

# 1. Introduction

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A thorough examination of the existing regulatory and environmental setting in Millbrae is a critical initial step in the adoption and implementation of the proposed Millbrae Station Area Specific Plan Update and associated amendments to the General Plan and Zoning Ordinance, and approval and development of the proposed Transit-Oriented Developments (TOD) #1 and #2 (together referred to as the “proposed Project”) and the certification of the Environmental Impact Report (EIR) process.

The City of Millbrae (City) is the Lead Agency for the proposed Project. This EIR is intended to inform the City’s decision-makers, other responsible agencies, and the public-at-large of the nature of the proposed Project and its effect (impact) on the environment. Accordingly, this Draft EIR provides an assessment of the potential environmental consequences of adoption, implementation, and development of the proposed Project. Additionally, this Draft EIR identifies mitigation measures and alternatives to the proposed Project that would avoid or reduce significant impacts. This Draft EIR compares the buildout potential<sup>1</sup> of the Specific Plan Area and the development of the proposed TOD #1 and TOD #2 projects with the existing baseline condition, described in detail in each resource section of Chapter 4.0, Environmental Analysis, of this Draft EIR.

## 1.1 PROPOSED ACTION

The City is currently undertaking a community-based planning process to update the 1998 Millbrae Station Area Specific Plan, including two specific TOD projects. Pursuant to Section 21080(d) of the California Environmental Quality Act (CEQA)<sup>2</sup> and Section 15378[a] of the CEQA Guidelines,<sup>3</sup> the proposed Project is subject to environmental review because adoption and implementation of the proposed Specific Plan Update and development of the proposed TOD projects are “actions” [undertaken by a public agency] that have the potential for resulting in either a direct physical change in the environment or a reasonably foreseeable indirect physical change in the environment.

The Specific Plan Update contains land use, urban design, and circulation goals, policies, and strategies to guide investment and development in the Specific Plan Area over the next 25 years. Because the Specific Plan is the guiding regulatory document for Specific Plan Area, the associated General Plan and Zoning Ordinance Amendments<sup>4</sup> are necessary to ensure that the land use and zoning designations, policies, and development standards in these documents are consistent with the proposed Specific Plan Update. The two individual proposed

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<sup>1</sup> Buildout potential is defined as the maximum theoretical amount of development that could occur within the 25-year horizon of the Specific Plan Update.

<sup>2</sup> The CEQA Statute is found at California Public Resources Code, Division 13, Sections 21000-21177.

<sup>3</sup> The CEQA Guidelines are found at California Code of Regulations, Title 14, Division 6, Chapter 3, Sections 15000-15387.

<sup>4</sup> See Sections 3.2.8, 3.3.7, and 3.4.7, Required Approvals, of Chapter 3, Project Description, of this Draft EIR, for a discussion on the required General Plan and Zoning Amendments for each Project component.

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TOD projects within the Specific Plan Area propose new mixed-use development adjacent to the Millbrae Bay Area Rapid Transit (BART)/Caltrain Station (Millbrae Station). Development of the two proposed TOD projects is anticipated to occur over the next 5 years. A detailed description of the proposed Project is provided in Chapter 3, Project Description, of this Draft EIR.

## 1.2 ENVIRONMENTAL REVIEW PROCESS

### 1.2.1 DRAFT EIR

Pursuant to State CEQA Guidelines Section 15063, the City determined that the proposed Project could result in potentially significant environmental impacts and that an EIR would be required; therefore, this EIR was prepared without an initial study. In compliance with Section 21080.4 of the California Public Resources Code, the City circulated the Notice of Preparation (NOP) of an EIR for the proposed Project to the Office of Planning and Research (OPR) State Clearinghouse (SCH), as well as interested agencies and persons, on September 19, 2014 for a 30-day review period. In the interests of the citizens of Millbrae and all interested parties, the City extended the comment period of the NOP to November 24, 2014 for a 67-day review period. The NOP solicited comments from identified responsible and trustee agencies, as well as interested parties regarding the scope of the Draft EIR. Appendix A, Notice of Preparation and Scoping Comments, of this Draft EIR contains the NOP as well as the comments received by the City in response to the NOP.

The scope of this EIR was established by the City through the NOP process and includes an analysis of both the Project-specific and cumulative impacts in the following issue areas:

- Aesthetics
- Air Quality
- Biological Resources
- Cultural Resources
- Geology, Soils, and Seismicity
- Greenhouse Gas Emissions
- Hazards and Hazardous Materials
- Hydrology and Water Quality
- Land Use and Planning
- Noise
- Population and Housing
- Public Services and Recreation
- Transportation and Circulation
- Utilities and Service Systems

- CEQA-Mandated Assessment:
  - Impacts Found Not To Be Significant
  - Significant Unavoidable Impacts
  - Growth-Inducing Impacts
  - Significant Irreversible Changes

The implementation of the proposed Project was found to have no impacts related to Agricultural and Forestry Resources, and Mineral Resources. A complete discussion of the impacts to Agricultural and Forestry Resources, and Mineral Resources is provided in Chapter 6, CEQA-Mandated Assessment, of this Draft EIR.

This Draft EIR will be available for review by the public and interested parties, agencies, and organizations for a 45-day comment period starting on Wednesday, June 24, 2015 and ending on Monday, August 10, 2015. During the comment period, the public is invited to submit written comments via mail or e-mail on the Draft EIR to the City of Millbrae Community Development Department by 5:00 p.m. on Monday, August 10, 2015.

Written comments should be submitted to:

Christine di Iorio, Community Development Director  
City of Millbrae  
621 Magnolia Avenue  
Millbrae, CA 94030  
Email: [cdiiorio@ci.millbrae.ca.us](mailto:cdiiorio@ci.millbrae.ca.us)

## 1.2.2 FINAL EIR

Upon completion of the 45-day review period, the City will review all written comments received and prepare written responses for each comment. A Final EIR will then be prepared, incorporating all of the comments received, responses to comments raising environmental issues, and any changes to the Draft EIR. The Final EIR will then be presented to the Planning Commission for a recommendation on the certification of the EIR and to City Council for potential certification as the environmental document for the proposed Project. Public input is encouraged at all public hearings before the Planning Commission and City Council.

All persons who commented on the Draft EIR will be notified of the availability of the Final EIR and the date of the public hearings before the Planning Commission and the City Council.

All responses to comments submitted on the Draft EIR by agencies will be provided to those agencies at least 10 days prior to certification of the Draft EIR. The City Council will make findings regarding the extent and nature of the impacts as presented in the Final EIR. The Final EIR will need to be certified as complete by the City prior to making a decision to approve or deny the proposed Project.

After the City Council certifies the Final EIR, it may then consider the proposed Project itself, which it may approve as presented in this Draft EIR, approve in part, approve with conditions, or deny. In other words, the certification of this EIR does not in and of itself approve any component of the proposed Project. The approval

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of the Specific Plan Update and the two TOD projects may occur at another time separate from the certification of the EIR and at separate times from one another, if at all. The City Council may require the mitigation measures specified in this Draft EIR as conditions of Project approval, and it may also require other feasible mitigation measures. Alternately, the City Council may find that the mitigation measures are outside the jurisdiction of the City to implement, or that no feasible mitigation measures have been identified for a given significant impact. In the latter case, the City Council may nonetheless determine that the proposed Project is necessary or desirable due to specific overriding considerations, including economic factors, and may approve the proposed Project despite an unavoidable, significant impact.

### 1.2.3 MITIGATION MONITORING

Public Resources Code Section 21081.6 requires that the Lead Agency adopt a monitoring or reporting program for any project for which it has made findings pursuant to Public Resources Code 21081. Such a program is intended to ensure the implementation of all mitigation measures adopted through the preparation of an EIR. The Mitigation Monitoring or Reporting Program for the proposed Project will be completed as part of the environmental review process.

## 1.3 TYPE OF EIR

As described in the CEQA Guidelines, a number of types of EIRs exist. Different types of EIRs are used for varying situations and intended uses. This section describes the type of EIR used for the proposed Project and how environmental review for future projects under the Specific Plan Update may occur.

### 1.3.1 PROGRAM- AND PROJECT-LEVEL ENVIRONMENTAL REVIEW

As described in Section 15161 of the CEQA Guidelines, the most common type of EIR is a project EIR, which examines the environmental impacts of a specific development project. As described in Section 15168 of the CEQA Guidelines, program EIRs are appropriate when a project consists of a series of actions related to the issuance of rules, regulations, and other planning criteria. In this case, the proposed Project that is the subject of this EIR includes the proposed Specific Plan Update, a long-term plan that will be implemented over a 25-year horizon as a policy document guiding future development activities, and two specific proposed TOD projects that are anticipated to be constructed in the next 5 years. Therefore, this EIR serves as both a program- and project-level EIR.

This EIR discloses and evaluates the environmental impacts associated with the policies, development standards, and anticipated buildout potential of the proposed Specific Plan Update at a program level, and the environmental impacts associated with the two proposed TOD projects at a project level. The programmatic portion of this EIR is generally more qualitative in nature than the project-specific, more quantitative portion of the EIR.

The programmatic portion of this EIR, does not evaluate the impacts of future individual projects that may be proposed under the Specific Plan Update. Under the programmatic EIR approach, future projects or phases may require additional, project-specific environmental analysis.

In order to identify whether additional analysis would be necessary when the project is implemented, the Lead Agency (the City) will need to determine the following:

- Whether the planned characteristics of the project are substantially different from those defined in the programmatic EIR;
- Whether the project would require additional mitigation measures; or
- Whether specific impacts were not evaluated in sufficient detail in the programmatic EIR.

If any of these conditions apply, then a new project-specific Initial Study leading to a Negative Declaration, a Mitigated Negative Declaration, or an EIR unless the activity qualifies for an exemption would be necessary to identify how the impacts of the project differ from those identified in this EIR or what additional mitigation measures would be necessary. For these subsequent environmental review documents, this program EIR will serve as the basis or first-tier environmental analysis for future project-level CEQA review. The program EIR can also serve to streamline future environmental review of subsequent projects per CEQA streamlining provisions described below.

## 1.3.2 STREAMLINING FOR INFILL PROJECTS

### 1.3.2.1 INFILL PROJECT STREAMLINING

Senate Bill (SB) 226 (2011) revised the Public Resources Code to allow for streamlining in the environmental review process for certain infill projects. In response to SB 226, the CEQA Guidelines were revised to include Section 15183.3, Appendix M, and Appendix N. The streamlining allowed by SB 226 allows for a full exemption from CEQA or for a more narrowed, project-specific CEQA document.

To be eligible, an infill project must:

- Be located in an urban area on a previously developed site or a site that adjoins existing qualified urban uses on at least 75 percent of its perimeter.
- Satisfy the performance standards in CEQA Guidelines Appendix M.
- Be consistent with the sustainable communities' strategy, as defined in CEQA Guidelines Section 15183.3(b)(3).

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Streamlining allows for CEQA to not apply to an infill project's effect in the following circumstances:

- If the effect was addressed as a significant impact in a previous program-level EIR (even if that significant impact was not reduced to a less-than-significant level).
- If the effect was not addressed, or if the infill project's impact would be more severe than was analyzed in the previous EIR, the lead agency can make a finding that uniformly applicable development standards and policies would mitigate the effect.

If it is determined that additional environmental review is required for the infill project, such review can be focused to the effects that have not been evaluated in the previous EIR and that would not be mitigated by uniformly applicable development standards and policies.

The Specific Plan Area is an urbanized area and future development under the proposed Specific Plan Update would be located on previously disturbed, infill sites. Therefore, development under the proposed Specific Plan Update may be eligible for streamlining under SB 226.

### 1.3.2.2 INFILL PROJECT EXEMPTIONS

Section 15332 of the CEQA Guidelines describes infill projects that are categorically exempt from the provisions of CEQA. To be exempt, infill projects must:

- Be consistent with the applicable General Plan designation and all applicable General Plan policies, as well as with the applicable zoning designation and regulations.
- Occur within the city limits on a project site of no more than 5 acres substantially surrounded by urban uses.
- Have no value as habitat for endangered, rare, or threatened species.
- Not result in any significant effects relating to traffic, noise, air quality, or water quality.
- Be able to be adequately served by all required utilities and public services.

Because of the urban characteristics of the Specific Plan Area, future projects in the Specific Plan Area may be eligible for categorical exemptions under Section 15332 of the CEQA Guidelines.