

LAND USE AND PLANNING

4.9 LAND USE AND PLANNING

This chapter describes the existing land use character of the Specific Plan Area and evaluates the potential land use and policy consistency impacts of future development that could occur by adopting and implementing the proposed Specific Plan Update, and approval and development of the proposed Transit-Oriented Developments (TOD) #1 and #2 (together referred to as the “proposed Project”), with regard to potentially significant direct and indirect environmental impacts related to potentially significant direct and indirect environmental impacts to land use and planning.

4.9.1 ENVIRONMENTAL SETTING

4.9.1.1 REGULATORY FRAMEWORK

This section describes land use plans and policies relevant to the Specific Plan Area. As described below, plans and policies related to air quality, biological resources, hydrology and water quality, public services and recreation, and transportation and traffic are described in the respective topical chapters, of this Draft Environmental Impact Report (EIR).

Federal Regulations

Code of Federal Regulations Title 14, Part 77, Safe, Efficient Use, and Preservation of the Navigable Airspace

Federal law requires that individuals who propose to build structures that would exceed Federal Aviation Administration (FAA) notification criteria formally notify the FAA of the proposal. Code of Federal Regulations (CFR) Title 14, Part 77 prescribes the FAA’s obstruction evaluation/airport airspace analysis (OE/AAA) procedures. FAA order JO 7400.2H, Procedures for Handling Airspace Matters, provides detail on these procedures. Once the OE/AAA is completed, the FAA must make a final determination. While the FAA has no direct power to limit proposed construction, it can influence local government decisions on the issuance of permits for structures that could be hazardous to air navigation.¹

State Regulations

Quimby Act

The Quimby Act of 1965 is a State law that allows local legislative bodies to adopt requirements for the dedication of land for parks or recreational purposes, payment of fees in-lieu-of land dedication, or a combination of both,

¹ City/County Association of Governments of San Mateo County, 2012, Comprehensive Airport Land Use Compatibility Plan for the Environs of San Francisco International Airport, Appendix F, page F-2.

as a condition of approval for a subdivision. The requirements must be adopted by ordinance, with definite standards for determining the amount of land dedicated, or fees paid, and the requirement must have a clear nexus to the use of the facilities by the future inhabitants of the subdivision. Project consistency with policies related to recreation is discussed in Chapter 4.12, Public Services and Recreation, of this Draft EIR.

California Department of Transportation

The California Department of Transportation (Caltrans) is the primary State agency responsible for transportation issues. One of its duties is construction and maintenance of the State highway system. Caltrans approves the planning, design, and construction of improvements for all State-controlled facilities. Caltrans has established standards for roadway traffic flow and developed procedures to determine if State-controlled facilities require improvements. For projects that may physically affect facilities under its administration, Caltrans requires encroachment permits before any construction work may be undertaken. For projects that would not physically affect facilities, but may influence traffic flow and levels of services at such facilities, Caltrans may recommend measures to mitigate traffic impacts of such projects. Project consistency with the applicable policies and procedures set forth by Caltrans is discussed in Chapter 4.13, Transportation and Traffic, of this Draft EIR.

Regional Regulations and Policies

Bay Area Rapid Transit District Plans, Policies and Guidelines

Transit Oriented Development Policies

In 2005, the Bay Area Rapid Transit (BART) District's Board of Directors adopted a TOD Policy² that aims to promote high-quality, more intensive development on and near BART stations. BART's TOD Policy articulates the following goals:

- Increase transit ridership and enhance quality of life at and around BART stations by encouraging and supporting high-quality TOD within walking distance of BART stations.
- Increase transit-oriented development projects on and off BART property through creative planning and development partnerships with local communities.
- Enhance the stability of BART's financial base through the value capture strategies of transit-oriented development.
- Reduce the access mode share of the automobile by enhancing multi-modal access to and from BART stations in partnership with communities and access providers.

Transit Oriented Development Guidelines

Published in June 2003, BART has developed Transit Oriented Development Guidelines in order to clarify the District's priorities for TOD on and near BART property. The guidelines present recommendations that are intended to assist in the planning and development process as well as reduce delay, frustration and conflict for all stakeholders. Ultimately, BART hopes that the guidelines promote vibrant and livable station areas which benefit

² Available online at <http://www.bart.gov/about/planning/policies>, accessed November 12, 2014.

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both BART riders and communities surrounding BART stations as well as promoting the use of BART as a primary means of transportation. The guidelines do not contain specific site development standards but rather they allow for flexibility in adapting to local conditions while adhering to fundamentals of TOD.³

Station Access Guidelines

Published in April 2003, BART has developed station access guidelines in order to map out how BART can optimize access to stations by all modes of transportation.⁴ The guidelines focus on physical changes at new and existing stations, providing a clear framework to be used in the design of facilities. The guidelines are intended to be a resource to Cities and Counties, like the City of Millbrae (City), indicating how BART and its partner agencies can work together to provide a “seamless journey” for BART customers. Many of the guidelines apply to areas out of BART’s jurisdiction. These guidelines are intended to complement the TOD guidelines discussed above.

The Association of Bay Area Governments

Projections 2013

The Association of Bay Area Governments (ABAG) is the official comprehensive planning agency for the San Francisco Bay region, which is composed of the nine counties of Alameda, Contra Costa, Marin, Napa, San Francisco, San Mateo, Santa Clara, Solano, and Sonoma, and contains 101 local jurisdictions. ABAG is responsible for taking the overall Regional Housing Needs Allocation (RHNA) provided by the State and preparing a formula for allocating that housing need by income level across its jurisdiction.⁵ ABAG produces growth forecasts on four-year cycles so that other regional agencies, including the Metropolitan Transportation Commission (MTC) and the Bay Area Air Quality Management District (BAAQMD), can use the forecasts to make project funding and regulatory decisions.

ABAG projections are the basis for the regional Ozone Attainment Plan and Regional Transportation Plan (RTP), which are discussed in Chapters 4.2, Air Quality and 4.13, Transportation and Traffic, respectively, of this Draft EIR. In this way, ABAG projections have practical consequences that shape growth and environmental quality. The General Plans, zoning regulations and growth management programs of local jurisdictions inform the ABAG projections. The ABAG projections are also developed to reflect the impact of “smart growth” policies and incentives that could be used to shift development patterns from historical trends toward a better jobs-housing balance, increased preservation of open space, and greater development and redevelopment in urban core and transit-accessible areas throughout the ABAG region.

³ Available online at <http://www.bart.gov/about/planning/policies>, accessed November 12, 2014.

⁴ Available online at <http://www.bart.gov/about/planning/policies>, accessed November 12, 2014.

⁵ ABAG Finance Authority, *Affordable Housing Financing*. <http://www.abag.ca.gov/services/finance/fan/housing.htm>, accessed on November 12, 2014.

Plan Bay Area, Strategy for a Sustainable Region

As previously discussed in Chapter 3, Project Description, of this Draft EIR, the MTC and ABAG *Plan Bay Area*, adopted on July 18, 2013,⁶ is the Bay Area's Regional Transportation Plan/Sustainable Community Strategy (SCS).⁷ The SCS sets a development pattern for the region, including the identification of Priority Development Areas (PDAs), which form the implementing framework for *Plan Bay Area*. Specifically, the PDAs are transit-oriented infill development opportunity areas within existing communities that are expected to host the majority of future development. Overall, well over two-thirds of all regional growth by 2040 is allocated within PDAs. The PDAs throughout the San Francisco Bay Area are expected to accommodate 80 percent (or over 525,570 units) of new housing and 66 percent (or 744,230) of new jobs.⁸ As shown on Figure 3-6 in Chapter 3, Project Description, there are two PDAs within Millbrae, of which one (Transit Station Area) is the Specific Plan Area. ABAG projects that the Transit Station Area PDA (the Specific Plan Area) will accommodate 2,420 new housing units and 2,040 new jobs between 2010 and 2040.⁹

Specific Plan Update consistency with the applicable polices related to GHG emissions is discussed in Chapter 4.6 Greenhouse Gas Emissions, and consistency with regional growth projections is discussed in Chapter 4.11, Population and Housing, of this Draft EIR.

Bay Area Air Quality Management District 2010 Bay Area Clean Air Plan

The Bay Area Air Quality Management District (BAAQMD) prepares Air Quality Management Plans (AQMPs) in coordination with ABAG, MTC, and the Bay Conservation and Development Commission (BCDC). While there is currently planning work going on to update the current Clean Air Plan, the most recent adopted comprehensive plan is the 2010 *Bay Area Clean Air Plan*, which was adopted on September 15, 2010, and incorporates significant new scientific data, primarily in the form of updated emissions inventories, ambient measurements, new meteorological episodes, and new air quality modeling tools from the previous iteration.¹⁰ The 2010 *Bay Area Clean Air Plan* provides the framework for the San Francisco Bay Area Air Basin (SFBAAB) to achieve attainment of the California Ambient Air Quality Standards (AAQS). Proposed Project consistency with applicable polices of the Clean Air Plan related to air quality is discussed in Chapter 4.2, Air Quality, of this Draft EIR.

San Francisco Bay Regional Water Quality Control Board Basin Plan

The primary responsibility for the protection of water quality in California rests with the State Water Resources Control Board and the nine Regional Water Quality Control Boards (RWQCBs). The Specific Plan Area is under jurisdiction of the San Francisco Bay RWQCB which has developed a Water Quality Control Plan for the Bay Area

⁶ It should be noted that the Bay Area Citizens filed a lawsuit on MTC and ABAG adoption of Plan Bay Area.

⁷ To read more about Plan Bay Area: Jobs-Housing Connection Scenario, go to www.OneBayArea.Org.

⁸ Metropolitan Transportation Commission (MTC) and Association of Bay Area Governments (ABAG), 2013, *Final Plan Bay Area, Strategy for a Sustainable Region*.

⁹ Metropolitan Transportation Commission (MTC) and Association of Bay Area Governments (ABAG), 2013, *Final Plan Bay Area, Strategy for a Sustainable Region, Appendices A and B*.

¹⁰ Bay Area Air Quality Management District website, <http://www.baaqmd.gov/Divisions/Planning-and-Research/Plans.aspx>, accessed November 12, 2014.

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(*Basin Plan*). The Specific Plan Update and TOD Projects would be required to conform to the policies and guidelines concerning land development in the region and would be subject to the requirements of the *Basin Plan*. Project consistency with the applicable policies set forth in the *Basin Plan* is discussed in Chapter 4.9, Hydrology and Water Quality, of this Draft EIR.

San Francisco International Land Use Compatibility Plan

The *Comprehensive Airport Land Use Compatibility Plan for the Environs of San Francisco International Airport*, adopted in 2012, is the Airport Land Use Compatibility Plan (ALUCP) for SFO. Under State law, C/CAG, acting in its capacity as the Airport Land Use Commission (ALUC) for San Mateo County, is given authority to (1) specify how land near airports is to be used, based on safety and noise compatibility considerations; (2) develop height restrictions for new development to protect airspace in the vicinity of the airport; and (3) to establish construction standards for new buildings near airports, including sound insulation requirements.¹¹ C/CAG, acting as the ALUC, is required “to review the plans, regulations, and other actions of local agencies and airport operators...” for consistency with the SFO ALUCP.¹² Additionally, while C/CAG, acting as the ALUC, is vested by state law with limited land use planning authority, they have no specific implementation authority. For example, the ALUC has no authority to issue permits prior to construction of a building or grant approvals for the recording of subdivision plats. Actions by the ALUC can be overruled by local governments (e.g. City of Millbrae), although the override action must follow specific steps and be supported by adopted findings.

As discussed in Chapter 3, Project Description, of this Draft EIR, the Specific Plan Area is within Airport Influence Area (AIA) A and B. The SFO ALUCP addresses the following four primary areas of concern:¹³

- Aircraft Noise Impact Reduction: To reduce the potential number of future airport area residents who could be exposed to noise impacts from airport and aircraft operations.
- Safety of Persons on the Ground and in Aircraft in Flight: To minimize the potential number of future residents and land use occupants exposed to hazards related to aircraft operations and accidents.
- Height Restrictions/Airspace Protection: To protect the navigable airspace around SFO for the safe and efficient operation of aircraft in flight.
- Overflight Notification: To establish an area within which aircraft flights to and from the Airport occur frequently enough and at a low enough altitude to be noticeable by sensitive residents. Within this area, real estate disclosure notices shall be required, pursuant to State law.

The SFO ALUCP land use/building regulations policies are in place to help guide development and implementation. Table 4.9-1 includes the general policies (GP) that are applicable to the proposed Project.¹⁴

¹¹ California Public Utilities Code, Article 3.5, Section 21670, et seq.

¹² California Public Utilities Code, Section 21674(d) and Section 21676.

¹³ City/County Association of Governments of San Mateo County, 2012. *Comprehensive Airport Land Use Compatibility Plan for the Environs of San Francisco International Airport*, pp. I-13 to I-14.

¹⁴ City/County Association of Governments of San Mateo County, 2012. *Comprehensive Airport Land Use Compatibility Plan for the Environs of San Francisco International Airport*, pp. III-4 to III-20.

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TABLE 4.9-1 SFO ALUCP GENERAL POLICIES APPLICABLE TO THE PROPOSED PROJECT

Number	Policy
GP-6	Findings as to Similar Uses. Cases may arise where a proposed development project involves a land use that is not explicitly provided for by the land use criteria in Chapter 4 of this [SFO] ALUCP. In such cases, conventional rules of reason shall be applied in determining whether the subject land use is substantially similar to any land use which is specified in the criteria in Chapter 4. In making these determinations, the reviewing officials shall consult the latest edition of the Airport Land Use Planning Handbook, prepared under the direction of the California Department of Transportation, and land use classification systems available through the American Planning Association and other authoritative sources.
GP-7	Properties divided by a Compatibility Zone Boundary. For the purpose of evaluating consistency with the compatibility criteria set forth in this ALUCP, any parcel that is split by compatibility zone boundaries shall be considered as if it were multiple parcels divided at the compatibility zone boundary line. Only the portion of the parcel that lies within the compatibility zone boundary shall be subject to the airport/land use compatibility consistency evaluation.
GP-8.1	Notification and Review of Proposed Land Use Policies. Any proposed land use policy action that affects property within the project referral area, Area B of the AIA, must be referred to the Airport Land Use Commission (the C/CAG Board) for a determination of consistency with the relevant policies of [the] ALUCP. Local jurisdictions shall notify the Airport Land Use Commission of every such proposed land use policy action as required by State law. The Airport Land Use Commission shall notify the SFO Airport Director, or the Airport Director's designee, as soon as possible after it receives a request for a consistency review of a proposed land use policy action. The intent is to afford the appropriate Airport staff an opportunity to review and comment on the proposed land use policy action.
GP-8.2	Notification to Airport of Proposed Land Use Policy Actions. C/CAG shall encourage local governments to inform the Airport of proposed land use planning projects within Area B of the AIA in a manner and at a time that enables Airport staff to review and provide timely comments on proposed land use policy actions.
GP-8.3	Airport Vicinity Development Coordination Committee. C/CAG shall encourage local government planners and Airport planners to participate in a committee convened by C/CAG that would meet periodically to discuss potential development and planning proposals on the Airport and in the local communities. The Committee would have no specific powers or authority but would serve as a forum for communication and coordination at the staff level.
GP-8.4	Advisory Review of Development Proposals. Under state law, local governments may submit development proposals to the Airport Land Use Commission for non-binding advisory review. C/CAG shall encourage local governments to submit the following types of development proposals within Area B of the AIA to the Airport Land Use Commission for advisory review: <ul style="list-style-type: none"> ▪ Commercial or mixed use development of more than 100,000 square feet of gross building area; ▪ Residential or mixed use development that includes more than 50 dwelling units; ▪ Public or private schools; ▪ Hospitals or other inpatient medical care facilities; ▪ Libraries; ▪ Place of public assembly.
GP-10	Proposed Local Agency Actions Requiring Review by the Airport Land Use Commission (C/CAG Board). The kinds of local agency actions subject to review by airport land use commissions differ depending on whether the local agency has made its general plan, specific plans, and zoning ordinance, or facilities master plan consistent with the ALUCP or has made a decision overriding the ALUCP.
GP-10.1	Scope of Airport Land Use Commission (C/CAG Board) Review Before Local Agency Makes Local Plans Consistent with ALUCP or Overrides ALUCP. Before an affected agency makes its general plan, specific plans, and zoning ordinance, or facilities master plan either consistent with the ALUCP or overrides the ALUCP as provided by law, the local agency shall refer all <i>proposed development and land use policy actions</i> that affect property within the

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TABLE 4.9-1 SFO ALUCP GENERAL POLICIES APPLICABLE TO THE PROPOSED PROJECT

Number	Policy
	project referral area, Area B of the AIA, to the Airport Land Use Commission (the C/CAG Board) for a determination of consistency with the ALUCP prior to issuing a permit for the proposed development (Pub. Util. Code, Section 21676.5(a)).
GP-12	Airport Land Use Commission (C/CAG Board) Consistency Determination Process. In its review of proposed development, land use policy actions, and airport and heliport plans, described in Policy GP-10, for a determination of consistency or inconsistency with the ALUCP, the Airport Land Use Commission (C/CAG Board) shall follow the process described herein (See pages III-15 through III-19 of the SFO ALUCP.)
GP-13.1	General Plan, Specific Plan, and Zoning Ordinance/Rezoning Review. General Plan, specific plan, and zoning ordinance/rezoning reviews are based on the ability of the proposed land use policy action to prevent future development of land uses or land use characteristics that would conflict with the airport/land use compatibility policies, standards, and criteria of this ALUCP. These consistency evaluations must consider the following factors, based on their relationship to the relevant policies and criteria of the ALUCP: <ul style="list-style-type: none">▪ Residential densities;▪ Types of non-residential land uses;▪ Height limits/architectural features/materials;▪ Sound insulation requirements;▪ Exposure to aircraft noise/overflight;▪ Potential impact on airspace protection.

Source: City/County Association of Governments of San Mateo County, 2012. Comprehensive Airport Land Use Compatibility Plan for the Environs of San Francisco International Airport.

Local Regulations

Millbrae 1998-2015 General Plan

The current iteration of the Millbrae General Plan was adopted in 1998. This General Plan outlines a vision of long-range physical and economic development and resource conservation that reflects the aspiration of the community. The General Plan establishes specific land use types in order to express the desired development pattern in the city. The General Plan is a dynamic document consisting of nine chapters that establish policies to guide development and conservation in Millbrae through 2015. The chapters of the General Plan include the following:

- Chapter 1 Table of Contents and Introduction
- Chapter 2 General Plan Summary
- Chapter 3 Land Use
- Chapter 4 Circulation
- Chapter 5 Housing
- Chapter 6 Parks, Open Space and Conservation
- Chapter 7 Noise
- Chapter 8 Safety
- Chapter 9 implementation Program Priorities

As shown in the Land Use Element, the General Plan envisioned buildout of the 1998 Specific Plan and anticipated that significant changes, with respect to land use, would occur. The General Plan does not include land use designations for the parcels in the Specific Plan Area, deferring this to the 1998 Specific Plan, which as described in Chapter 3, Project Description, of this Draft EIR, would be updated under the proposed Project. While specific land use designations are not provided, in order to guide development in this area, the General Plan contains goals and policies that would pertain to the proposed Project. These policies, as well as their consistency with the proposed Project, are shown below in Table 4.9-2 under Section 4.9.3, Impact Discussion under LU-2.

City of Millbrae Bicycle and Pedestrian Transportation Plan

In 2009, the City amended the Circulation Element of its General Plan to include a Bicycle and Pedestrian Transportation Plan. The City recognized that its regional location, climate, and proximity to mass transit opportunities made it a potential regional bikeways hub. The City developed the Bicycle and Pedestrian Transportation Plan in order to “identify and utilize the natural and manmade logistical advantages that Millbrae has to create a safe and convenient bikeway and pedestrian trail network with linkages to other cities and other regional recreational assets.¹⁵” The inclusion of the Bicycle and Pedestrian Transportation Plan in the General Plan Circulation Element included the addition of a Bike and Trail Map which identifies existing and proposed bicycle and pedestrian facilities. Project consistency with this portion of the General Plan is discussed in Chapter 4.13, Transportation and Traffic, of this Draft EIR.

Millbrae Municipal Code

The City of Millbrae Municipal Code contains all ordinances for the city. The Municipal Code is organized by Title, Chapter, and Section. The current Municipal Code is up to date through Ordinance 747, passed May 27, 2014. The following provisions of Title 10, Planning and Zoning, from the Municipal Code help minimize land use and planning impacts associated with new development projects in Millbrae:

- **Chapter 10.05 Zoning.** The Zoning Ordinance regulates land use in the city. It describes zoning districts and contains the zoning map as well as development standards for zoning districts. The Zoning Ordinance is the mechanism used to implement the goals, objectives, and policies of the General Plan and MSASP as well as to regulate all land use within the city. As described in Chapter 3 of this Draft EIR, the City’s Zoning Ordinance would be amended as a part of the proposed Project in order to ensure development intensities, heights, and other pertinent requirements are consistent between the Specific Plan Update and Zoning Ordinance.

4.9.1.2 EXISTING CONDITIONS

See Sections, 3.2.1, 3.3.1, and 3.4.1, of Chapter 3, Project Description of this EIR for a description of the existing conditions and surrounding land use for the Specific Plan Area, the TOD #1 and TOD #2 projects.

¹⁵ City of Millbrae, Millbrae General Plan, Circulation Element, page 2.

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4.9.2 STANDARDS OF SIGNIFICANCE

The proposed Project would result in a significant land use impact if it would:

1. Physically divide an established community.
2. Conflict with any applicable land use plan, policy or regulation of an agency with jurisdiction over the Project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect.
3. Conflict with any applicable habitat conservation plan or natural community conservation plan.

With regards to Standard of Significance 3, there is no adopted habitat conservation plan or natural community conservation plan covering the Specific Plan Area; therefore, this issue will not be discussed further.

4.9.3 IMPACT DISCUSSION

LU-1

The proposed Project would not physically divide an established community.

Implementation of the proposed Project would have a significant environmental impact if it were sufficiently large enough or otherwise configured in such a way as to create a physical barrier or other physical division within an established community. A typical example would be a project which involved a continuous right-of-way, such as a roadway, which would divide a community and impede access between parts of the community.

Specific Plan Update

The Specific Plan Update is within the boundaries of the existing 1998 Specific Plan. As with the 1998 Specific Plan, the Specific Plan Update is intended to transforms the Specific Plan Area from its current character into a vibrant mixed-use district that builds on the significant activity generated by the regional intermodal Millbrae Station. The implementation of the Specific Plan Update would enhance the connectivity from the existing uses with the Specific Plan Area to adjacent land uses through improved vehicular roadways and pedestrian and bicycle paths and lanes. Because the overall purpose of the Specific Plan Update is to refine the vision for the Specific Plan Area and multimodal and circulation improvements, as well as other infrastructure improvements required to accommodate new development, *no impact* on community connectivity would occur and implementation of the proposed Specific Plan Update would not divide the physical arrangement of an established community.

Significance Without Mitigation: No Impact.

TOD #1 Project

The TOD #1 project site is completely within the boundary of the Specific Plan Area. The TOD #1 project site is physically separated from surrounding neighborhoods by roadways including El Camino Real and Millbrae Avenue.

The nearest residential neighborhood is north of the site. The TOD #1 project would not divide this neighborhood from other residential areas or create any physical improvements or features within this neighborhood. The TOD #1 project includes internal roads and sidewalks that connect to surrounding land uses. These proposed improvements would enhance the streetscape and improve the connectivity to the surrounding communities and neighborhoods. For these reasons *no impact* on community connectivity would occur and the TOD #1 project would not divide the physical arrangement of an established community.

Significance Without Mitigation: No Impact.

TOD #2 Project

The TOD #2 project site is completely within the boundary of the Specific Plan Area. The TOD #2 project site is physically separated from surrounding neighborhoods by roadways including Millbrae Avenue and the railroad tracks. The nearest residential neighborhood is north of the site. The TOD #2 project would not divide this neighborhood from other residential areas or create any physical improvements or features within this neighborhood. The TOD #2 project includes internal roads, sidewalks and bicycle lanes and routes that connect to surrounding land uses, including the Bay Trail. These proposed improvements would enhance the streetscape and improve the connectivity to the surrounding communities and neighborhoods. For these reasons *no impact* on community connectivity would occur and the TOD #2 project would not divide the physical arrangement of an established community.

Significance Without Mitigation: No Impact.

LU-2	The proposed Project would not conflict with an applicable land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect.
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Millbrae General Plan

The General Plan Guidelines published by the State Office of Planning and Research defines consistency as follows; “An action, program, or project is consistent with the General Plan if, considering all its aspects, it will further the objectives and policies of the General Plan and not obstruct their attainment.” Therefore, the standard for analysis used in this Draft EIR is based on general agreement with the policy language and furtherance of the policy intent (as determined by a review of the policy context). A comparison of the proposed Project’s characteristics with all applicable policies outlined in the General Plan as they relate to land use issues are presented in Tables 4.9-2; as shown, the proposed Project is consistent with these policies.

TABLE 4.9-2 GENERAL PLAN POLICIES PERTAINING TO LAND USE AND PLANNING

Number	Policy	Consistency
Chapter 3 Land Use (LU) Element		
LU1.1	Quality of Millbrae's Residential Neighborhoods.	<u>Specific Plan Update</u>

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TABLE 4.9-2 GENERAL PLAN POLICIES PERTAINING TO LAND USE AND PLANNING

Number	Policy	Consistency
	Assure that all new residential development, renovation or remodeling preserves and strengthens Millbrae's residential neighborhoods by requiring projects to be in keeping with the character of the neighborhood and be harmoniously designed and integrated with the existing neighborhood.	Consistent. As described above, the Plan Area does not contain established residential communities. Implementation of the Specific Plan Update would allow for new development which, if unregulated, would have the potential to negatively affect the character of surrounding neighborhoods. However, the design considerations contained in the Specific Plan Update, including the fact that the Plan calls for transition zones, would minimize this potential by requiring new development to be scaled down nearby residential uses to minimize visual, privacy, and shadow impacts. Additionally, the Plan calls for the area immediately south of the Bay Manor neighborhood to provide adequate setbacks and transitions to respect the privacy and character of adjacent single family homes. ¹⁶
LU1.2	<p>Residential Densities. Maintain the character and long-term viability of the City's residential areas by assuring that residential projects are well designed and consistent with site and area resources and constraints. The following guidelines shall provide a starting point for establishing project-specific densities, as shown on the Land Use map:</p> <p>a. Densities of undeveloped sites should be estimated at the middle of the range, rather than at the high end of the range.</p> <p>b. The low end of the range will be appropriate for "problem" sites, such as those with restrictive easements, difficult shape or slope, or other physical or infrastructure problems.</p> <p>c. <i>The high end of the range is achievable under</i></p>	<p>TOD #1 and #2 Projects</p> <p>Consistent. As described above, development of mixed use projects in the Plan Area would be consistent with recent development on El Camino Real as well as the long term prospects for the Plan Area. The design considerations associated with transition zones, contained in the development standards of the Specific Plan Update, would serve to ensure that the proposed TOD #1 and #2 Projects do not adversely affect the quality of surrounding residential neighborhoods.</p> <p>Specific Plan Update</p> <p>Consistent. The vision of the Specific Plan Update, which would be implemented through the development standards contained in Chapter 5 of the Specific Plan Update, would ensure that the residential units which currently exist in the Plan Area are within an appropriate context and that residential communities surrounding the Plan Area are not adversely affected. Specific development standards that would ensure this include height restrictions, density restrictions, open space and landscaping requirements as well as the requirements pertaining to transition zones. Moreover, in accordance with this General Plan Policy, the Specific Plan Update would allow for TODs.</p>

¹⁶ City of Millbrae, Millbrae Station Area Specific Plan, Chapter 4, Concepts and Policies, Page 4-5.

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TABLE 4.9-2 GENERAL PLAN POLICIES PERTAINING TO LAND USE AND PLANNING

Number	Policy	Consistency
LU1.4	<p>Conflicts Between Residential and Non-Residential Uses. Eliminate, to the greatest extent possible, noise, parking, traffic and other conflicts between residential and non-residential land uses.</p>	<u>TOD #1 and #2 Projects</u>
	<p>Site Planning and Design. Ensure high quality site planning, architecture and landscape design for all new development, renovation or remodeling.</p>	<u>Specific Plan Update and TOD #1 and #2 Projects</u> <p>Consistent. As discussed above, the development standards and design considerations which are a part of the Specific Plan Update would ensure that residential uses in the Plan Area are within an appropriate context and that residential communities surrounding the Plan Area are not adversely affected. The proposed TOD #1 and #2 projects would be held to these same development standards discussed above which would similarly ensure that these Projects are not in conflict with this General Plan Policy. The fact that these Projects are TOD further ensures consistency with this Policy.</p>
		<u>Specific Plan Update and TOD #1 and #2 Projects</u> <p>Consistent. As discussed above, the Specific Plan Update contains development standards which are intended to provide a framework for the urban form and character of the Plan Area. Additionally, the Specific Plan Update contains regulations including land use designations which are intended to provide for the proper siting of uses in the context of the area as a whole. These regulations are intended to transform the Plan Area into a 24-hour activity district with a mixture of uses centered on the Millbrae Station. Therefore, while the overall activity level in the Plan Area would increase, creating additional potential for conflicts between residential and non-residential uses, the regulations contained in the Specific Plan Update would serve to minimize this potential to the maximum extent practicable. Additionally, urban design Policy 6 of the Specific Plan Update calls for the City to "Ensure new development adjacent to residential neighborhoods provides appropriate transitions that respect the scale and character of the adjacent residential neighborhoods." Since the regulations in the Specific Plan Update would apply to the proposed TOD #1 and #2 projects, the potential for these projects to result in conflicts between residential and non-residential uses would be similarly minimized to the maximum extent practicable.</p>

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TABLE 4.9-2 GENERAL PLAN POLICIES PERTAINING TO LAND USE AND PLANNING

Number	Policy	Consistency
LU2.3	<p>Architectural Review Process for Residential Projects. Require design review of residential projects to ensure compatibility of new residential projects, or property improvements, including room additions, with existing residential property, with the existing character of the neighborhoods in which they are located, and with respect to architectural style, scale, mass, bulk, color, materials, lot coverage and setbacks. Ensure that there is proper noticing of all such projects, and that there are opportunities for applicants to consult with neighbors on design issues and possible solutions. Design review shall also ensure that new residential projects are protected from the impacts of undesirable traffic, noise, or other intrusions when proposed near existing commercial or industrial uses.</p>	<p><u>Specific Plan Update and TOD #1 and #2 Projects</u></p> <p>Consistent. As described in Millbrae Municipal Code Section 10.05.1710, while site-specific uses consistent with the Specific Plan Update would be permitted as outlined in the Specific Plan Update, conditional uses would be permitted through the conditional use permit process as provided in Article XXV of the City's Zoning Code. Moreover, any proposed use involving a new structure or exterior alterations to an existing structure would be subject to design review as provided in Article XXV of the Zoning Code. This means that in accordance with Table 5-01 in the Specific Plan Update, if residential uses are proposed in portions of the Plan Area not designated for residential development and a new structure or exterior alterations to an existing structure is proposed, the City's existing regulations would require architectural review and the proposed Project would not conflict with or obstruct this requirement. This provision of the Municipal Code would similarly apply to the proposed TOD #1 and #2 projects.</p>
LU2.4	<p>Design and Development Review Process for Commercial and Industrial Projects. Establish design guidelines for all new commercial and industrial development, renovation, and remodeling projects to enhance the overall character of the City, protect the public from unwarranted nuisances, and create a high-quality aesthetic in the City's commercial districts. To this end, proposed projects shall strive to achieve the following goals:</p> <ol style="list-style-type: none"> Achieve a high quality design in keeping with Millbrae's suburban character. Assure that the design and scale of the project is appropriate in relation to the neighborhood in which it is located, including exterior colors and materials. Minimize impacts of excessive noise, glare, or hazardous materials. Screen unsightly uses, including trash and loading dock areas, roof top equipment, and ventilating systems. Incorporate setbacks, open space, and landscaping (including maintenance) into project design. 	<p><u>Specific Plan Update and TOD #1 and #2 Projects</u></p> <p>Consistent. The Specific Plan Update would not permit industrial uses in the Plan Area. The development standards contained in Chapter 5 of the Specific Plan Update would apply to future potential commercial projects in the Plan Area. Additionally, as described above, any proposed use involving a new structure or exterior alterations to an existing structure would be subject to design review as provided in Article XXV of the Zoning Code. The proposed Project would not conflict with or obstruct this requirement of the Municipal Code. This provision of the Municipal Code would similarly apply to the proposed TOD #1 and #2 projects.</p>
LU3.1	<p>Variety of Land Uses. Maintain the City's existing general pattern of land use, ensuring a variety of land use designations to provide for the community's residential,</p>	<p><u>Specific Plan Update and TOD #1 and #2 Projects</u></p> <p>Consistent. The Specific Plan Update establishes the land use pattern for the Plan Area. While the Specific Plan Update does</p>

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TABLE 4.9-2 GENERAL PLAN POLICIES PERTAINING TO LAND USE AND PLANNING

Number	Policy	Consistency
	commercial, light industrial, recreational, open space, and public needs. Designate uses for undeveloped lands and consider re-designation of existing uses in accordance with the goals and policies set forth in this General Plan and in light of the City's needs, environmental conditions and changes in surrounding land uses.	represent a departure from the existing character of the Plan Area, the changes prescribed in the Specific Plan Update are necessary to account for changes in environmental conditions including development pressure resulting from shifting demographics. The proposed TOD #1 and #2 projects would be consistent with the Specific Plan Update and thereby this Policy.
LU3.4	General Plan Land Uses and the Planning and Zoning Regulations. Require that all proposed projects be consistent with the General Plan and other applicable development standards established by the City's Planning and Zoning Regulations.	<u>Specific Plan Update and TOD #1 and #2 Projects</u> Consistent. As seen in Map 3-4 of the City's General Plan, the City defers land use designations for the Plan Area to the MSASP, which would be updated by the Specific Plan Update. Additionally, according to the proposed Plan, If provisions in the Specific Plan Update and the Millbrae Zoning Code are in conflict, the provisions in the Specific Plan Update would be applied. Where provisions are not specifically addressed by the Specific Plan Update, the Zoning Code would be applied. These circumstances would ensure that the Specific Plan Update would be consistent with the General Plan and other applicable development standards established by the City's Planning and Zoning Regulations. Since the proposed TOD #1 and TOD #2 projects would be consistent with the Specific Plan Update, they would similarly be consistent with this Policy.
LU3.5	Special Land Use Policy Areas. Establish Special Land Use Policy Areas where more specific policies should apply and implement the Downtown "Action Agenda." These areas are shown on Map 3-4 and include the following: <i>Millbrae Station Area</i> <ol style="list-style-type: none"> Capitalize on the opportunity presented by construction of the new Millbrae BART I CalTrain intermodal station to enhance the City's economic development and implement the Millbrae Station Area Specific Plan. Development surrounding the station should be of an appropriate intensity to promote the creation of a transit-oriented district, to reinforce transit ridership, and to create a vibrant activity center and gateway to the City. The types of uses and the treatment of development within the station area should promote an active, safe and interesting pedestrian and vehicular environment during the day and evening hours. New development within the station area should complement and reinforce adjacent areas such as the Downtown to create a cohesive and 	<u>Specific Plan Update and TOD #1 and #2 Projects</u> Consistent. The Specific Plan Update establishes a special land use policy area where more specific policies apply. The provisions of the Specific Plan Update are intended to achieve the requirements listed in this General Plan Policy.

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TABLE 4.9-2 GENERAL PLAN POLICIES PERTAINING TO LAND USE AND PLANNING

Number	Policy	Consistency
	<p>seamless urban fabric served by major urban transportation systems.</p> <p>e. Within these parameters, development regulations should provide sufficient flexibility to respond to changing market conditions, and to promote the creation of a mixed-use district.</p> <p>f. Programs should be developed to maximize off-street parking within the Station area including provision of public parking, enforcement, curb painting, and signage, among others.</p>	
LU3.6	<p>Mixed Residential/ Commercial Projects. Encourage affordable housing production by allowing mixed residential/ commercial projects. As appropriate, the City will encourage mixed use projects in areas designated for commercial use, with residential, office and/or live/ work uses located above first-floor retail uses, with the residential portion of mixed use projects to be built at maximum allowed density to reduce trips to, from and within the City. Proposed mixed use projects should:</p> <p>a. Provide commercial uses for residents of the project in which the establishment is located and for adjacent residences.</p> <p>b. Limit commercial uses to the ground floor of a multi-story residential building or to single-story buildings.</p> <p>c. Limit commercial uses to those that are compatible with residential.</p> <p>d. Regulate signs through a planned sign program.</p> <p>e. Protect residential uses from the noise and traffic generated by commercial establishments with landscaping, open space, and other design features.</p> <p>f. Provide sufficient parking for residents, employees, and customers.</p> <p>g. Provide an adequate amount of open space for use by residents of the project. Such open space area should be designed to provide a private area for residents.</p>	<p><u>Specific Plan Update and TOD #1 and #2 Projects</u></p> <p>Consistent. The Specific Plan Update proposes designations that require mixed-use development. Additionally, the Specific Plan Update provides guidance on the general composition of mixed-use development for land use designations where a mix of uses is required. The policies contained in Chapter 4, Concepts and Policies, of the Specific Plan Update accounts for the considerations described in letters a. through g. of this General Plan Policy. The proposed TOD #1 and #2 projects would be in conformance with the Specific Plan Update and its policies, and thereby would be consistent with this General Plan Policy.</p>

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TABLE 4.9-2 GENERAL PLAN POLICIES PERTAINING TO LAND USE AND PLANNING

Number	Policy	Consistency
LU3.7	Jobs/Housing Balance. Continue to strive for a balance between the number of jobs in the Millbrae Planning Area and the number of housing units available for workers. To achieve and maintain such a balance, the City and Redevelopment Agency should encourage and support, through policies and programs, mixed use projects which provide both housing and employment opportunities, and the development of affordable housing. The City should work with City and County Association of Governments of San Mateo County (C/CAG) and other regional authorities in the development of jobs and housing opportunities.	<u>Specific Plan Update and TOD #1 and #2 Projects</u> Consistent. By encouraging mixed use development, the Specific Plan Update contributes to a favorable jobs/housing balance. Since the proposed TOD #1 and #2 projects are mixed use and would add both jobs and housing units to the city, they would be consistent with this General Plan policy.
LU4.1	Commercial and Industrial Land Use Needs. Provide sufficient land for commercial and industrial uses to allow for development that provides basic goods and services to Millbrae residents and surrounding regional economic activities such as the San Francisco International Airport.	<u>Specific Plan Update</u> Consistent. As described above, the Specific Plan Update would not allow for industrial development in the Plan Area. The Specific Plan Update would allow for commercial development which would serve the needs of Millbrae residents. The Specific Plan Update would not affect the land use designations of portions of Millbrae outside of the Plan Area. As seen on the General Plan Land Use Map there would continue to be areas in the City where industrial uses would be permitted and more appropriately sited. <u>TOD #1 Project</u> <u>Not applicable.</u> <u>TOD #2 Project</u> <u>Not applicable.</u>
LU4.3	Investment, Rehabilitation, and Reuse in Older, Deteriorating Areas. Encourage new development, rehabilitation, and, where appropriate, changes in land use to improve and enhance older, deteriorating areas where existing uses are no longer viable and/ or where private investment is lacking due to underuse, inadequate infrastructure, blight conditions, or other obstacles.	<u>Specific Plan Update and Millbrae TOD #1 and #2</u> Consistent. The Specific Plan Update is intended to transform the Plan Area into a vibrant 24-hour activity district with a mixture of various uses centered on the Millbrae Station. The Specific Plan Update would guide existing development pressure and enhance the Plan Area by encouraging and allowing uses which are more viable and productive than what is currently permitted. The proposed TOD #1 and TOD #2 projects would be in conformance with the Specific Plan Update and its policies, and thereby would be consistent with this General Plan Policy.
LU4.9	Millbrae Station Area Specific Plan. Assist as appropriate in the development of lands within the Millbrae Station Area.	<u>Specific Plan Update</u> Consistent. The Specific Plan Update updates the existing MSASP in order to guide development in a manner that accounts for current trends in the housing and retail markets as well as in order to capitalize on the nature of the site as a transit hub. The proposed TOD #1 and TOD #2 projects would

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TABLE 4.9-2 GENERAL PLAN POLICIES PERTAINING TO LAND USE AND PLANNING

Number	Policy	Consistency
		be in conformance with the Specific Plan Update and its policies, and thereby would be consistent with this General Plan Policy.
LU4.10	Diversity of Businesses. Attempt to encourage the diversity of uses through control of like type businesses.	<u>Specific Plan Update</u> <u>Consistent.</u> The Specific Plan Update attempts to encourage a complementary collection of land uses. Complementary both within the Plan Area and to land uses surrounding the Plan Area. <u>TOD #1 Project</u> <u>Not applicable.</u> <u>TOD #2 Project</u> <u>Not applicable.</u>

Notes:

a. The Redevelopment Agency no longer exists.

Source: City of Millbrae General Plan 1998-2015, adopted 1998.

As shown in Table 4.9-1, the proposed Project would be consistent with the City's General Plan and a *less-than-significant* impact would result in this respect.

Specific Plan Update

As previously stated in Chapter 3, Project Description, of this Draft EIR, new development applications, including the proposed TOD #1 and TOD #2 projects, together with economic shifts, have created a need for the Specific Plan Update. The primary objective of each of the proposed TOD project is to develop a high-quality mixed-use development in the Specific Plan Area that is consistent with the intent of the proposed Specific Plan Update. As discussed in Chapter 3, Project Description, the two proposed TOD projects are conceptual for the purposes of conducting environmental review and do not represent final site plans, which would be refined during the City's project approval and design review process. During the project approval and design review process, the two TOD projects would be required and modified as necessary to be consistent with the policies and development standards in the Specific Plan Update, once adopted. Therefore, the following provides a discussion on the general consistency of the two TOD project with the Specific Plan Update.

Land Use and Zoning

As shown on Figures 3-7 and 3-9 in Chapter 3, Project Description, of this Draft EIR, the TOD #1 and TOD #2 project sites are within the Transit-Oriented Development land use designation and planning zone. Under the Transit-Oriented Development land use designation and planning zone, the Specific Plan Update envisions a wide variety of uses in areas closest to the Millbrae Station, including the current BART parking lots, which take advantage of station proximity. Employment uses, retail, service, hotels, and multi-family housing uses will maximize transit trips. All of these uses will capitalize on transit and the integration of residential and employment

uses will ensure that there is activity in the station area during the day and in the evenings. As described in detail in Chapter 3 of this Draft EIR, each of the TOD projects would provide a mix of office, retail, and residential uses, and TOD #2 would also include a hotel. Accordingly, the two TOD projects are consistent with the Specific Plan Update Transit-Oriented Development land use designation and planning zone and impacts would be *less than significant*.

Floor Area Ratio and Residential Density

The TOD #1 project would have a floor area ratio (FAR) of 5.74, and the TOD #2 project's buildings would have a range of FAR between 0.41 up to 4.65 for non-residential uses. These are within the maximum FAR of 4.75 for the Transit-Oriented Development land use designation and planning zone. The TOD #1 includes 500 residential units on the 3.5 acre site, and the TOD #2 project includes 321 residential units on a 9.7 acre site. Accordingly, each TOD project is within the Specific Plan Update's 250-unit per acre density standard for upper floor residential. Therefore, impacts with regard to FAR and residential density would be *less than significant*.

Building Height

Building height as it relates to aesthetics and safety are discussed in Chapter 4.1, Aesthetics, and Chapter 4.7, Hazards and Hazardous Materials, of this Draft EIR, respectively. As discussed in these chapters, impacts related to building height would be *less than significant*.

The following is a discussion of building height as it relates to development standard compliance. As discussed in Chapter 3, Project Description, the height of a building or structure is the measurement of the greatest vertical distance above the exterior finished grade to the highest point of the building immediately above, exclusive of antennas, chimneys and roof equipment. The height of a stepped or terraced building is the height of the tallest segment of the building. Figure 3-10, in Chapter 3, illustrates height limits in the Specific Plan Area. The proposed TOD #1 project proposes a maximum height up to 136 feet subject to FAA and SFO approval and the proposed TOD #2 project proposed a maximum height of up to 99 feet subject to FAA and SFO approval. The maximum up-to-height proposed by the TOD #1 project height exceeds the maximum height identified in the Specific Plan Update for the project site, which ranges from 108 to 120 feet. Therefore, the proposed TOD #1 project is inconsistent with the height development standard and impacts are considered *significant*.

Impact LU-TOD#1-2. The maximum height proposed by the TOD #1 project height exceeds the maximum height identified in the Specific Plan Update for the project site.

Significance Without Mitigation: Significant and Unavoidable. The City has placed a maximum height limit on the TOD #1 project site ranging between 108 to 120 feet. There is no mitigation available to reduce this impact. In Chapter 5.2, Alternatives to the TOD #1 Project, includes a discussion of two reduced intensity alternatives, which result in reduced heights on the TOD #1 project site, that would reduce this impact.

Other Specific Plan Update Standards

As described in Chapter 3, Project Description, the Specific Plan Update include development standards related to urban design, parking, transportation and circulation, and utilities and services systems. The consistency with the

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policies and development standards of the Specific Plan Update for each of the two proposed TOD projects as it relates to the environmental topical areas of this Draft EIR are discussed in Chapters 4.1 through 4.8, and 4.10 through 4.14. As shown in these chapters, the two TOD projects would be consistent with the proposed policies of the Specific Plan Update. Therefore, impacts would be *less than significant* with this regard.

Comprehensive Airport Land Use Compatibility Plan for the Environs of SFO

The Specific Plan Area is located within the ALCUP's Safety Compatibility Zones 1, 2, and 3 that limits the types of development that can occur in the Specific Plan Area to prevent hazards to users of the Specific Plan Area. Future development under the Specific Plan Update would occur within Zone 2 and Zone 3.

Zone 2, the Inner Approach/Departure Zone (IADZ), is designated along the extended centerline of each runway beginning at the outer edge of the RPZ. It is an area of secondary accident risk that tends to be overflowed by most aircraft arrivals and departures from each runway end. Zone 3, the Inner Turning Zone (ITZ) lies alongside the Runway Protection Zone (RPZ) and IADZ. It is an area overflowed by aircraft making turns at low altitude immediately after takeoff. It tends to be subject to lower accident risk than the IADZ. According to the current SFO ALCUP, the types of mixed-use development projects proposed under the Specific Plan Update are not considered incompatible land use for these zones. (see Table 4.7-2 in Chapter 4.7, Hazards and Hazardous Materials, for a list of incompatible uses). Consistent with the SFO ALCUP requirements to approve building heights, Specific Plan Update Urban Design Policy PD 2, the building heights of future development in the Specific Plan Area is required to comply with the FAA standard. Future development under the Specific Plan Update would be required to be consistent with Policy PD 2.

The proposed Project's consistency with the SFO ALUCP safety and noise criteria is discussed in Chapter 4.7, Hazards and Hazardous Materials, and Chapter 4.10, Noise, of this Draft EIR, respectively. As shown in each chapter, the proposed Project would be consistent with the SFO ALUCP. This combined with land use compatibility and compliance with FAA and SFO ALUCP height approval process, impacts would be *less than significant*.

Bay Area Rapid Transit Policies

As described above in the Regulatory Setting section of this chapter, BART has several plans, policies and guidelines which would apply to the proposed Project. BART's Transit Oriented Development Policies calls for station area plans to promote TOD on BART property and within walking distance of BART stations and also generally advocate for TOD and SMART growth in the Bay Area and beyond. Since the proposed Project would encourage TOD, and the proposed TOD #1 and #2 projects would be mixed-use and within walking distance from the Millbrae Station, the proposed Project would be consistent with BART Transit Oriented Development Policies. A *less-than-significant* impact would result in this respect.

Significance Without Mitigation: Less than significant.

4.9.4 CUMULATIVE IMPACTS

LU-3 The proposed Project, in combination with past, present, and reasonably foreseeable projects, would result in less than significant cumulative impacts with respect to land use and planning.

As discussed in Impact LU-1, the proposed Project would not physically divide an established community. Considering that the proposed Project is anticipated to create a vibrant mixed use district and the Policies contained in the Specific Plan Update would serve to minimize impacts on adjacent communities, the proposed Project, together with other projects, including the proposed TOD #1 and #2 projects and plans, is not expected to contribute to any cumulative division of an established community.

As demonstrated in Impact LU-2, the Specific Plan Update is consistent with Millbrae's General Plan and BART policies, and thus would not contribute to cumulative impacts on land use policies and regulations. Therefore, there would be a *less-than-significant* cumulative impact with regard to land use and planning as a result of implementing the proposed Project.

Significance Without Mitigation: Less than significant.