

Addendum #2 to the Final Environmental Impact Report for the Millbrae Station Area Specific Plan

Prepared by the City of Millbrae
May 23, 2022

Introduction

This document is an Addendum to the Millbrae Station Area Specific Plan (MSASP) Final Environmental Impact Report (“MSASP FEIR”) (State Clearinghouse No. 2014092061), which was certified by the City of Millbrae on January 12, 2016. In accordance with the California Environmental Quality Act (CEQA), this Addendum analyzes proposed modifications (the “Modified Project”) to the MSASP Final Document approved in 2016 and amended in 2022 (the “Approved Project”) and demonstrates that all of the potential environmental impacts associated with the proposed modifications would be within the envelope of impacts already evaluated in the MSASP Final EIR.

CEQA Authority for Addendum

CEQA establishes the type of environmental documentation required when changes to a project occur after an EIR is certified. Specifically, Section 15164(a) of the CEQA Guidelines states that:

The lead agency or responsible agency shall prepare an addendum to a previously certified EIR if some changes or additions are necessary but none of the conditions described in Section 15162 calling for preparation of a subsequent EIR have occurred.

Section 15162 of the CEQA Guidelines requires a Subsequent EIR when an MND has already been adopted or an EIR has been certified and one or more of the following circumstances exist:

1. Substantial changes are proposed in the project which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;
2. Substantial changes occur with respect to the circumstances under which the project is undertaken, which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or
3. New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete or the negative declaration was adopted, shows any of the following:
 - a. The project will have one or more significant effects not discussed in the previous EIR or negative declaration;
 - b. Significant effects previously examined will be substantially more severe than shown in the previous EIR;

- c. Mitigation measures or alternatives previously found not to be feasible would in fact be feasible, and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or
- d. Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

Likewise, California Public Resources Code (PRC) Section 21166 states that unless one or more of the following events occur, no subsequent or supplemental environmental impact report shall be required by the lead agency or by any responsible agency:

1. Substantial changes are proposed in the project which will require major revisions of the environmental impact report;
2. Substantial changes occur with respect to the circumstances under which the project is being undertaken which will require major revisions in the environmental impact report; or
3. New information, which was not known and could not have been known at the time the environmental impact report was certified as complete, becomes available.

As demonstrated by the analysis herein, the Modified Project would not result in any new additional significant impacts, nor would it substantially increase the severity of previously anticipated significant impacts. Rather, all of the impacts associated with the Modified Project are within the envelope of impacts addressed in the FEIR and do not constitute new or substantially increased significant impacts. Based on this determination, the Modified Project does not trigger the requirements for preparation of a Subsequent or Supplemental EIR pursuant to Section 15162 of the CEQA Guidelines.

Overview of Approved Project

The City Council of the City of Millbrae certified the MSASP FEIR on January 12, 2016 and then subsequently approved the Millbrae Station Area Specific Plan ("MSASP") update on February 10, 2016. The MSASP guides future public improvements and private development in the Plan Area over the next 20 plus years. The MSASP area is divided into five planning zones and one overlay zone that allow for a mix of land uses and are regulated by zoning. The MSASP establishes zoning development standards such as maximum height, density, square footage, and design guidelines and standards for future development within the Plan Area.

The MSASP Plan Area is located within the planning area defined in the Comprehensive Airport Land Use Compatibility Plan for the Environs of San Francisco International Airport ("SFO ALUCP"), adopted by the Board of Directors of the City/County Association of Governments of San Mateo County, in its capacity as the San Mateo County Airport Land Use Commission ("ALUC") on November 8, 2012. The SFO ALUCP provides land use policies, height limits, and recommendations for development in the

areas surrounding San Francisco International Airport (SFO) to ensure that development in the areas surrounding the airport are compatible with airport operations. Specifically with respect to land uses, the plan provides policies for the orderly development of the area surrounding SFO so as to prevent the creation of new noise and safety problems and ensuring that the land use compatibility policies fall within the level of acceptable risk considered to be a community norm in the environs of the Airport. The plan serves to protect the public health, safety, and welfare by the adoption of land use measures that minimize the public's exposure to excessive noise and safety hazards within areas around public airports to the extent that these areas are not already devoted to incompatible uses. In accordance with the requirements of California Public Utilities Code Section 21676(b) a local agency General Plan, Zoning Ordinance and/or any affected specific plan must be consistent with the applicable airport/land use criteria in the relevant adopted ALUCP.

The SFO ALUCP includes five sets of safety zones and identifies specific land uses which are either incompatible or should be avoided within each of these zones. The SFO ALUCP designates Safety Compatibility Zones 1 to 4 in Millbrae, with 1 being the most restrictive in terms of land use regulations and 4 being the least restrictive. At the time of public review of the MSASP update in 2015, it was presented for review by the ALUC for consistency with the SFO ALUCP pursuant to Policy GP-8.1 that requires notification and review of proposal local land use policy action that affects properties within the ALUCP plan area. The ALUC made a formal determination in 2015 that the 2016 MSASP update was conditionally compatible with the relevant policies of the SFO ALUCP. An explanatory note was included in MSASP Table 5-1 "Permitted and Conditionally Permitted Land Uses" that "Within SFO Safety Compatibility Zones 1, 2 and 3, uses must comply with the ALUCP policies and criteria described in Policy SP-2, Safety Compatibility Land Use Criteria; Table IV-2, Safety Compatibility Criteria; and Policy SP-3, Hazardous Uses."

The FEIR also served as a project-level EIR for two Transit-Oriented Developments in the Millbrae Station Area, known as TOD #1 and TOD #2. TOD #1 will contain up to 488 residential units, approximately 290,100 square feet of office space, and approximately 13,200 square feet of office space divided among three buildings. TOD #2 is located on the parcel directly east to the Millbrae Station and will contain 400 residential units, a hotel with 164 rooms, 150,000 square feet of office space, and approximately 44,000 square feet of commercial space. Both projects have received their entitlements from the City of Millbrae. Construction is underway in TOD #2.

Previously Approved MSASP Amendments and EIR Addendum

In 2020, the City prepared a text amendment to the MSASP ("2020 MSASP Amendment") to offer increased flexibility for the City to allow life science uses with Biosafety Level 2 laboratories in the Transit Oriented Development (TOD) District zone south of Millbrae Avenue and Employment Center/Light Industrial Zone within Safety Compatibility Zone 2. Hazardous uses under Biosafety Level 2 include: practices, equipment, and facility design and construction are applicable to clinical, diagnostic, teaching, and other laboratories in which work is done with the broad spectrum of indigenous moderate-risk agents that are present in the community. This text amendment included changes to MSASP Table 5-1 "Permitted and Conditionally Permitted Land Uses" including a note and footnote. This text amendment consisted of four text modifications:

1. Modification to MSASP Table 5-1 Permitted and Conditionally Permitted Land Uses to permit with a Conditional Use Permit the following three life science related land uses in the

TOD Zone:

Biotechnology/Scientific Labs, Tech/Biotech Product Assembly, and Tech/Biotech Component Manufacturing uses.

2. Addition of new note to Table 5-1 stating:

“Within SFO Compatibility Zone 2, Hazardous Uses up to Biosafety Level 2 may be allowed, subject to a Conditional Use Permit, per City of Millbrae Resolution 21-08 and Resolution No. 21-60 within the TOD Zone and the Employment Center/Light Industrial Zone.”

3. Modification to Footnote #4 to Table 5-1 on Page 5.7 to delete existing text and add new text to read:

“Light Industrial facilities in Safety Compatibility Zone 2 of ALUCP may include hazardous uses up to Biosafety Level 2, as defined by the SFO ALUCP, Policy SP-3 on pages IV-33 and IV-34”

4. Addition of new Footnote #6 to Table 5-1 for Light Industrial Uses stating:

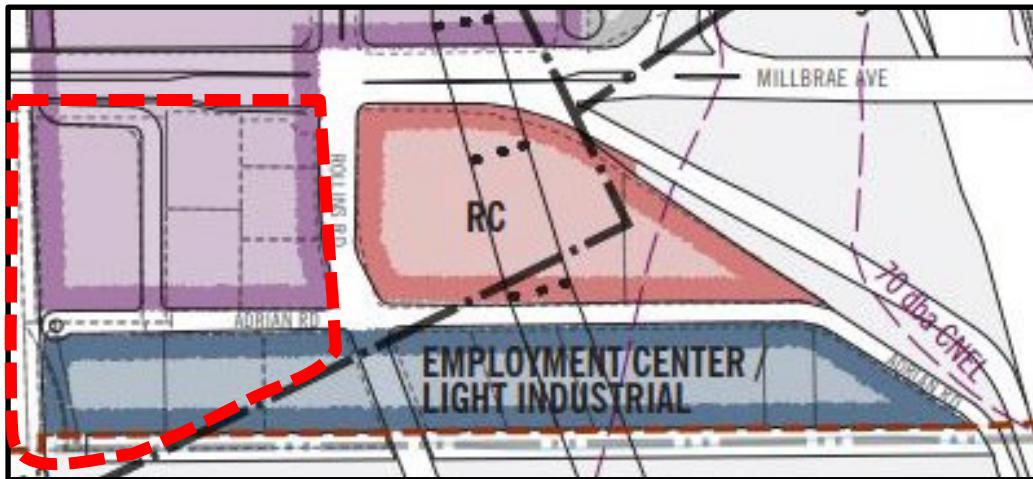
“Biotechnology/Scientific Labs, Tech/Biotech Product Assembly, and Tech/Biotech Component Manufacturing are allowed with a Conditional Use Permit in the TOD zone portion south of Millbrae Avenue.”

On August 17, 2020, the Planning Commission adopted Resolution No. 20-07 recommending that the City Council adopt the 2020 MSASP Amendment.

On January 12, 2021, the City Council adopted Resolution No. 21-08 approving the 2020 MSASP Amendment. In addition, on September 15, 2021, the City Council adopted Resolution No. 21-60 further clarifying that these 2020 MSASP Amendments allowed, with a Conditional Use Permit, hazardous uses classified as up to "Biosafety Level 2" uses in a portion of the Employment Center/Light Industrial Zone located within Safety Compatibility Zone 2. These amendments were submitted for review for consistency with the SFO ALUCP, and deemed inconsistent by the Board of Directors of the C/CAG of San Mateo County, in its capacity as the San Mateo County ALUC. Subsequently, the City Council adopted associated resolutions making specific findings in favor of the overruling action, pursuant to Public Utilities Code Section 21676 (c), to overrule the ALUC determination.

An EIR Addendum (“2020 EIR Addendum”) was prepared that determined that the amendments and override would not result in any new additional significant impacts, nor would it substantially increase the severity of previously anticipated significant impacts. All of the impacts associated with the amendment were within the envelope of impacts addressed in the FEIR and did not constitute new or substantially increased significant impact. Based on this determination, the actions did not trigger the requirements for preparation of a Subsequent or Supplemental EIR pursuant to Section 15162 of the CEQA Guidelines. The City Council made findings determining that the 2020 EIR Addendum to the previously certified EIR adequately satisfied the requirements of the California Environmental Quality Act pursuant to CEQA Guidelines section 15162 and 15164.

Figure 1: Area of MSASP Where Up To Biosafety Level 2 Uses are Conditionally Permitted and Resolutions Making Findings Overriding the SFO ALUCP - Approved (2021)



ANALYSIS:

Summary of Modified Project

The proposed amendment to the MSASP (“2022 MSASP Amendment”) would allow, with a Conditional Use Permit, life science labs and office uses, including more specifically Biotechnology/Scientific Labs, Tech/Biotech Product Assembly, and Tech/Biotech Component Manufacturing uses, including hazardous uses classified as up to Biosafety Level 2 in the Transit Oriented Development zone portion located east of El Camino Real, west of the railway, and north of Millbrae Avenue, within the Comprehensive Airport Land Use Compatibility Plan for SFO Safety Compatibility Zone 2. The red dashed lines in Figure 2 designate the proposed area for the subject land use change. The text amendment is provided in Attachment #1, Exhibit A. This text amendment consists of three text modifications:

1. Modification to the text describing the TOD planning zone on page 5.2 to add the following new text (underlined):
“Life science laboratories and office uses are limited to the TOD zone portions located 1) south of Millbrae Avenue and 2) north of Millbrae Avenue, east of El Camino Real, and west of the Railroad.”
2. Modification to the note to Table 5-1 on page 5.7 to add the following new text (underlined):
“Within SFO Compatibility Zone 2, Hazardous Uses up to Biosafety Level 2 may be allowed, subject to a Conditional Use Permit, per City of Millbrae Resolution 21-08 and Resolution No. 21-60, and Resolution No. XX-XX [insert final City Council Resolution for the “Override” action] within the TOD Zone and the Employment Center/Light Industrial Zone.”
3. Modification to Footnote #6 to Table 5-1 on Page 5.7 to add the following new text (underlined):
“Biotechnology/Scientific Labs, Tech/Biotech Product Assembly, and Tech/Biotech Component Manufacturing are allowed with a Conditional Use Permit in the TOD zone portions located 1) south of Millbrae Avenue and 2) north of Millbrae Avenue, east of El Camino Real, and west of the Railroad.”

Figure 2: Area of 2022 MSASP Amendment to Allow Up To Biosafety Level 2 Uses



Analysis of Modified Project

As further set forth in City Council Resolution No. 16-01 adopted on January 12, 2016 and pursuant to the California Environmental Quality Act (“CEQA”), Public Resources Code section 21000 et seq., the City of Millbrae City Council certified a Final Environmental Impact Report that addressed the environmental impacts of the Millbrae Station Area Specific Plan. The Final EIR prepared by the City for the Millbrae Station Area Specific Plan, including the Draft EIR, identified potentially significant environmental effects, some of which could feasibly be mitigated or avoided. Such effects and corresponding mitigation measures are identified in the MSASP EIR, and are incorporated herein by reference. The mitigation measures and mitigation monitoring program are listed in the MSASP EIR. The MSASP EIR determined that all significant environmental effects, with the exception of four discussed below, can feasibly be avoided, have been avoided, or reduced to a level of insignificance.

The MSASP EIR identified the significant impacts on the environment that cannot be avoided or mitigated to a level of insignificance and the City Council adopted a statement of overriding considerations when the MSASP EIR was certified that justified why the merits of the MSASP outweighed the unavoidable significant impacts.

The 2022 MSASP Amendment includes only minor technical changes or additions related to potential future life science land uses in the Plan Area, and none of the conditions described in CEQA Guidelines section 15162 requiring the preparation of a subsequent EIR have occurred as documented herein. The 2022 MSASP Amendment would not cause significant environmental impact due to a conflict in land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect as the proposed Amendment would conform to the City General Plan and all impacts will be within the range of those identified in the Final EIR.

The 2022 MSASP Amendment would not result in either a safety hazard nor excessive noise for people residing or working in the immediate area, as the use is already allowed within the Station Area, as provided for in the 2020 MSASP Amendments.

The amendment would conflict with the SFO ALUUCP, which prohibits Biosafety Level 2 uses in SFO Safety Compatibility Zone 2. However, due to the very light air traffic using the adjacent runway, the risk of an aircraft accident within this portion of the TOD zone is minimal. No modifications to the existing MSASP development standards are proposed as part of this amendment, and thus the amendment will not result on any additional impacts or effects other than those described in the Final EIR.

Furthermore, each individual development project would be evaluated through environmental analysis as part of the Conditional Use Permit process in regards to hazardous materials and any other environmental concerns. The Project level analysis will determine whether the proposed project is within the scope of the FEIR, or whether an additional environmental document is required, in accordance with the California Environmental Quality Act (CEQA) Guidelines.

Therefore, pursuant to CEQA Guidelines section 15162(a)(1), there are no substantial changes proposed in the project which will require major revisions of the FEIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects.

Pursuant to CEQA Guidelines section 15162(a)(2), and as stated above, there are no substantial changes with respect to the circumstances under which the MSASP Amendment is undertaken which will require major revisions of the FEIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects.

In conclusion, pursuant to CEQA Guidelines section 15162(a)(3), no new information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was adopted, shows any of the following:

- a. The project will not have one or more significant effects not discussed in the FEIR;
- b. Significant effects previously examined will not be substantially more severe than shown in the FEIR;
- c. There are no mitigation measures previously found not to be feasible which would in fact be feasible and would not substantially reduce one or more significant effects of the project; or
- d. There are no mitigation measures which are considerably different from those analyzed in the FEIR that would substantially reduce one or more significant effects of the environment.

Exhibit A: Draft 2022 MSASP Amendment

5.1. PLANNING ZONES AND OVERLAY ZONE

As shown in Figure 5-1, the Plan Area is divided into five Planning Zones with one Overlay Zone, which are based off of the Land Use Plan and concepts described in Chapter 4. Overlay Zone regulations shall be applied in addition to those in the underlying base zone.

Transit-Oriented Development (TOD) Zone

This Zone supports a variety of uses at higher intensities in order to create a vibrant day and evening activity center immediately adjacent to the Millbrae Station. In order to make the higher intensities of TOD enjoyable and convenient, all TOD developments shall have a mix of uses. Life science laboratories and office uses are limited to the TOD zone portions located 1) south of Millbrae Avenue and 2) north of Millbrae Avenue, east of El Camino Real, and west of the Railroad.

Residential Mixed Use Zone

The El Camino Real corridor, except for the area immediately west of the Millbrae Station, is designated Residential Mixed Use. This Zone accommodates and encourages medium- to high-density residential development above ground floor retail uses that face El Camino Real. Land use regulations and standards for this zone are also intended to ensure an appropriate transition in use and scale between new high density development in the TOD Zone and the existing single family residential neighborhoods to the west.

Employment Center / Light Industrial Zone

This Zone is intended to promote the development of an employment-oriented corridor with new Class A office buildings and light industrial uses that front Adrian Road.

Retail Commercial Zone

The Retail Commercial Zone is intended to retain and enhance existing retail and shopping development close to Highway 101.

Public Facilities Zone

This Zone is applied to portions of the Plan Area that are reserved for utility-related uses or public services, including a City storage yard, and parking.

Residential Overlay Zone

The Residential Overlay Zone is intended to accommodate multi-family homes, with the provision of housing available to people of all incomes, in close proximity to the Millbrae Station, including townhomes, apartments, and condominiums, that thoughtfully transition in scale to the Bayside Manor neighborhood to the north.

DRAFT AMENDMENTS

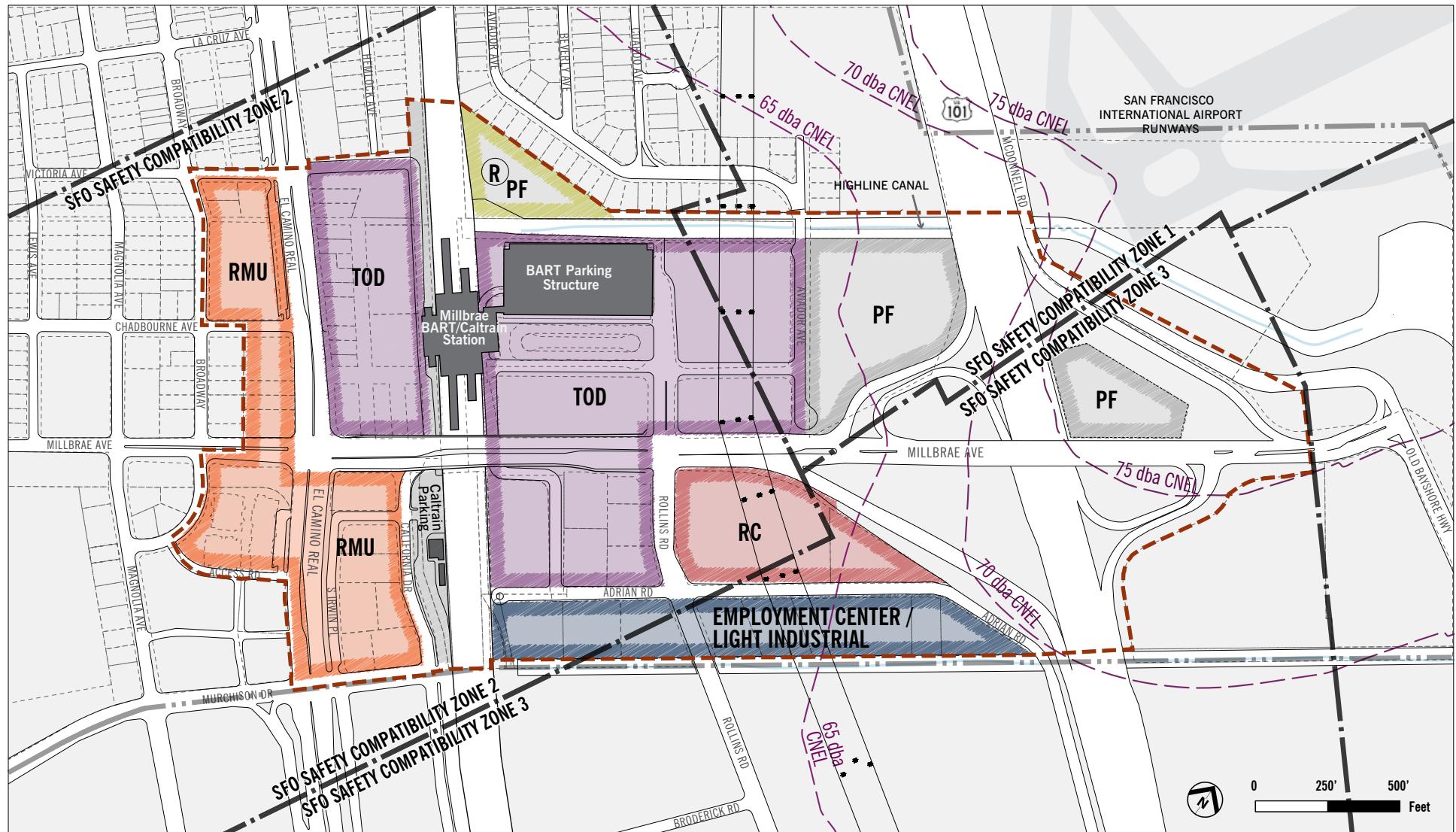
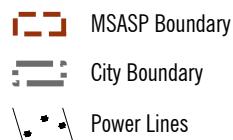


FIGURE 5-1. Planning and Overlay Zones



Planning Zones

- Transit-Oriented Development (TOD) Zone (purple)
- Residential Mixed Use (RMU) Zone (orange)
- Employment Center / Light Industrial Zone (blue)

Overlay Zone

- Residential Overlay (R) (yellow circle with 'R')
- SFO Safety Compatibility Zones (dashed lines)
- SFO Noise Compatibility Zones (dashed purple lines)

DRAFT AMENDMENTS

5.2. LAND USE REGULATIONS

Table 5-1 indicates the land uses that are permitted, conditionally permitted, and prohibited within each Planning or Overlay Zone. As described above, Overlay Zone land use regulations shall be applied in addition to those in the underlying base zone. Other uses not identified in Table 5-1 that are deemed consistent with the spirit and intent of the underlying land use designation shall be given Director consideration and approved at Director discretion or deferred to the Planning Commission.

TABLE 5-1. PERMITTED AND CONDITIONALLY PERMITTED LAND USES

Permitted (P) Conditional (C) Not allowed (-) Permitted when part of mixed use building (*)	TOD	Residential Mixed Use	Employment Center / Light Industrial	Residential Overlay	Retail Commercial	Public Facilities
Residential Uses						
Duplexes	-	-	-	P	-	-
Live/Work Units	P*	P*	C	-	-	-
Multiple-Family Dwellings						
— Less than 7 Units	-	-	-	P	-	-
— 7 Units or More	P*	P	C	P	-	-
Public and Quasi-Public Uses						
Adult Education	C*	C*	C*	-	C	-
Community Centers [1]	P	P	P	-	P	-
Public Electric Vehicle Charging Station	P*	P*	P*	-	P	-
Library	P	P	P	-	P	-
Public Parks and Recreational Facilities [1]	P	P	P	P	P	P
Public Parking Structures	P	P	P	P	P	-

DRAFT AMENDMENTS

Permitted (P) Conditional (C) Not allowed (-) Permitted when part of mixed use building (*)	TOD	Residential Mixed Use	Employment Center / Light Industrial	Residential Overlay	Retail Commercial	Public Facilities
Commercial Uses						
<i>Eating and Drinking Establishments</i>						
Restaurants	P*	P*	P*	-	P	-
Bars	C*	C*	C*	-	C	-
<i>Commercial Services</i>						
Banks and Financial Services [2]	P*	P*	P*	-	P*	-
Business Support Services [2]	P*	P*	P*	-	C*	-
Child Care Services [2] [3]	C*	C*	C*	-	-	-
Health and Exercise Clubs (no more than 3,000 square feet if on ground floor) [2]	P*	P*	P*	-	P*	-
Medical Offices [2]	P*	C*	C	-	-	-
Offices [2]	P	P*	P	-	-	-
Personal Services	P*	P*	P*	-	P*	-
Light Industrial [4][6]						
Biotechnology / Scientific Labs	C	-	C	-	-	-
Research and Development Facility (R&D)	C	-	P	-	-	-
Tech / Biotech Product Assembly	C	-	C	-	-	-
Tech / Biotech Component Manufacturing	C	-	C	-	-	-

DRAFT AMENDMENTS

Permitted (P) Conditional (C) Not allowed (-) Permitted when part of mixed use building (*)	TOD	Residential Mixed Use	Employment Center / Light Industrial	Residential Overlay	Retail Commercial	Public Facilities
<i>Retail</i>						
Drive-In and Drive-Through Facilities	-	-	-	-	P	-
Food and Beverage Sales (less than 15,000 square feet)	P*	P*	P*	-	P	-
Gas and Service Stations	-	-	-	-	C	-
Liquor Stores	C*	C*	-	-	C*	-
Retail Sales	P*	P*	P*	-	P	-
<i>Other Commercial Uses</i>						
Commercial Lodging	C	C	C	-	C	-
Conference Center [5]	P*	C	P*	-	P*	-
Museum	P	-	-	-	-	-
Theater	P	-	-	-	-	-
Indoor Commercial Recreation	P*	-	-	-	P	-

DRAFT AMENDMENTS

Permitted (P) Conditional (C) Not allowed (-) Permitted when part of mixed use building (*)	TOD	Residential Mixed Use	Employment Center / Light Industrial	Residential Overlay	Retail Commercial	Public Facilities
Transportation, Communication, and Utilities Uses						
Off-Site Construction Staging	C	C	C	-	C	P
Wireless Communications Facilities	C	C	C	-	C	C
Cogeneration Facility	C	-	-	-	-	-
Transit Facilities	P	-	-	-	-	-
Utility Services	C	-	C	-	C	P

NOTES:

Any use that requires a Conditional Use Permit (C) goes to the Planning Commission for approval.

An asterisk (*) indicates uses allowed only when part of mixed use building.

Within SFO Safety Compatibility Zones 1 and 3, uses must comply with the ALUCP policies and criteria described in Policy SP-2, Safety Compatibility Land Use Criteria; Table IV-2, Safety Compatibility Criteria; and Policy SP-3, Hazardous Uses. (See pages IV-27 through IV-34 of the SFP ALUCP, November 2012, or the latest adopted Plan). Within SFO Compatibility Zone 2, Hazardous Uses up to Biosafety Level 2 may be allowed, subject to a Conditional Use Permit, per City of Millbrae Resolution 21-08 and Resolution No. 21-60, and Resolution No. XX-XX within the TOD Zone and the Employment Center/Light Industrial Zone.

[1] Places of assembly seating more than 300 people are prohibited in SFO Safety Compatibility Zone 2. Places of assembly not in structure are prohibited in SFO Safety Compatibility Zone 1.

[2] Use is required to secure a Conditional Use Permit when located on the ground floor in a Type 1-Very Active Ground Floor Uses area as shown in Figure 5-4, Active Frontage Types.

[3] Large child day care centers, which are commercial facilities defined in accordance with Health and Safety Code, Section 1596.70, et seq., and licensed to serve 15 or more children, are prohibited in SFO Safety Compatibility Zones 2 and 3. Family day care homes and noncommercial employer-sponsored facilities ancillary to place of business are allowed in SFO Safety Compatibility Zone 3.

[4] Light Industrial facilities in Safety Compatibility Zone 2 of ALUCP may include hazardous uses up to Biosafety Level 2, as defined by the SFO ALUCP, Policy SP-3 on pages IV-33 and IV-34.

[5] Conference centers in Safety Compatibility Zone 2 of the ALUCP shall not provide seating in excess of 300 people.

[6] Biotechnology/Scientific Labs, Tech/Biotech Product Assembly, and Tech/Biotech Component Manufacturing are allowed with a Conditional Use Permit in the TOD zone portions located 1) south of Millbrae Avenue and 2) north of Millbrae Avenue, east of El Camino Real, and west of the Railroad.