structure which are taller than the structure itself must be submitted as separate Form 7460-1 cases.
- Maximum Compatible Building Height. No structure may exceed the lower of either (a) the maximum height determined by the FAA to not be a hazard to air navigation, or (b) the height shown on the SFO ALUCP Critical Aeronautical Surfaces map. Building heights must receive a determination of no hazard from the FAA. For avoidance of doubt, the lower of the two heights identified by the ALUCP and the FAA shall be the controlling maximum height.
- Other Flight Hazards. Within Airport Influence Area (AIA) B, certain land use characteristics are recognized as hazards to air navigation and, per ALUCP Policy AP-4, need to be evaluated to ensure compatibility with FAA rules and regulations. These characteristics include the following:
 - Sources of glare, such as highly reflective buildings, building features, or bright lights including search lights, or laser displays, which would interfere with the vision of pilots in command of an aircraft in flight.
 - Distracting lights that could be mistaken for airport identification lightings, runway edge lighting, runway end identification lighting, or runway approach lighting.
 - Sources of dust, smoke, water vapor, or steam that may impair the visibility of a pilot in command of an aircraft in flight.
 - Sources of electrical/electronic interference with aircraft communications/navigation equipment.

Consistent. The proposed project would comply with airspace protection policies of the ALUCP. If required, a Form 7460-1, Notice of Proposed Construction or Alteration, shall be filed with the FAA. The proposed project would not exceed the height shown on the SFO ALUCP Critical Aeronautical Surfaces map, which is defined as 100-150 feet above ground level at the project site. The project site is located within AIA B and would not include the following characteristics: sources of glare; distracting lights; sources of dust, smoke, water vapor, or steam; sources of electrical/electronic interference; uses that produce thermal plumes; or uses that create an increased attraction for wildlife.

<ul style="list-style-type: none"> ○ Land uses that, as a regular byproduct of their operations, produce thermal plumes with the potential to rise high enough and at sufficient velocities to interfere with the control of aircraft in flight. Upward velocities of 4.3 meters (14.1 feet) per second at altitudes above two hundred feet above the ground shall be considered as potentially interfering with the control of aircraft in flight. ○ Any use that creates an increased attraction for wildlife, particularly large flocks of birds, that is inconsistent with FAA rules and regulations, including but not limited to FAA rules and regulations, including but not limited to FAA Order 5200.5A, Waste Disposal Site on or Near Airports, and FAA Advisory Circular 150/5200-33B, Hazardous Wildlife Attractants on or Near Airports, and any successor or replacement orders or advisory circulars. (Ord. 800, § 14). 	
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Source: City of Millbrae. *Millbrae Municipal Code, Title 10 Planning and Zoning, Chapter 10.05 Zoning, Article XVI. Airport Land Use Compatibility Plan Consistency, Section 10.05.1600 Application.*
<https://www.codepublishing.com/CA/Millbrae/#!/Millbrae10/Millbrae1005.html#10.05.1600> (Accessed July 16, 2024).

Since the proposed project consists of a 97-unit, 125,766 square-foot multi-family residential building, the project would be consistent with the allowable uses of the General Commercial land use designation and the C zoning district, which both allow multi-family residential uses. As shown in Table A, with approval of the requested waivers, the proposed project would be consistent upon approval of waivers with the majority of the development standards allowed in the C zone. Since the project includes affordable units the project applicant is allowed to request waivers that would permit the project to reduce or modify applicable development standards and other regulations as allowed by the Density Bonus Law (Gov. Code Sections 65915 - 65918). The project site is located within the Airport Influence Area B of the San Francisco International Airport and would be consistent with the applicable requirements of the ALUCP as shown in Table B. Therefore, the proposed project is consistent with the City's General Plan land use designation and zoning designation and is therefore consistent with Section 15332(a) of the CEQA Guidelines.

(b) The proposed development occurs within City limits on a project site of no more than five acres substantially surrounded by urban uses.

The project site is approximately 0.68 acres within the City of Millbrae (APN 021276330) and is bound by Broadway and multi-family residential uses to the north, Broadway to the east, Ludeman Lane to the south, and duplex and single-family residential uses to the west. As shown in Figure 2, the 0.68-acre project site is substantially surrounded by urban uses and is therefore consistent with Section 15332(b) of the CEQA Guidelines.

(c) The project site has no value as habitat for endangered, rare, or threatened species.

The project site is currently developed with an approximately 7,600-gross-square-foot single-story professional office building and associated surface parking lot and landscaping including approximately 17 mature trees. The project site is near the downtown area of Millbrae, which is fully developed and not known to support habitat for any special-status species. Land within the City largely consists of developed areas that are generally devoid of natural vegetation, consisting of approximately 80 percent paved areas and structures and 19 percent developed landscaping, which do not offer high quality or suitable habitat for sensitive species.⁴ Therefore, the vegetation onsite does not contribute to ecological communities that support habitat for endangered, rare, or threatened species. Since the project site is an infill site substantially surrounded by commercial and residential uses, the site does not provide a connection to substantial open space or habitat suitable to support endangered, rare, or threatened species. The project site does not include any large trees or abandoned structures that could provide suitable roosting habitat for special-status bat species. Although the project would require the removal of existing vegetation on the project site, including 17 trees, the applicant would plant 14 new trees and the proposed project would be subject to the following conditions of approval from the City's Stand Environmental Development Project Conditions of Approval document which would prevent impacts to nesting birds:

- **Avoid Disturbance of Nesting Birds:** Vegetation removal and initial ground-disturbance activities should be initiated during the non-nesting season for migratory nesting birds from September 1 to January 31. If work cannot be initiated during this period, a nesting bird survey should be performed by a qualified biologist for species protected by the Migratory Bird Treaty Act and California Fish and Game Code within a 250-foot radius of proposed construction activities for nesting birds, no more than 10 days prior to the start of construction activities. If active nests are found, a no-disturbance buffer should be placed around the nest until young birds have fledged or the nest is determined to be no longer active by the qualified biologist. The size of the buffer shall be determined by the biologist based on species and proximity to activities and may be reduced at the discretion of the qualified biologist. Active nests shall be monitored periodically to determine time of fledging.

When Required: Prior to the first permit to be issued and at all times during the construction phase of the project

Conformance Approval: Community Development Department (Planning Division)

Monitoring/Inspection Responsible Party: Community Development Department (Building Division).

⁴ City of Millbrae, 2022c. *2024 General Plan + Downtown and El Camio Real Specific Plan. Draft Environmental Impact Report State Clearinghouse #:* 2021120052. July 15.

Given the above, the project site has no value as habitat for endangered, rare, or threatened species and would not result in impact to these resources. Therefore, the project is consistent with CEQA Guidelines Section 15332(c).

(d) Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality.

The following includes an analysis of the project's effects on traffic, noise, air quality, and water quality.

Traffic:

Trip Generation. Trip generation is the process of estimating the number of vehicles that would likely access the project site. Project trip generation was calculated for the following three time periods: daily, AM peak hour, and PM peak hour. Trips were generated using trip rates from the Institute of Transportation Engineers (ITE). The ITE trip rates for Land Use Code 223 (Affordable Housing – Income Limits) were used to estimate the trips for the proposed project of 97 affordable housing units. As shown in Table C, the proposed project is expected to generate 467 daily trips, 35 AM peak-hour trips, and 44 PM peak-hour trips. The site is currently by a 7,600-square-foot professional office building. Existing trips for the project site were estimated by applying ITE trip rates for Land Use Code 712 (Small Office Building). As shown in Table C, the existing office uses generate approximately 109 daily trips, 12 AM peak-hour trips, and 17 PM peak-hour trips. Therefore, the net trip generation is 358 daily trips, including 23 AM peak-hour trips and 27 PM peak-hour trips.

Table C: Project Trip Generation Estimate

Land Use	Size	Unit	Daily	AM Trips			PM Trips		
				In	Out	Total	In	Out	Total
Trip Rates ¹									
Affordable Housing		du	4.81	0.10	0.26	0.36	0.27	0.19	0.46
Small Office		tsf	14.39	1.37	0.30	1.67	0.73	1.43	2.16
Project Trip Generation									
Affordable Housing	97	du	467	10	25	35	26	18	44
Existing Trip Generation									
Small Office	7.600	tsf	109	10	2	12	6	11	17
Net Trips (Project – Existing)			358	0	23	23	20	7	27

¹ Trip rates from the Institute of Transportation Engineers (ITE) *Trip Generation Manual*, 11th Edition (2021)

Land Use Code 223 – Affordable Housing – Income Limits

Land Use Code 712 – Small Office Building – Less than or equal to 10,000 square feet

du = dwelling unit

tsf = thousand square feet

Vehicle Miles Traveled. The City's Vehicle Miles Traveled (VMT) Thresholds and Screening Policy adopted by the City Council on January 23, 2024 establishes a presumption of less than significant

VMT impacts related to qualifying land use projects.⁵ Under Senate Bill (SB) 743, it is assumed that some types of land use projects can be exempt from a Transportation Impact Analysis (TIA) based on project characteristics that contribute to an inherently less than significant impact on VMT. A project only needs to meet one of four screening criteria to “screen out” of the requirement to complete a TIA under CEQA:

- **Small Projects:** The project is small, and generates fewer than 110 daily vehicle trips
- **Map Based Screening in areas with low VMT:** For Residential and Office projects located in an area where existing VMT per capita meets the VMT thresholds (e.g., 15% below existing rates of VMT if that threshold is selected)
- **Affordable Residential Development:** The project consists of 100 percent (100%) affordable housing in infill locations.
- **Projects Located Near Transit:** The project is located within ½ mile of high-quality transit (either a rail station, or a bus stop with service at least every 15 minutes during the AM and PM peak periods)

The project site is not considered a small project because the project would generate 358 net daily trips, the project site is not located in a pre-screened area that has been determined to result in 15 percent or below the regional average for VMT per capita, and the project site is not within ½ mile of a high-quality transit corridor. However, the proposed project is 100 percent affordable. The proposed project would provide 97 affordable housing units, exclusive of a manager’s unit or units, based on the San Mateo County median income levels (adjusted for family size). Therefore, the proposed project would meet the screening criteria of an Affordable Residential Development, and it can be presumed that the proposed project would have a less than significant impact on VMT.

Roadway Segments. As the Congestion Management Agency for San Mateo County, the City/County Association of Governments is responsible for maintaining the performance and standards of the Congestion Management Program (CMP). Per CMP technical guidelines, all new developments that are estimated to add at least 100 net peak-hour trips to the CMP roadway network are required to implement Travel Demand Management (TDM) measures in accordance with the City/County Association of Governments CMP checklist. Given that the project is expected to add fewer than 100 net peak-hour trips to the CMP roadway network, implementation of TDM measures is not required. Accordingly, the project would result in less-than-significant impacts on roadway segments.

Access and Circulation. The project site would be accessed via two new 24-foot-wide driveways along Broadway and Ludeman Lane would provide access to the proposed parking spaces. The driveway along Broadway would be street-level and would serve as an entry and exit point providing access to 26 parking stalls on the first level of the proposed building. The driveway on Ludeman Lane

⁵ City of Millbrae, 2024. *City of Millbrae Vehicle Miles Traveled (VMT) Thresholds and Screening Policy*. January 23. Website: <https://ci.millbrae.ca.us/DocumentCenter/View/1842/Millbrae-VMT-Policy>
8/14/24 P:\CMB1901.08 Millbrae 1301 Broadway\Products\CE\1301 Broadway Project Categorical Exemption Memo.docx

would be street level and would serve as an entry and exit point providing access to 37 parking stalls on the second level of the proposed building. The design, construction, and maintenance of project access locations would comply with the City's Municipal Code and would meet all emergency access standards. The proposed project would not modify the existing roadway network such that it would result in a change in the access for emergency vehicles to or adjacent to the project site. Furthermore, the proposed project would not alter or block adjacent roadways and implementation of the proposed project would not be expected to impair the function of nearby emergency evacuation routes.

Transit and Bicycle and Pedestrian Facilities. Public transit is provided via SamTrans bus route ECR with multiple bus stops along El Camino Real. The nearest bus stop to the project site is approximately 0.1 mile southeast of the project site along El Camino Real and Center Street. Additionally, the Millbrae Bay Area Rapid Transit (BART) station is approximately 1 mile southeast of the project site. SamTrans Route ECR currently has ample capacity, and it is unlikely that the project riders would exceed capacity for the transit services and facilities that serve the area. Furthermore, the Governor's Office of Planning and Research Technical Advisory states that lead agencies should not treat the addition of new transit users as an adverse impact. Development of the project site would not conflict with any program, plan, ordinance, or policy designed to promote or enhance the City's transit facilities. Rather, the development of affordable multi-family housing near the downtown area would provide opportunity for residents to more readily use alternative means of travel including transit use, bicycling, and walking consistent with the Goals and Policies of the City's General Plan *Mobility Element*. Additionally, the proposed project would include two motorcycle parking stalls and seven bicycle parking stalls to support alternative means of transportation. The project would not remove any pedestrian or bicycle facilities or conflict with any adopted plans or policies for new pedestrian or bicycle facilities.

The proposed project addresses key issues and implements policies of the General Plan that reduce vehicle miles traveled without generating a substantial increase in vehicle trips in accordance with the City's *VTM Thresholds and Screening Policy* adopted by the City Council on January 23, 2024. Therefore, the project would not result in any significant effects relating to traffic pursuant to Section 15332(d) of the *CEQA Guidelines*.

Noise:

Construction. As discussed in Section 1.0, Project Description and Existing Setting, construction of the proposed project would occur over an approximately 24-month period. Construction of the proposed project would temporarily increase noise levels at nearby noise-sensitive receptors, including residential uses immediately adjacent to the project site to the north and west. Construction activities would generate noise from phases such as demolition, site preparation, grading, building construction, and paving activities. Construction noise would typically be higher during the more equipment-intensive phases of initial construction (i.e., demolition, site preparation, and grading work) and would be lower during the later construction phases (i.e., building construction and paving).

The proposed project would be subject to the following section of the Millbrae Municipal Code:

- **Section 9.05.040:** Hours of construction. The hours of noise generating construction activity shall be limited to the hours of 7:30 AM to 7:00 PM Monday through Friday, 8:00 AM to 6:00 PM Saturdays and 9:00 AM to 6:00 PM on Sundays and Holidays. Work outside of these hours may be approved by the Building Official when requested, in writing, a minimum of 48 hours in advance

Additionally, the proposed project would be subject to the following conditions of approval from the City's Stand Environmental Development Project Conditions of Approval document:

- **Construction Days/Hours:** For all projects involving construction, the applicant shall comply with the following restrictions concerning construction days and hours:

Construction activities include, but are not limited to, truck idling, moving equipment or materials, deliveries, and construction meetings held on-site in a non-enclosed area.

- a. Construction activities are limited to between 7:30 a.m. and 7:00 p.m. Monday through Friday.
- b. Construction activities are limited to between 8:00 a.m. and 6:00 p.m. on Saturdays.
- c. Construction activities are limited to between 9:00 a.m. and 6:00 p.m. on Sundays and federal holidays.

In order to proceed with instances of nighttime construction activities for projects, the Project Sponsor must obtain approval from the City Building Official to conduct work outside of the standard daytime hours noted above. Work outside of these hours may be approved by the Building Official when requested, in writing, a minimum of 48 hours in advance. If approval is not received, nighttime construction shall not occur.

When Required: At all times during the construction phase of the project. Approval for nighttime construction shall be submitted to the Building Official with a minimum of 48 hours in advance

Conformance Approval: Community Development Department (Building Division)

Monitoring/Inspection Responsible Party: Community Development Department (Building Division)

- **Construction Best Management Noise Practices:** For all projects involving construction, the following conditions of approval indicate best management practices to be implemented by the applicant during project construction:
 - a. All construction equipment and vehicles shall utilize the best available noise control techniques (e.g., manufacturer-approved mufflers, equipment redesign,

use of intake silencers, ducts, engine enclosures, and noise-attenuating shields or shrouds), wherever feasible.

- b. All mobile or fixed construction equipment that is regulated for noise output by a governmental agency shall comply with such regulation.
- c. Prohibit unnecessary idling of internal combustion engines.
- d. All construction equipment shall be operated only when necessary and shall be switched off when not in use.
- e. Locate stationary noise-generating equipment as far as possible from sensitive receptors that adjoin construction sites.
- f. Construction employees shall be trained in the proper operation and use of the equipment to avoid careless or improper operation of equipment that could increase noise levels.
- g. Construction site speed limits of 20 mph or less shall be established, posted as necessary, and enforced during the construction period.
- h. To the maximum extent feasible, route construction-related traffic along major roadways and away from sensitive receptors.
- i. The use of noise-producing signals, including horns, whistles, alarms, and bells, shall be for safety warning purposes only.

When Required: At all times during the construction phase of the project

Conformance Approval: Community Development Department (Building Division)

Monitoring/Inspection Responsible Party: Community Development Department (Building Division)

With implementation of the City's Municipal Code requirements and Standard Environmental Development Project Conditions of Approval related to construction noise, the proposed project would not result in any significant noise impacts during construction.

Operation. The proposed project would include new operational stationary noise sources including mechanical equipment such as ventilation and heating (HVAC) systems and mobile noise sources such as additional vehicle trips. However, the proposed land use would be consistent with surrounding multi-family residential development and, as previously discussed, the proposed project would not result in significant VMT impacts. Therefore, operation of the proposed project would not result in any significant noise impacts to surrounding noise-sensitive receptors.

According to the Exterior Noise Compatibility Standards in the City's General Plan (Table 7-1 of the Health, Safety, and Hazardous Materials Element), the highest level of exterior noise exposure that is regarded as normally acceptable for urban residential infill projects is 70 dB. The project site is located outside of the Noise Contours shown in Noise Contours Map Over Millbrae City Limits of the General Plan (Figure 7-3 of the Health, Safety, and Hazardous Materials Element). Because the project would not be located in an area that would be at or above the highest level of exterior noise exposure that is regarded as normally acceptable for urban residential infill projects, the proposed project would not be exposed to exterior noise levels that conflict with the City's adopted land use compatibility standards and impacts would be less than significant.

Aircraft Noise Impacts. The project site is located within the Airport Influence Area B of the San Francisco International Airport and would be subject to the ALUCP. As detailed in Table B, the project site is not located within a CNEL contour. Based on the ALUCP, residential land uses located outside of the 65-dB CNEL contour are considered compatible with airport-related noise. Furthermore, the proposed project would be subject to the following condition of approval from the City's Stand Environmental Development Project Conditions of Approval document and the proposed project would comply with the noise compatibility policies of the ALUCP:

- **Airport Noise and Land Use Compatibility:** All projects located within the Airport Influence Area (AIA) of the San Francisco International Airport shall comply with the requirements of the Comprehensive Airport Land Use Compatibility Plan for the Environs of San Francisco International Airport (November 2012, or updated version), including, but not limited to, the following:
 - a. Land uses located within the AIA shall meeting the land use compatibility criteria for maximum acceptable airport noise levels, described in terms of Community Noise Equivalent Level (CNEL).
 - b. For any residential building located within the 65 CNEL Zone, (as determined by the 2012 Noise Contour Map (or updated version), as published in the Comprehensive Airport Land Use Compatibility Plan) which is either newly constructed or renovated at a cost equal to or greater than 25% of the valuation (as assessed by the County Assessor) the building shall meet a Sound Transmission Class1 (STC) Rating of 35.

When Required: Addressed on the construction plans submitted for any building permit for construction of a building, including the permit for grading or foundation, and shall be satisfied prior to issuance of the first permit for the project

Conformance Approval: Community Development Department (Building Division)

Monitoring/Inspection Responsible Party: Community Development Department (Building Division)

As such, the proposed project would not expose people working or residing in the project area to excessive noise levels resulting from either a public or public use airport or private airstrip and there would be no impact.

As detailed above, the project would not result in generation of a substantial temporary or permanent increase in ambient noise in the vicinity of the project in excess of standards established in the Millbrae General Plan or noise ordinance. Therefore, the project would not result in any significant effects related to noise pursuant to Section 15332(d) of the *CEQA Guidelines*.

Air Quality:

The City of Millbrae is within the jurisdiction of the Bay Area Air Quality Management District (BAAQMD), which regulates air quality in the San Francisco Bay Area. Air quality conditions in the San Francisco Bay Area have improved significantly since the BAAQMD was created in 1955. Ambient concentrations of air pollutants and the number of days during which the region exceeds air quality standards have fallen substantially. In Millbrae, and in the rest of the air basin, exceedances of air quality standards occur primarily during meteorological conditions conducive to high pollution levels, such as cold, windless winter nights or hot, sunny summer afternoons.

Within the BAAQMD, ambient air quality standards for ozone, carbon monoxide (CO), nitrogen dioxide (NO₂), sulfur dioxide (SO₂), particulate matter less than 10 microns and less than 2.5 microns in diameter (PM₁₀ and PM_{2.5}, respectively), and lead have been set by both the State of California and the federal government. The State has also set standards for sulfate and visibility. The BAAQMD is under State non-attainment status for ozone and particulate matter (both PM₁₀ and PM_{2.5}) standards. The BAAQMD is classified as non-attainment for the federal ozone 8-hour standard and non-attainment for the federal PM_{2.5} 24-hour standard.

The BAAQMD 2017 Clean Air Plan (Clean Air Plan),⁶ adopted on April 19, 2017, is the applicable air quality plan for the air basin. The Clean Air Plan defines control strategies to reduce emissions and ambient concentrations of air pollutants; safeguard public health by reducing exposure to air pollutants that pose the greatest health risk, with an emphasis on protecting the communities most heavily affected by air pollution; and reduce greenhouse gas (GHG) emissions to protect the climate. Consistency with the Clean Air Plan can be determined if the project: (1) supports the goals of the Clean Air Plan; (2) includes applicable control measures from the Clean Air Plan; and (3) would not disrupt or hinder implementation of any control measures from the Clean Air Plan. The project's consistency with the Clean Air Plan is discussed below.

Clean Air Plan Goals. The primary goals of the Bay Area Clean Air Plan are to attain air quality standards, reduce population exposure and protect public health in the Bay Area, and reduce GHG emissions and protect the climate.

The BAAQMD has established significance thresholds for project construction and operational impacts at a level at which the cumulative impact of exceeding these thresholds would have an adverse impact on the region's attainment of air quality standards. The health and hazards

⁶ Bay Area Air Quality Management District. 2017. *Clean Air Plan*. April 19.

thresholds were established to help protect public health. As discussed below implementation of the proposed project would result in less than significant operation-period emissions and, less than significant construction-period emissions with implementation of standard conditions implementing BAAQMD-required diesel and particulate reduction measures during construction (COA: Construction Best Management Air Quality Practices). In addition, the project would be required to implement COA: Climate Action Plan Consistency and Sustainability Building and Site Design. Therefore, the proposed project would not conflict with the Clean Air Plan goals.

- **Climate Action Plan Consistency and Sustainable Building and Site Design:** To document consistency with the City's Climate Action Plan (CAP), the applicant shall submit evidence to the City of the project's compliance with the applicable measures from the CAP through submittal of the City's Climate Action Plan Checklist. For measures that require on-going implementation action, the applicant shall submit evidence of continued measure implementation.

When Required: Prior to the final inspection or issuance of any Certificate of Occupancy, and at all times that the building or use authorized by the planning approval occupies the subject property

Conformance Approval: Community Development Department (Building and Planning Divisions)

Monitoring/Inspection Responsible Party: Community Development Department (Building and Planning Divisions)

Clean Air Plan Control Measures. The control strategies of the Clean Air Plan include measures in the following categories: Stationary Source Measures, Transportation Measures, Energy Measures, Building Measures, Agriculture Measures, Natural and Working Lands Measures, Waste Management Measures, Water Measures, and Super-GHG Pollutants Measures. The proposed project's compliance with each of these control measure categories is discussed below.

Stationary Source Control Measures. The Stationary Source Control Measures, which are designed to reduce emissions from stationary sources such as metal melting facilities, cement kilns, refineries, and glass furnaces, are incorporated into rules adopted by the BAAQMD and then enforced by the BAAQMD Permit and Inspection programs. Since the proposed project would not include any of these stationary sources, the Stationary Source Control Measures of the Clean Air Plan are not applicable to the proposed project.

Transportation Control Measures. The BAAQMD identifies Transportation Control Measures as part of the Clean Air Plan to decrease emissions of criteria pollutants, toxic air contaminants (TACs), and GHGs by reducing demand for motor vehicle travel, promoting efficient vehicles and transit service, decarbonizing transportation fuels, and electrifying motor vehicles and equipment. The project site is currently developed with an existing office building. The proposed project would result in the construction of 97 housing units and 63 off street parking spaces. The proposed project would not result in an increase in the generation of vehicle trips or vehicle

miles traveled (VMT). Therefore, the proposed project would not conflict with the BAAQMD's initiatives to reduce vehicle trips and vehicle miles traveled.

Energy Control Measures. The Clean Air Plan also includes Energy Control Measures, which are designed to reduce emissions of criteria air pollutants, TACs, and GHGs by decreasing the amount of electricity consumed in the Bay Area, as well as decreasing the carbon intensity of the electricity used by switching to less GHG-intensive fuel sources for electricity generation. Since these measures apply to electrical utility providers and local government agencies (and not individual projects), the energy control measures of the Clean Air Plan are not applicable to the proposed project.

Building Control Measures. The BAAQMD has authority to regulate emissions from certain sources in buildings such as boilers and water heaters, but it has limited authority to regulate buildings themselves. Therefore, the strategies in the control measures for this sector focus on working with local governments that do have authority over local building codes to facilitate adoption of best GHG control practices and policies. The proposed project would be required to comply with the 2019 Title 24 standards. Therefore, the proposed project would not conflict with these measures.

Agriculture Control Measures. The Agriculture Control Measures are designed to primarily reduce emissions of methane. Since the proposed project does not include any agricultural activities, the Agriculture Control Measures of the Clean Air Plan are not applicable to the proposed project.

Natural and Working Lands Control Measures. The Natural and Working Lands Control Measures focus on increasing carbon sequestration on rangelands and wetlands, as well as encouraging local governments to adopt ordinances that promote urban-tree plantings. Since the proposed project does not include the disturbance of any rangelands or wetlands, the Natural and Working Lands Control Measures of the Clean Air Plan are not applicable to the proposed project.

Waste Management Control Measures. The Waste Management Control Measures focus on reducing or capturing methane emissions from landfills and composting facilities, diverting organic materials away from landfills, and increasing waste diversion rates through efforts to reduce, reuse, and recycle. The proposed project would comply with local requirements for waste management (e.g., recycling and composting services). Therefore, the proposed project would be consistent with the Waste Management Control Measures of the Clean Air Plan.

Water Control Measures. The Water Control Measures focus on reducing emissions of criteria pollutants, TACs, and GHGs by encouraging water conservation, limiting GHG emissions from publicly owned treatment works (POTWs), and promoting the use of biogas recovery systems. Since these measures apply to POTWs and local government agencies (and not individual projects), the Water Control Measures are not applicable to the proposed project.

Super GHG Control Measures. The Super-GHG Control Measures are designed to facilitate the adoption of best GHG control practices and policies through the BAAQMD and local government agencies. Since these measures do not apply to individual projects, the Super-GHG Control Measures are not applicable to the proposed project.

Clean Air Plan Implementation. As discussed above, the proposed project would generally implement the applicable measures outlined in the Clean Air Plan, including Transportation Control Measures. Therefore, the proposed project would not disrupt or hinder implementation of a control measure from the Clean Air Plan and this impact would be less than significant.

Project Construction and Operation: The BAAQMD is currently designated as a non-attainment area for State and national ozone standards and for national particulate matter ambient air quality standards. The BAAQMD's non-attainment status is attributed to the region's development history. Past, present, and future development projects contribute to the region's adverse air quality impacts on a cumulative basis. By its very nature, air pollution is largely a cumulative impact. No single project is sufficient in size to, by itself, result in non-attainment of ambient air quality standards. Instead, a project's individual emissions contribute to existing cumulatively significant adverse air quality impacts. If a project's contribution to the cumulative impact is considerable, then the project's impact on air quality would be considered significant.

In developing thresholds of significance for air pollutants, the BAAQMD considered the emission levels for which a project's individual emissions would be cumulatively considerable. If a project exceeds the identified significance thresholds, its emissions would be cumulatively considerable, resulting in significant adverse air quality impacts to the region's existing air quality conditions. The following analysis assesses the potential construction- and operation-related air quality impacts and CO impacts.

Construction Emissions. The BAAQMD developed screening criteria to provide lead agencies with a conservative indication of whether a proposed project would result in potentially significant air quality impacts. If all of the screening criteria are met by a proposed project, then the lead agency would not need to perform a detailed air quality assessment of the proposed project's emissions. These screening levels are generally representative without any form of mitigation measures taken into consideration. In addition, the screening criteria do not account for project design features, attributes, or local development requirements that could also result in lower emissions.

For single-family residential land uses, the BAAQMD screening size for construction criteria pollutants is 114 units. The proposed project would result in the construction of 97 housing units and 63 associated off-site parking spaces; therefore, based on the projects proposed scope of work, construction activities associated with the proposed project are not anticipated to exceed established thresholds. Additionally, the City of Millbrae requires implementation of the BAAQMD's Basic Construction Mitigation Measures, which are required by COA: Construction Best Management Air Quality Practices, to reduce construction fugitive dust impacts to a less than significant level. In addition, the project would implement COA: Construction and Operation Emissions Minimizations. With implementation of these two COAs, construction impacts would be less than significant.

- **Construction Best Management Air Quality Practices:** The following conditions of approval indicate best management practices to be implemented by the applicant during project construction.
 - a) To mitigate fugitive dust emissions, the applicant shall ensure that all fugitive dust construction measures recommended by BAAQMD in their contemporaneous CEQA guidelines are implemented.
 - b) To mitigate exhaust-related emissions, the applicant shall ensure that all construction equipment meets U.S. Environmental Protection Agency-Certified Tier 4 emissions standards, or better, for off-road diesel-powered construction equipment greater than 50horsepower. If Tier 4 equipment is not available, equipment with lower emissions standards, such as Tier 2, can be used in combination with a verified diesel emissions control strategy, such as a diesel particulate filter, if the resulting emissions are equivalent to Tier 4 standards.
 - c) If equipment that meets these conditions are not commercially available, the applicant shall submit evidence to the City for equipment that cannot be obtained with Tier 4 equivalent or better standards within 200 miles of the City's boundaries. This evidence shall document that the equipment that is not commercially available within 200 miles meets the U.S. Environmental Protection Agency-Certified Tier 3 emissions standards.
 - d) Generators used during construction shall be powered by electricity from utility lines unless electricity cannot be provided at the project site. If electricity cannot be provided by utility lines at the project site, non-diesel fuels, such as propane or natural gas, shall be used to power generators, unless the energy demand needed cannot be met by propane or natural gas equipment.
 - i) The applicant shall submit evidence to the City if non-electric generators are required if (1) electricity cannot be provided by utility lines or (2) propane and/or natural gas equipment cannot meet the energy needs of the project. Diesel-fueled generators may be used if evidence is submitted to and approved by the City.

When Required: Addressed on the construction plans submitted for any building or demolition permit, for construction of a building, including the permit for grading or foundation, and shall be satisfied prior to issuance of the first permit for the project

Conformance Approval: Community Development Department (Building Division)

Monitoring/Inspection Responsible Party: Community Development Department (Building Division) for building construction or Department of Public Works for site development

- **Construction and Operation Emissions Minimization:** To minimize emissions from project construction, the applicant shall ensure that all applicable best management practices recommended by the BAAQMD in their contemporaneous CEQA guidelines are implemented during construction. These best management practices may include but are not limited to using alternative fueled construction vehicles or equipment of at least 15 percent of the fleet (e.g., biodiesel, electric); using local building materials of at least 10 percent; and recycling or reusing at least 50 percent of construction waste or demolition materials.

To avoid a net loss in carbon sequestration from trees, the applicant shall ensure that trees needing to be removed for project construction are replaced on a 1-for-1 basis with newly planted trees that are a minimum size of 24-inch box. The applicant shall ensure that the number of planted trees at the project site is equal to or greater than the number of trees removed.

When Required: Addressed on the construction plans submitted for any building permit for construction of a building, including the permit for grading or foundation, and shall be satisfied prior to issuance of the first permit for the project

Conformance Approval: Community Development Department (Building and Planning Divisions)

Monitoring/Inspection Responsible Party: Community Development Department (Building and Planning Divisions)

Operational Emissions. As discussed above, the BAAQMD developed screening criteria to determine whether a project requires an analysis of project-generated criteria air pollutants. If all the screening criteria are met by a proposed project, then the lead agency does not need to perform a detailed air quality assessment.

For single-family residential land uses, the BAAQMD screening size for operational criteria pollutants is 325 units. The proposed project would result in the construction of 97 units and 63 associated parking spaces; therefore, based on the BAAQMD's screening criteria, the proposed project is not anticipated to exceed established thresholds. Therefore, proposed project operation would not result in a cumulatively considerable net increase of any criteria pollutant for which the project is in non-attainment under applicable federal or State ambient air quality standards. In addition, the project would be required to implement City COA: Project Operations- Emissions Minimization Impacts would be less than significant.

- **Project Operations – Emissions Minimization:** The following conditions of approval indicate best management practices to be implemented by the applicant during project operation.

a) **To reduce toxic air contaminant emissions during project operations, the following conditions of approval are required:**

- i) During project operations, the applicant shall ensure that sources of diesel particulate matter and other toxic air contaminants shall be in a location within the project site that is farthest from existing or approved locations of sensitive receptors. If this requirement cannot be met, the applicant shall provide evidence to the city documenting incompatibility with the project design, that the project design cannot be reasonably modified to accommodate this requirement, and an alternate location for the source that is the greatest distance away from sensitive receptors that can be reasonably accommodated by the project design. These sources of toxic air contaminants include but are not limited to emergency generators, fire pumps, boilers, truck loading docks, and fume hood vents.
- ii) During project operations, the applicant shall ensure that all diesel generators and fire pumps meet U.S. Environmental Protection Agency-Certified Tier 4 emissions standards, or better. If Tier 4 equipment is not available, equipment with lower emissions standards, such as Tier 2, can be used in combination with a verified diesel emissions control strategy, such as a diesel particulate filter, if the resulting emissions are equivalent to Tier 4 standards.

When Required: Prior to the final inspection or issuance of any Certificate of Occupancy

Conformance Approval: Community Development Department (Building Division)

Monitoring/Inspection Responsible Party: Community Development Department (Building Division)

Localized CO Impacts. Emissions and ambient concentrations of CO have decreased dramatically in the Bay Area with the introduction of the catalytic converter in 1975. No exceedances of the State or federal CO standards have been recorded at Bay Area monitoring stations since 1991. The BAAQMD's 2017 California Environmental Quality Act (CEQA) Guidelines include recommended methodologies for quantifying concentrations of localized CO levels for proposed transportation projects. A screening-level analysis using guidance from the BAAQMD CEQA Guidelines was performed to determine the impacts of the project. The screening methodology provides a conservative indication of whether the implementation of a proposed project would result in significant CO emissions. According to the BAAQMD's CEQA Guidelines, a proposed project would result in a less than significant impact to localized CO concentrations if the following screening criteria are met:

- The project is consistent with an applicable congestion management program established by the county congestion management agency for designated roads or highways, and the regional transportation plan and local congestion management agency plans.

- Project traffic would not increase traffic volumes at affected intersections to more than 44,000 vehicles per hour.
- The project would not increase traffic volumes at affected intersections to more than 24,000 vehicles per hour where vertical and/or horizontal mixing is substantially limited (e.g., tunnel, parking garage, bridge underpass, natural or urban street canyon, or below-grade roadway).

Implementation of the proposed project would not conflict with standards established by the Alameda County Transportation Commission (ACTC) for designated roads and highways, a regional transportation plan, or other agency plans. The proposed project would result in net trip generation is 358 daily trips, including 23 AM peak-hour trips and 27 PM peak-hour trips. Therefore, the proposed project would not result in substantial contributions to peak-hour traffic volumes at intersections in the vicinity of the project site. As such, the proposed project would not result in localized CO concentrations that exceed State or federal standards and impacts would be less than significant.

Water Quality: Stormwater Runoff water quality is regulated by the National Pollutant Discharge Elimination System (NPDES) Program (established through the federal Clean Water Act). The NPDES program objective is to control and reduce pollutant discharges to surface water bodies. The United States Environmental Protection Agency (EPA) delegated the implementation and administration of the NPDES program to the California State Water Resources Control Board (SWRCB). The SWRCB established nine Regional Water Quality Control Boards (RWQCBs). The SWRCB enacts and enforces the federal NPDES program and all water quality programs and regulations that cross regional boundaries. The nine RWQCBs enact, administer, and enforce all programs, including NPDES permitting, within their jurisdictional boundaries.

Locally, the NPDES program is administered by the San Francisco Bay Regional Water Quality Control Board (RWQCB). In July, 2022, the San Francisco Bay RWQCB adopted the California Regional Water Quality Control Board San Francisco Bay Region's Municipal Regional Stormwater NPDES Permit (Order R2-2022-0018, NPDES Permit No. CAS612008) (MRP).⁷ The MRP covers stormwater discharges from municipalities and local agencies in Alameda, Contra Costa, San Mateo, and Santa Clara counties, and the cities of Fairfield, Suisun City, Vallejo, and the Vallejo Flood & Wastewater District, which have joined together to form the Solano Stormwater Alliance (Solano Permittees).

Provision C.3 of the MRP requires new development and redevelopment projects that would replace more than 5,000 square feet of existing impervious surfaces to include post-construction stormwater control in project designs. Under the Provision C.3 requirements, the preparation and submittal of a Stormwater Control Plan (SCP) would be required. The purpose of an SCP is to detail the design elements and implementation measures necessary to meet the post-construction stormwater control requirements of the MRP. In particular, SCPs must include Low Impact

⁷ California Regional water Quality Control Board. 2022. *California Regional Water Quality Control Board San Francisco Bay Region Municipal Regional Stormwater NPDES Permit, Order No. R2-2022-0018, NPDES Permit No. CAS612008*. May 11. https://www.waterboards.ca.gov/sanfranciscobay/board_decisions/adopted_orders/2022/R2-2022-0018.pdf (accessed July 25, 2024).

Development (LID) design measures, which reduce water quality impacts by preserving and recreating natural landscape features, minimizing imperviousness, and using stormwater as a resource, rather than a waste product. Additionally, the preparation of a Stormwater Facility Operation and Maintenance Plan is required to ensure that stormwater control measures are inspected, maintained, and funded for the life of the project.

Construction. Pollutants of concern during construction include sediments, trash, petroleum products, concrete waste (dry and wet), sanitary waste, and chemicals. Each of these pollutants on its own or in combination with other pollutants can have a detrimental effect on water quality. During construction activities, excavated soil would be exposed, and there would be an increased potential for soil erosion and sedimentation compared to existing conditions. In addition, chemicals, liquid products, petroleum products (e.g., paints, solvents, and fuels), and concrete-related waste may be spilled or leaked, and they have the potential to be transported via storm water runoff into receiving waters.

The proposed project would be required to comply with Chapter 9.45, Grading, of the Municipal Code⁸, which requires obtaining a grading permit and preparation of erosion control plans. Erosion control measures may consist of effective planting, berms, silt basins, check dams, terraces, crib walls, detention basins and other such measures. Additionally, the proposed project would be required to comply with Chapter 4.65, Hazardous Materials Storage, of the Municipal Code⁹ which promotes the protection of health, life, resources and property through prevention and control of unauthorized discharges of hazardous materials. Adherence with the City's Municipal Code would ensure that construction of the proposed project would not result in any significant effects relating to water quality pursuant to Section 15332(d) of the CEQA Guidelines.

Operations. Under existing conditions, the project site includes a total of 28,340 square feet of impervious surface area (97.4 percent). Development of the project site would not alter existing drainage patterns and the proposed project would decrease the amount of impervious surface area at the project site by 26,450. Additionally, the proposed project would be subject to the requirements of Provision C.3 of the MRP because the project would replace more than 5,000 square feet of existing impervious surfaces. The preparation of an SCP, including a Stormwater Facility Operation and Maintenance Plan, would be required. Bioretention areas consisting of above-grade flow-through planters surrounding the proposed building would be provided to treat and manage stormwater flows prior to discharge to the City's stormwater drainage system. Therefore, compliance with the requirements of the MRP would ensure that operation of the proposed project would not result in any significant effects relating to water quality pursuant to Section 15332(d) of the CEQA Guidelines.

(e) The site can be adequately served by all required utilities and public services

⁸ City of Millbrae. *Millbrae Municipal Code, Chapter 9.45 Grading*. Website : <https://www.codepublishing.com/CA/Millbrae/#!/Millbrae09/Millbrae0945.html#9.45>

⁹ City of Millbrae. *Millbrae Municipal Code, Chapter 4.65 Hazardous Materials Storage*. Website: <https://www.codepublishing.com/CA/Millbrae/#!/Millbrae04/Millbrae0465.html#4.65>

Utilities: The proposed project would require utility services including water, wastewater, storm drain, electrical, and telecommunications. The proposed project would connect to existing utilities via tie-ins on Broadway and Ludeman Lane, including connections to a 6-inch water line, 8-inch wastewater line, and through curb drains that discharge storm water runoff into the City's storm drain network. The proposed buildings would be required to be all electric and no natural gas connections would be installed, except as permitted under exceptions to the City's Reach Code.

Drainage: The approval of drainage features and other utility improvements occurs through the building plan check process. As part of this process, all project-related drainage features and utility infrastructure would be required to comply with City Municipal Code Chapter 8.70 Storm Water Management and Discharge Control, as well as RWQCB standards. Bioretention areas consisting of above-grade flow-through planters surrounding the proposed building would be provided to treat and manage stormwater flows prior to discharge to the City's stormwater drainage system. On-site project-related drainage features would be designed, installed, and maintained per the requirements of Provision C.3 of the MRP and the requirements identified in the SCP and Stormwater Facility Operation and Maintenance Plan.

Energy: As an infill development project, the project inherently furthers objective of energy conservation by focusing activities in areas of existing infrastructure and services. Electricity would be the main form of energy consumed on the project site. Electricity would be used for building heating, cooling and lighting. The proposed project would not increase the demand for natural gas as the proposed building would be designed to be all-electric, and would not include the use of any traditional natural gas systems. The State of California provides a minimum standard for building design and construction standards through Title 24 of the California Code of Regulations (CCR), known as the California Building Code (CBC). The CBC is updated every three years, and the current 2022 CBC went into effect in January 2023. Compliance with Title 24 is mandatory at the time new building permits are issued by local governments.

The California Building Standards Commission (CBSC) adopted Part 11 of the Title 24 Building Energy Efficiency Standards (also referred to as the California Green Building Standards Code, or CALGreen) in 2010 as part of the State's efforts to reduce GHG emissions and energy consumption from residential and nonresidential buildings. CALGreen covers the following five categories: (1) planning and design, (2) energy efficiency, (3) water efficiency and conservation, (4) material conservation and resource efficiency, and (5) indoor environmental quality.¹⁰ The City has adopted both the CBC and CALGreen Code as part of Chapter 9.10, Title 24 Building Standards Codes, of the City Municipal Code pertaining to energy conservation standards in effect at the time of construction. The project would comply with the current 2022 CALGreen Code requirements and Title 24 efficiency standards, which would further improve energy efficiency during operation. Additionally, the proposed project would be required to comply conditions of approval from the City's Standard Environmental Development Project Conditions of Approval document as summarized above in the Air Quality discussion of this document.

¹⁰ California Energy Commission. *Building Energy Efficiency Standards – Title 24*. <https://www.energy.ca.gov/programs-and-topics/programs/building-energy-efficiency-standards> (July 31, 2024).

Increasingly stringent electricity and natural gas efficiency standards combined with compliance with the CBC and CALGreen Code as part of Chapter 9.10, Title 24 Building Standards Codes, of the City Municipal Code and implementation of the City's Standard Environmental Development Project Conditions of Approval would ensure operation of the project would demand only the energy required.

Water: Water for the proposed project would be provided by the City, which purchases its entire potable water supply from the Regional Water System (RWS), operated by the San Francisco Public Utilities Commission (SFPUC). Approximately 85 percent of the RWS's municipal demand comes from the Hetch Hetchy reservoir system, which captures snowmelt and runoff from California's Sierra Nevada Mountains. SFPUC operates several other water sources which contribute the remaining 15 percent of municipal demand including the Calaveras and San Antonio Reservoirs; the Sunol Filter Galleries; and the Crystal Springs, San Andreas, Pilarcitos and Stone Dam reservoirs. The RWS is almost entirely dependent on surface water runoff and snow pack.¹¹

The City's Urban Water Management Plan (UWMP) determined that SFPUC has sufficient water supplies to accommodate the anticipated population growth throughout its service area, including the project site. There would be sufficient water supplies available to serve reasonably foreseeable future development during normal, dry, and multiple dry years.¹² The proposed project is consistent with its applicable General Plan Land Use Designation and zoning and therefore is consistent with projections used in the UWMP. The UWMP, which identifies water system improvements necessary to meet future water demand, did not identify any deficiencies in the vicinity of the project site and the existing water system infrastructure has adequate capacity to serve the proposed project. In addition, the proposed project would be required to coordinate with the Central County Fire Department to assess fire flow requirements and comply with them as part of the project. Based on the above, the City would have sufficient water supply to support the proposed project and implementation of the project would not require new or expanded entitlements for water supplies.

Wastewater: The City of Millbrae is responsible for the collection, treatment, and disposal of wastewater within the City's service area boundary, including the project site. The Millbrae Waste Pollution Control Plant is a secondary treatment facility with a design flow capacity of 3 million gallons per day (mgd) and a peak wet weather flow of 9 mgd. In 2020, the facility metered a total inflow volume of 529 mgd, which is an annual average inflow of approximately 1.45 mgd, about 48 percent of its 3 mgd capacity.¹³

The proposed project would generate domestic wastewater, treated by the City's Waste Pollution Control Plant. Considering the treatment plant only treats an average of approximately 48 percent of its capacity on a daily basis, and that the proposed project is consistent with its

¹¹ City of Millbrae, 2021. *2020 Urban Water Management Plan*. May.

¹² City of Millbrae, 2022c. Op. cit.

¹³ Ibid.

general plan land use designation and zoning, the City would have sufficient capacity to serve the proposed project.

Solid Waste: Solid waste collection is a “demand-responsive” service, and current service levels can be expanded and funded through user fees. Millbrae’s solid waste is processed at a transfer station at Blue Line Transfer Station at 500 East Jamie Court in South San Francisco, and from there is transported primarily to the Corinda Los Trancos Landfill (also known as Ox Mountain Sanitary Landfill) in Half Moon Bay.¹⁴ The Corina Los Trancos Landfill has a daily throughput of 3,598 tons with a remaining capacity of 22,180,000 cubic yards.¹⁵

On average, single-family uses generate approximately 12 pounds per household per day. Based on these rates, the proposed project would generate approximately 1,164 pounds per day of solid waste¹⁶. This amount is equivalent to less than 0.1 percent of the daily throughput at the Corina Los Trancos Landfill.¹⁷ Therefore, the Corina Los Trancos Landfill has adequate capacity to serve the proposed project.

Summary: All proposed improvements and interconnection to drainage, electric power, water, and wastewater facilities would be installed simultaneously with finished grading activities for the project. The areas of potential impact from drainage and utility infrastructure improvements are included in the analytical footprint of the project and impacts are found to be less than significant. As a result, interconnection to the existing utilities in the project vicinity would not result in substantial disturbance to native habitat or soils, historical resources, or to the operation of existing roadways and utilities. There would be no significant environmental effects specifically related to the installation of utility interconnections that are not encompassed within the project’s construction and operational footprints, and therefore are already identified, disclosed, and subject to all applicable local, State, and federal regulations specified above. Therefore, the site can be adequately served by all required utilities pursuant to Section 15332(e) of the *CEQA Guidelines*.

Public Services:

Fire: The Central County Fire Department (CCFD) provides fire protection services to the Cities of Millbrae and Burlingame and the Town of Hillsborough. CCFD operates seven fire stations, two of which are located in Millbrae. The nearest fire station to the project site is located at 511 Magnolia Avenue, approximately 0.47 mile southeast of the project site. Planned growth under the General Plan would increase calls for fire protection service in the City. The proposed project is consistent with the site’s General Plan designation and does not represent unplanned growth. The proposed project could result in an incremental increase in demand for fire protection service due to the increase in population at the project site. However, the proposed project would be required to comply with all applicable codes for fire safety and emergency access. In addition, the project applicant would be required to submit plans to CCFD for review and

¹⁴ City of Millbrae, 2022c. Op. cit.

¹⁵ CalRecycle, 2019. *SWIS Facility/Site Activity Details, Corinda Los Trancos Landfill (Ox Mtn) (41-AA-0002)*. Website: <https://www2.calrecycle.ca.gov/SolidWaste/SiteActivity/Details/1561?siteID=3223> (accessed July 31, 2024).

¹⁶ 12 pounds per household per day x 97 units = 1,164 pounds of solid waste per day

¹⁷ 1,164 pounds of solid waste per day ÷ 3,598 tons (7,196,000 pounds) = 0.016 percent

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approval prior to the issuance of building permits to ensure the project would conform to applicable building and fire codes. Furthermore, the proposed project would be required to pay Development Impact Fees (DIFs) which would be directed towards maintaining adequate service levels and facilities, ensuring that any impact to fire protection that could result from the proposed project would be offset by development fees. The CCFD would continue providing services to the project site and would not require additional firefighters to serve the proposed project. The construction of a new or expanded fire station would not be required.

Police: The San Mateo County Sheriff's Office (SMCSO) provides police protection services to the City of Millbrae through the Millbrae Police Bureau, located in Millbrae City Hall at 581 Magnolia Avenue. Millbrae Police Bureau employs 21 people, including 15 sworn officers. At least two sworn officers are patrolling the City of Millbrae at any given time.¹⁸ Planned growth under the General Plan would increase calls for police protection service in the City. The project could result in an incremental increase in the demand for police protection services; however, the proposed project is consistent with the site's General Plan designation and zoning and does not represent unplanned growth. Additionally, the proposed project would be required to pay Development Impact Fees (DIFs) which would be directed towards maintaining adequate service levels and facilities, ensuring that any impact to police protection that could result from the proposed project would be offset by development fees. The Millbrae Police Bureau would continue to provide services to the project site and would not require additional officers to serve the project site, and the construction of new or expanded police facilities would not be required.

Schools: Millbrae Elementary School District (MSD) and San Mateo Union High School District (SMUHSD) provide public school services to the City of Millbrae. MSD is a kindergarten through eighth grade district and operates four elementary schools and one middle school. SMUHSD operates seven high schools and one adult education school, with two high schools serving the City.¹⁹

The estimated number of students the proposed project would generate is derived by multiplying the number of students per dwelling unit (the student yield factor) by the number of dwelling units in the proposed project (97 new units). The California State Allocation Board Office of Public School Construction reports that the Statewide student yield factor of 0.5 students per dwelling unit is applicable for an Elementary School District and a student yield factor of 0.2 students per dwelling unit is applicable for a High School District. Applying the Statewide average student yield factor, the proposed project would generate approximately 49 elementary school students and 20 high school students.

Senate Bill (SB) 50, which revised the existing limitation on developer fees for school facilities, was enacted as urgency legislation which became effective on November 4, 1998, as a result of the California voters approving a bond measure (Proposition 1A). SB 50 established a 1998 base amount of allowable developer fees (Level One fee) for residential construction (subject to

¹⁸ City of Millbrae, 2022c. Op. cit.

¹⁹ City of Millbrae, 2022c. Op. cit.

adjustment) and prohibits school districts, cities, and counties from imposing school impact mitigation fees or other requirements in excess or in addition to those provided in the statute. The Millbrae Elementary School District shares developer fees with the San Mateo Union High School District and project sponsor would be required to pay these fees, prior to issuance of a certificate of occupancy. The school districts are responsible for implementing the specific methods for mitigating school impacts under the Government Code. These fees would be directed towards maintaining adequate service levels, which would ensure that any impact to schools that could result from the proposed project would be offset by development fees.

Parks: The City maintains a performance standard of 3 acres for every 1,000 residents. The City currently exceeds this performance standard by providing 1.7 acres of parkland per 1,000 residents.²⁰ Development of the proposed project could increase the use of parks within the vicinity of the project site, including Central Park, Green Hills Park, Bayside Manor Park, Bayfront Park, and Lion Bill Mitchell Park. However, this increase in use is not expected to adversely affect the physical conditions of local and regional open space areas or recreational facilities, or require the provision of new parks or facilities because the proposed project is anticipated to increase the City population by approximately one percent.²¹ Additionally, the proposed project would include a total of 2,412 square feet of common open space consisting of a courtyard to serve residents of the proposed project. The proposed courtyard would include a playground area with turf, a picnic table, benches, planters, and paver patio area. The proposed project would not result in a substantial increase in demand for park or recreation services in the vicinity, such that new facilities would be required to serve the project. Additionally, the project applicant would be required to pay DIFs which would be directed towards funding the development of additional park sites and recreation facilities. These fees would ensure that any impact to parks that could result from the proposed project would be offset by development fees. The construction of new or expanded park facilities would not be required to serve the proposed project.

Libraries and City Administrative Services: Development of the proposed project could also increase demand for other public services, including libraries, community centers, and public health care facilities. However, due to the minimal increase in population, the proposed project would not result in a substantial increase in the use of these facilities, such that new facilities would be needed to maintain service standards. Furthermore, the project would be required to pay DIFs used to fund capital costs associated with constructing new public facility structures and purchasing equipment for new public facilities, including libraries. The incremental and planned increase in population by the project is not expected to result in the need to construct or expand public facilities, including libraries. Therefore, the site can be adequately served by all required public facilities pursuant to Section 15332(e) of the CEQA Guidelines.

²⁰ Ibid.

²¹ 97 units x 2.79 persons per household (average according to US Census Bureau data from 2018-2022) = 271 new residents. 271 residents ÷ 23,216 (City's population as of 2020 census according to US Census Bureau Data) = 1.2 percent.

3.0 EVALUATION OF EXCEPTIONS TO THE CLASS 32 (IN-FILL) EXEMPTION CRITERIA

Exceptions (Section 15300.2 of the *CEQA Guidelines*) to the CEQA Class 32 categorical exemption would apply if the project triggers any of the criteria or conditions described in this section. The following analysis compares the criteria in CEQA Guidelines Section 15300.2 (Exceptions) to the project, and concludes, based on substantial evidence, that none of the exceptions are applicable to the project

(a) Location. Classes 3, 4, 5, 6, and 11 are qualified by consideration of where the project is to be located—a project that is ordinarily insignificant in its impact on the environment may in a particularly sensitive environment be significant. Therefore, these classes are considered to apply all instances, except where the project may impact on an environmental resource of hazardous or critical concern where designated, precisely mapped, and officially adopted pursuant to law by federal, state, or local agencies.

The project is consistent with the Class 32 Categorical Exemption (Section 15332 of the *CEQA Guidelines*) and therefore is not subject to the Location Exception (Section 15300.2(a)).

(b) Cumulative Impact. All exemptions for these classes are inapplicable when the cumulative impact of successive projects of the same type in the same place, over time is significant.

Generally, the effects of the project would be beneficial because the project would help the City increase its affordable housing supply. The project would place new residents in an area that is well served by existing transit, thereby reducing residents' VMT. The project would repurpose an underutilized parcel in an already-developed neighborhood with utilities, public services, and transportation access. Any construction effects would be temporary, confined to the project vicinity, and reduced to a less-than-significant level by implementation of Municipal Code ordinances, the City's Standard Environmental Development Project Conditions of Approval, and other applicable regulatory requirements.

The following projects have been approved, are currently under construction, or have been proposed within the City and are located within one mile of the project site:

- Gateway at Millbrae Station (Transit oriented mixed-use development including 320 residential rental units and 80 affordable units)
- 150 Serra Avenue (Transit oriented mixed-use development including 444 residential units)
- 230 Broadway (Mixed-use development including 6 residential units)
- 480 El Camino Real (Mixed-use development including 9 residential units)
- 959 El Camino Real (Mixed-use development including 278 residential units)

This document evaluates cumulative impacts using the General Plan EIR because the project is consistent with applicable land use plans and policies.²² The General Plan EIR is incorporated by reference and available for public review at the City's Planning Department at 621 Magnolia Ave, Millbrae, CA 94030.

The General Plan EIR evaluated future development, as identified in the 2040 General Plan. As described above, future development is planned within one mile of the project site. The General Plan EIR concluded that implementation of the 2040 General Plan would result in a less-than-significant impact with respect to cumulative impacts on the following resources: aesthetics, biological resources, agriculture and forestry resources, geology and soils, energy, wildfire, hydrology and water quality, land use and planning, population and housing, public services, and utilities and service systems. Given the conclusions in the General Plan EIR, that the project would have a less-than-significant impact on the aforementioned resources, and that future projects would be required to adhere to existing Municipal Code ordinances, the City's Standard Environmental Development Project Conditions of Approval, local regulations identified in the 2040 General Plan, and other applicable state and federal regulatory requirements, the project's contribution on the aforementioned resources would not be singularly or cumulatively considerable.

The General Plan EIR identified the following significant and unavoidable cumulative impacts related to air quality, cultural resources, greenhouse gas emissions, hazards and hazardous materials, noise, and transportation:

- **Air Quality:** operation-related criteria pollutant emissions
- **Cultural and Tribal Cultural Resources:** construction-related historical resources
- **GHG Emissions and Energy:** operation-related GHG emissions and operation-related consistency with GHG reduction plans
- **Hazards and Hazardous Materials:** operation-related excessive aviation noise exposure
- **Noise:** construction-related noise, operation-related stationary noise, construction-related vibration, and operation-related consistency with noise land use compatibility standards
- **Transportation:** operation-related VMT

However, as detailed in this document, operation of the proposed project would not generate emissions in excess of Bay Area Air Quality Management District's significance threshold, and therefore would not be expected to contribute a significant level of air pollution such that air quality within the San Francisco Bay Area Air Basin would be degraded; construction of the proposed project would not significantly impact a historical resource as the existing structure on-site was determined not to be a significant historical resource; operation of the proposed project would not generate emissions in excess of GHG reduction plans; the proposed project would not be exposed to

²² City of Millbrae, 2022c.

excessive aviation noise as the project site not located within a CNEL contour; the proposed project would not result in significant construction or operation related noise or inconsistencies with noise land use compatibility standards; and the proposed project would not result in significant impacts to VMT because it meets the screening criteria of an Affordable Residential Development.

Therefore, the project would not have a cumulatively considerable impact on the environment when evaluated in conjunction with similar types of residential projects in the same place and therefore is not subject to the Cumulative Impact Exception (Section 15300.2(b)).

(c) Significant Effect. A categorical exemption shall not be used for an activity where there is a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances.

The proposed project includes the demolition of the existing professional office buildings and associated improvements on the project site and the construction of a 97-unit, 125,766 square-foot multi-family residential building on an infill site. The proposed project would be consistent with the General Commercial land use designation and the C zone, both of which allow multi-family dwellings. As stated previously, the project site is surrounded by commercial and residential uses. Accordingly, the proposed project does not involve any unusual circumstances that could result in a significant impact. The proposed project would not result in significant impacts related to Traffic, Air Quality, Noise, or Water Quality and the project site would be adequately served by utilities and public services. No amendments to an adopted planning document would be required for implementation of the proposed project, and the proposed inconsistencies with the City's Municipal Code requirements are allowable with approval of the proposed waivers due to the affordable units provided as allowed by the Density Bonus Law (Gov. Code §§65915 - 65918). Additionally, the proposed project would be consistent with the applicable requirements of the ALUCP. Given the urban nature of the project site, compatibility of the proposed project with the character of the surrounding uses, and the conservative analysis for adverse effects to the community, the project would not have a significant effect on the environment due to unusual circumstances and therefore is not subject to the Significant Effect Exception (Section 15300.2(c)).

(d) Scenic Highways. A categorical exemption shall not be used for a project which may result in damage to scenic resources, including but not limited to, trees, historic buildings, rock outcroppings, or similar resources, within a highway officially designated as a state scenic highway. This does not apply to improvements which are required as mitigation by an adopted negative declaration or certified EIR.

The California Department of Transportation (Caltrans) Scenic Highway Program does not identify any State-designated scenic highways near the project site.²³ The nearest officially designated State Scenic Highway is a portion of Interstate 280 (I-280) in Millbrae, approximately 1.28 miles southwest of the project site. The project site is not visible from the officially designated portion of I-280 due to

²³ California Department of Transportation. 2019. *California State Scenic Highway System Map*. <https://caltrans.maps.arcgis.com/apps/webappviewer/index.html?id=465dfd3d807c46cc8e8057116f1aaca> (Accessed July 15, 2024).

existing intervening development, trees, and topography. Therefore, the proposed project would not affect scenic resources within a State scenic highway and is not subject to the Scenic Highways Exception (Section 15300.2(d)).

(e) Hazardous Waste Sites. A categorical exemption shall not be used for a project located on a site which is included on any list compiled pursuant to Section 65962.5 of the Government Code.

Hazardous materials sites compiled pursuant to Government Code Section 65962.5 are listed on the “Cortese List” (named after the Legislator who authored the legislation that enacted it), which is maintained by the California Department of Toxic Substances Control. The project site is not on any list of hazardous material sites compiled pursuant to Government Code Section 65962.5²⁴ and therefore is not subject to the Hazardous Waste Sites Exception (Section 15300.2(e)).

(f) Historical Resources. A categorical exemption shall not be used for a project which may cause a substantial adverse change in the significance of a historical resource.

Built Historic Resources: LSA Associates, Inc. (LSA) completed a historical evaluation of the property at 1301 Broadway (Assessor Parcel Number 510-236-6810) in the City of Millbrae (City). In support of this effort, LSA conducted research and a field survey was completed under the direction of an architectural historian who meets the Secretary of the Interior’s Professional Qualification Standards. The evaluation was documented on Department of Parks and Recreation (DPR) 523A (Primary Record) and 523B (Building, Structure, and Object Record) forms and the property was identified on a DPR Location Map.

As a result of LSA’s evaluation of this property, it was determined that the 1959 Ranch style, split-level office building with Mid-Century Modern elements does not appear to be eligible for listing in the California Register of Historical Resources under any criteria. In summary, the overall integrity of the building with respect to materials, workmanship, and design is poor due to alterations and additions made by owners and tenants over the years. The building is associated with postwar patterns of development, but on its own does not convey this trend. Although the inventor of Sea ‘n’ Ski suntan lotion was the owner of the building, this building is not associated with that invention or the production or sale of that product. It does not express the design ideals of the Ranch style more fully than other examples of its type.

For these reasons, the property at 1301 Broadway does not qualify as a “historical resource” as defined by the California Environmental Quality Act (CEQA) and, for purposes of this project, the project would have “no impact” regarding built environment historical resources.

²⁴ California Environmental Protection Agency (CalEPA). 2024. *Cortese List Data Resources*. Website: <https://calepa.ca.gov/SiteCleanup/CorteseList/> (accessed July 15, 2024).

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