

CEQA EXEMPTION

IN-N-OUT BURGER RESTAURANT PROJECT

*932 & 972 El Camino Real
South San Francisco, CA 94080*

Lead Agency:

City of South San Francisco
Economic and Community Development
Planning Division

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TABLE OF CONTENTS

Section	Page
Table of Contents	i
A. Introduction	1
B. Project Location.....	1
C. Existing Site Conditions	2
D. General Plan Land Use and Zoning Designations	2
E. Surrounding Land Uses	2
F. Project Description	3
G. Requested Approval Actions	7
H. Categorical Exemptions	7
I. Consistency of Project with the Class 32 Exemption Criteria	8
J. Exceptions to the Use of Categorical Exemptions.....	19

List of Figures

Figure	Page
1. Project Site Location	5
2. Proposed Site Plan	6

List of Tables

Table	Page
1. Construction Maximum Noise Estimates	13
2. On Site Construction Vibration Impacts - Building Damage.....	13
3. Modeled Exterior Noise Levels from Operational Sources	14
4. Modeled Exterior Noise Levels from Truck Deliveries.....	15
5. Existing Plus Project Roadway Noise Levels.....	16
6. Maximum Construction Emissions.....	17
7. Maximum Operational Emissions.....	17

Appendices

A	Traffic Impact Assessment
B	Noise
	<i>B.1 Noise Study</i>
	<i>B.2 Supplemental Noise Memorandum</i>
C	Air Quality
	<i>C.1 Air Quality Study</i>
	<i>C.2 Supplemental Air Quality Memorandum</i>

CATEGORICAL EXEMPTION FINDINGS

Project Name	In-N-Out Burger Restaurant: South San Francisco	File Number	P23-0135
Site Address	932 & 972 El Camino Real, South San Francisco, CA 94080	APN	014-011-320, 014-011-330
Applicant	In-N-Out Burger	Phone	(623) 866-8120
Property Owner	Jack Lin and GFL Group, Inc.	Prev. Cert. EIRs	N/A
Project Description Summary	The Project is a redevelopment of an existing restaurant with a drive-through and the construction of a new 3,887-square foot In-N-Out Burger Restaurant with a drive-through lane. The restaurant would provide seating capacity of 112 people (84 seats indoor, 28 seats outdoor), a drive-through queuing lane with a capacity of up to 39 cars, landscaping, and parking spaces for up to 51 vehicles.		
Environmental Setting	The Project site consists of two parcels located within the T5 Corridor Zoning District (T5C) and is predominantly surrounded by commercial uses with mixed use multi-family residential use located adjacent to the north along El Camino Real, the Deluxe Inn Motel to the south, and residential uses along 1 st Street, A Street, and Antionette Lane. There is a vacant one-story 3,000 square foot Burger King restaurant, a surface parking lot consisting of 43 surface paved striped parking spaces with a 320-foot-long protected drive-through lane and a 240-foot-long overflow vehicle stacked striped area at 972 El Camino Real. Additionally, there is an operating commercial and residential building with no striped parking spaces but with capacity to park vehicles on pavement and soil at 932 El Camino Real.		
Determination	As outlined in this report, the proposed project meets the eligibility requirements for the Class 32 Categorical Exemption (Infill Exemption) under the California Environmental Quality Act (CEQA) and Section 15332 of the CEQA Guidelines.		

A. INTRODUCTION

The California Environmental Quality Act (CEQA) requires the review of projects that involve the exercise of discretionary powers by a public agency that could result in a physical change in the environment. Section 15061 of the CEQA Guidelines provides that once a lead agency has determined that a project is subject to CEQA, the next step is to determine if the project is exempt from environmental review under CEQA. This document evaluates the In-N-Out Burger: South San Francisco Project in relation to the criteria for the Class 32 In-Fill Development Projects Exemption established by CEQA Guidelines Section 15332 and concludes that the Project (1) meets the eligibility criteria for the Class 32 exemption and (2) none of the exceptions defined in CEQA Guidelines Section 15300.2 apply.

CEQA provides a categorical exemption from environmental review for operation, repair, maintenance, or minor alteration of existing highways and streets, sidewalks, gutters, bicycle and pedestrian trails, and similar facilities pursuant to Title 14 of the California Code of Regulations Section 15301(c).

B. PROJECT LOCATION

The Project Site is located at 932 and 972 El Camino Real (APN 014-011-320 and 014-011-330) within the City of South San Francisco, as shown in **Figure 1: Project Site Location**. The 65,493 square foot (approximately 1.5 acres) Project Site consists of two (2) parcels. The northern parcel is located at 972 El Camino Real, and the southern parcel is located at 932 El Camino Real. The Project Site is located east

of El Camino Real (State Route 82), mid-block between Westborough Boulevard/Chestnut Avenue and Southwood Drive/1st Street. The Project Site is bounded to the west by El Camino Real, adjacent to the north by commercial and mixed-use multi-family residential use, to the east by Antoinette Lane, and to the south by a commercial motel use.

C. EXISTING SITE CONDITIONS

The Project Site currently contains a vacant one-story 3,000 square foot Burger King restaurant, surface parking lot consisting of 43 surface paved striped parking spaces with a 320-foot-long protected drive-through lane and a 240-foot-long overflow vehicle stacked striped area at 972 El Camino Real. Additionally, the Project Site contains an operating commercial and residential building with no striped parking spaces but with capacity to park vehicles on pavement and soil at 932 El Camino Real.

D. GENERAL PLAN LAND USE AND ZONING DESIGNATIONS

The Project Site is located within the City of South San Francisco's (City) El Camino Real sub-area of the City of South San Francisco's General Plan (General Plan). Specifically, the Project Site falls within the boundaries of El Camino Real/Chestnut Avenue Area Plan, which emphasizes development along the El Camino Real corridor between Southwood Drive and just north of Sequoia Avenue.

The Project Site is zoned as T5 Corridor (T5C), a form-based zoning district designed to support mixed-use developments with a focus on pedestrian-friendly environments and active street frontages. The General Plan land use designation for the Project Site is Medium Density Mixed Use, which allows for a range of uses including retail and department stores, eating and drinking establishments, hotels, commercial recreation, financial institutions, business and personal services, residential, educational, social services and office uses.

The total lot area of the Project Site is approximately 65,493 square foot (approximately 1.5 acres). Based on the T5C district standards, the proposed building would result in a maximum lot coverage of 0.06, well within the maximum floor area ratio (FAR) for non-residential uses of 2.0. Additionally, the proposed building height of approximately 27 feet would be within the maximum building height of 85 feet for uses within the T5C district.

E. SURROUNDING LAND USES

The Project Site is in an urbanized area and is predominately surrounded by commercial uses with a mixed-use multi-family residential use located adjacent to the north along El Camino Real, the Deluxe Inn Motel to the south, and residential uses along 1st Street, A Street, and Antionette Lane. The nearest major arterial roads are El Camino Real (SR-82), adjacent to the Project Site, and Westborough Boulevard, approximately 0.07 miles north of the Project Site.

F. PROJECT DESCRIPTION

The proposed Project is a redevelopment of an existing vacant restaurant with a drive-through lane and the construction of a new 3,887-square-foot In-N-Out Burger Restaurant with a drive-through lane. The restaurant would provide a seating capacity of 112 people (84 seats indoor, 28 seats outdoor), a drive-through queuing lane with a capacity of up to 39 cars, landscaping and parking spaces for up to 51 vehicles (refer to **Figure 2: Proposed Site Plan**). The proposed Project would provide improvements to the Project Site's two (2) driveways, including installing a westbound cross street stop-control, providing the westbound approach to consist of one (1) right lane, and providing one (1) eastbound inbound lane. The Project also includes construction of a new traffic signal within the public right-of-way at the intersection of El Camino Real, Southwood Drive, and 1st Street.

Site Access and Parking

Vehicular access is proposed via two right-in/right-out only driveways on El Camino Real. The parking lot has 51 parking spaces accessible from the Project Central Driveway and the Project South Driveway. Project driveway shall be designed in accordance with the applicable City standards.

While the vast majority of project trips circulating the site will be passenger cars, adequate on-site circulation will be provided to accommodate delivery and waste collection trucks. Truck ingress would occur at the Project South Driveway and egress would occur from the Project North Driveway. Truck loading/unloading would occur on-site in the drive aisle closest to the building entrance. Truck deliveries are scheduled to occur after store closing and before opening, typically between 2:00 AM and 9:00 AM, so as not to interfere with on-site circulation and operations while the restaurant is open to the public.

Site

No heritage or protected trees exist onsite. The 15 trees onsite that would be removed are a mix of imported and native species. These trees are not considered "Protected Trees" as defined by South San Francisco Municipal Code (SSFMC) Section 13.30.020. Due to its location in an urbanized area, the site has no value as natural habitat for endangered, rare, or threatened species. The project site is not located near any hazard zone or habitat corridor identified in the General Plan's Community Resilience Element and Environmental and Cultural Stewardship Element.

When developed, the Project would provide water-efficient landscaping, including low- and moderate-water use plants on the site.

Grading and Earthwork

Export of any soil is not proposed at this time. If soil is to be excavated from the site, it would be hauled away and disposed of at an appropriate facility.

Utilities

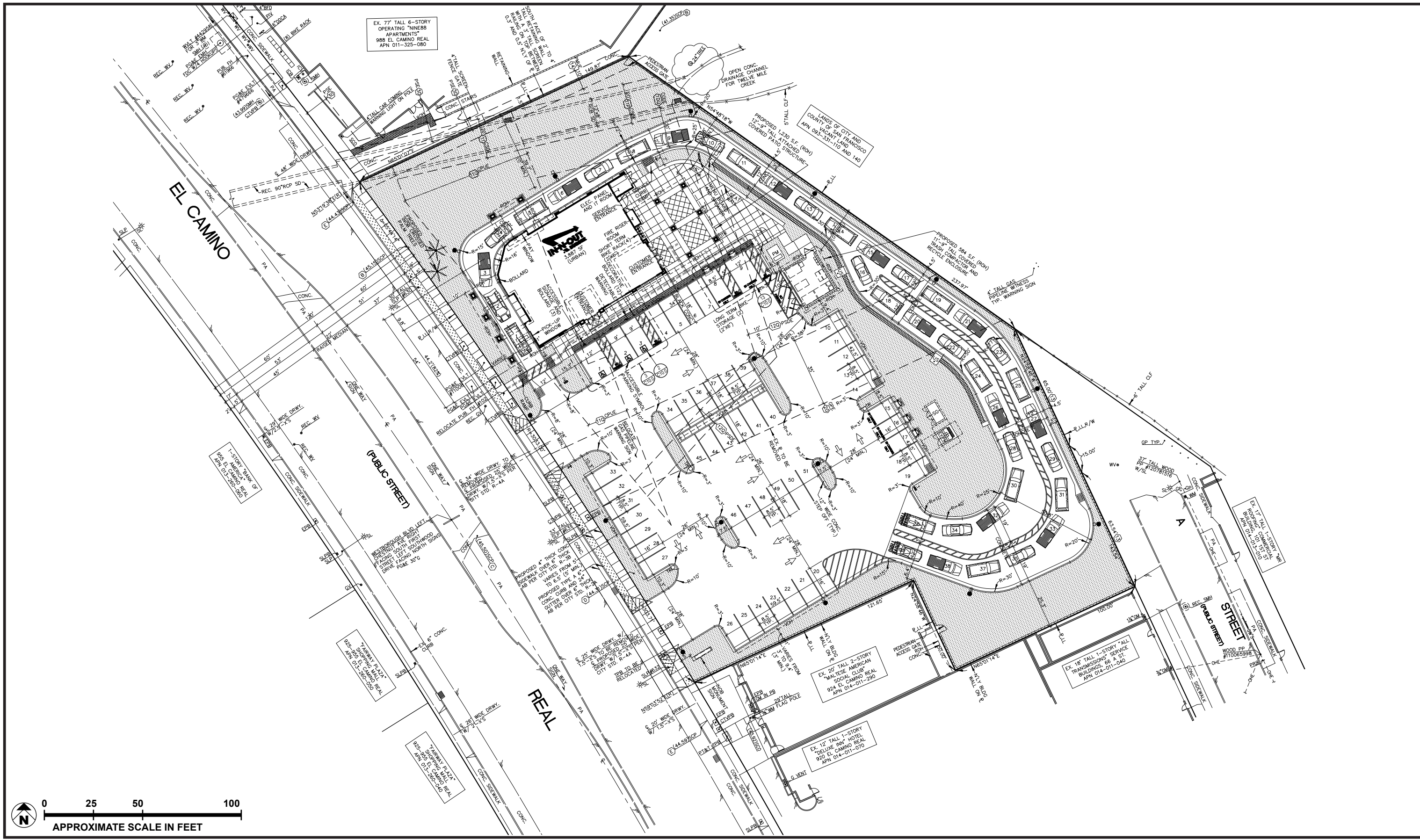
Utilities and services, including water, sanitary sewer, storm drainage, as well as power and electricity, are all currently available to serve the site. All utilities are available from El Camino Real. The Project is required to ensure adequate utilities to the site and pay development fees that are used towards improving the citywide water and sewer system. The Project would be conditioned to underground the new utilities and provide a sewer capacity report at building permit submittal. Drainage design would be reviewed for compliance with the City's Engineering standards.

The Project would comply with the pervious area requirements and would include an underground infiltration system, Stormwater Management Plan, Best Management Practices, Stormwater Pollution Prevention, Stormwater Runoff and green infrastructure improvements for bioretention.



SOURCE: Google Earth - 2024

FIGURE 1



SOURCE: MSL Engineering, Inc. - 2025

FIGURE 2

G. REQUESTED APPROVAL ACTIONS

For the proposed Project to be implemented, the City of South San Francisco would need to approve the following actions:

Design Review Board

The proposed Project would be subject to the City's Design Review Board's (DRB) approval of the proposed new building.

Conditional Use Permit

The proposed drive-through would be subject to the City's Planning Commission approval for a conditional use permit (CUP) pursuant to SSFMC Section 20.350.016 (Drive- Through Facilities) and Section 20.330.004 (Required Parking Spaces) for the provision of parking in excess of the amount other permitted by the Zoning Ordinance. Additionally, a Use Permit is required for any use with hours of operation between 12:00 AM and 6:00 AM.

El Camino Real is a state highway and is owned and managed by the California Department of Transportation (Caltrans). As a result, the proposed traffic signal will require permits from Caltrans.

H. CATEGORICAL EXEMPTIONS

Section 21084 of the CEQA statute requires the CEQA Guidelines to include a list of classes of projects determined not to have a significant effect on the environment that are exempt from environmental review under CEQA. The list of exemption classes is defined in Section 15300 of the CEQA Guidelines. The Project is considered to qualify as exempt under Class 32, Infill Development Projects as described in Section 15322 of the CEQA Guidelines, because the Project meets the following conditions:

- a. The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations.*
- b. The proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses.*
- c. The project site has no value as habitat for endangered, rare or threatened species.*
- d. Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality.*
- e. The site can be adequately served by all required utilities and public services.*

The proposed traffic signal is exempt under Class 1, Existing Facilities, as described in Section 15301(c) of the CEQA Guidelines, because the alterations would improve transit and establish a pedestrian crossing. Additionally, CEQA Guidelines Section 15300.2 states that there are exceptions to the exemptions:

- a. *Location*. Classes 3, 4, 5, 6, and 11 are qualified by consideration of where the project is to be located—a project that is ordinarily insignificant in its impact on the environment may in a particularly sensitive environment be significant. Therefore, these classes are considered to apply all instances, except where the project may impact on an environmental resource of hazardous or critical concern where designated, precisely mapped, and officially adopted pursuant to law by federal, state, or local agencies.
- b. *Cumulative Impact*. All exemptions for these classes are inapplicable when the cumulative impact of successive projects of the same type in the same place, over time is significant.
- c. *Significant Effect*. A categorical exemption shall not be used for an activity where there is a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances.
- d. *Scenic Highways*. A categorical exemption shall not be used for a project which may result in damage to scenic resources, including but not limited to, trees, historic buildings, rock outcroppings, or similar resources, within a highway officially designated as a state scenic highway. This does not apply to improvements which are required as mitigation by an adopted negative declaration or certified EIR.
- e. *Hazardous Waste Sites*. A categorical exemption shall not be used for a project located on a site which is included on any list compiled pursuant to Section 65962.5 of the Government Code.
- f. *Historical Resources*. A categorical exemption shall not be used for a project which may cause a substantial adverse change in the significance of a historical resource.

I. CONSISTENCY OF PROJECT WITH THE CLASS 32 EXEMPTION CRITERIA

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

The City of South San Francisco General Plan designates the Project Site as Medium Density Mixed Use, which supports a blend of residential and commercial uses, including restaurant operations with pedestrian-friendly enhancements. Additionally, the Project Site is zoned as T5C, a form-based zoning district designed to support mixed-use developments with a focus on pedestrian-friendly environments and active street frontages. The proposed Project consists of replacing the existing vacant restaurant with a drive-through lane for a new drive-through restaurant which includes a CUP for the proposed drive-through. The CUP is a permissible entitlement that aligns with the City's planning objectives for activating commercial corridors.

The project aligns with Goal LU-7 which aims to create “a diverse economy and range of businesses by maintaining, beautifying, and expanding spaces for neighborhood commercial, including retail, restaurants, and small offices.” The policies for this goal include promoting new commercial uses and allowing existing strip commercial corridors such as in El Camino Real (Policy LU-7.1 and Policy LU-7.2).¹ More specifically, Policy LU-7.1 promotes new commercial uses and revitalizes existing commercial uses in locations that provide convenient access to a range of goods. The Project would retain a restaurant use and enhances its functionality with outdoor seating and improving accessibility. Based on these policies, the Project is consistent with the City’s General Plan designation and planning objectives.

The Project Site falls within the boundaries of El Camino Real/Chestnut Avenue Area Plan, which emphasizes development along the El Camino Real corridor between Southwood Drive and just north of Sequoia Avenue. The Project Site is zoned as T5 Corridor (T5C), a form-based zoning district designed to support mixed-use developments with a focus on pedestrian-friendly environments and active street frontages. The T5C zoning district supports vertical mixed-use development with buildings facing the City’s corridor as well as publicly-accessible open spaces.

For these reasons, the proposed Project is consistent with the applicable development standards for this area and would meet this criterion of the Class 32 Exemption.

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

The Project Site is approximately 1.5 acres (65,493 square foot) in size and is located within a developed area in the City of South San Francisco. The Project Site is surrounded by developed urban areas consisting of mixed-use multi-family residential and commercial uses. Therefore, the proposed Project satisfies this criterion of the Class 32 Exemption.

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

The proposed Project would redevelop an existing commercial site that is primarily surrounded by residential and commercial uses. No heritage or protected trees exist onsite. The 15 trees onsite that would be removed are a mix of imported and native species. These trees are not considered “Protected Trees” as defined by SSFMC 13.30.020. Due to the urban and developed Project area, the existing trees on site do not provide substantial value as habitat for any endangered, rare, or threatened species, and the tree removals would not threaten any endangered, rare or threatened species. Further, the tree removals would not trigger any tree preservation requirements under Chapter 13.30 of the City’s Municipal Code.²

¹ City of South San Francisco. “2040 General Plan.” 2022. (p. 75). Accessed March 2025. https://shapessf.com/wp-content/uploads/2022/11/SSFGPU_PDFPlan_FinalPlan_Resolution_11082022.pdf.

² City of South San Francisco. Chapter 13.30. Tree Preservation.

The Project Site is not located within the boundary of any draft or adopted habitat conservation plan, natural community conservation plan, or other approved local, regional, or State habitat conservation plan.³ The Project Site does not contain any critical habitat and is not known to support any species in local or regional plans, policies or regulations. The Project Site is not located in any hazard zones, habitat corridors or ecologically sensitive areas as identified in the General Plan's Community Resilience Element, or Environmental and Cultural Stewardship Element. There is an existing oak woodland habitat east of the Project Site. Two (2) aquatic resources, a tidal marsh and Colma Creek are located 0.2 miles east of the Project Site.⁴ However, implementation of the proposed Project would not introduce or alter the Project Site's land use, disrupt or impact the existing biological resources in proximity to the Project Site. Moreover, no species identified as candidate, sensitive or special status are known to occur within the Project Site. Due to the existing developed urban area, developed Project Site, and similar surrounding uses, the proposed Project would not be a potential habitat for listed plant or wildlife species. Therefore, the proposed Project satisfies this criterion of the Class 32 Exemption.

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

Traffic

The following section summarizes and incorporates by reference information from the Traffic Impact Assessment (TIA) prepared by Ganddini dated March 7, 2025 on behalf of the Applicant. The report is included as **Appendix A** of this Categorical Exemption.

Vehicle Miles Traveled (VMT)

CEQA Guidelines Section 15064.3 identifies vehicle miles traveled (VMT) as the most appropriate measure of transportation impacts. The City's Transportation Analysis Guidelines (TAG) includes land use VMT screening thresholds based on guidance from the State's Office of Planning and Research (OPR) Technical Advisory on Evaluating Transportation Impacts in CEQA. Based on these screening thresholds, the proposed Project is a local serving use that is less than 50,000 square feet. As such, the proposed Project satisfies the City-established screening threshold for "neighborhood-serving retail project," and may be presumed to result in a less than significant VMT impact under CEQA.

Safety

The proposed Project would not substantially contribute to a roadway or design hazard, including restricted lines of sight, or other design related issues. The Project Site contains no existing structures, objects, or landscaping that would substantially obstruct the line of sight for the Project North Driveway

³ California Department of Fish and Wildlife (CDFW). National Community Conservation Planning (NCCP) Plan. Summaries. Accessed March 2025. <https://wildlife.ca.gov/conservation/planning/nccp/plans>.

⁴ City of South San Francisco. "2040 General Plan." 2022. Accessed March 2025. https://shapessf.com/wp-content/uploads/2022/11/SSFGPU_PDFPlan_FinalPlan_Resolution_11082022.pdf.

and Project South Driveway. The proposed Project would adhere to the California Manual on Uniform Traffic Control Devices (MUTCD) requirements including Section 3B.19, which contain provisions for unsignalized urban driveways. The proposed Project would contribute to a fair share payment towards the improvement costs for the future installation of a traffic signal at the intersection of El Camino Real and Southwood Drive/1st Street. Additionally, the proposed Project shall be conditioned to install “No U-Turn” signage at the southbound left turn lane on El Camino Real at Southwood Drive/1st Street in the interim condition until the traffic signal is installed. With implementation of the minimum CA MUTCD requirements, the recommended prohibition of on-street parking along the entirety of the project frontage to approximately 98 feet south of the Project South Driveway, and the fair share cost payment and interim improvement at the El Camino Real and Southwood Drive/1st Street intersection, the proposed Project would not worsen existing hazards or cause new design-related hazards such as restricted line of sight.

Emergency Access and Evacuation

Emergency vehicles would be able to access the site similar to the waste collection truck circulation or may stop adjacent to the site along El Camino Real (SR-82). Further, the Project Site is not located outside of a high-risk fire zone and would not require evacuation analysis. Based on the above, traffic effects of the proposed Project would not be significant, and the proposed Project satisfies this criterion of the Class 32 Exemption.

Noise

The following section summarizes and incorporates by reference information from the Noise Study prepared by Meridian Consultants dated July 2024 and the Supplemental Noise Memorandum dated March 1, 2025 on behalf of the Applicant. The report is included as **Appendix B** of this Categorical Exemption.

On-Site Construction Noise

Noise from construction activities would be affected by the amount of construction equipment, the location of this equipment, the timing and duration of construction activities, and the relative distance to noise-sensitive receptors. Construction activities that would occur during the construction phases would generate both steady-state and episodic noise that would be heard both on and off the Project site. Each construction phase involves the use of different types of construction equipment and, therefore, has its own distinct noise characteristics. The Project would be constructed using typical construction techniques; no blasting or impact pile driving would be required.

The construction equipment reference noise levels (refer to **Appendix B**) are based on measured noise data compiled by the FHWA and would occur when equipment is operating under full power conditions. However, equipment used on construction sites typically operate at less than full power. The acoustical usage factor is the percentage of time that each type of construction equipment is anticipated to be in full power operation during a typical construction day. These values are estimates and will vary based on the actual construction process and schedule.

Construction equipment operates at its noisiest levels for certain percentages of time during operation. As such, equipment would operate at different percentages over the course of an hour.⁵ During a construction day, the highest noise levels would be generated when multiple pieces of construction equipment are operated concurrently.

To characterize construction-period noise levels, the average (hourly Leq) noise level associated with each construction stage was calculated based on the quantity, type, and usage factors for each type of equipment that would be used during each construction stage. These noise levels are typically associated with multiple pieces of equipment operating simultaneously.

The estimated construction noise levels were calculated for the adjacent multi-family residential uses (refer to **Appendix B**) during each phase of construction. As mentioned previously, given the physical size of the Project site and logistical limitations, and with the noise equipment located at the construction area nearest to the affected receptors to present a conservative impact analysis. This is considered a worst-case evaluation because construction of the Project would typically use fewer pieces of equipment simultaneously at any given time as well as operating throughout the construction site (i.e., most of the time construction equipment would be operating at distances further away from the off-site receptors than that assumed in the forecasting of Project construction noise levels). As such, Project construction would often generate lower noise levels than reported herein.

Construction would be allowed during the daytime hours specified on the permit as long as noise from each individual piece of equipment is limited to 90 dBA at a distance of 25 feet or as long as combined construction noise at any point outside the property plane of the project does not exceed 90 dBA. **Table 1: Construction Maximum Noise Estimates** presents the maximum noise impacts that are forecasted to occur at the adjacent multi-family residential use. As shown, average noise levels at the adjacent multi-family residential units to the north during construction would not result in construction noise levels exceeding the 90 dBA threshold.

It is important to note, construction noise levels provided in **Table 1** do not include any reduction related to standard noise control strategies. As mentioned previously, using muffler systems on on-site construction equipment reduces construction noise levels by 10 dBA or more. Modifications such as dampening of metal surfaces or the redesign of a particular piece of equipment can achieve a noise reduction of up to 5 dBA. Conservatively, these combined noise control strategies would further reduce construction noise levels presented in **Table 1** by 10 to 15 dBA. Compliance with the above practices would further ensure construction noise levels would be below the significance threshold; thus, construction noise levels would not be considered significant.

⁵ Federal Highway Administration (FHWA). "Traffic Noise Model." 2006.

TABLE 1: CONSTRUCTION MAXIMUM NOISE ESTIMATES

Location	Calculated Noise Level (Leq-1hour) by Construction Phase					Significance Threshold	Exceeds Threshold?
	Demolition	Grading	Building Construction	Paving	Architectural Coating		
Multi-family residential units	76.3	85.3	78.1	82.7	64.6	90.0	No

Source: Refer to **Appendix B.1** for Noise Study prepared by Meridian Consultants.

Off-Site Construction Noise

Construction of the Project would require worker, haul, and vendor truck trips to and from the site to work on the site, export soil, and deliver supplies to the site. Trucks traveling to and from the Project site would be required to travel along a haul route approved by the City. At the maximum, approximately 7 hauling trips per day would take place during the grading phase based on construction schedule assumptions. Haul truck traffic would take the most direct route to the freeway ramp along El Camino Real.

Noise associated with construction truck trips were estimated using the Caltrans FHWA Traffic Noise Model based on the maximum number of truck trips in a day. Project haul truck trips, which includes medium- and heavy-duty trucks, would generate noise levels of approximately 40.8 to 45.7 dBA, respectively, measured at a distance of 25 feet from the adjacent sensitive receptor. As identified in **Appendix B**, existing noise levels at the Project site adjacent to El Camino Real was 59.9 dBA (Leq-daytime). The noise level increases from truck trips would be below the significance threshold of 5 dBA. As such, off-site construction noise impacts would not be considered significant.

Construction Vibration

The nearest off-site structure include the multi-family residential uses to the north. As shown in **Table 2: On-Site Construction Vibration Impacts-Building Damage**, the forecasted vibration levels due to on-site construction activities would not exceed the building damage significance threshold of 0.5 PPV for reinforced-concrete, steel, or timber building at the adjacent multi-family residential use. Temporary vibration levels associated with project construction would not be considered significant.

TABLE 2: ON-SITE CONSTRUCTION VIBRATION IMPACTS - BUILDING DAMAGE

Site	Nearest Off-Site Building Structures	Estimated Vibration Velocity Levels at the Nearest Off-Site Structures from the Project Construction Equipment				Significance Threshold (PPV ips)
		Vibratory Roller	Loaded Trucks	Jackhammer	Small bulldozer	
1	Multi-family Residential	0.210	0.076	0.035	0.003	0.5

Source: Refer to **Appendix B.1** for Noise Study prepared by Meridian Consultants.

Operation

Restaurant Noise

The nearest sensitive uses to the site include the multi-family residential uses to the north. The proposed Project would include a 6-foot concrete masonry unit (CMU) block screen wall surrounding the property. The development would also include a landscaped planter approximately 40 feet between the proposed restaurant building and the residential building.

Source contributed noise levels throughout the daytime and nighttime periods from operation of the proposed Project are shown in **Table 3: Modeled Exterior Noise Levels from Operational Sources**. For illustrative purposes, daytime and nighttime noise levels within the Project vicinity are shown graphically in **Appendix B** (refer to **Figure 7: Operational Noise Level Contour Map [Daytime]** and **Figure 8: Operational Noise Level Contour Map [Nighttime]**). Other sensitive receptors shown graphically include the Deluxe Inn Motel to the south and the residential uses along 1st Street, A Street, and Antionette Lane. The source noise levels from the Project site include parking activities from mobile vehicles, drive-through queuing, outdoor seating area and amplified speech from the speaker box.

Table 3 compares the modeled exterior noise levels from the Project-related noise sources that operate on a daily basis to the exterior noise standards identified in the City's Municipal Code. As shown in **Table 3**, daytime exterior noise levels at the adjacent multi-family residential use from operation of the proposed Project would range from 29.1 dBA during the daytime period and 26.0 dBA during the nighttime period. Noise levels would not exceed the daytime exterior threshold of 60 dBA and nighttime exterior threshold of 55 dBA at nearby residential uses. Additionally, noise levels would not result in a 5 dBA increase above the measured ambient of 59.9 dBA (Leq-daytime) during the daytime and 59.2 dBA (Leq-nighttime) during the nighttime (refer to **Table 1** in **Appendix B**).

TABLE 3: MODELED EXTERIOR NOISE LEVELS FROM OPERATIONAL SOURCES				
Monitoring Site	Time Period	Modeled Noise Levels, Leq dBA	Residential Exterior Noise Standard ¹ , dBA	Exceeds Standard?
1	Daytime	29.1	60	No
	Nighttime	26.0	55	No

Source: Refer to **Appendix B.1** for Noise Study prepared by Meridian Consultants.

Truck deliveries would take place no more than once daily between the hours of 2:00 AM to 9:00 AM lasting less than an hour. Site access for these delivery trucks would be from El Camino Real and would unload at the service entrance located adjacent to parking stalls #1 through #9, shielded by the CMU block screen wall surrounding the Project site.

Table 4: Modeled Exterior Noise Levels from Truck Deliveries, provides the exterior noise levels at the adjacent the multi-family residential uses to the north along El Camino Real. As shown, noise levels from truck deliveries would not exceed the daytime exterior threshold of 60 dBA and nighttime exterior threshold of 55 dBA at nearby residential uses.

TABLE 4: MODELED EXTERIOR NOISE LEVELS FROM TRUCK DELIVERIES				
Monitoring Site	Time Period	Modeled Noise Levels, Leq dBA	Residential Exterior Noise Standard ¹ , dBA	Exceeds Standard?
1	Daytime	17.4	60	No
	Nighttime	23.6	55	No

Source: Refer to **Appendix B.1** for Noise Study prepared by Meridian Consultants.

Roadway Noise

Table 5: Existing plus Project Roadway Noise Levels, illustrates the change in noise levels from traffic volumes and from traffic generated by the Project. The difference in traffic noise between existing conditions and existing plus Project conditions represents the increase in noise attributable to Project-related traffic. As shown in **Table 5**, the maximum noise level increase along the analyzed roadways is 1.4 dBA CNEL along Southwood Drive/1st Street east of El Camino Real (Intersection 3). Consequently, Project-related traffic would not cause noise levels along the analyzed roadways to increase by more than 3.0 dBA. Thus, the proposed Project would not result in a permanent increase in noise levels above ambient levels in the vicinity of the Project Site. Roadway noise impacts would not be considered significant.

TABLE 5: EXISTING PLUS PROJECT ROADWAY NOISE LEVELS				
Intersection No.	Roadway Segment	Existing	Existing plus Project dBA CNEL	Difference
Chestnut Avenue				
1	East of Antoinette Lane	67.6	67.6	0.0
1	West of Antoinette Lane	68.1	68.2	+0.1
Antoinette Lane				
1	North of Chestnut Avenue	57.5	57.5	0.0
1	South of Chestnut Avenue	60.6	60.6	0.0
Westborough Blvd				
2	East of El Camino Real	68.2	68.2	0.0
2	West of El Camino real	68.6	68.7	+0.1

<i>El Camino Real</i>				
2	North of Westborough Blvd	70.3	70.3	0.0
2	South of Westborough Blvd	72.0	72.1	+0.1
3	North of 1 st Street/Southwood Drive	71.9	72.0	+0.1
3	South of 1 st Street/Southwood Drive	71.8	71.8	0.0
4	North of Orange Avenue	71.8	71.8	0.0
4	South of Orange Avenue	71.5	71.5	0.0
5	North of Project North Driveway	71.8	71.9	+0.1
5	South of Project North Driveway	71.8	71.9	+0.1
6	North of Project South Driveway	71.8	71.9	+0.1
6	South of Project South Driveway	71.8	71.9	+0.1
<i>Southwood Drive/1st Street</i>				
3	East of El Camino Real	53.0	54.4	+1.4
3	West of El Camino Real	50.6	50.7	+0.1
<i>Orange Avenue</i>				
4	East of El Camino Real	61.8	61.9	+0.1
4	West of El Camino Real	57.7	57.7	0.0

Source: Refer to **Appendix B.2** for Supplemental Noise Memorandum prepared by Meridian Consultants.

Air Quality

The following section summarizes and incorporates by reference information from the Air Quality Study prepared by Meridian Consultants dated July 2024 and the Supplemental Air Quality Memorandum dated March 1, 2025 on behalf of the Applicant. The report is included as **Appendix C** of this Categorical Exemption.

Construction Emissions

Estimated construction emissions were quantified based on the type and number of equipment associated with demolition, grading, construction, paving, and architectural coating. Emissions calculations assumed (1) all construction activities would be conducted in compliance with the Bay Area Air Quality Management District (BAAQMD) Regulation 6 (Particulate Matter) and Regulation 7 (Odorous Substances), and (2) heavy-duty diesel equipment would meet minimum California Air Resources Board (CARB) off-road fleet requirements.

Table 6: Maximum Construction Emissions identifies daily emissions that are estimated for peak construction days for each construction year. Based on the modeling, construction of the Project would not exceed daily regional concentration thresholds. It is important to note, BAAQMD recommends construction projects that require less than 1 year to complete to annualize impacts over the scope of actual days that peak impacts would occur rather than over the full year. As shown below, annualized emissions would also not exceed annual regional concentration thresholds. As such, construction of the Project would not generate any significant environmental impacts associated with air quality compliance.

TABLE 6: MAXIMUM CONSTRUCTION EMISSIONS

Source	ROG	NOx	PM10 exhaust	PM2.5 exhaust
	Pounds/Day			
2025	1.1	10.9	0.5	0.4
2026	9.5	4.3	0.2	0.2
Maximum	9.5	10.9	0.5	0.4
BAAQMD Mass Daily Threshold	54	54	82	54
Threshold exceeded?	No	No	No	No
Source	Tons/Year			
2025	<0.1	0.3	<0.1	<0.1
2026	<0.1	0.1	<0.1	<0.1
Maximum	<0.1	0.3	<0.1	<0.1
BAAQMD Mass Daily Threshold	10	10	15	10
Threshold exceeded?	No	No	No	No

Source: Refer to Appendix C.1 for Air Quality Study prepared by Meridian Consultants.

Operational Emissions

Operational emissions would result primarily from passenger vehicles traveling to and from the Project site. As mentioned previously, the vehicle trips associated with the proposed project have been analyzed by inputting the project-generated trips from the *Transportation Impact Analysis* (dated March 7, 2025). The results presented in **Table 7: Maximum Operational Emissions** are compared to the BAAQMD-established operational significance thresholds. As shown in **Table 7**, the operational emissions would not exceed the regional concentration thresholds. Additionally, the operational emissions provided below would be further reduced when taking into account trip reductions from these public transit options located within the Project vicinity and the redevelopment of the existing use. As such, operation of the Project would not generate any significant environmental impacts associated with air quality compliance.

TABLE 7: MAXIMUM OPERATIONAL EMISSIONS

Source	ROG	NOx	PM10	PM2.5
	Pounds/Day			
Mobile	9.4	8.0	25.2	6.5
Area	0.1	--	<0.1	<0.1
Energy	<0.1	0.1	<0.1	<0.1
Total	9.4	8.1	25.2	6.5
BAAQMD Mass Daily Threshold	54	54	82	54
Threshold exceeded?	No	No	No	No
Source	Tons/Year			
Mobile	1.2	0.7	1.9	0.5
Area	<0.1	<0.1	<0.1	<0.1
Energy	<0.1	<0.1	<0.1	<0.1
Total	1.2	0.7	1.9	0.5
BAAQMD Mass Daily Threshold	10	10	15	10
Threshold exceeded?	No	No	No	No

Source: Refer to Appendix C.2 for Supplemental Air Quality Memorandum prepared by Meridian Consultants.

Water Quality

As authorized by the Clean Water Act, the National Pollutant Discharge Elimination System Permit (NPDES) program controls water pollution by regulating point sources that discharge pollutants into waters of the United States. Point sources are discrete conveyances, such as pipes or man-made ditches. Three general sources of potential short-term, construction-related stormwater pollution are associated with the proposed Project: (1) the handling, storage, and disposal of construction materials containing pollutants; (2) the maintenance and operation of construction equipment; and (3) earthmoving activities that, when not controlled, may generate soil erosion via storm runoff or mechanical equipment.

The State Water Resources Control Board (SWRCB) oversees the implementation of NPDES in California through the General Construction Activity Storm Water Permit (GCASWP). Compliance with the requirements of GCASWP include the preparation of a Stormwater Pollution Prevention Plan (SWPPP) that includes Best Management Practices (BMPs) to address such things as erosion control, cleanup, and maintenance of dumpsters.⁶ The purpose of a SWPPP, prepared in compliance with SWRCB requirements, is to ensure that construction of the proposed Project would not violate water quality standards and/or discharge requirements, or otherwise substantially degrade water quality.

Water is provided by the California Water Service (Cal Water), within the Bayshore District South San Francisco water system Bay Area Region.⁷ The proposed Project would be required to adhere to requirements such as Chapter 14.04, Stormwater Management and Discharge Control of City's Municipal Code, regulatory requirements and standard conditions of approval, including site design measures to reduce the amount of stormwater runoff and limit pollution in stormwater runoff.

There would be no potential water quality impacts, therefore the Project satisfies this criterion of the Class 32 Exemption.

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

Utilities

The Project Site is located in an urban area within the City of South San Francisco that is currently served by all needed utilities (e.g. water, electricity, sanitary sewer facilities, and storm drain facilities) and all required public services (e.g. police and fire services, and public schools). There are no special aspects of the Project that would result in an increase in public service needs different from the existing restaurant use at the Project Site. The Project would not result in significant effects related to utilities

⁶ California Green Building Code. 5.106.1 Stormwater Pollution Prevention for Projects That Disturb Less Than One Acre of Land.

⁷ California Water Service. "Find My District." Accessed March 2025. <https://www.calwater.com/customer-care/find-my-district/>.

or public services, and would meet the criteria pursuant to CEQA Guidelines Section 15332(d)(5) for an Infill Exemption.

J. EXCEPTIONS TO THE USE OF CATEGORICAL EXEMPTIONS

Section 15300.2 of the CEQA Guidelines includes a list of circumstances in which a Categorical Exemption cannot be used. These include the following:

- a. Location. Classes 3, 4, 5, 6, and 11 are qualified by consideration of where a project is to be located - a project that is ordinarily insignificant in its impact on the environment may in a particularly sensitive environment be significant. Therefore, Classes 3, 4, 5, 6, and 11 are considered to apply in all instances, except where a project may impact an environmental resource of hazardous or critical concern where designated, precisely mapped, and officially adopted pursuant to law by federal, state, or local agencies.
- b. Cumulative Impact. All exemptions for these classes are inapplicable when the cumulative impact of successive projects of the same type in the same place, over time is significant
- c. Significant Effect. A categorical exemption shall not be used for an activity where there is a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances.
- d. Scenic Highways. A categorical exemption shall not be used for a project which may result in damage to scenic resources, including but not limited to, trees, historic buildings, rock outcroppings, or similar resources, within a highway officially designated as a state scenic highway.
- e. Hazardous Waste Sites. A categorical exemption shall not be used for a project located on a site which is included on any list compiled pursuant to Section 65962.5 of the Government Code.
- f. Historical Resources. A categorical exemption shall not be used for a project which may cause a substantial adverse change in the significance of a historical resource.

As part of this review for exemption, the proposed Project was evaluated against each of the applicable exceptions and summarized below. A project that meets the criteria for an exemption can nonetheless be subject to CEQA if it falls within one of the six exceptions listed in CEQA Guidelines Section 15300.2. As discussed below, the proposed Project does not meet any of the exceptions.

Exception 1: Location.

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

CEQA Guidelines Section 15300.2(a) states that Class 3, 4, 5, 6 and 11 are qualified by consideration of where the project is to be located. A project that is ordinarily insignificant in its impact on the

environment may in a particularly sensitive environment be significant. The 15300.2(a) exception does not apply to Class 32 Categorical Exemptions. Because the proposed Project meets the criteria for a Class 32 Exemption, this exception does not apply.

Exception 2: Cumulative Impact.

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

CEQA Guidelines Section 15300.2(b) states that a Categorical Exemption is inapplicable when the cumulative impact of successive projects of the same type in the same place over time, is significant. According to CEQA Guidelines Section 15355, “cumulative impacts refer to two (2) or more individual effects which, when considered together, are considerable or which compound or increase other environmental impacts.”⁸ The proposed Project consists of replacing the existing vacant restaurant with a drive-through lane for a new drive-through restaurant which includes a CUP for the proposed drive-through, consistent with the General Plan and Zoning designations. As discussed, the Project would not generate a substantial increase in population that would affect the Project area or community. The Project would not result in other substantial impacts to agricultural, biological and mineral resources compared to the existing commercial use of the site as the Project would redevelop previously disturbed land. Potential impacts related to hazards and hazardous materials, archaeological and paleontological resources are generally site specific and would not impact other projects that would in concurrence produce a cumulative impact.

Future development in the surrounding area that is similar to the proposed Project would not generate considerable cumulative conditions as they would remain consistent with the General Plan designations and residential zone policies. As such, the proposed Project would not have a considerable contribution to cumulative impacts. Thus, this exception does not apply.

Exception 3: Unusual circumstances.

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

CEQA Guidelines Section 15300.2(c) states that a Categorical Exemption shall not be used for an activity where there is a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances. Unusual circumstances could occur if the Project Site featured conditions or a location substantially different than typically associated with the existing or proposed uses. The proposed Project is located on a developed parcel in an existing urban commercial area. The proposed Project would not alter the existing use or change the Project Site’s designation, as the proposed Project would redevelop the existing commercial restaurant use and develop a new commercial restaurant use.

8 CCR. Title 14, Division 6, Chapter 3–Guidelines for Implementation of the California Environmental Quality Act. Article 20, Definitions. Section 15355–*Cumulative Impacts*.

Further, the proposed Project would be comparable in size and features to adjacent parcels of similar zoning and use. The proposed Project proposes an infill development that is consistent with the existing zoning district, General Plan land use designation, and all provisions and regulations of the General Plan and the El Camino Real/Chestnut Avenue Area Plan. There are no known or identified potentially significant effects on the environment due to unusual circumstances. Therefore, this exception does not apply.

Exception 4: Scenic Highways.

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

CEQA Guidelines Section 15300.2(d) states that a Categorical Exemption shall not be used for a project which may result in damage to scenic resources, including but not limited to, trees, historic buildings, rock outcroppings, or similar resources, within a highway officially designated as a State scenic highway. There are no unique, geologic features or similar resources within the Project Site or State scenic highway. The nearest officially designated scenic highway is Route 280, approximately 1.25 miles southwest of the Project Site.⁹ As such, the proposed Project would not substantially damage scenic resources and would not have a significant effect on the environment. Therefore, this exception would not apply.

Exception 5: Hazardous Waste Sites.

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

CEQA Guidelines Section 15300.2(e) states that a Categorical Exemption shall not be used for a project located on a site which is included on a list compiled pursuant to Section 65962.5 of the Government Code. California Government Code Section 65962.5 requires various State agencies, including but not limited to the Department of Toxic Substances Control (DTSC) and the State Water Resources Control Board (SWRCB), to compile lists of hazardous waste disposal facilities, unauthorized releases from underground storage tanks, contaminated drinking water wells and solid waste facilities where there is known migration of hazardous waste, and submit such information to the Secretary for Environmental Protection on at least an annual basis.

9 California Department of Transportation (Caltrans). "California State Scenic Highway System Map." Accessed March 2025. <https://caltrans.maps.arcgis.com/apps/webappviewer/index.html?id=465dfd3d807c46cc8e8057116f1aacao>.

The Project Site is not located on any State hazardous site list and would not pose an environmental hazard to people on the site or to surrounding sensitive receptors.¹⁰ A query of the State Water Resources Control Board (SWRCB) website indicates that the Project Site was previously a Leaking Underground Storage Tank (LUST) Cleanup Site. However, the case was completed and determined closed as of March 30, 2012, as the contaminant of concern did not pose a significant risk and no remedial actions were recorded.¹¹ Further, the Project Site is not listed in any State or federal lists of sites requiring cleanup of hazardous substances; and is not included on any hazardous materials lists pursuant to Government Code Section 65962.5.¹² For these reasons, there are no known or identified potentially significant effects on the environment. As such, this exception does not apply.

Exception 6: Historical Resources.

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

CEQA Guidelines Section 15300.2(f) states that a Categorical Exemption shall not be used for a project which may cause a substantial adverse change in the significance of a historical resource. Section 15064.5 of the CEQA Guidelines defines a historical resource as:

“(1) a resource listed in or determined to be eligible by the State Historical Resources Commission for listing in the California Register of Historical Resources; (2) a resource listed in a local register of historical resources or identified as significant in an historical resource survey meeting certain State guidelines; or (3) any object, building, structure, site, area, place, record, or manuscript which a lead agency determines to be significant in the architectural, engineering, scientific, economic, agricultural, educational, social, political, military, or cultural annals of California, provided that the lead agency’s determination is supported by substantial evidence in light of the whole record.”¹³

A substantial adverse change in the significance of a historic resource means demolition, destruction, relocation, or alteration of the resource or its immediate surroundings such that the significance of a historical resource would be materially impaired.

Further, Public Resources Code (PRC) Section 5024.1 defines historically significant resources as:

¹⁰ California Department of Toxic Substances Control. “Hazardous Waste and Substances Site List.” *EnviroStor*. Accessed March 2025. <https://www.envirostor.dtsc.ca.gov/>.

¹¹ State Water Resources Control Board. “GeoTracker.” Accessed March 2025. <https://geotracker.waterboards.ca.gov/>.

¹² CalEPA. *Cortese List Data Resources*. Accessed March 2025. <https://calepa.ca.gov/SiteCleanup/CorteseList/>.

¹³ CCR. Title 14, Division 6, Chapter 3—Guidelines for Implementation of the California Environmental Quality Act. Article 5, Preliminary Review of Projects and Conduct of Initial Study. Section 15064.5—*Determining the Significance of Impacts to Archaeological and Historical Resources*.

“resources listed or eligible for listing in the California Register of Historical Resources (CRHR).”¹⁴

The Project Site does not contain any features that are listed or eligible for listing in the California Register of Historical Resources or in a local register of historical resources. The Project Site is not identified as a historic resource in the City’s Cultural and Historic Resources Report or other City parcel reports or references.¹⁵ Due to the distance from the Project Site, implementation of the proposed Project would not alter any of the physical characteristics of nearby historic resources, including through construction activities, vibration from off-road equipment, and operation of the proposed Project. As such, the proposed Project would be consistent with CEQA Guidelines Section 15300.2(f), as there would be no substantial adverse change in the significance of a historical resource. Therefore, this exception does not apply.

¹⁴ Public Resources Code. Division 5: Parks and Monuments, Chapter 1. Article 2: Historical Resources. Section 5024.1.

¹⁵ City of South San Francisco “Cultural and Historic Resources.” December 2019. Accessed March 2025. https://shapessf.com/wp-content/uploads/2019/12/Ch9_CulturalResources_final.pdf.